

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 21 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/0168/FULL

SWAN LODGE, BELL LANE, BROOKMANS PARK, HATFIELD AL9 7AY

ERECTION OF 8NO ONE AND TWO BEDROOM APARTMENTS, CAR PORT,
REFUSE AND RECYCLING STORE AND ASSOCIATED WORKS FOLLOWING
DEMOLITION OF EXISTING BUILDINGS

APPLICANT: Restora AC Ltd

(Brookmans Park and Little Heath)

1 Site Description

- 1.1 The application site comprises a detached, two storey building and its gardens and outbuildings on the north-west corner of the junction of Great North Road and Bell Lane, Bell Bar. The site covers 0.18 Hectares, is approximately 40m deep and splays from 18m wide on the southern frontage on Bell Lane to 40m wide at the rear where it abuts the boundary with Richmond House, a detached residential property to the north. To the west of the site is an open area which separates the application site from the buildings at No's 2 and 2a Bell Lane. To the east is the Great North Road, which is lined with trees.
- 1.2 The building was previously used as a public house but appears to have been in residential use since the 1950's. The current use is as a short term letting for around eight people.
- 1.3 The building is positioned on the corner of the site and faces onto the road junction. It is set back 1m from the footpath and approximately 2.8m from the carriageway. There is a milestone on the corner of the site against the front wall of the property. The site's vehicle access is to the south side of the site from Bell Lane and is fenced and gated. There is an area 5m deep for off-street parking in front of the fence. Within the site there is a garage and car port and behind that on the western boundary there is a pool house of sound wooden construction with a brick plinth. The remainder of the garden is lawn and shrubs with some trees along the north and east boundaries. From a mid-point of the site the land falls to the rear boundary.
- 1.4 There are views out across the fields to the north west of the site. Richmond House, to the north, is on lower land and the side elevation of the house is set in 2m from the boundary with Swan Lodge. The open land immediately to the

south is 35m wide and the nearest buildings are the Grade II Listed Lower Farm house at No 2 and barn at 2a, which sits behind the house.

2 The Proposal

- 2.1 Full planning permission is sought to demolish the existing building and outbuildings and replace them with a new building of eight flats (6 x 2 bedroom and 2 x 1 bedroom) and a carport/bicycle store.
- 2.2 The new dwelling would be L-shaped with a feature corner facing the junction but positioned 3.5m from the footway (5m from the road). The footprint would be 235sqm measuring 16m wide by 16m deep (excluding the bay windows at ground floor). The building would be two storeys high with accommodation in the roof.
- 2.3 The roof would be pitched with a central crown, dormers to the rear and roof-lights to the front. Amended plans show the roof would be 8m high with 5m high eaves, hipped to the ends and on the corner feature facing the junction.
- 2.4 The external walls would be finished in white render with a natural stone band between ground and first floor. The roof would be tiled in materials and style to be agreed with the Local Planning Authority. The window frames and door frames would be upvc.
- 2.5 The existing vehicle access would be retained. A driveway would provide access to parking for 12 cars: 9 open spaces at the rear of the site and 3 within a repositioned garage/carport. A cycle store would be provided within the garage. A refuse bin store would be provided on the western boundary; 23m from the road.
- 2.6 The site boundary to Bell Lane would consist of 1m high post and rail fencing with evergreen hedging behind to 1.5m. The vehicle access would have 2m high timber gates set 6m back from the footway.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Pieri called in the application for the following reason:

“By virtue of its scale, height, size, mass and location the proposal would have a harmful impact on the surrounding area, the Grade II Listed Lower Farm and the Green Belt. As such I wish the application to be called in.”

4. Relevant Planning History

- 4.1 S6/2015/0963/PA – Erection of eleven residential units. Response sent in June 2015. Advised that the development, due to the increase in size, width and volume, especially at first and second floors, would be materially larger and adversely impact the openness of the Green Belt. The design was inappropriate to the setting, particularly the roof shape and reduction in space between buildings in the street scene. Crown roof should be eliminated as far as possible and front dormers removed. Trees on Great North Road frontage

should be retained. A revised design was submitted, with an improved roof shape and fewer flats. Informal response, sent in August 2015, advised that the scheme made some improvement in terms of design but would still need to comply with Green Belt Policies (not fully assessed).

- 4.2 1971/937 – Construction of motel. Refused 27.9.1971. Appeal dismissed on Green Belt and traffic grounds, 31.10.1972.

5. Planning Policy

- 5.1 National Planning Policy Framework (NPPF 2012) (paragraphs 47-50 Housing, 56-66 Design, 79-92 Green Belt)
- 5.2 Welwyn Hatfield District Plan 2005
- 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 Green Belt as designated in the Welwyn Hatfield District Plan 2005.

7. Representations Received

- 7.1 The application was advertised by means of a site notice and neighbour notification letters. Ten objections have been received from No's 20, 24, 42, 60, 68, 80 and 84 Bell Lane, No's 13 and 17 Bulls Lane, Meadside Great North Road, The Firs Woodside Lane and the North Mymms District Green Belt Society. Their objections may be summarised as:
- Scale, height, size and mass are out of character with street scene and surrounding area
 - Harmful to setting of Listed Building (at No 2 Bell Lane)
 - Harm to openness of countryside in Green Belt location
 - Materially larger than existing in footprint and volume (83.85%) and bulk at first floor and roof levels
 - Flats out of keeping with character of detached houses in the area
 - Loss of Swan Lodge would erode Bell Bar's identity
 - Additional vehicle movements near to junction
 - Additional traffic in a narrow lane
 - Increase in refuse on collection days
 - Where would residents park?

- Bell Lane has yellow lines – overflow parking would be pushed further up Bell Lane
- Site is two miles from the railway station
- There is an historic milestone on the front of the site

7.2 Welwyn Hatfield Access Group has commented regarding the accessibility of the proposal to people with disabilities specifically in relation to Part M of the building Regulations, Lifetime Homes, lack of a lift, the parking provisions, layout and provision of disabled parking spaces.

7.3 These remaining issues are considered in the main body of the report.

8. **Consultations**

8.1 **Hertfordshire County Council - S106 Obligations** - No contributions sought.

8.2 **Herts and Middlesex Wildlife Trust** – Initial holding objection lodged until a bat survey of the site and buildings has been submitted and approved subject to required actions being secured by condition. The required surveys were undertaken and bats were found not to be present. HMWT withdrew their objection subject to a condition over provision of two bat tubes in the new building.

8.3 **Hertfordshire County Council Transport Programmes and Strategy** – No objection subject to conditions over visibility splays at entrance onto Bell Lane and submission of a Construction Management Plan prior to commencement. Informatives are also requested over storage of materials, obstruction of the highway and debris on the public highway.

8.4 **Lead Local Flood Authority** – No objection.

8.5 **WHBC Client Services** – No objection. Individual bins: require storage space for eight refuse and eight recycling bins for alternate-week collection service –bins would be provided. Bins should be moved to edge of public highway the night before collection. Shared bins could be provided at a charge. If a Management Company maintains the grounds there is no need for brown compost bins.

8.6 **WHBC Environmental Health** – Objected to lack of information over noise levels in open amenity area, resulting from traffic on the A1000, and lack of information over mechanical ventilation and glazing to internal areas.

8.7 **WHBC Landscapes Department** – No objection subject to a condition requiring the submitted Arboricultural Impact Assessment, Method Statement and Landscape Masterplan are undertaken as specified.

9. **Town / Parish Council Representations**

9.1 The North Mymms Parish Council commented as follows:

“NMPC comments that the mass of the buildings as proposed would have a detrimental effect on the openness of the Green Belt. In this case the Green Belt policy on size of development allowed seems to be greatly exceeded beyond what is acceptable. The proposal is in a very prominent place on the A1000 and would be overdevelopment of the street scene, particularly because it is located in a small hamlet.”

10. Analysis

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

- 1. Whether the proposal is appropriate development within the Green Belt or very special circumstances exist which outweigh the harm (Local Plan Policies GBSP2, RA4, NPPF paragraphs 79-92);**
- 2. Whether the proposal respects and related to the character and context of the area, including the setting of the Listed Building at No 2 Bell Lane (NPPF 126-141, Policies D1, D2);**
- 3. The impact on the living conditions of future and existing occupants (D1, SPD);**
- 4. Other material planning considerations**
 - (i) Parking and Highway Safety (NPPF, D5, M14, SPG and interim Policy for Car Parking Standards and Garage Sizes)**
 - (ii) Protected Species (NPPF)**
 - (iii) Refuse and Recycling Storage (D1, D5)**

1. Whether the proposal is appropriate development within the Green Belt or very special circumstances exist which outweigh the harm

10.2 The application site is within the Green Belt and the key policies for this proposal are contained in National Planning Policy Framework (NPPF 2012), Paragraphs 86-89 and Saved Policies SD1, H2, GBSP2 and RA4 of the Welwyn Hatfield District Plan 2005. These Policies direct new residential development towards existing towns and settlements outside the Green Belt. They make clear that new residential development is inappropriate in the Green Belt and, therefore, harmful to it and would only be considered in very special circumstances.

10.3 Exceptions to this are limited and are set out in paragraph 89 of the NPPF. Replacement buildings are only considered to be appropriate where the new building is not materially larger than the one it replaces.

10.4 Moreover, the redevelopment of previously developed sites is only permitted where it would not have a greater impact on the openness of the Green Belt. The current proposal is to replace the existing building rather than extend it. Any redevelopment proposal for residential use therefore needs to fall within

the definition of one of the exceptions as outlined in paragraph 89 of the NPPF:

- (i) in the same use and
- (ii) a replacement building not materially larger than the one it replaces and
- (iii) one which would not have a greater impact on the openness of the Green Belt.

The proposal could only be considered appropriate if it fell within the definition of an exception as outlined above, unless very special circumstances exist.

Residential Use

- 10.5 The building was a coaching inn but was converted into a private residence in the mid 20th century. It is currently used for short term lettings for a number of occupants. The proposed use would be residential: eight flats comprising two x 1 bedroom flats and 6 x 2 bedroom flats. Whilst the current use of the building as a House in Multiple Occupation may be unlawful, the site does have a residential use going back to the mid 1950's. An assessment now follows in respect of the other two criteria.

Scale and Size

- 10.6 The second issue, that of the size and scale of the proposed replacement, shall be determined in relation to the current policy context. Saved Policy RA4 of the Welwyn Hatfield District Plan 2005 sets out the criteria for acceptable replacement dwellings in the Green Belt. This states that:
- (i) the replacement should not materially exceed the size of the original dwelling (as at 1948 or when it was constructed, whichever is the later) in terms of its floor-space, height and volume;
 - (ii) the new building should not have a greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside;
 - (iii) the new building is designed to reflect the character and distinctiveness of its rural setting and accords with the design policies of the plan and any Supplementary Design Guidance.
- 10.7 It should be noted that criterion (i) has been superseded by paragraph 89 of the NPPF (2012): exceptions to inappropriate development may include a replacement building "not materially larger than the one it replaces" i.e. the existing building/s. These considerations are expanded upon in turn below. Criterion (ii) echoes the third criterion of the NPPF (visual impact on the openness of the Green Belt). The character of the area is dealt with in section 2 below.
- 10.8 Increases in size of footprint, floor-space and volume give an indication of whether a proposal is materially larger than an existing building. The measurements, scaled from the drawings, are set out in the table below. The footprint of the existing house is 135sqm (scaled from the submitted plans). The pool house, which is of solid construction and has been on the site for

several years, has a footprint of 83sqm. Together these total 218sqm. The footprint of the proposed building would be 244sqm, which would represent a 10% increase in the actual footprint.

	Existing (square m.)	Proposed (square m.)	Increase /decrease (square m.)	% difference
Footprint				
House	135	244		
Pool House	85			
Total	220	244	+24	+10%
Floorspace				
House Gr Fl	135}	244	+24	
Pool House	85}220	235	+109	
House 1 st Fl	126	479	+133	
House 2 nd Fl		62	+62	
Total	346	541	+195	+ 57%
Volume	Cubic m	Cubic m	Cubic m	
House	786			
Pool house	310			
Total	1,096	1,602	+406	+34%

- 10.9 In terms of the floor-space (gross external) of the existing building (over two floors), this is approximately 261sqm. This excludes the footprint of the detached outbuildings as specified by Policy GBSP2. However, if the pool house is included in the calculations, the total existing floor-space comes to 346sqm. The proposed building, would have a floor-space of 541sqm (if the headroom under 1.5m is excluded); an increase of 57% over the existing floor-space.
- 10.10 A significant element of the 57% increase in floor-space would be at second floor/roof level and would result from the roof space being brought into use as habitable space.
- 10.11 Turning to the volume, the existing buildings measure approximately 1,096 cubic metres (786 cubic metres - in the house (excluding the cellar) and 310 cubic metres in the pool-house). The proposed building would increase this figure to approximately 1,602 cubic metres. This represents an increase of 34%.
- 10.12 The footprint and volume increases (10% and 34% respectively) are proportionate and would not be materially larger than the existing building. However, when taking the increase in floorspace in isolation it could be argued to be disproportionate.

Visual Openness

- 10.13 The calculation of what is 'materially larger', whilst not having a precise formula in the NPPF, allows for judgement of the merits of each case in its own context. While a numerical calculation may show a proposal to be disproportionate (whether in footprint, floorspace or volume), the material impact would more clearly be determined by whether the proposal would affect the visual openness of the Green Belt.
- 10.14 The main elements of the visual impact in the Green Belt, which is characteristically open in nature, include the spaces between buildings, the views they allow between buildings and the contribution they make to the openness of the Green Belt. Factors affecting the spacing and openness include the width of the building at first floor and above, in this case, the bulk and shape at roof level (both the ridge and the eaves) and the degree of screening, particularly vegetation.
- 10.15 The 40m wide space between Swan Lodge and the buildings at Lower Farm creates an open aspect in this part of Bell Lane with views through to the open countryside and agricultural land beyond. The proposed building would be set at an angle to the road, similar to the existing building, and be set back 3m further from the corner and 5-6m from the Bell Lane frontage. The west boundary splays out westwards. The proposed building would be positioned further to the west within the site than the existing building. The width of the building would be increased from 13m to 19m on the Bell Lane elevation. However, the building would not be significantly closer to the boundary and a space of 38m would be retained between it and the house at Lower Farm. Consequently, the proposal would not significantly reduce the spacing between buildings in the street and the open nature from this aspect would not be significantly reduced.
- 10.16 The roof of the existing building has two ridges. The ridge closest to The Great North Road is 7.5m high and 7m wide on both Bell Lane and the Great North Road frontages. The ridge over the southern part of the house is 8.5m high and presents a flat-end gable onto Bell Lane.
- 10.17 The ridge height of the proposed roof would be 8m for its full width (13m). Consequently, the width of the roof would be increased. However, the land slopes away to the back of the site and the proposed design uses this feature of the land to set the building down by between 0.7m and 1m. This would result in the ridge height being between 7m and 7.3m above natural ground level on the Bell Lane street frontage, which is lower than the ridge heights of the existing building. This is illustrated on Street-scene drawing PSL08. In addition the building would be set back further from the street corner and from the Bell Lane frontage.
- 10.18 The proposed projection facing the street corner, would be slightly lower than the existing building (7.3m compared to 7.5m), would be set back a further 3m from the site frontage and would have a hipped roof. These design and positioning elements would reduce its bulk and not result in a significant loss of openness when viewed from the corner of Bell Lane and the A1000.

- 10.19 It is considered that the bulk of the building would be to the rear. The wing to the rear of the building would be 19m deep compared to the existing house, which is approximately 9.5m deep. It would be set back slightly further and project further than the existing building into the garden. However, it would be set in from the eastern boundary with the Great North Road by approximately 4m. It is from this aspect that the bulk of the proposed building would, potentially, most affect the visual openness of the Green Belt.
- 10.20 When viewed from the Great North Road the garden area is currently screened by a dense line of tall (over 10m) conifer trees and indigenous deciduous trees. The submitted landscape plan shows the conifers within the site being retained (see Landscape section below). The full height of the building on the eastern side would be screened from the public road outside the site and to the passing traffic. As such, the open nature from this aspect would not be significantly reduced.
- 10.21 As considered above the proposed replacement building would not significantly impact upon the visual openness of the Green Belt when viewed from publically accessible locations around the site on Bell Lane and the A1000.
- 10.22 The replacement building would be materially larger, in terms of floor-space, than the dwelling it would replace and as such, in purely numerical terms represents inappropriate development within the Green Belt and would result in harm. However, the footprint and volume of the proposed building are not considered disproportionate to the existing building and the increase in floor-space results from use being made of the roof-space. Due to the design and positioning of the proposed building it is considered that it would not substantially reduce the openness of the Green Belt in this location over and above the existing situation.
- 10.23 The proposed replacement building can be considered acceptable in the Green Belt because the replacement building would not be materially larger than the existing one and, due to its design and positioning, would not have a greater impact on the openness of the Green Belt. Consequently, the amended scheme is considered acceptable in terms of its impact on the Green Belt and with regard to policies of the NPPF and GBSP1, GBSP2 and RA4 of the Welwyn Hatfield District Plan 2005.

2. Whether the proposal respects and related to the character and context of the area, including the setting of the Listed Building at No 2 Bell Lane

- 10.24 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and 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 existing buildings and surrounding area. NPPF paragraphs 58 to 64 emphasise the

importance of good design in context that improves the character and quality of an area and the way it functions.

- 10.25 The area of Bell Bar is semi-rural in nature. The housing on The A1000 and Bell Lane is laid out in a ribbon development. The area is characterised by detached properties in wide plots with generous spacing between the buildings. There is little uniformity, with one, two and three storey properties of various sizes and styles in the vicinity. However, the materials of the existing building on the site and the adjacent residential properties, the barn at No 2a Bell Lane and the house at Lower Farm are characterised by deep, ridged roofs, flat-end gables, and traditional materials (including render, brick, timber and plaster walls and clay tile roofs).
- 10.26 The above current policies require the character of the existing building to be reflected in the design of any replacement building on the site. The submitted scheme has similar height of eaves as the existing (5.1m), window massing that replicates that of the existing building, and a roof pitch and height similar to the existing building on the site. The proposal includes dormer windows but these would be on the rear of the building and not be seen from the street. Materials would also replicate the existing building: rendered walls and plain clay tiles. There would also be a stone course between the two floors. Samples of materials are recommended to be required by condition to ensure that the detailing is in appropriate colours and textures. Overall, the scheme, as amended, is considered appropriate to the setting of the application site.
- 10.27 There is a milestone on the corner frontage of the site against the wall of the existing building. There is also a well in the rear garden. Both these features would be retained. The well is shown on the site plan and retention and repositioning of the milestone can be covered by a condition on any planning permission.
- 10.28 With regard to the impact on the setting of the Listed Building at No 2 Bell Lane, the proposed building would not significantly reduce the spacing in the street scene, or affect views of the Listed Building from the public realm. It would be no higher than the existing building and a sufficient distance away to not appear overbearing in relation to the Listed Building. Consequently, the proposal is not considered to affect the setting of the Listed Building, in accordance with Policies of the NPPF and the Guidance of Historic England's Good Practice Note No 3 (The Setting of Heritage Assets 2015).
- 10.29 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 Sections 7 and 12 of the NPPF.

3. The Impact on the Living Conditions of Future and Existing Occupiers

- 10.30 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.

Future residents

- 10.31 With regard to the amenity of the development for future occupants, all the flats would have access to the communal garden areas around the building, 265sqm to the rear and a functional area of approximately 40sqm on the frontage. These areas total 305sqm, equivalent to about 38sqm per flat. They are laid out as usable spaces and are considered adequate for the number and size of flats.
- 10.32 The Welwyn Hatfield Access Group raised questions over the accessibility of the new units. While the flats in the proposed development would not be designed to Lifetime Standards and there is no lift in the proposed building, there is scope for the entrance and the two ground floor flats to enable access. The surfacing of paths to the entrance from the parking areas and the provision of two disabled parking bays within the site can be achieved through conditions on any approval.
- 10.33 The internal spaces and garden areas would not be overlooked or overshadowed by neighbouring properties. The conifer trees along the boundary with the A1000 would be retained and afford the site privacy from the road. As they would be to the north of the building they would not result in loss of sunlight to the windows in the proposed building. Each flat is dual aspect and would benefit from sunlight to some rooms.
- 10.34 With regard to satisfactory noise levels for future residents, the Environmental Health Department has objected due to the lack of information submitted about the means of noise attenuation and mechanical ventilation for internal space and the outdoor amenity areas at the premises. The attenuation of noise and mechanical ventilation of internal spaces on the northern elevation is recommended to be the subject of a condition. The external space would be screened from the road by the existing trees and there is scope for the boundary treatment to include sound attenuation and details of this are recommended to be the subject of a condition. Provided that adequate boundary treatment is provided and/or retained, the proposal would result in a satisfactory level of amenity for the future occupants in terms of overbearing impact, light and privacy.

Neighbouring Residents

- 10.34 The most likely neighbours to be impacted are those at Richmond House to the north and Lower Farm to the west.
- 10.35 With regard to overbearing impact, the proposed building would be set back further in the site, closer to the northwest boundary. However it would not be higher than the existing building and would be set in 22m from the north west boundary. The adjacent property at Richmond House is orientated to face north/south and there are no windows to habitable rooms in the eastern

elevation facing the application site. In addition there are mature trees along the boundary, which screen views between the properties and these would be retained as part of the landscaping scheme. The proposed building would be a sufficient distance from Richmond House to not cause loss of sun or daylight or an overbearing impact.

- 10.36 The rear garden of Richmond House is on lower land than the application site and the boundary treatment will need to be enhanced to prevent views into the private area at the rear of Richmond House from the communal open space within the application site. Given their role in screening between the properties the trees on this boundary would require protection during construction. This protection and further details of boundary treatment can be required by condition on any planning approval.
- 10.37 With regard to the impact on living conditions at Lower Farm (2 Bell Lane) to the south, the proposed building would be 4.5m from the boundary and 38m from the Farmhouse building. Given this distance it would not result in an overbearing impact on the Farmhouse. The proposed building would be positioned to the north of the Farmhouse and would not result in a loss of day or sunlight to that property. The south facing windows in the proposed building would be a sufficient distance from Lower Farm to not cause a significant loss of privacy or increase in overlooking of the front part of that property, which is semi-public and visually open to the road.
- 10.38 Having regard to the above, it is considered, that on balance, the development would not detrimentally impact upon neighbouring amenity in terms of overbearing impact, loss of day and sun light or loss of privacy and overlooking. The proposal would provide adequate amenity for future occupiers of the units. The proposal is, therefore, considered to comply with Policy D1 of the Welwyn Hatfield District Plan 2005, the Supplementary Design guidance (2005) and Section 7 of the NPPF.

4. Other Material Planning Considerations

(i) Parking and Highway Safety

- 10.39 With regard to site access, 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.
- 10.40 The existing access to the site from Bell Lane would be retained and widened. This access is 15m from the junction of Bell Lane and the Great North Road (A1000). The Highway Authority has commented that the proposal would generate 6 to 8 outbound trips in the morning peak and a very low level of inbound trips. The site includes passing recess along the driveway to enable cars to pass each other. The additional trips would not have a severe impact on the local network. However, given the proximity to the junction, a Construction Management Plan is required to ensure the highway is not obstructed during construction.

- 10.41 The permeable surface for the open parking spaces addresses the Highway Authority's concerns over water being discharged onto the Highway. The choice of material is recommended is the subject of a condition as some permeable surfaces are not suitable for moving bins, wheelchairs and buggies.
- 10.42 The recessed gate would be 6m clear of the highway, enabling vehicles to wait off the highway for the entrance to be open and clear of other cars. However, visibility splays along Bell Lane in both directions are required (2.4m x 43m) and boundary treatments should be provided that allow for these to be provided. This can be secured by condition.
- 10.43 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.
- 10.44 The car parking requirement for 6x2 bedroom and 2x1 bedroom flats in this location (Accessibility Zone 4) is 11.5 (6 x 1.5 and 2x1.25) parking spaces. The proposed scheme would remove parking from the front of the site and provide 12 spaces in the rear garden: 9 open spaces and 3 under a car port. This would be sufficient to meet the guidelines set out in the SPG. There is space within the site to accommodate wider spaces to serve people with disabilities: the adopted parking standards require provision of one disabled space for each Mobility Designed unit. The provision of two disabled spaces (one for each ground floor flat) would be reasonable. This can be secured by condition.
- 10.45 Cycle parking requirements are for one long term space per flat. A secure bicycle store is included in the submission as part of the car port, which could accommodate eight bicycles.
- 10.46 The proposal would provide adequate parking for the future residents of the site. It is considered, therefore, that the proposal is acceptable in term of car and cycle parking provision and in accord with Saved Policy M14 of Welwyn Hatfield District Plan 2005, the Supplementary Planning Guidance Parking Standards (2004) and Paragraph 39 of the NPPF.

(ii) **Protected Species**

- 10.47 The existing site and development 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. Saved Policy R11 of the Welwyn Hatfield District Plan 2005

- 10.48 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05.
- 10.49 A biodiversity survey was undertaken, which showed that protected species were not present at the site. However, the proposal involves demolition of the existing structure which contains roof voids, and the survey recommended the provision of two bat tubes for crevice-dwelling bats to enhance the biodiversity value of the site. Herts and Middlesex Wildlife Trust suggests these are secured by condition.

(iii) Refuse and recycling

- 10.50 The current requirement for bin storage for each residential unit is two wheelie bins (refuse and recycling), which need to be stored close to the dwelling. The proposal includes a bin store 23 m from the highway, which shows an indicated 11 bins. The store has space around to be enlarged if necessary. The bins need to be collected from a point close enough (within the 25m) to where a refuse vehicle can safely be located. The proposed position is therefore acceptable and future residents would be able to ensure the bins were moved on collection day to an accessible location. Client Services has commented that there would be no need for a compost (brown) bins at the site if the grounds were maintained by a Management Service. The applicants have confirmed this is the case. Further details of the proposed bin store is recommended to be required by condition to ensure the adequate number of bins can be accommodated.

Conditions

- 10.51 The National Planning Practice Guidance (NPPG) governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 10.52 In this case conditions over development in accordance with approved plans, submission of sample materials, submission of a scheme for boundary

treatment and tree protection, retention of the milestone and are all necessary for the grant of permission and in accordance with the six tests. Additionally, conditions requiring bat tubes, visibility splays, interception of surface water run-off and details of driveway surface are necessary. Informatives regarding debris, obstructions and storage of materials on the public highway shall be applied to any decision.

11. Conclusion

- 11.1 The proposed development is considered to be an appropriate replacement building in the Green Belt. It would be in residential use, not materially larger in footprint and volume than the existing building and would not significantly affect the openness of the Green Belt in this location. It would be in accordance with policies of the NPPF and Saved Policies GBSP1, GBSP2 and RA4 of the Welwyn Hatfield District Plan 2005.
- 11.2 For these reasons the application is recommended for approval subject to conditions over submission of sample materials, tree protection, and boundary treatment.
- 11.3 The impacts of the proposal have also been considered in relation to the impacts on the character of the area, the amenity of future occupants and the 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.

12. Recommendation

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

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

PSL01 & PSL02 & PSL03 received and dated 2.2.2016 and Landscape Masterplan received 1.6.2016 (and dated 24.5.2016) and PSL04/RevA & PSL05/RevA & PSL07/RevA & PSL10 received and dated 23.6.2016 & PSL08 & PSL09 received and dated 26.6.2016.

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

Pre-development

- 2. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials. 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Prior to the commencement of development hereby permitted the existing building shall be demolished. All the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement buildings hereby permitted.

REASON: The site lies outside of established settlement limits and therefore within an area where permission for new dwellings is not normally granted. The Local Planning Authority would not be prepared to permit a second dwelling in this location in the Green Belt and in the interests of preserving the character and appearance of the area in accordance with Policies GBSP2, D1 and D2 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 Plan, Arboricultural Method Statement and Site Monitoring Schedule have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out as approved. Details shall include:-

- a) A plan showing the areas of trees and shrubs growing within the site and on 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 identified areas where no chemical or materials or equipment shall be stored, mixed or prepared and no fires or site washings within the Root Protection Area (RPA) of the tree or under the canopy spread whichever is the greater.

- b) 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 or shrub on land adjacent to the site;

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

- d) 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.

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. No excavations 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 take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme. The fencing or other works which are part of the approved Tree Protection Plan 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.

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.

6. No 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) original levels and proposed finished levels and any earthworks to be carried out
- (b) means of enclosure and boundary treatments including acoustic fencing for the boundary to the Great North Road
- (c) car parking layout and markings including two disabled parking spaces
- (d) vehicle access and circulation areas and pedestrian routes around the site
- (e) hard surfacing, other hard landscape features and materials to be used and gradients of paths
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (j) location of service runs
- (k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

7. No construction above ground shall commence until a scheme to protect the development (residential flats) from traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before any part of the accommodation hereby approved is occupied and maintained thereafter.

The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. Any associated mechanical ventilation shall meet the requirements of the Noise Regulations 1975 (amended 1988).

REASON: To protect the occupants of the development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005. Noise assessment attenuation for rooms facing Great North Road

8. Prior to the demolition of the existing building a scheme for the protection, retention and reinstatement of the historic milestone on the highway frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be constructed other than in accordance with the approved scheme and shall be maintained in that condition thereafter.

REASON: In order to protect the character and historic interest of the area in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

9. Construction of the development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a) construction vehicle numbers, type and routing;
- b) Traffic Management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway; and
- f) Provision of sufficient on-site parking prior to commencement of construction activities.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

10. Prior to the first occupation of the development hereby permitted details of visibility splays measuring 2.4m x 43m to the south and to the junction with Great North Road to the north, measured from the centre line of the access, shall be provided. Such visibility splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety.

11. Notwithstanding the approved plans, the areas set aside for car parking shown on Plan Number PSL04/RevA shall be laid out, surfaced and marked out in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the hotel development permitted and shall not be used for any other purpose.

The parking scheme shall include the following:

- a) details of the car port (plans, elevations and materials);
- b) layout of car parking including two disabled parking spaces with wheelchair accessible routes to the entrance of the building; and
- c) secure cycle parking for 8 bicycles.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

12. Details of the location, design and specification of the refuse bin and recycling materials storage areas to serve the flatted accommodation units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation of each development in accordance with the approved details and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

13. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement of the biodiversity of the site submitted with the application (Babec Ltd RAC101/R00IVI June 2016) in all respects and shall, specifically, incorporate two bat tubes into the new building. The bat tubes shall be retained and maintained thereafter.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policies R11 and R16 of the

Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

Positive and Proactive Statement

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.

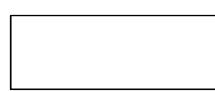
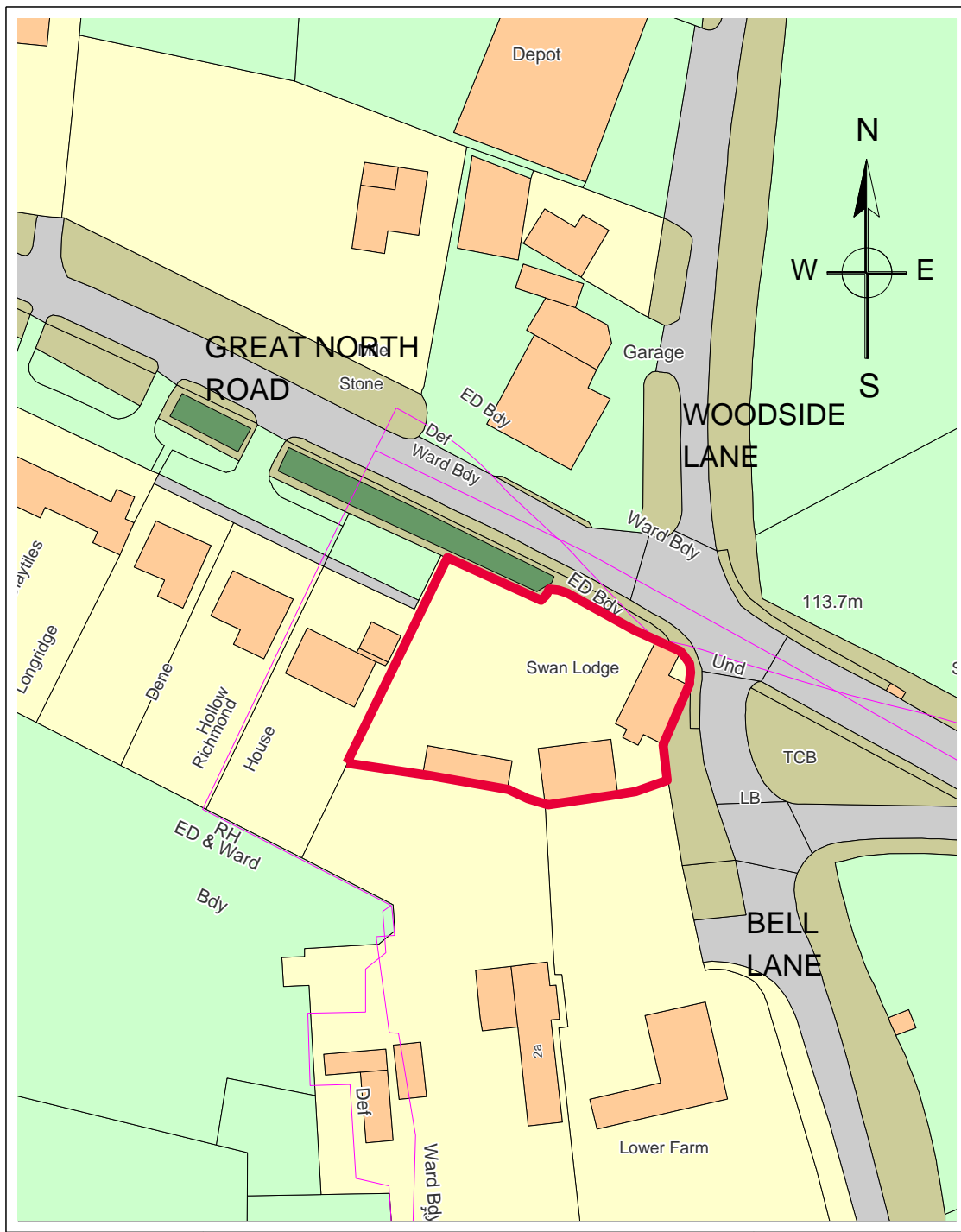
Informatives

1. It is an offence under Section 137 of the Highways Act 1980 for any permission, 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.
2. The applicant is advised that the storage of materials associated with the construction of 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.
3. 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, the best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. 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. Hertfordshire County Council for works to kerbs, 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.

5. 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 35700.
6. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
7. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

June Pagdin, (Strategy and Development)
Date 27/6/2016

Expiry Date: 22nd July 2016



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title: Swan Lodge, Bell Lane, Brookmans Park		Scale: DNS
Project: DMC Meeting		Date: 2016
Drawing Number: 6/2016/0168/FULL		Drawn: Andrew Windscheffel

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