

Part I

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WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 20 OCTOBER 2022  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/1308/FULL

41 HAWKSHEAD LANE NORTH MYMMS AL9 7TD

SUBDIVISION OF THE PLOT AND THE ERECTION OF A BUILDING HOUSING A  
PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING, BINS AND  
SHARED ACCESS FOLLOWING THE PART DEMOLITION OF THE EXISTING  
DWELLINGHOUSE

APPLICANT: MR E HANDLER

**1 Site Description**

- 1.1 The application site comprises of a piece of land on the north side of Hawkshead Lane. The site forms part of the land associated with 41 Hawkshead Lane, which is a single residential dwelling with a private garden. The existing site benefits from several outbuildings and a partly demolished outdoor pool. The plot comprises land which is still residential in appearance and features a mixture of soft landscaping and hard surfacing. It is set back from the road and is separated from Hawkshead Lane via a mature boundary hedge and a gate with brick piers.
- 1.2 To the east and west of the site are residential plots forming 39, 43 and 45 Hawkshead Lane. These plots are more rectangular and linear in shape and form compared to the application site, which is a triangular shaped parcel of land. It is also larger than most plots on the north side of the road. The majority of the frontages in the vicinity face directly onto Hawkshead Lane. The application site is set further back from the road compared to some of the other dwellings and this is likely to accommodate a bend in the road, in addition to a mature tree at the front of the site. The rear of the application site backs onto wide, open fields. The land levels increase from the road towards the north of the site.

**2 The Proposal**

- 2.1 This application seeks full planning permission for the erection of a new building which would house two semi-detached dwellings with associated parking and bins. The existing site would be subdivided in order to accommodate the proposal and the existing vehicular access would be shared with the existing house (41 Hawkshead Lane). The donor property currently benefits from single storey side extensions, a part demolished outdoor pool and outbuildings which would be demolished as part of the proposal. The proposed dwellings would be sited to the north-east of the site and would infill a piece of land between the existing dwelling and 43 Hawkshead Lane. The new dwellings would benefit from a shared driveway which would provide off-street parking spaces for at least 2 cars per dwelling.

2.2 This application follows the refusal of application reference 6/2022/0413/FULL on 5<sup>th</sup> May 2022 for the erection of part single storey, part two storey side and rear extensions and installation of windows/doors to the existing dwelling following the demolition of existing single storey extensions and outbuildings, the subdivision of the existing plot and the erection of two 4-bed, semi-detached dwellings with associated parking, bins and a shared access. The application was refused for the following three reasons:

- *The combined proposal would have constituted inappropriate development in the Green Belt which would cause harm to the openness of the Green Belt and no Very Special Circumstances (VSC) existed which outweighed the identified harm;*
- *The proposed extensions to the existing property would not have been subordinate and would have fundamentally altered the size, scale and bulk of the dwelling. Furthermore, the extent of the proposed flat roof design of the single storey and first floor additions would have failed to complement the style of the existing property; and*
- *Inadequate information had been submitted to ensure the proposed development would enable vehicles to adequately turn on site and leave in a forward gear as required on a classified road, therefore it was considered the proposed development failed to demonstrate that a safe and suitable parking arrangement could be achieved for all users.*

### **3 Relevant Planning History**

3.1 Application Number: 6/2019/0844/FULL

Decision: Granted

Decision Date: 07 June 2019

Proposal: Erection of two dwellings with associated parking, bins and cycle provision following the demolition of existing dwelling and outbuilding

3.2 Application Number: 6/2022/0413/FULL

Decision: Refused

Decision Date: 5 May 2022

Proposal: Erection of part single storey, part two storey side and rear extensions and installation of windows/doors to the existing dwelling following the demolition of existing single storey extensions and outbuildings, the subdivision of the existing plot and the erection of two 4-bed, semi-detached dwellings with associated parking, bins and a shared access

### **4 Relevant Planning Policy**

4.1 National Planning Policy Framework (NPPF)

4.2 Welwyn Hatfield District Plan 2005 (District Plan)

4.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

4.4 Supplementary Design Guidance 2005 (SDG)

4.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

4.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **5 Site Designation**

- 5.1 The site lies within the Metropolitan Green Belt, Watling Chase Community Forest, and a Landscape Character Area (Mimmshall Valley) as designated in the Welwyn Hatfield District Plan.

## **6 Representations Received**

- 6.1 The application was advertised by means of neighbour notification letters and a site notice. Objections have been received from 3 properties. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- The proposal will conflict with the aspirations of and be inconsistent with Green Belt policies which aim to maintain, preserve, and protect the countryside;
- The proposal will detract from the rural, ambient setting and character of the area;
- The modern houses would not fit in with the landscape and traditional style of bungalows and properties on the road;
- The development will change the existing housing configuration and property density in the area;
- The substantially sized dwellings would be out of conformity with the style and presentation of the existing single storey dwellings on the road and are not compatible with the road;
- The new dwellings would be outside of the 'building line' of the other houses on the lane;
- The various designs and claddings to be used are not specified which is impracticable;
- There would be a loss of privacy and increased overlooking;
- There are highway safety concerns due to the narrow width of the road and a dangerous bend, where there have been several accidents;
- Students cycling to the college would be put at risk on the roads;
- The construction traffic would result in on-road parking, excessive dirt, dust and building rubble and would be dangerous to users of the Lane;
- It would appear that 5 dwellings would be built, resulting in more traffic and congestion than at present, which has already increased as the road has become a cut-through for the Royal Veterinary College, A1(M) and M25 motorways;
- There would be insufficient space for the parking spaces to be accommodated on site and to adequately manoeuvre in and out of;
- There would be additional parking pressures on the road;
- There will be interruptions to services and frequent road blockages;
- The additional houses would put a strain on infrastructure as there is no public transport, bus stops or pavements;
- There is a risk of differential settlement;
- The proposal will set a precedent for further development; and
- The extent of the properties are 3-storeys, so the structures are larger than the description which is misleading.

## **7 Consultations Received**

7.1 The following consultees have responded advising that they have no objections to the proposal in principle, some of which would be subject to conditions or informatives being applied:

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Landscapes Department

## **8 Town/Parish Council Representations**

8.1 North Mymms Parish Council raised a major objection to the proposed development on the 30<sup>th</sup> June 2022 for the reasons set out below:

*“This is inappropriate development in the Green Belt. This is not a gap site. The previous permission 6/2019/0844 is not material as each application should be judged on its own merits. There is constrained access on a bend and very sloping with insufficient parking for three x four-bedroom houses. The height, size and mass would affect the openness of the Green Belt and would not match the existing house with front dormers. The proposed houses would not be subordinate to the existing property. The Green Belt would be adversely affected which would result in the loss of visual amenity and result in harm. No Special Circumstances have been given”.*

## **9 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Access, car parking and highways considerations**
- 5. Other considerations**
  - i) Ecology and biodiversity**
  - ii) Refuse and recycling**
  - iii) Landscaping**
  - iv) Contamination**
  - v) Other matters**
- 6. The planning balance**

### **1. Principle of the development**

9.2 District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan. Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (paragraph 120) and the efficient use of land (paragraph 124).

- 9.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development.
- 9.4 The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where 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; and*
  - v. The physical and environmental constraints on development of land.*
- 9.5 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 9.6 The application site forms part of the residential land associated with 41 Hawkshead Lane, which will be subdivided to form the new plots. Gardens in built-up areas are not often classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not necessarily a priority for development, the need to make efficient use of land remains a policy objective.
- 9.7 A material consideration in the determination of this application is the approval of a previous application at this site for the erection of two dwellings with associated parking, bins and cycle provision following the demolition of the existing dwelling and an outbuilding (reference 6/2019/0844/FULL). Whilst that application is no longer extant as the permission expired on 7 June 2022, local planning policies and design guidance relevant to planning considerations are the same to that which planning application 6/2019/0844/FULL was assessed against and subsequently approved. It is therefore considered the principle of two dwellings on this site has already been established and the principle of one additional dwelling compared to that application is the main area for consideration.
- 9.8 Due to the application site being located on an established residential road and the limited scale of the development for two additional dwellings, there is no reason to believe that the existing infrastructure nearby would not be able to absorb the development. There would also be a benefit (albeit limited) on services and facilities in nearby settlements as the new dwellings have the potential to support and provide demand for nearby services and facilities.
- 9.9 In terms of accessibility, it is accepted that Hawkshead Lane is located approximately 2km away from Brookman's Park (route via Hawkshead Lane and Bluebridge Road) and Potters Bar, which is approximately 3km away using the main roads. Both of these settlements provide a wide range of facilities and services as well as education and employment opportunities and a railway

station. However, as a result of the distances between them, future occupiers of the development would be unable to access the majority of their day-to-day service requirements from the immediate area.

- 9.10 Paragraph 105 of the NPPF suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. It is acknowledged that Hawkshead Lane does not benefit from pedestrian footpaths for the majority of the length of the road. However, a historic application at 10 Hawkshead Lane for the subdivision of the existing property into two dwellings (reference 6/2017/2346/MAJ) was approved on the basis that Brookmans Park railway station and the centre of Brookmans Park were approximately a 15-minute walk from the site. This was via a route which consisted of a trip using either the verges alongside Hawkshead Lane or through publicly accessible paths which cross through the Veterinary college site, leading to a public path alongside the railway line.
- 9.11 Furthermore, the same application (6/2017/2346/MAJ) found that by virtue of a bus service that departed from the junction of Hawkshead Lane and Bluebridge Road, there would also be some access to public transport links. It was therefore considered that the principle of one additional dwelling in this location would not be a sufficient reason alone to refuse the application as access to Brookmans Park was available, which has a good range of public transport and services and facilities. The proposal to which this application relates is located approximately 55m away from the site at 10 Hawkshead Lane and there are still bus services which depart from the junction mentioned above. As such, on this occasion it is considered the circumstances are materially similar enough to justify the principle of an additional two dwellings at 41 Hawkshead Lane, which would be an increase in one new dwelling compared to the approved application at this site in 2019 (6/2019/0844/FULL).
- 9.12 As a result of the above discussion, future occupiers would have access to some public transport options and services/facilities and would not have to be solely reliant on a private car. However, it is still considered highly likely that future occupiers would be primarily reliant on the use of a car to access day to day facilities and services. It is therefore acknowledged that there would be a degree of conflict with Policies SD1 and H2. However, a realistic approach is necessary where sites are in rural areas and where residents are generally more likely to be reliant upon private transport to travel to work, shops, or services. This is discussed in more detail later in this report.
- 9.13 The physical and environmental constraints of the development of the land in the manner proposed are assessed within the section below.

### *Green Belt*

- 9.14 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. 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.

- 9.15 Within that context the main issues to consider in terms of Green Belt policy are:
- the appropriateness of the development in the 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.

*Appropriateness*

- 9.16 Paragraph 149 of the NPPF outlines that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt, unless they meet specific exceptions. Paragraph 149(e) of the NPPF states that new buildings are not inappropriate if they are considered to constitute the limited infilling of a village. The NPPF does not provide any guidance as to what constitutes a village or what constitutes limited infilling.
- 9.17 Emerging Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that the proposal should be considered against the requirements and restrictions of infill development. Policy SADM34 states as follows:

*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)*
- 9.18 The previously approved application in 2019 (reference 6/2019/0844/FULL) considered the proposed development to be infill development under the limited infilling exception of the NPPF, Paragraph 149(e). In reaching this decision, it was noted that whilst the built form on the site would inevitably increase at first floor, it was considered that the dwellings had been designed to respect and relate to the siting, scale, and massing of the neighbouring properties. Furthermore, the approved dwellings would have been set back from the highway and largely screened by a grass verge and mature trees, therefore it was considered that the visual impact of the proposal from public views would be perceived as limited and would not be inappropriate development in this part of the Green Belt.
- 9.19 Hawkshead Lane is a residential road with properties on both sides of the highway. It can be accessed off Warrengate Road, Bluebridge Road and Hawkshead Road. The houses on Hawkshead Lane have not been built in a uniform manner as there are variations in plot size, the size of dwellings and their architectural style. However, whilst the properties on the road diverge in design, the majority of the houses are oriented with their principal elevation and frontages facing the road and are set back from the public highway. The proposed dwellings would replicate this arrangement. The building which would

house the additional two dwellings would be located to the north-east of the application site and would not be directly in line with 41 Hawkshead Lane. Nonetheless, the location of the new building would integrate well with its surroundings due to the curvature of the road and the position of existing dwellings to the east and west. This would ensure the positioning would not disrupt the existing pattern of development. As such, the new dwellings would still be located within a continuous built-up frontage. The alterations to the existing house would constitute a reduction in built form.

- 9.20 The outline of the approved building footprint under application reference 6/2019/0844/FULL is marked in blue on the proposed site plan (drawing number 0010 Rev C). The combined footprint of the two approved dwellings and a detached garage under application 6/2019/0844/FULL equated to approximately 355.6m<sup>2</sup>. The proposed site plan for this application has been measured and the total footprint equates to approximately 358m<sup>2</sup>. There is therefore a minimal increase in the size of the footprint compared to that application. In terms of bulk and massing at first floor level, the approved two dwellings under application 6/2019/0844/FULL would have had a width of approximately 13 metres. In comparison, the existing dwelling (which would be partially demolished as part of this proposal) would measure approximately 9.6m in width at first floor level and the new building which would house the proposed semi-detached properties would measure approximately 12.5m in width at first floor level. As such, it is considered that the impact on the site would be materially similar to the approved scheme, albeit with an additional dwelling contained within the second building compared to a single dwelling.
- 9.21 The introduction of an additional property would result in an intensification of the residential uses across the wider site compared to the approved application (6/2019/0844/FULL). However, the two new dwellings would be located in a building with a similarly sized footprint and visual bulk and massing to the single dwelling in this location approved under 6/2019/0844/FULL. In addition, the principle of a residential garden and curtilage has already been established on the site, whereby residential paraphernalia and structures associated with the use of the existing house are present. For these reasons it is not considered the addition of another dwelling within the new building and its associated residential curtilage would be unduly more harmful than the approved scheme.
- 9.22 The application site is currently residential land associated with 41 Hawkshead Lane and is bound to the east, west and south by other residential development. It would not extend the extent of built form or residential land any further into the land to the north. As a result, it is not considered the proposed dwelling would extend the existing 'built up' area of the village into the open countryside.
- 9.23 Whilst the building housing the new dwellings would infill a space which otherwise forms part of the substantial plot associated with 41 Hawkshead Lane, due to the location of the existing dwellings in the vicinity and the mature landscaping which obscures the majority of views from the street scene to the wider countryside beyond, the proposal would not result in a loss of a view or vista which makes a significant contribution to the character of the area.
- 9.24 The proposed development would result in two additional semi-detached dwellings, which would provide less than four dwellings on the site in total.



- 9.25 For the above reasons, it is judged that the proposed additional dwelling would still constitute limited infilling development under exception 149(e) of the NPPF, therefore it is deemed appropriate development in the Green Belt.

*Openness and Purposes of Including Land in the Green Belt*

- 9.26 The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently, no discussion of this has been made in respect of the new dwelling.

*Conclusion on the Green Belt*

- 9.27 Taking account of the above, it is considered that the proposal would fall within the limitations of paragraph 149(e) of the NPPF and SADM34 of the Council's Emerging Local Plan and is not inappropriate development within the Green Belt. It is therefore not necessary to demonstrate very special circumstances to justify the development.

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

- 9.28 District Plan Policies D1 and D2 aim to secure a high quality of design and 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 Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF.
- 9.29 Hawkshead Lane is a residential road. The road is varied in character due to the differences in plot size, dwelling size and architectural finish. It is predominantly formed of detached dwellings within plots of various sizes. However, there are some examples of semi-detached properties nearby as well. 41 Hawkshead Lane is a large two storey property with a crown roof.
- 9.30 Some of the plots on the road are irregular in shape and others are linear and narrower in form. All of the plots on the lane are of a substantial size. The donor property and residential land to which the application site relates is one of the largest plots on the north side of the road, due to its triangular shape and considerable width at the northern end of the site. Due to the different variations in architectural styles and designs in the vicinity, the building heights fluctuate between single storey properties, chalet style bungalows with habitable space in the roof and two storey buildings (some of which also have habitable accommodation in the roof space). All of the buildings in the area respect the spacious nature of the road.
- 9.31 The proposed dwellings would have two main storeys with additional bedroom accommodation in the roof space. The dwellings would form part of one larger building which has taken design inspiration from 41 Hawkshead Lane by virtue of its crown roof design and appearance. Due to its set back nature from Hawkshead Lane, it would still have the appearance of a single dwelling from wider viewpoints. It would feature flat roof dormer windows and there are some examples of this nearby. The design is also similar to the dwellings approved under application 6/2019/0844/FULL.

- 9.32 The Council's SDG states that a minimum distance of 1m between the flank wall of a property at first floor and the adjoining flank boundary must be maintained. Although the Council's SDG does not make specific reference to distances between new dwellings, it provides an indication that a minimum distance of 1 metre between the flank wall of a property and the adjoining side boundary is viewed to be acceptable. The proposal would therefore accord with the Council's SDG as the building housing the two new dwellings would retain at least a 1m separation distance at first floor between the common boundaries with 41 and 43 Hawkshead Lane.
- 9.33 The built development to plot ratio would be acceptable in the absence of a uniform style or planned arrangement of plot sizes and shapes on Hawkshead Lane. The proposed dwellings would also be similar in size to the floor area and footprint of some of the other dwellings along the road and would not appear excessively large or undersized in comparison.
- 9.34 It is acknowledged that the land levels differ slightly on the site and these are shown on the proposed elevations indicating the alterations to the existing property. These elevations also show the indicative location and height of the adjoining dwellings either side. The proposed elevations suggest that the ridge height of the building housing the proposed dwellings would be approximately 1m higher than the approved scheme. Whilst this is noted, it is considered that the scale of the dwellings would still maintain and respect the building heights of the immediate neighbouring properties, particularly taking into consideration the two-storey nature of 41 and 43 Hawkshead Lane which are the two dwellings which would be the nearest, and the set back from the road which would reduce its prominence. The hipped part of the roof would also reduce the bulk and massing of the dwelling above the first-floor level. The new dwellings would be set further back into the plot than 41 Hawkshead Lane. However, they would not protrude too far behind to the extent that they would appear uncharacteristic of the road layout.
- 9.35 The proposed materials would consist of brickwork, white render, roof tiles and white window frames. As the dwelling would replicate a similar style to the host dwelling (41 Hawkshead Lane) it is considered that the overall finish would be appropriate in its setting. The submitted information is somewhat limited in regard to the specific type, manufacturer and colour of the external materials proposed, therefore precise details of this can be secured by way of a planning condition in order to ensure the materials are appropriate prior to above ground level development commencing.
- 9.36 In addition, to ensure the roof design is of a high quality, a condition can be applied which requires further details of the crown roof to be submitted. This is because some crown roofs are not attractively designed and can significantly detract from the appearance of a dwelling and the overall character of the area. Provided that the flat roof sections are stepped down and concealed behind the surrounding hipped roof, the impact in terms of visual amenity would be limited.
- 9.37 For the above reasons, it is considered that the proposed plot sizes, design, scale, spacing and layouts of the proposed dwellings would respect and relate to the character and context of the area. The high-quality design of the proposal is such that it would be in keeping with the character of the area and the surrounding dwellings and would not detract from or be at variance to the local

character. The development would therefore accord with the aims and objectives of Policies D1 and D2 of the District Plan 2005, the SDG 2005, SP9 of the Emerging Local Plan 2016 and the NPPF.

### **3. Residential amenity**

- 9.38 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.
- 9.39 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. SADM11 of the Emerging Local Plan is similar in these aims.

#### *Living Conditions of Future Occupiers*

- 9.40 The proposed dwellings would have a spacious internal layout with reasonably sized rooms and would benefit from a private garden each, which would be functional and useable in size. The positioning of the dwellings and separation distances would ensure that future occupiers would experience acceptable levels of outlook, appropriate levels of sunlight and daylight (particularly to habitable rooms) and levels of privacy consistent with living in a residential area. The use of obscure glazed and fixed side windows and rooflights above ground floor level can be secured by planning condition in the interest of preserving privacy. This is acceptable as the windows on the sides above ground floor would serve non-habitable rooms (en-suites).
- 9.41 In order to ensure the existing boundary treatments and landscaping would be retained between properties, in addition to any proposed boundary treatments between the new dwellings and the existing property, further details of the exact style of the proposed boundary treatments can be secured by way of a hard and soft landscaping condition.
- 9.42 Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan. The Council's Public Health and Protection Officer has been consulted on the proposal and has not raised any concerns regarding noise at this site. Informatives regarding noise and dust during construction are recommended.
- 9.43 The proposal would therefore provide satisfactory accommodation for its future occupiers.

#### *Amenity of Adjoining Occupiers*

- 9.44 As a consequence of the proposed position and layout of the new dwellings and the application site's relationship with neighbouring properties, it is judged that the neighbours which have the potential to be impacted by the proposed development are 41 Hawkshead Lane (existing property), 43 Hawkshead Lane (to the east of the site) and 39 Hawkshead Lane to the west.
- 9.45 The front building line of the proposed house would project further forward than 43 Hawkshead Lane to the east. To the rear, the back wall of the proposed

building would also project a little further into the plot than No.43. The additional built form which would be created by the new building would therefore be visible from certain viewpoints within the neighbours' dwelling and private garden. Despite this, the new dwellings would be separated from No.43 by a sufficient distance, particularly at first floor where the majority of the bulk would be located. The proposed roof would also be hipped away from the shared boundary, preventing the new building from resulting in a significant loss of light to the habitable windows of 43 Hawkshead Lane or appearing unduly overbearing. The new building would also be of a depth which would prevent it from appearing unduly dominant. In addition, the location of the main bulk of the new building is similar to that approved under application 6/2019/0844/FULL, which is marked on the proposed site plan in blue for comparative purposes.

- 9.46 In terms of privacy, views from windows within the rear elevation of the dwelling would be predominantly to the rear garden of the application site. It is accepted that the new dwellings have the potential to introduce additional levels of overlooking to the private garden and windows of 43 Hawkshead Lane. However, this would be in more of an oblique manner rather than direct and the side windows at first floor level or above can be conditioned to be obscure glazed and fixed below a height of 1.7m above ground floor level.
- 9.47 Although this application includes 41 Hawkshead Lane within the red line, it is also important to assess the impact on the occupiers of that dwelling. The front facing elevation of the new pair of semi-detached dwellings would be slightly angled towards the east facing side elevation of 41 Hawkshead Lane. The drawings of the existing dwelling which have been submitted suggest that the side windows in the east facing walls serve either non-habitable spaces (entrance hall and unnamed room in the ground floor extension) or are secondary windows to habitable rooms (bedroom on the first floor). Within the roof space, there are also two rooflights in this elevation serving the existing bedrooms. It is therefore accepted that some of the habitable windows in the new properties would provide views towards habitable rooms at No.41 Hawkshead Lane. Despite this, there would remain approximately 14m separation distance between the rooflights in the eastern elevation of No.41 and the dormer windows in the roof. A larger distance would be provided between the windows in the side elevation towards the front of the house. This is a sufficient distance to prevent direct impacts from overlooking from occurring. Due to the orientation of No.41, it is unlikely the new dwellings would result in a significant loss of light or appear over dominant.
- 9.48 The proposed development would not appear overbearing or result in a detrimental loss of light or privacy to 39 Hawkshead Lane by virtue of its orientation and separation distance of approximately 27m between the flank wall of the building to the boundary with that property. In regard to the other properties nearby, these are located a sufficient distance away to prevent undue impacts from occurring.
- 9.49 The new dwellinghouse would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupiers. Paragraph 54 of the NPPF states *"planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."* In this case, given the addition of new development on an existing residential site which would be closer to other neighbouring properties, further extensions built within permitted

development may impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact and a loss of privacy. Therefore, in order to protect the amenity of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwelling (Class A) and the enlargement consisting of an addition or alteration to its roof (Class B).

- 9.50 Overall, it is therefore considered that subject to the suggested conditions, the proposed development would provide reasonable living conditions for both neighbours and future occupiers. It is not considered that the proposal would result in harm that would be detrimental to the living conditions of neighbouring occupiers.

#### **4. Access, car parking and highways considerations**

- 9.51 In terms of parking, Paragraph 107 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 and opportunities for public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Paragraph 111 of the NPPF also sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.52 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.
- 9.53 Hawkshead Lane is a classified distributor road which has a speed limit of 40mph. There has been one recorded accident directly outside of the site in the past five years, which was a collision between two vehicles travelling towards each other and not related to vehicles joining the road. The existing application site benefits from a vehicular crossover and driveway.
- 9.54 The proposal would involve the creation of four parking spaces to the front of the new dwellings. The Council's SPG states that for 4-bedroom dwellings, a guideline of 3 spaces per dwelling should be given. The plans indicate a shared parking area at the front of the proposed dwellings which can accommodate 2 forecourt parking spaces per new dwelling, in addition to 2 forecourt parking spaces serving the existing dwelling. Therefore, there is an under provision of 1 parking space per dwelling. Although two spaces per property is less than the guidance figure recommended above, it is important to note that the Council's Interim Policy suggests lower numbers may be appropriate. The site frontage is large enough to accommodate additional spaces if necessary and the Highway Authority comments note that there is likely more space for two more vehicles inside the gated area of the new dwellings, subject to turning arrangements. As

set out in the sections above, there are also options for walking routes to Brookmans Park and some access to public transport links. For these reasons, the shortfall in one parking space per dwelling is not considered to result in such an unacceptable impact on highway safety or have severe residual cumulative impacts on the road network to the extent to recommend refusal on these grounds. Therefore, no objection is raised to the number of parking spaces alone. A condition will be imposed which sets out that if additional parking spaces are to be accommodated on site which deviate from the approved plans, these must be submitted on a scaled plan which indicates the tracking requirements. The Local Planning Authority will consult with the Highway Authority for any subsequent discharge of condition application for additional parking spaces.

- 9.55 The previous application for a detached dwelling on this site (reference 6/2022/0413/FULL) was refused due to concerns raised by the County Highway Authority about whether or not vehicles could adequately turn on the site and leave in a forward gear, as required on a classified road. This was on the basis of insufficient information being submitted to ensure the proposed development would allow a safe and suitable access for all users. The submitted plans under the previous application were not viewed to provide the level of detail required to make an adequate assessment on the parking arrangements and vehicle turning movements.
- 9.56 This application is supported with a transport technical note (dated May 2022) by Kronen which includes detailed drawings indicating tracking diagrams. The Highway Authority have assessed this information and have concluded the swept path analysis which has been provided shows that vehicles are able to turn on site and leave in a forward gear as required on a classified road. The rectangular parking spaces would also be in accordance with the recommended dimensions for off-street parking bays (at least 2.4m x 4.8m). A condition can be imposed to ensure the vehicular areas on site are surfaced in a manner which is acceptable and that arrangements shall be made to ensure surface water from the site would be intercepted and disposed of separately, so it doesn't discharge into the highway. The plans have also been amended to demarcate which spaces belong to each property via the use of contrasting surface materials. Further information on this matter can be secured as part of a hard and soft landscaping condition.
- 9.57 Details of the new gate to the new dwellings is limited at this stage, therefore further information can be provided by way of a planning condition for hard and soft landscaping. The comments from Hertfordshire Highways additionally set out that the Local Planning Authority may wish to consider what can be done within the planning process to ensure that a fence or boundary treatment is not erected in the shared parking area in the future, as this has the potential to affect manoeuvring within the site. In order to allow the Local Planning Authority the opportunity to consider any boundary treatments in detail, a condition removing permitted development rights for fences, gates and walls will be imposed on the permission.
- 9.58 Due to the narrow width of the part of the classified road, which is just outside of the application site, it is considered reasonable to recommend a condition for further details of vehicle access arrangements, movements and parking during construction. This is to ensure the impact of vehicles on the local road network is minimised during the construction period. The suggested construction management plan would be a pre-commencement condition to be submitted prior to any development commencing on site.

- 9.59 In terms of incorporating measures which will encourage sustainable modes of travel, in addition to the parking spaces which would be provided, the Planning, Design and Access Statement suggests 2 cycle parking spaces would be provided per dwelling and there would be dedicated on-site cycle storage provision. However, limited details of this are on the proposed plans and further information can be secured by condition. It is acknowledged that the properties would benefit from reasonably sized gardens too, where other bicycles could be stored if required. Further details of the proposed Electric Vehicle (EV) charging points can be secured by way of a planning condition in order to provide the correct infrastructure required to support the uptake of ultra-low emission vehicles locally.
- 9.60 In summary, the proposal would, on balance, provide an acceptable level of on-site car parking and cycle 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.

## **5. Other considerations**

### *i) Ecology and Biodiversity*

- 9.61 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. Policies SP10 and SADM16 of the Draft Local Plan Submission 2016 are similar in these aims.
- 9.1 The application is supported by a Preliminary Roost Assessment (PRA) and an ecological assessment of the site, dated February 2022. Hertfordshire Ecology have been consulted for this application and present no comments. However, it is worth noting that a response was received from Hertfordshire Ecology on 22 April 2022 for application 6/2022/0413/FULL which was a proposal for the erection of a part single storey, part two storey side and rear extensions and installation of windows/doors to the existing dwelling and the subdivision of the existing plot and the erection of two 4-bed, semi-detached dwellings. The comments under that application suggested it was unlikely there would be any impact on bats or nesting birds and precautionary informatives were sufficient to determine the application. However, it was considered that there may be impacts on reptiles and as such further reptile surveys were required, which could be secured by condition. These suggested conditions and informatives are considered necessary to impose again on this amended proposal.
- 9.2 In addition, the planning system should now aim to deliver overall net gains for biodiversity where possible. Paragraph 180 of the NPPF lists principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

9.3 The Environment Act 2021 gives greater emphasises to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.1). However, mandatory Biodiversity Net Gain (BNG) as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is not likely to become law until 2023. Therefore, whilst there is increasing expectation for developments to deliver BNG, use of a biodiversity metric is not yet mandatory and must be considered on a case-by-case basis.

9.4 As the use of the metric to demonstrate BNG is not yet a mandatory requirement and the development is for two additional dwellings (and the principle of an additional dwelling on the site has been approved in the past), the additional ecological enhancements which are recommended by Hertfordshire Ecology via a Landscape and Ecological Management Plan (LEMP) are considered too onerous for the size of the development. However, a planning condition for biodiversity enhancements (e.g. bat/bird boxes and planting measures) would be acceptable instead. Subject to the suggested conditions, it is considered that the proposal satisfies the requirements of the District Plan and the NPPF in respect of Ecology.

*ii) Refuse and recycling*

9.5 The Council's Client Services team have been consulted on the proposal and have confirmed the property could be incorporated on the existing ARRC scheme.

9.6 A condition can also be imposed which secures a bin storage facility which would be provided on the proposed driveway. This would ensure the bins stored on the frontage would not be unsightly in appearance and would be within the required drag distance from the boundary with the road.

*iii) Landscaping*

9.7 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.

9.8 The site is within Mimmshall Valley Landscape Character Area (LCA) where Policy RA10 applies. The Mimmshall Valley Landscape Area is characterised by valley slopes and a wooded farmland character, with rectangular field compartments along the valley slopes. The Landscape Character Area is described as being strongly influenced by major transport routes and the surrounding settlement, which give it an urban edge rather than a rural character. The strategy for managing change to this Landscape Character Area is to improve and conserve. By virtue of the limited scale of the proposed development and the two new dwellings being located on land which is an existing residential plot, between two existing houses, it is considered that although the proposal would not contribute to the Landscape Character Area, it is not considered it would conflict with its aims as it would not have an adverse impact upon the LCA.

9.9 Other than an area of soft landscaping at the front of the site, boundary hedging and the proposed hard landscaping on the frontage which is shown on the



proposed plans, other details of hard and soft landscaping are limited at this stage. Further information would therefore be required in the event of permission being granted to ensure that the materials, boundary treatments, plants and methods used are acceptable. This would need to be on a scaled plan. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a detailed landscaping plan be submitted and approved by the Council.

- 9.10 The site is also located within the boundaries of Watling Chase Community Forest. The Council's Landscapes Department has been consulted on the proposed development and note that there is limited information regarding arboriculture which makes it difficult to assess the impact on any trees on, or adjacent to, the site. However, it is considered that there are suitable measures which can be secured by condition prior to any on site activity which would satisfy these details. The details include a Tree Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement and a Tree Protection Plan. Conditions to this effect are recommended in the event the application is approved.

*iv) Contamination*

- 9.11 The previously approved application in 2019 included a condition for an investigation, risk assessment and scheme of remediation for contamination. This was imposed on the permission as the Council's mapping database showed a potential land fill site less than 100m to the south west of 41 Hawkshead Lane, which raised the potential for contamination which may impact on human health if the ground was to be disturbed. Policies R2 and R7 of the District Plan 2005 and SADM18 are relevant in this regard.
- 9.12 The Council's Public Health and Protection Officer has reviewed this application and does not consider it necessary to impose a pre-commencement condition any more. However, it is recommended that an unexpected finds condition is imposed instead which covers the eventuality that contamination is discovered during any stage of the development. Subject to this measure, the proposed development would be acceptable in this regard.

*v) Other matters*

- 9.13 A neighbour comment has referred to the additional houses putting a strain on infrastructure, with particular regard to public transport, bus stops and pavements. The Welwyn Hatfield Borough Council Planning Obligations Supplementary Planning Document (2012) refers to various triggers for planning obligations. The lowest triggers include residential developments of 10 units or more and residential sites of over 1 hectare in size. The proposal would not meet or exceed either of these thresholds, therefore the proposed development would not be required to provide financial contributions towards local infrastructure in this regard. Furthermore, the proposal would result in two additional houses compared to the existing situation, and one more compared to the previously approved application, which is a modest increase. This is not considered to be likely to result in significant impacts on existing infrastructure.
- 9.14 A further comment has highlighted concerns regarding a risk of differential settlement as a result of the proposed development. Whilst this is noted, subsidence or differential settlement is not a material planning consideration. An

informative regarding compliance with Building Regulations and the Building Act 1984 is suggested.

- 9.15 Another neighbour comment suggests the proposal will set a precedent for further development of this nature. However, it is important to note that all planning applications are determined on their own merits. An assessment against the relevant national and local planning policies will be carried out for any new planning application and the Council would also take into account any relevant material planning considerations in reaching a decision.

## **6. The planning balance**

- 9.16 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 8 outlines that it includes, amongst other things, *'for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).'*
- 9.17 The Council does not have a five-year housing supply, a position acknowledged by the Council in the Annual Monitoring Report (AMR) and therefore the NPPF at Paragraph 11 notes the presumption in favour of sustainable development which for decision taking means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
    - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. *any adverse impacts of doing so would be significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.18 Furthermore, Paragraph 79 outlines that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 9.19 In this case, there would be conflict with District Plan Policy H2 in terms of the location and accessibility of the site to services and facilities by transport modes other than the car. Moderate rather than significant weight is attached to this harm considering the possibility of the use of bus services and the walking routes via footways between the site and Brookmans Park.
- 9.20 District Plan Policy SD1 and the NPPF advocate sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 9.21 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials

associated with the construction of the dwellings. However, the economic benefits in terms of construction of the building would be short-term and therefore limited. Local businesses would also derive some long-term economic benefits from the future occupiers spending on goods and services, but this would be limited in scale. These considerations therefore carry some, but limited weight in favour of the proposal.

- 9.22 The proposal would provide two additional dwellings which would contribute to housing stock in the Borough. This reduces pressure on housing land take elsewhere, albeit to a limited degree, and would accord with the support in the NPPF for increasing the supply of housing. Further social benefit arises from the provision of high-quality housing.
- 9.23 Turning to the environment, the proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not cause undue harm to the amenity of neighbouring occupiers. These considerations weigh moderately in favour of the proposal.
- 9.24 The proposal makes effective and efficient use of existing residential land on an established residential road. In addition, the applicant's Planning, Design and Access Statement refers to various ways of ensuring the property would be of a sustainable design and construction. These include measures to enhance the energy efficiency of the building, such as high levels of insulation, water conservation measures and the use of secure cycle storage facilities. The proposed plans additionally indicate Electric Vehicle (EV) charging points outside of all three dwellings and the addition of an Air Source Heat Pump (ASHP) for each new dwelling on the flat section of the proposed crown roof. A condition is recommended for the submission of an energy statement prior to above ground level work beginning on site, to ensure the new dwellings would be energy efficient in line with further detail regarding the above measures, as well as any other renewable energy measures or approaches to the fabric of the building which may be appropriate. The details of the proposed Electric Vehicle (EV) charging points and cycle storage facilities can be secured by way of planning condition. Such environmental benefits enhance the sustainability credentials of the development which are attributed moderate weight.
- 9.25 In this case, it is considered that the adverse impacts of granting permission, through the aforementioned development plan conflict, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

## **10 Conclusion**

- 10.1 The proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers.

- 10.2 The proposal has been found to afford benefits in all areas of sustainability and is in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and the relevant chapters of the National Planning Policy Framework.
- 10.3 For the reasons summarised above, together with all other material considerations, subject to the suggested conditions the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

### **Conditions:**

#### PRIOR TO COMMENCEMENT

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter the approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) construction vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) construction and storage areas (including areas designated for car parking, loading/unloading and turning areas);
  - d) siting and detail of wheel washing facilities;
  - e) cleaning of site entrances, site tracks and the adjacent public highway;
  - f) timing of construction activities (including delivery times and removal of waste);
  - g) provision of sufficient on-site parking prior to commencement of construction activities; and
  - h) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements

REASON: To protect highway safety, the amenity of neighbouring properties and the other users of the public highway and rights of way in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; Hertfordshire County Council's Local Transport Plan 4 (2018); and the National Planning Policy Framework.

2. No development shall take place, including any works of demolition and vegetation clearance, until an on-site Reptile Survey has been submitted to, and approved in writing, by the Local Planning Authority. The survey must be carried out by a suitably qualified and experienced ecologist to check for reptile activity. If reptiles will be impacted by the development, appropriate mitigation measures to safeguard them must be submitted to and approved in writing by the Local Planning Authority before commencement of the development (including vegetation clearance). The development must be carried out in accordance with the approved mitigation measures.

REASON: To ensure reptiles are protected from harm during the development in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place, including any works of demolition and vegetation clearance, until a survey of the trees within and adjacent to the proposed

development area have been submitted to and approved in writing by the Local Planning Authority. The survey must be in accordance with the British Standard (BS:5837:2012) Trees in Relation to Design, Demolition and Construction – Recommendations and include details of the health and condition of the trees, and the trees should be categorised in accordance with the standard. This survey must also be accompanied by a metrically scaled plan indicating which trees are to be removed and retained.

REASON: To ensure retained trees are protected during the course of the development in the interest of protecting the visual amenity and landscape setting of the area in accordance with Policy R17 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

4. No development shall take place, including any works of demolition and vegetation clearance, until an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This must show any protective fencing and special working measures to minimise the impact on retained trees. The approved Arboricultural Method Statement and Tree Protection Plan must be fully adhered to from start to completion of the development.

REASON: To ensure retained trees are protected during the course of the development in the interest of protecting the visual amenity and landscape setting of the area in accordance with Policy R17 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

5. No development shall take place, including any works of demolition and vegetation clearance, until full details of features to enhance on-site biodiversity have been submitted to and approved by the Local Planning Authority in writing. The structures shall be positioned away from bright lights and disturbance and constructed in accordance with the approved details prior to the occupation of the dwellings and retained in that form thereafter. As a minimum the following information should be provided:

- a) Habitat/feature creation measures proposed;
- b) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- c) Location (on a suitably scaled plan) of retained ecological features and the type/location of any habitat boxes/structures to be installed.

REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10 and SADM16 of the Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework

#### PRIOR TO ABOVE GROUND DEVELOPMENT

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 buildings 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.

7. No above ground development in any phase of the development shall take place until full details of the proposed crown roofs, including cross-section drawings, have been submitted to and approved in writing by the Local Planning Authority. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: The proposal contains insufficient information in regard to the detailed design of the crown roof and this is required in the interests of quality of design and visual amenity in accordance with the Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. No above ground development in any phase of the development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments;
- b) hard surfacing, other hard landscape features and materials;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) means of hard/soft landscaping to separate the new residential plots from the existing and proposed properties to preserve privacy;
- e) original levels and proposed finished levels (earthworks to be carried out)

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area, amenity of future occupiers 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 and the National Planning Policy Framework.

9. No above ground development in any phase of the development shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement must include details of how the proposed development would be designed and constructed to achieve at least a 30% reduction in carbon emissions (dwelling emission rates) when compared to Part L Building Regulations baselines, in addition to any renewable energy sources to be installed or other measures to secure the sustainability credentials of the development. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005; Policies SP1, SP10 & SADM13 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

10. In the event that contamination is found at any time when carrying out the approved development that has not previously been identified, development must be halted on that part of the site affected by the unexpected contamination and reported in writing to the Local Planning Authority. An investigation and risk assessment must be

undertaken in accordance with the requirements of part a) below and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b), which is subject to the approval in writing of the Local Planning Authority. Following the completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with parts part (b) to ensure the parts have been complied with in relation to that contamination.

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

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

(b) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>.

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

#### PRIOR TO OCCUPATION

11. No development above ground level shall take place until full details of EV charging parking facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate electric vehicle charging points in order to meet the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1 of Hertfordshire's Local Transport Plan (adopted 2018); Policies SP10, SADM3 & SADM12 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, all on site vehicular areas set aside for car parking and turning areas shall be laid out and surfaced in accordance with the approved drawings. If any additional parking spaces are proposed which deviate from the approved plans, full details of the parking arrangement must be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The details shall include a scaled plan with tracking diagrams to demonstrate the turning arrangements of the additional parking spaces. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved details shall be implemented in accordance with the approved drawings and retained permanently thereafter for that specific use.

REASON: To ensure satisfactory access into the site and the permanent availability of the parking and manoeuvring areas in the interests of highway safety in accordance with Hertfordshire County Council's Local Transport Plan 4 (2018), Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

13. Prior to the first occupation of the development hereby permitted, full details (on a suitably scaled plan) of the proposed cycle and refuse/recycling storage facilities shall be submitted and approved in writing by the Local Planning Authority. Subsequently, the approved details must be fully implemented and thereafter retained for this purpose.



REASON: To ensure the provision of adequate cycle parking and refuse/recycling storage in order to meet the needs of the residential units, in the interests of encouraging the use of sustainable modes of transport and in the interests of visual amenity in accordance with policy D1 and M6 of the District Plan 2005, Supplementary Planning Guidance Parking Standards 2004 and the National Planning Policy Framework.

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

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

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 and the National Planning Policy Framework.

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 development within Class A and B 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 residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 & SADM11 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

17. 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 fences, gates or walls shall be constructed within the site or on the site boundaries.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of highway safety in accordance with Hertfordshire County Council's Local Transport Plan 4 (2018), Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## DRAWING NUMBERS

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

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>                                   | <b>Received Date</b> |
|--------------------|------------------------|--|----------------------|
| 0013               | A                      | Proposed 41A & 41B Plans & Elevations            | 7 June 2022          |
| 0011               | B                      | Proposed Plot 41 Plans and Front/Rear Elevations | 7 June 2022          |
| 0012               | B                      | Proposed Plot 41 Side Elevations                 | 7 June 2022          |
| 0010               | C                      | Proposed Site Plans                              | 10 August 2022       |

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

### 1. POSITIVE AND PROACTIVE STATEMENT

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

#### **Informatives:**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. 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.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

5. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

6. Gravel/shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto 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. Further information is available by telephoning 0300 1234047.
7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

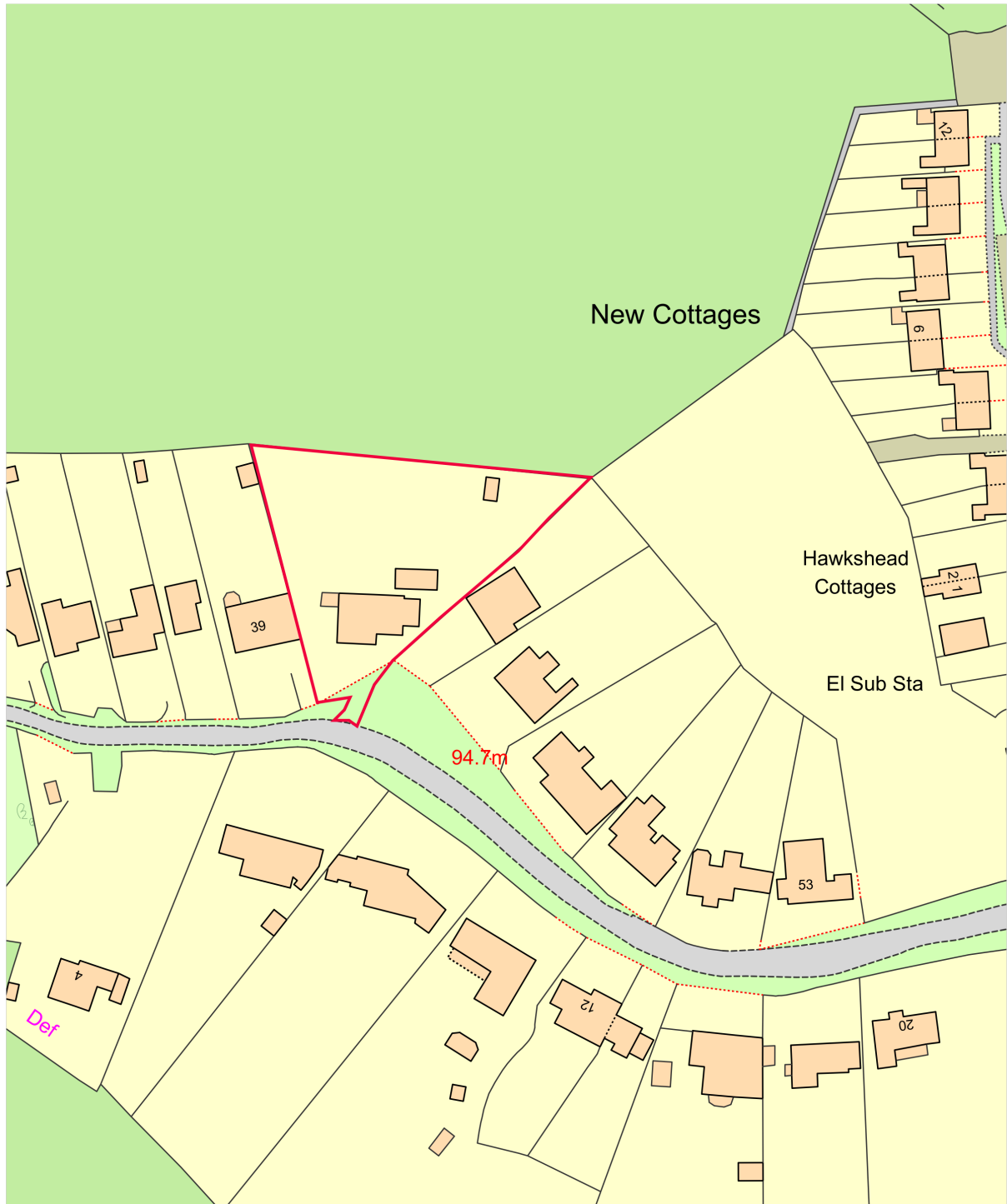
8. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right 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 County Council website at:


<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

9. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
10. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
11. Noise control
  1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays
  2. 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
  3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
  4. 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.
  5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
  6. 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.
  7. Any pile driving shall be carried out by a recognised noise reducing system.

8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. '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 subcontractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay.
12. Dust control
  1. All efforts shall be made to reduce dust generation to a minimum.
  2. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles
18. Any significant tree/shrub works, or removal 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.
19. Protected Species – It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately, and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist
20. 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.



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|---|--|----------------------------|----------------------------|
|  <p><b>WELWYN<br/>HATFIELD</b></p> <p>Council Offices, The Campus<br/>Welwyn Garden City, Herts, AL8 6AE</p> | <b>Title:</b><br>41 Hawkshead Lane North Mymms AL9 7TD |                            | <b>Scale:</b><br>DNS       |
|   |  |                            | <b>Date:</b><br>05-10-2022 |
| <b>Project:</b><br>Development Management Committee   | <b>Drawing Number:</b><br>6/2022/1308/FULL             | <b>Drawn:</b> E Engelhardt |                            |
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