

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –20 JANUARY 2022
REPORT OF THE HEAD OF PLANNING

6/2021/1252/FULL

38 THE RIDGEWAY CUFFLEY POTTERS BAR EN6 4AX

ERECTION OF A DETACHED DWELLING WITH NEW VEHICLE ENTRANCE AND CROSSOVER.

APPLICANT: MR T IZZET

1 Site Description

- 1.1 The application site is located on the northern side of The Ridgeway, Cuffley, and comprises part of the residential garden of number 38 which is a large detached two storey dwelling. The garden mainly consists of amenity grassland (lawn) and some young trees and ornamental planting. The site itself is screened from all sides by trees, vegetation and fences at the boundaries. The key trees on site consist of a mature Lime and a mature ash tree which are covered by TPO 1026 (2020) T1 and T2.
- 1.2 The Ridgeway includes a long ribbon of mainly large detached dwellings on both sides of the road. Plots are generally well-landscaped and the street-scene is verdant.
- 1.3 The site is located within the Welwyn/ Digswell settlement area and is within the Metropolitan Green Belt and Northaw Common Parkland Landscape Character Area. The property also backs onto Home Wood to the north, which is a non-statutory Local Wildlife Site (LWS).

2 The Proposal

- 2.1 Planning permission is sought for the erection of a new 2.5 storey dwelling with vehicular access. The proposed dwelling would be of a neo-classical architectural style that would measure approximately 9.8m in height to the ridgeline, 16m in total width and 26.5m in overall depth. The new dwelling will have a footprint of around 284sqm and the 2.5 storey element of the building will be set back from the road by approximately 14m. The single storey linked garage will be approximately 5.1m to the ridge and will be located approximately 4.5m from the front boundary of the site. The single storey part of the building will be built on the western shared boundary with the host property (No. 38) and the upper storey element will be set in by approximately 2.6m. The dwelling would retain a distance of around 5.7-6.6m from the eastern side boundary to No. 36. The proposed gates will measure approximately 1.2m tall and the existing circa 2m high hedge along the front boundary is shown on the submitted plans as being retained.

- 2.2 The development would be served by a parking and turning area at the frontage and double garage.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.

4 Relevant Planning History

- 4.1 Application Number: E6/1972/4859/
Decision: Refused
Decision Date: 14 December 1972
Proposal: Site for 1 detached house and garage.
- 4.2 Application Number: S6/1977/0486/
Decision: Granted
Decision Date: 31 October 1977
Proposal: Private garage
- 4.3 Application Number: S6/1986/0052/FP
Decision: Granted
Decision Date: 04 March 1986
Proposal: Front entrance lobby, single storey side extension and garage
- 4.4 Application Number: S6/1994/0139/FP
Decision: Granted
Decision Date: 18 April 1994
Proposal: Two storey rear extension
- 4.5 Application Number: S6/2011/0949/FP
Decision: Refused
Decision Date: 19 July 2011
Proposal: Replacement of front porch with stone portico, steps and columns, wrought iron gates with solid timber gates and brick piers and widening of existing crossover
- 4.6 Application Number: S6/2011/1812/FP
Decision: Granted
Decision Date: 05 December 2011
Proposal: Replacement of front porch with stone portico, steps and columns
- 4.7 Application Number: 6/2019/1766/PA
Decision: Refused
Decision Date: 22 August 2019
Proposal: Pre application advice for erection of 3x dwellings following demolition of existing dwelling
- 4.8 Application Number: 6/2020/0585/PA
Decision: Granted
Decision Date: 13 May 2020
Proposal: Erection of 1x dwelling
- 4.9 Application Number: 6/2020/2076/PA

Decision: Refused

Decision Date: 14 December 2020

Proposal: Pre-application advice for the erection of 1 x Dwelling.

5 Relevant Planning Policy

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

6 Site Designation

- 6.1 The site is within the settlement boundary of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

The application was advertised by means of neighbour notification letters and a site notice. 1 representation was received, comprising of an objection from the chair of the Northaw and Cuffley Residents Association. The representation received is published in full on the Council's website and is summarised below:

- Application includes no very special circumstances which could justify allowing the proposed development
- Foul sewage disposal is not known

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal;

- Welwyn Hatfield Borough Council Parking Services
- Welwyn Hatfield Borough Council Client Services

- 8.2 The following have responded advising that they have no objections to the proposal in principle, subject to conditions being imposed;

- Welwyn Hatfield Borough Council Landscape Department
- Welwyn Hatfield Borough Council Public Health and Protection
- Hertfordshire County Council Transport Programmes and Strategy
- Hertfordshire Ecology
- Lead Local Flood Authority

9 Town/Parish Council Representations

- 9.1 Northaw and Cuffley Parish Council have submitted a Major Objection as follows: *'The Parish Council Planning Sub-Committee met on 19th May 2021 and recommended that the Clerk under delegated authority submit a Major Objection on the basis that this property is located within the green belt and does not meet special circumstances for proposed development.'*

10 Analysis

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

- 1. Green Belt**
- 2. Principle of development**
- 3. Quality of design and impact on the character of the area**
- 4. Residential amenity**
- 5. Highways and parking considerations**
- 6. Other considerations**
 - i. Flood risk**
 - ii. Landscaping**
 - iii. Refuse and recycling**
 - iv. Ecology**
 - v. Removal of permitted development rights**
- 7. The planning balance**

1. Green Belt

- 10.2 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. It is noted that Northaw and Cuffley Parish Council and the Northaw and Cuffley Residents Association have objected to the scheme on grounds that there are no special circumstances for the proposed development within the Green Belt.

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 10.4 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

- 10.5 The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 149 of the NPPF. One of these exceptions relevant to this application is 'limited infilling in villages'.
- 10.6 Limited infilling is not defined in the NPPF or District Plan. Policy SADM34 of the Council's Emerging Local Plan however outlines that limited infill development will be permitted in villages within the Green Belt provided:
- i. It is within a continuous built up frontage;
 - ii. It does not extend the existing 'built up' area of the village into the open countryside;
 - iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and
 - iv. It is small scale and would not result in the provision of more than four dwellings (net)
- 10.7 It is noted that, in the development plan, the defined settlement boundary of Cuffley ends at the property at No. 36 The Ridgeway which directly adjoins the application site to the east. The spacing between dwellings along the northern side of the road are similar and the street-scene remains verdant and open when passing the site into and out of the defined settlement. Therefore the character and appearance of the street at this point would be unchanged by the development. Accordingly, in this case the application site is considered to lie within a village for planning policy purposes.
- 10.8 It is noted that the curtilage of No 36 is subject to a planning permission granted in 2019 for the erection of 6 dwellings following the demolition of the existing dwelling (ref: 6/2018/2863/FULL). The proposal would result in the provision of one dwelling sited in a gap within a continuous built-up frontage (between No. 38 and the replacement dwelling at No. 36 The Ridgeway). Also, it would not extend the existing 'built up' area of the village into open countryside nor result in the loss of view or vista. Accordingly, it is considered that the proposal would represent limited infilling.
- 10.9 Taking account of the above, the proposal would be limited infilling in a village and therefore be appropriate development in the Green Belt. As appropriate development in the Green Belt, an assessment of Green Belt openness and the purposes of including land within it is not required.

2. Principle of the development

- 10.10 The application site has not been allocated for additional housing supply and therefore comes forward as a windfall residential site where Welwyn Hatfield District Plan 2005 (District Plan) Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;

- iii. The capacity of existing and potential infrastructure to absorb further development;
- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
- v. The physical and environmental constraints on development of land.

10.11 Land in built-up areas such as residential gardens is not classed as previously developed land, having a lower priority for development, but that does not mean they cannot be built on in any circumstances. The need to make efficient use of urban land remains a policy objective. The application site is located just outside of the specified settlement of Cuffley at its western edge and is within an established residential area. There is continuous footway between the site and the village centre and the speed limit is restricted to 30mph for much of the length. The application site itself is situated within a 30mph limit. The village centre has a train station and good range of shops and services. There is a bus route approximately 100 metres away and both walking and cycling would be plausible modes of travel other than the private car. As such, it is considered that the site is within an adequately sustainable location for development. Existing infrastructure would absorb the development for one additional dwelling and there would be a benefit (albeit limited) on nearby services and facilities. Physical and environmental constraints on development of the land are discussed below. Subject to there being no physical or environmental constraints on development of the land, the proposal would be a suitable site for windfall residential development.

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

10.12 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.13 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character, the street pattern, their proportions and landscape features, the proportions of buildings framing spaces and streets, and

the local vernacular, other architecture and architectural features that contribute to local character.

- 10.14 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's own Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and area and also with the Digswell Character Appraisal. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.15 This part of The Ridgeway contains generally large dwellings set back from the road and within generously sized plots. The street-scene is wide and the boundaries of properties are well landscaped with trees and hedging. Dwellings also feature a variety of architectural styles and materials. The resulting variation in scale and appearance of neighbouring properties allows for some flexibility in the design of the proposed development. As such the principle of single dwellings is well established in the area and the proposal would be compatible with the surrounding residential area.
- 10.16 The site currently forms part of the residential garden of 38 The Ridgeway. The site is very well landscaped with trees and hedging both within and to its boundaries. Views from the road are therefore limited.
- 10.17 The proposed dwelling would be sited adjacent to the existing dwelling on a similar building line. It would have two storeys with the addition of accommodation in the roof space. It would feature a main crown roof with central flat roof projection and pitched roof dormers to the front and rear roof slopes. The dwelling would also be lower in height than the existing dwelling (No. 38) by a noticeable amount and similar to the dwelling recently approved to the west (6/2018/2863/FULL). As a result, the proposal would respect the building heights of its immediate neighbours.
- 10.18 The existing plot is of a substantial size with a considerable amount of amenity space towards the side and rear. The density of the development of an extra dwelling could reasonably be accommodated within the site. A number of plots in the vicinity have been subdivided in the past. Although the introduction of another property would reduce spacing on site, the proportion of amenity space to the size of properties would still be generous and not result in a cramped development on the site. The spatial pattern would not be disrupted to such an extent that would appear out of keeping with the character of the surrounding area with amenity space which would not be dissimilar to that of other plots in the immediate area.
- 10.19 It is considered that the size and visual presence of the proposed dwelling would be limited from the street-scene by virtue of its set back positioning within the site, separation gaps between the built form, sympathetic height relative to the neighbouring dwellings, use of traditional materials and retention of the existing boundary landscaping which would partially screen the development. The scale and massing of the proposed building would also be commensurate to the other

properties of the area. Although it is proposed to erect a garage building in close proximity to the front boundary, it would utilise a hipped roof form with a modest height and the mature vegetative screening along the front, side and rear boundaries would be retained. Therefore the new dwelling would not appear unduly prominent from the street scene. The new dwelling would therefore have a neutral impact of views across the landscape character area.

- 10.20 Subject to planning conditions requiring details of the external materials, it is considered that the development would represent an acceptable standard of design in this respect.
- 10.21 Overall, the proposed development would be in keeping with the form, layout and character of the area and would not appear visually over dominant or cramped to the detriment of the appearance of the street scene. The design of the proposal would be of a good quality and would respect and relate to the general character of the area and the surrounding dwellings. The development is considered on balance to accord with Policies D1 and D2 of the District Plan, the NDG and the NPPF.

4. Residential amenity

- 10.22 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.23 Policy D1 of the District Plan seeks good design and to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.24 With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.

Impact on Neighbours

- 10.25 In this case, no neighbour comments have been received from those immediately adjoining. The proposal is sufficiently distanced from any neighbouring property to ensure that there would be no significant harm to the living conditions of adjoining occupiers as a result of the proposed development in terms of light and outlook. Similarly, overlooking would not be an issue either due to the separation distances involved and the mature vegetative screening at the shared boundaries between the dwellings.
- 10.26 The amenities of the neighbouring properties and the wider area would be maintained to an acceptable level during the construction of the development through the use of a Construction Traffic Management Plan. This may be reasonably and appropriately secured via condition.
- 10.27 No details have been provided in terms of external lighting. It may be that lighting would be installed within the car parking area. Therefore, in order to protect the residential amenity of neighbouring properties, it is reasonable to condition any details of lighting to be submitted and agreed in writing with the Local Planning Authority in the future.

- 10.28 Policy R19 of the District Plan 2005 requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land uses. This level of development by providing 1 net additional dwelling would not cause any undue noise or disturbance. Impacts of construction noise would be temporary.
- 10.29 In summary, giving consideration to the size of the site and the separation distance of neighbouring properties the proposal would not have an unreasonable impact on the amenity of neighbouring occupiers and would not appear visually overbearing by virtue of design. Overall it is considered that the living conditions of the adjoining occupiers would be maintained to an acceptable level in accordance with Policy D1 and R19 of the District Plan 2005, the Supplementary Design Guidance 2005; Policy SADM11 of the Emerging Local Plan and the National Planning Policy Framework.

Living Conditions of Future Occupiers

- 10.30 Policy SADM11 of the Emerging Local Plan, requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.
- 10.31 The floorspace is shown to exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards document for a 5-bed dwelling. The bedroom sizes would also exceed the standards in the previously referred to document. Furthermore, the development would provide suitable views/outlook and natural light for the future occupiers from the front and rear facing windows/openings. The private amenity space proposed would also be wholly adequate for this size of property. Overall, the internal and external space for the proposed dwelling would result in satisfactory living accommodation for the future occupants. In terms of noise and disturbance, the Council's Environmental Health Officer was consulted on the scheme and no objections were raised to the development. However further details were requested to ensure noise from road traffic would be within unacceptable levels for the future occupants - this can be appropriately secured via condition.

5. Highways and Parking Considerations

- 10.32 Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.

- 10.33 Hertfordshire Transport Programmes and Strategy have been consulted on the application and raise no objection. It was stated that the level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity therefore it is considered that the proposal would not have an unacceptable impact upon highway safety.
- 10.34 In terms of the access, the County Highways Officer has raised no objections with regards to the proposed access arrangement or visibility splays subject to condition to prior to occupation of the new dwelling.
- 10.35 In terms of parking, the development comprises of a 5 bedroom dwelling. The Council's parking guidance SPG (2014) recommends that in this area a total of 3 spaces for properties with 4 bedrooms or more. The submitted plans indicate that there would be space within the double garage for the parking of two vehicles. There would also be sufficient space at the frontage for the parking of at least a third vehicle. As such the proposed parking provision is suitable and would not result in conflict with the guideline parking standards contained with the SPG for the proposed development.
- 10.36 Having regard to all of the above, the proposal would provide an acceptable level of on-site car parking and therefore no objections are raised in regard to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

6. Other considerations

i) Flood risk and sustainable drainage

- 10.37 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding.
- 10.38 The submitted application form indicates that surface water will be disposed of via a soakaway, however no further information has been provided. The Lead Local Flood Authority was consulted on the application and advised that a condition should be imposed to obtain information to confirm the feasibility of the proposed soakaway and where it is proposed to infiltrate. However given that the site is located within Flood zone 1 (with a low probability of flooding), the scale of development proposed (minor development) and the lack of records of surface water flooding in close proximity to the site, it is not considered to be reasonable nor appropriate to impose a condition for more details in this instance.
- 10.39 It is noted that the Northaw and Cuffley Residents Association have objected to the scheme on the lack of foul sewage disposal details. The applicant has later confirmed in writing (via email) that it is intended to connect to the existing mains foul sewage system. This is considered acceptable for the size of development proposed. No further details are therefore required in this instance.

ii) Landscaping

- 10.40 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the

high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.

- 10.41 The arboricultural information supplied includes a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). Both the TPP and AMS are detailed and are considered sufficient to protect the retained trees (including those covered by the TPO).
- 10.42 The key trees on site are a mature Lime and a mature ash tree. These trees are covered by TPO 1026 (2020) and are shown on the submitted plans as T4 and T11 which are proposed to be retained. The scheme will require the loss of a 11 individual and groups of trees, however the Council's Tree Officer considered that these are all low quality trees and not worthy of a Tree Preservation Order. It was also considered that the pruning works proposed for T11 is minor and would detrimentally affect the amenity value or health of this tree.
- 10.43 The Landscaping team did not raise any objections to the scheme however recommended a landscape condition is attached requiring details of proposed planting on the site to mitigate the loss of the trees required to facilitate development. As such, it is reasonable and appropriate to impose a condition on any approval requiring that a landscaping plan be submitted and approved by the Council.

iii) Refuse and Recycling

- 10.44 In this case, there would be sufficient space within the curtilage of the site for the storage of refuse and recycling bins which may be conveyed to the front of the curtilage on collection day. The servicing of the dwelling could be done in the same manner as with the existing dwelling. The Council's Client Services Team raise no objection to the principal of the proposed development. No concerns are therefore raised in this regard.

iv) Ecology

- 10.45 Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Policy SADM16 of the Emerging Local Plan states that proposal will be expected to maintain, protect and wherever possible enhance biodiversity. This approach is consistent with the NPPF.
- 10.46 The Preliminary Ecological Appraisal submitted as part of the application has found no evidence of bats, and the trees proposed for removal were found to have negligible roost potential. Furthermore, it was not considered that great crested newts, reptiles, badgers or any other protect species would be adversely affected by the development proposals.
- 10.47 Hertfordshire Ecology were consulted and they consider that the submitted Ecology Report from T4 Ecology Ltd, dated April 2021 provides an adequate assessment and provides appropriate mitigation measures for the impacts upon wildlife arising from the development and therefore raises no objection to the scheme subject to a condition ensuring that the development complies with the submitted ecological documentation.

10.48 Furthermore, there were no concerns raised with regards to the proposed ecological enhancements such as the integrated bat and bird boxes within the fabric of the new building, tree-mounted bat and bird boxes, installation of an invertebrate box, and gaps in fencing to allow free movements of hedgehogs. This can be secured via condition. Consequently, subject to the inclusion of appropriate conditions, the proposal would be in acceptable on ecological grounds.

v) *Removal of permitted development rights*

10.49 The new dwelling would benefit from permitted development rights. The proposed development has been carefully designed to be in keeping with the character and context of the area and ensure that the living conditions of neighbouring occupiers would not be harmed. The resultant built development would also remain commensurate to the plot.

10.50 Certain future extensions under permitted development would possibly be likely cause harm in the above respects. In the interest of maintaining high quality design and the visual amenity of the Green Belt, it is considered necessary and reasonable for permitted development enlargements under Class A, Class AA, B and E of the General Permitted Development Order 2015 (as amended) for new dwellings to be revoked through a planning condition.

7. The planning balance

10.51 The proposed development has been assessed against the policies of the Local Plan, Emerging Local Plan and NPPF. It has been found to be acceptable in all planning respects, subject to conditions, in terms of impact on the character of the area, living conditions of future occupiers and neighbouring occupiers, highways and parking.

10.52 The proposal would make a small contribution to the Council's supply of housing in line with the government's objective set out at paragraph 60 of the NPPF. Also, as the Council cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF applies. This outlines that applications involving housing should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. It is considered that there are no adverse impacts to this development and it meets the economic, social and environmental objective of sustainable development in mutually supportive ways.

11 Conclusion

11.1 Further to the above and subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining occupiers living conditions, nature conservation interests or highway safety. Accordingly and for the reasons given, the proposal is recommended for approval.

12 Recommendation

12.1 It is recommended that PLANNING PERMISSION BE GRANTED subject to the following conditions:

PRIOR TO COMMENCEMENT

1. The development hereby approved shall be carried out in accordance with the mitigation measures in Section 5.2 of the submitted Preliminary Ecological Appraisal by T4 Ecology LTD (dated April 2021) and the ecological enhancements of the assessment must be implemented and retained permanently thereafter within the constraints of any relevant EPS licence.

REASON: In order that the development achieves a net gain for biodiversity on the site in accordance with the Policy R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Method Statement and the Tree Protection Plan by Crown Arboricultural Consultants. REASON: To protect the existing trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.
3. All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To protect residents from noise from construction works beyond reasonable times in line with Policy R19 and D1 of the District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework

PRIOR TO ABOVE GROUND DEVELOPMENT

4. Notwithstanding the approved plans, no above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:
 - a. original levels and proposed finished levels [earthworks to be carried out]
 - b. means of enclosure and boundary treatments including details of the front gate.
 - c. hard surfacing, other hard landscape features and materials
 - d. existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
 - e. planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and

environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

5. No above ground development shall take place until details relating to any external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) have been submitted to and agreed in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The agreed lighting shall subsequently be implemented.

REASON: To protect the amenity of existing residential properties in the near vicinity to the development in accordance with Policies D1 and R18 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

6. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

7. Prior to first occupation of the development, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from noise due to transport sources which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms. Relaxed noise levels will be considered if it can be shown that good acoustic design has been implemented and all steps have been taken to achieve the non-relaxed noise levels in BS8233:2014.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented.

Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority such as a TM59 assessment) conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that overheating will not occur. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment.

Mechanical ventilation can be installed, with ventilation rates required to provide 4 air changes per hour to habitable rooms. However, mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres).

Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc). If outdoor amenity areas cannot comply, then it should be shown through measurements that a suitable place is available within 5 minutes' walk from the development that complies with the amenity noise level.

REASON – to protect the occupants of the new development from noise disturbance in line with Policy R19 and D1 of the District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 207-014. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a vehicular visibility splay shall be provided in full accordance with the details indicated on the approved plan number 207-012. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to the first occupation of the development hereby permitted, a triangular vision splay shall be provided on each side of the new access and shall measure 2 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2 metres measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

REASON: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted the access gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5.5 metres from the edge of the highway as shown on drawing 207-014

REASON: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation of the development hereby permitted, the proposed on-site car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter and made available for that specific use.

REASON: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. Prior to occupation of the development hereby permitted, the bicycle store must be provided and made available for use. The cycle parking must be retained in that form thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policy M6 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST DEVELOPMENT

14. Apart from the opening to be created for the proposed vehicular entrance gates and associated vision splays, the existing front boundary hedge shall be maintained at a height no lower than two metres at all times in perpetuity. If the hedge or any hedge planted in replacement for it, is removed, uprooted, destroyed or dies, another hedge of the same species and height as that originally planted shall be planted at the same place and shall be maintained at all times in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the visual amenity of the site in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargements under Class A, Class AA, B or E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of Green Belt appropriateness; the openness, character and appearance of the Green Belt in accordance with Policies GBSP1 and GBSP2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
207-001	A	Location Plan & Aerial View	27 April 2021
207-002	C	Proposed Site Plan	21 April 2021
207-003	B	Proposed Ground Floor Plan	21 April 2021
207-004	B	Proposed First Floor Plan	21 April 2021
207-005	B	Proposed Second Floor Plan	21 April 2021
207-006	B	Proposed Roof Plan	21 April 2021
207-007	A	Proposed North/West Elevations	21 April 2021
207-008	A	Proposed South/East Elevations	21 April 2021
207-009	A	Proposed Long Section	21 April 2021
207-010	A	Existing & Proposed Street Elevation	21 April 2021
207-011		Location Plan	27 April 2021
207-012		Visibility splays	28 May 2021
207-013		Main gate details	28 May 2021
207-014		Parking, access and cycle store	28 May 2021

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

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/highways-roads-and-pavements.aspx>
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular 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. If any of the works associated with the

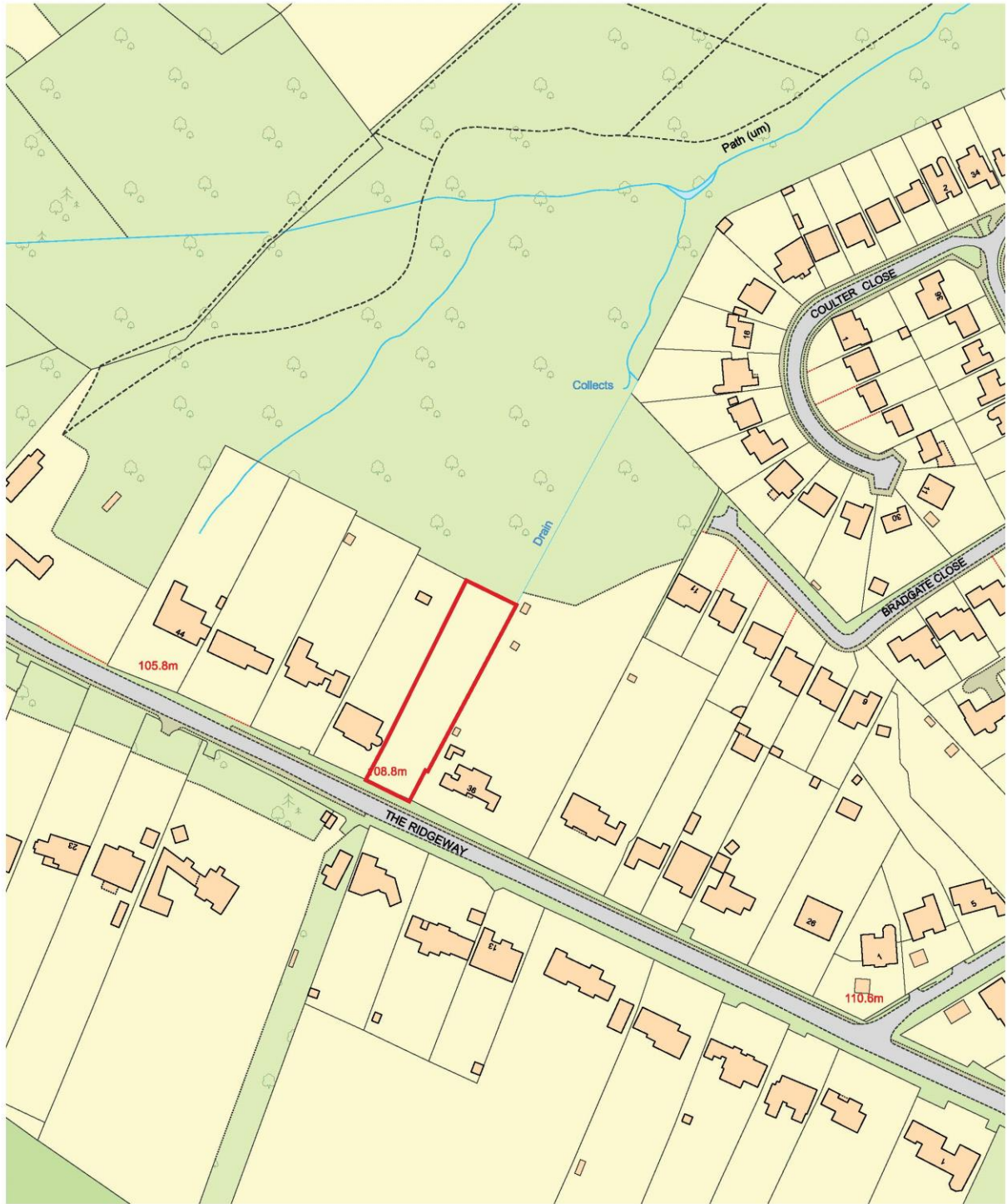
construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop_ped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.


7. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
8. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
9. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
10. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
11. All machines in intermittent use shall be shut down during intervening periods between works, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
12. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
13. Any pile driving shall be carried out by a recognised noise reducing system.
14. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
15. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
16. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
17. Any emergency deviation from these conditions shall be notified to the Council without delay.
18. All efforts shall be made to reduce dust generation to a minimum.

19. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
20. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
21. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
22. Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

Raymond Lee (Development Management)

Date: 24 December 2021



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	38 THE RIDGEWAY CUFFLEY POTTERS BAR EN6 4AX		Scale: DNS
			Date: 06-01-2022
	Development Management Committee	6/2021/1252/FULL	Drawn: C Gooding-Williams
	© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2022		