

Part I

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(Welwyn East)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 08 FEBRUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1898/FULL

58 HARMER GREEN LANE DIGSWELL WELWYN AL6 0AW

ERECTION OF A REPLACEMENT DWELLING HOUSE AND ASSOCIATED LANDSCAPING,
FOLLOWING THE DEMOLITION OF THE EXISTING BUILT FORM

APPLICANT: C/O WARNER PLANNING

1. Site Description

- 1.1 The application site is located within the Digswell settlement area and is not within a Conservation Area or the Green Belt.
- 1.2 The surrounding area and streetscene are residential in character and contain a variety of dwelling types in respect of both size and appearance, which are all set within generously sized plots. The application site is located to the east side of Harmer Green Lane and is comprised of a two-storey house with a detached garage, detached outbuilding, and a large garden.
- 1.3 The house is orientated with its front elevation, and front entrance door, facing south. Land levels drop downhill when travelling from north to south along Harmer Green Lane, with the result that the main garden is located at a lower level to the main house. The site is well screened from the front and east and south sides by mature vegetation at the boundaries. To the south of the site is an area that is heavily wooded. This wooded area is an asset of The Royal Society for the Protection of Birds (RSPB) and is known as the Wildings Woodland.

2. The Proposal

- 2.1 This application seeks full planning permission for the erection of a new dwelling, following the demolition of the existing house, garage and outbuilding. The proposed dwelling would be two-storeys in height, with second floor accommodation in the roof space. The main roof would be hipped with a large crown roof at its centre with dormers to the rear. The replacement dwelling would be located further south of the existing dwelling with its orientation turned so that its front (principal) elevation would face north, with its rear elevation facing south, so that the southern section of the plot can be utilised as the rear garden area. To the east of the two-storey main building would be a single storey garage and ancillary annex accommodation with a hipped roof and front, side and rear dormers, which would provide first floor accommodation in the roofslope.
- 2.2 A supplemental energy and sustainability statement was submitted during the application process. An additional bat survey was also submitted during the course of the application, to respond to comments received from consultees.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Cragg has called the application in for the following reasons:

“I would like to call this in based on protecting the wildlife site and ensuring that protection is put in place.”

4. Relevant Planning History

- 4.1 None.

5. Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.6 Digswell Character Appraisal (March 2004)

6. Site Designation

- 6.1 The site is within the Welwyn East ward. It is situated within the existing settlement of Digswell.

7. Representations Received

- 7.1 The application was advertised by means of a press advert, neighbour notification letters and site notice. In total, 22 representations have been received, comprising 19 objections and 3 comments. All representations received are published in full on the Council’s website and are summarised below:

- Proposed new development is excessive for the site, and the scale and form of the proposal would overwhelm the existing plot.
- Design proposals for the 3 storey house are out of keeping in the area.
- Lack of sustainable design strategies.
- No regard to the significance of past residents of the building, namely the Soper family. The historical and environmental importance of the site and its surroundings has been completely disregarded in this application.
- The existing house is of historic significance.
- Loss of a wildlife site and negative impact on biodiversity
- The Trustees of The Soper Collection want a Wildings study centre set up on the site.
- Increased overlooking by additional windows and change in the orientation of the proposed house.
- Issues with access from the narrow road of Harmer Green Lane.

- The proposal would restrict access to the RSPB sanctuary.
- Lack of public consultation.
- Removal of commemorative plaque before the planning application was submitted.
- Trees and ferns chopped down before the planning application was submitted.
- Impact on an old watercourse on the site and potential for flooding.
- No provision for movement of wildlife on the site.
- Highway safety issues on the narrow, unlit road.
- Many applications for developments in the area so these sites are attractive to developers.
- Issues with parking provision - there is no roadside parking.
- Noise issue during building works.
- Arrangements need to be made to rescue what is left of the ferns.

7.1 The Royal Society for the Protection of Birds (RSPB) raise no objection to the proposal subject to conditions being applied.

8. Consultations Received

8.1 The following have responded advising that they have no objections to the proposal subject to conditions and/or informatives being applied:

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Landscapes and Ecology
- WHBC Client Services
- Herts and Middlesex Wildlife Trust
- Hertfordshire Ecology

9. Town/Parish Council Representations

9.1 Welwyn Parish Council have commented on the proposed development as follows:

“We ask that Herts & Middlesex Wildlife Trust and Herts Badger Trust are consulted on this application as the plot is adjacent to a Wildlife reserve, we would also ask for a condition that all measures are taken to protect the existing wildlife.”

10. Analysis

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

- 1. Heritage**
- 2. Principle of the development and the quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Sustainable design and construction**
 - iv) Landscaping**
 - v) Refuse and recycling**

vi) Other matters

1. Heritage

- 10.2 Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:

‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

the desirability of new development making a positive contribution to local character and distinctiveness’.

- 10.3 Paragraph 205 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).
- 10.4 Paragraph 209 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 10.5 Policy SADM15 of the Local Plan is consistent with the NPPF. Paragraph 12.35 of the Local Plan notes that there are many and diverse heritage assets of varying importance which are not only limited to designated assets, but also other non-designated heritage assets, features and landscapes with historical significance.
- 10.6 Many of the 22 objections to the proposal mention that no regard has been given to the significance of past residents of the building, namely the Soper family, as part of the submission.
- 10.7 The application site is not statutorily protected as a Listed Building, nor is the site in a Conservation Area. On the 18th of September 2023, whilst this application for planning permission was being considered, the LPA received notice from Historic England that an application had been made to them to add the application building known as Wildings, 58 Harmer Green Lane, Digswell, Welwyn to the List of Buildings of Special Architectural or Historic Interest. The applicant agreed an extension of time to the planning application to allow the assessment to be made to assess the application for listing.
- 10.8 In November 2023, the LPA received communication from Historic England that they had taken into account all the representations made and completed their assessment of the building. Having considered their recommendation, the Secretary of State for Culture, Media and Sport decided not to add Wildings, 58 Harmer Green Lane to the List of Buildings of Special Architectural or Historic Interest. The report of Historic England is published in full on the Council’s website, but in summary the report found as follows:

Wildings, or 58 Harmer Green Lane, built in 1908 for artist George Soper, is not recommended for listing for the following principal reasons:

Lack of architectural interest:

-the modest plan form and architectural detailing are typical of a suburban house of the period;

-all the leaded casement windows were replaced with uPVC around 1991, considerably affecting the limited architectural quality of the building.

Lack of historic interest:

-while George, Eva and Eileen Soper are collectively considered to be artists of national importance, their former family home does not retain any physical evidence of their artistic activity there.

- 10.9 It was also concluded that “Historic England does not dispute the collective national importance of the Soper family and their contributions to British visual culture in the C20. However, Wildings does not retain sufficient physical evidence of their artistic activity to merit listing in a national context. The building lacks special architectural and historic interest and does not meet the strict criteria for listing in a national context; it should therefore not be included on the National Heritage List for England”.
- 10.10 The Planning Practice Guidance (PPG) notes that there are a number of processes through which non-designated heritage assets may be identified. In some cases, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications (Paragraph: 040 Reference ID: 18a-040-20190723). Whilst the building is not considered of such importance to be Statutorily Listed, it nevertheless has some local significance as a non-designated Heritage Asset due to its historic connection with the Soper family. As such, the provisions of Paragraph 209 of the NPPF apply, as set out above, and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.11 Several comments which have been submitted refer to a plaque/sign being removed from the exterior of the building. It is also noted that the majority of the historic internal fixtures have been removed, including features such as internal doors/door frames and mantels, grates and surrounds/hearths to the fireplaces. The building is not listed; therefore these alterations did not require planning permission or any other form of consent.
- 10.12 As noted in the comments from Historic England, the plan form and architectural detailing of Wildings is unremarkable and there have been several alterations to the existing site and the dwelling which compromise its architectural significance, such as the replacement of the original windows with uPVC in the 1990’s. Historic England’s comments additionally confirm that although the contributions of the Soper family to British visual culture are not disputed, Wildings does not retain much in the way of physical evidence of their artistic activity.
- 10.13 It is therefore considered that, whilst the local historic connection with the Soper family is accepted, there are few physical features remaining on site which merit substantial architectural or historic value. The design considerations of the redevelopment of the site are considered in further detail below.

2. Principle of the development and the quality of design and impact on the character of the area.

- 10.14 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short

term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 10.15 Also of relevance, and consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). The Digswell Character Appraisal (March 2004) is also relevant.
- 10.16 Local Plan Policies SP9 and SADM11 require all proposals to deliver high-quality design that relates to their surroundings and local distinctiveness, with the creation of a good standard of amenity. 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. Extracts from local character assessments should also be used to inform all development proposals.
- 10.17 The site is situated within the existing settlement of Digswell, which is categorised in Policy SP3 under the heading of small, excluded villages and settlements. These areas have a more limited range of employment opportunities and services than the large, excluded villages and accessibility to the main road network is good. In these settlements, there is a secondary focus for a limited amount of new development where this is compatible with the scale and character of the village, and the maintenance of Green Belt boundaries.
- 10.18 Policy SADM1 of the Local Plan deals with windfall development. As the proposal is for a replacement dwelling on an established residential plot, it is acceptable in line with the requirements of Policy SADM1.
- 10.19 The Digswell Character Appraisal (DCA) was commissioned by the Council in 2004. Whilst it remains a source of information about locally distinctive character and context, it is important to note that the document is almost 20 years old, and the character of the area has evolved somewhat since then.
- 10.20 The DCA states that Digswell's sloping site and enclosed nature form the basis of its character. It is the dominance of the wooded landscape, the topographical setting and its sense of containment or separateness which give Digswell its attraction.
- 10.21 The character of Harmer Green Lane in sub-area 'B' of the DCA notes that this winding, narrow semi sunken lane descends towards the station from the plateau of Harmer Green. The overhanging trees form a near continuous canopy. The compact, enclosed nature of the lane should not be compromised if limited development is considered. The essential characteristics of sub-areas B and C are variations on the theme of very low-density development exemplified by large plots, detached houses set in the centre of plots, houses being set well back from the front boundaries and soft front boundaries veiling any views of the houses.
- 10.22 The existing dwelling is not highlighted in the Digswell Character Appraisal as a building of local architectural interest.
- 10.23 The proposal would replace an existing dwelling. Historic England have described the existing dwelling (in their decision on the Listing) as having architectural detailing that is "unremarkable, and the design is typical of suburban construction of the period. Wildings has

undergone significant alteration since it was first built in 1908 and extended around 1925 with a first-floor artists' studio. Both the ground- and first-floor studios have been altered and do not retain any fixtures associated with their former artistic use, such as in-built cupboards, workbenches, shelves, or sinks. The pottery kiln, potter's wheel, etching press, tables and furniture that once occupied these studios are considered to be 'fittings' and were removed decades ago. The former leaded casement windows throughout the house were replaced by uPVC casements around 1991". On this basis, given the limited architectural quality of the existing building, it is considered that there is limited benefit in being too prescriptive with the design of a replacement dwelling on this site.

10.24 The dwellings along Harmer Green Lane are predominantly large single dwelling houses with individual character and are generally sited within generous plots in an informal manner. The proposed design of the dwelling would be reflective of a Neo Georgian type of architecture. Its design favours formality and symmetry and is generally, visually pleasing. There are notable examples of large dwellings in the area, some which have Neo-Georgian features, namely at 47 (opposite the site), 51a and 51b, 74, and 106 Harmer Green Lane, 1 Harmer Dell and at 54 and 61 New Road, and Lynden House (New Road). These dwellings in the immediate vicinity suggest that the design of the proposal is not out of character within its surrounding context.

10.25 This is supported by several appeal decisions in Digswell which have been allowed in the years following the introduction of the DCA. An appeal at 51 Harmer Green Lane, also in sub-area 'B' of the DCA, for the erection of two new dwellings (APP/C1950/a/10/2130601) states that:

"I accept that the two new houses would be substantial buildings. But elsewhere in Harmer Green Lane I saw several other houses of broadly similar height and massing, and whilst I agree that the area has a mixture of house sizes and designs, it seems to me that large dwellings are very much a part of the area's established character".

"Although the Character Appraisal was approved as supplementary guidance in January 2004, it does not have the status of a supplementary planning document prepared under the current regulations, and it therefore does not form part of the Local Development Framework. Furthermore, the Appraisal pre-dates the adoption of the current Local Plan. Whilst that Plan seeks to protect the character of the specified settlements through Policy GBSP2, there appears to be nothing in development plan policy to suggest that different policies should apply in Digswell from the other specified settlements. I therefore give little weight to the village Character Appraisal in the present appeal."

10.26 A new Local Plan has been adopted since the above appeal and therefore different policies apply to those referenced in the above statement. However, it is considered that the same principle applies, and therefore a balanced judgement is required which takes into consideration local and national policies, as well as the guidance in the DCA.

10.27 The proposal would see the existing dwelling, garage and outbuilding being demolished and replaced with a two-storey dwelling, with second floor accommodation in the roof space and dormers to the rear. To the north-eastern part of the building, an attached double garage is proposed, with an ancillary annex above at first floor level. The proposed dwelling would occupy a greater amount of the plot compared to the existing dwelling. The existing built form occupies a footprint of approximately 150sqm whilst the proposed dwelling would occupy a footprint of approximately 300sqm. The main house would utilise the existing built-up area of the site with the large garden and generous separation distance to the plot's boundaries being maintained.

- 10.28 The proposed building has been designed to have the appearance of a large residential dwelling with a single central entrance. A street elevation has been submitted with the application which demonstrates that the dwelling would not be taller than the adjacent property at number 60 Harmer Green Lane. The proposed ridge height is considered to sit comfortably within its plot with sufficient spacing between the adjacent properties (No. 60 and No. 56) and would be in keeping with the undulating ground levels along Harmer Green Lane. Furthermore, the dense vegetation on the site's front boundary, which is to be retained, and the set back position of the dwelling, would sufficiently screen the development in a manner not dissimilar to many of the neighbouring and surrounding dwellings. These factors suggest that the scale of the development is acceptable on this plot.
- 10.29 The proposed development would utilise the existing access and retain a sizeable driveway, as well as an integral garage, which is not an uncharacteristic feature in the area where attached and detached garages and large driveways are notable.
- 10.30 The proposed dwelling would feature a hipped roof with a flat crown. Crown roofs are seen within the surrounding area and therefore represent an acceptable form of development. Nevertheless, it is acknowledged that some crown roofs are not attractively designed, particularly where the flat roof is clearly apparent, which can detract from the appearance of the host dwelling and the area. In this instance, the success of the proposed crown roof will rely on the quality of the detailed design. For this reason, a condition is suggested requiring further crown roof details to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.
- 10.31 There has been much redevelopment in the immediate area, where smaller dwellings have been extended or replaced by larger dwellings and the current proposal is considered to be of a similar scale to a number of these developments. In terms of the elevational treatment, the proposed dwelling would feature a central projecting gable containing the entrance at ground floor level and windows above. These features would assist in breaking up the visual mass of the building whilst also adding interest to the design.
- 10.32 The roof space of the proposed dwelling would be habitable and such development is not uncommon within the area. The second floor would be facilitated by two rear-facing dormers. The scale of the dormers would appear subservient within their respective roof slope and positioned below the ridge height of the dwelling.
- 10.33 The submitted plans show that the existing access is to be retained but new gates and piers are proposed at the front entrance. No specific details are provided of this. The Digswell Character Appraisal states that in sub-area 'B', applications proposing hard boundaries such as brick walls, fences or railings will be resisted. However, it is recognised that there are several examples of low boundary treatments within the immediate area, such as wooden gates and fences. In addition, boundary treatments which do not exceed 1m in height do not require planning permission, as these can be erected by utilising national permitted development rights. These factors suggest that boundary treatments of a limited height and appropriate finish may be appropriate. Further details in respect of boundary treatments can therefore be controlled by condition, to ensure their suitability within the wider context.
- 10.34 An outdoor swimming pool is proposed at the rear of the site, where the land levels naturally decline. Limited details have been provided to demonstrate how the pool would integrate with its surroundings, however there is no mention within the submission of any significant

engineering operations which would be required to facilitate such a pool. Additional information regarding site levels can be secured by condition.

- 10.35 Paragraph 56 of the NPPF states “planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.” The Planning Practice Guidance (PPG) advises that “Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”.
- 10.36 In this case, types of further development and extensions built within permitted development have the potential to have a harmful impact upon the surrounding area and on the residential amenity of neighbouring occupiers, with particular regard to a loss of light and loss of privacy.
- 10.37 Therefore, to protect the character of the wider area and the amenity of neighbouring occupiers, as well as the biodiversity of Wildings to the rear and the biodiversity on site, it is recommended that certain permitted development rights are removed. This includes Classes A, B, C, E and F of Part 1 Schedule 2 and Class A of Part 2 Schedule 2 of the General Permitted Development Order (2015) or as amended enabling the Local Planning Authority to fully consider the effects of development normally permitted by the General Permitted Development Order (2015) or as amended.
- 10.38 A condition requiring the submission of materials samples is recommended, to ensure the overall finish of the dwelling is appropriate.
- 10.39 In summary, the scale and positioning of the proposed dwelling would not represent overdevelopment of the application site and would not appear unduly prominent within the street scene. The variety present in the area allows for a degree of flexibility in terms of style, design and finish. In this context, the proposed development would not harm the characteristic variety in a manner that would be discordant. Subject to the suggested conditions, the development is therefore considered to be in accordance with Local and National Policies.

3. Residential amenity

- 10.40 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.41 Policy SADM11 of the Local Plan is similar in these aims, noting that all proposals will be required to create and protect a good standard of amenity for buildings and external open space in line with the Council's Supplementary Design Guidance. Policy SADM18 deals with matters of environmental pollution, such as noise and vibration.
- 10.42 The occupiers of the nearest adjacent property to the site, at number 60 Harmer Green Lane, object to increased overlooking due to the additional windows and change in the orientation of the proposed house.
- 10.43 The existing house is two storey and is orientated with its rear elevation facing towards number 60 and its front elevation facing south towards number 56 Harmer Green Lane. The edge of the rear of the existing building is approximately 8m from the boundary with number 60 and the front elevation of the existing building is over 30m from its most southern

boundary. Beyond this southern boundary, is woodland with the residential boundary of number 56 being over 50m away from the existing building.

- 10.44 The new dwelling would be located approximately 5m further south than the existing building, with the front elevation of the main house being approximately 6.5m away from the boundary with number 60. In this respect, given these separation distances, there would be limited impact on the light levels received by the occupiers of numbers 60 and 56 Harmer Green Lane.
- 10.45 In terms of privacy, the existing dwelling has two large windows at first floor level that look across towards number 60. They are openable and clear glazed. It is understood that they serve bedrooms. The proposal would include the main entrance being located at the north side and 7 new windows would be installed to serve habitable rooms and bathrooms. The 5 sets of windows in the main part of the house would be set back further from the location of the windows in the existing house (by approximately 5m when compared with existing). In this case, the amount of overlooking towards number 60 would not be materially more harmful than the existing situation as views can already be obtained towards this dwelling. The window on the first floor of the single storey limb that would serve an en-suite would be positioned to be closer to number 60, therefore this has the potential to cause overlooking. It would be approximately 6.8m to the boundary of number 60 and could overlook parts of the rear of the house and the garden, where views cannot currently be obtained above ground floor level. For this reason it is recommended that this window should be condition to be obscured glazed and non-opening to protect the privacy of neighbouring occupiers. Views from proposed windows at the rear of the proposed dwelling would predominantly be to the rear garden of the application site. Whilst there is potential for overlooking to parts of the rear gardens of other neighbouring properties, the degree of overlooking would be consistent with a neighbouring relationship generally expected between residential properties in such an area. The proposal also includes a planting screen along the boundary with number 60. This will further limit any perceived overlooking.
- 10.46 The scale of the development and its positioning within the application site would not result in the proposed dwelling appearing unduly dominant or overbearing towards the occupiers of number 60 or 56 Harmer Green Lane, nor any other nearby occupier.
- 10.47 The proposal suggests there may be Air Source Heat Pumps included to enhance the sustainability credentials of the site. However, no information regarding noise has been provided. This can be secured by condition.
- 10.48 The size, scale, siting, and design of the proposed development would therefore have a minimal impact on the residential amenity of the surrounding neighbouring properties compared to the existing situation, in accordance with Policies SP9 and SADM11 of the Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.

4. Highways and parking considerations

- 10.49 Policy SADM12 of the Local Plan states the type and quantum of vehicle and cycle parking within development proposes will be informed by the standards set out in the Council's parking standards. The Council's Interim Policy for Car Parking Standards states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the Supplementary Parking Guidance should be taken as guidance only. Policy SADM2 is also relevant which relates to highway safety, and Policy SP4, which has an emphasis on sustainable modes of travel and improving highway safety for all highway users.

- 10.50 The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three on-site car parking spaces per dwelling.
- 10.51 The submitted site plan shows a double garage and a hardstanding to the front of the main dwelling which would be sufficient in size to accommodate at least three on-site car parking spaces.
- 10.52 Harmer Green Lane is a narrow road. Objections have been received from neighbouring occupiers in respect of highway safety and risk to users of the road network.
- 10.53 The Highway Authority have commented on the proposal. They state that Harmer Green Lane is maintainable by the Highway Authority and is unclassified and provides a local access function in the road hierarchy. The vehicle speeds past this site are limited to 30 mph. There have been no recorded accidents near the site in a rolling 5-year period. They raise no objection to the proposal given that the site is already in use for a domestic dwelling and would involve no net increase in the number of dwellings. However, they consider that it is important that a Construction Management Plan is provided that adequately considers the nature of the site in respect of the existing access, width, and visibility of Harmer Green Lane. This can be secured by condition.
- 10.54 The Highway Authority also note that no new access is proposed because the site will utilise the existing access, however the proposed new gates and piers have not been sufficiently detailed to show that access would be acceptable. In addition, the existing access appears to have limited visibility. No plans have been provided demonstrating the visibility splays. Further details are therefore required by condition in respect of these points.
- 10.55 Sufficient on-site car parking would be provided, and subject to the suggested conditions relating to access and construction traffic, the development would be in accordance with Local Plan Policy SADM2 and SADM12; the Supplementary Parking Guidance and the National Planning Policy Framework.

5. Other considerations

i) Ecology and biodiversity

- 10.56 Paragraph 180 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. Paragraph 186 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that "opportunities to incorporate biodiversity improvements in and around developments should be integrated as part of their design".
- 10.57 The Environment Act 2021 gives greater emphasises to measurable Biodiversity Net Gain (BNG) and advocates using the current version of the Biodiversity Metric.
- 10.58 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity.
- 10.59 Policy SADM16 additionally says that all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%. The Biodiversity Net Gain (BNG) policy requirement will apply to Small Sites from April 2024. This is consistent

with national guidance, which has now confirmed that the mandatory requirement will come into place on 2 April 2024 for development that is non-major development. For residential development, this means where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares. For the above reasons, this site does not require a 10% BNG to be demonstrated.

- 10.60 The application is supported by an ecological report that outlines mitigation measures. The submitted Preliminary Ecological Appraisal (PEA) identifies that the proposed development site supports a range of features of relatively modest ecological importance and that there are no ecological constraints to the application being determined. This is subject to several avoidance and enhancement measures, such as a Construction and Environmental Management Plan (CEMP), timing restrictions for bats and breeding birds, and enhancement measures.
- 10.61 Hertfordshire Ecology have been consulted. They originally objected to the proposal for its failure to demonstrate 10% BNG. However, in light of the fact that this site is not currently required to demonstrate this until April 2024, they have altered their comments.
- 10.62 They consider that, given the site's characteristics and the type/scale of the development, a condition should require a Landscape and Ecological Management Plan to be submitted which incorporates the suggestions in Section 9 of the PEA where appropriate, to ensure the ecological attributes of the site can be maintained, enhanced and managed. A condition is suggested in this regard which would be commensurate with the size of the development.
- 10.63 Bats are a protected species. The NPPF sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against. The submitted report notes that the garage building (B3), outbuilding (B2) and main building (B1) on site were inspected and assessed for the potential to support roosting bats. Hertfordshire Ecology have assessed the submitted reports. They have concluded that due to the close proximity between the buildings, and the apparent characteristics of B3 which could be exploited by bats, any work should be carried out under a Precautionary Working Method Statement (PWMS) supervised by an appropriately qualified and licensed ecologist. A condition is suggested in this regard.
- 10.64 The Preliminary Ecological Appraisal (PEA) also suggest that there is potential for reptiles on the site and that there are a number of species on site. Therefore, a condition has been added for the works to be carried out in accordance with the recommendations of the PEA and a condition is also suggested to ensure that no demolition/development shall take commence until a Precautionary Working Method Statement (PWMS) as outlined in the submitted Ecology report (section 4.14-4.8) is submitted for assessment in order to protect bats.
- 10.65 The wooded area to the south known as the Wildings woodland is an asset of the RSPB. They have been consulted and their comments state that the land has known badger setts within it. They have recommended a condition to have mammal boundary corridors to ensure that such animals can move around the area. This could be required by condition requiring the installation of appropriate boundary treatments as a means of securing the long-term availability of the application site for badgers and other small animal users.
- 10.66 As such, subject to the recommended conditions, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.

ii) Flood risk and sustainable drainage

- 10.67 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. Policy SADM14 of the Local Plan is similar in these aims.
- 10.68 This site is located within Flood Zone 1 i.e. a low probability of flooding. The submitted Energy Statement gives a brief mention of flooding and states that the scheme minimises non-permeable surfaces on-site. The planning statement additionally suggests that the site will action a sustainable drainage system to mitigate flood risk. Given the limited information in this respect, the proposal should be subjected to further details on the drainage strategy within the recommended conditions. On this basis, there are no concerns raised and the proposed development would be in accordance with Policy SADM14 of the Local Plan and the NPPF.

iii) Sustainable design and construction

- 10.69 The NPPF is clear that sustainable development is integral in determining planning applications. Policy SP10 of the Local Plan requires proposals to adopt sustainable design and construction principles through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.
- 10.70 In terms of energy and climate change, this includes the layout and design of the site and building to reflect the energy hierarchy to maximise opportunities to reduce carbon emissions; the use of renewable and low carbon energy infrastructure is used; and proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.
- 10.71 Further to this, Policy SADM13 of the Local Plan requires all newly constructed dwellings to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply. It is also recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources.
- 10.72 Some information has been provided in an energy statement submitted with the application. It sets out that solar panels and air source heat pumps will be incorporated to provide space heating and domestic hot water, and that water consumption will be reduced by recycling water. The scheme proposes other specific measures to mitigate against overheating, such as the type of glazing to be used. The report states that the overall energy strategy capitalises on passive design measures to maximise the fabric energy efficiency and minimise energy demand. It concludes that the site provides a regulated CO2 reduction of 59% against the Part L (2021) Building Regulations notional building.
- 10.73 EV charging points would be incorporated on site, as well as bicycle storage within the double garage. Further details of EV charging points can be secured by condition.
- 10.74 The energy statement confirms that the water consumption criteria for the development will aim to be in line with the 110 l/p/day in compliance with the Local Plan. It is noted that there is a proposed outdoor swimming pool proposed that may have a higher water usage. The submitted information is not sufficient to demonstrate full compliance with above policies. However, due to the modest scale of the development proposed, it is considered appropriate

to impose a condition requiring an updated energy statement to be submitted to and approved in writing by the Local Planning Authority. The statement must set out how the development will maximise energy conservation, incorporate measures to generate renewable energy and measures for long term water efficiency, to comply with the relevant policies.

iv) Landscaping

- 10.75 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.
- 10.76 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of a development.
- 10.77 The NPPF sets out at Paragraph 135(c) that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
- 10.78 Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 10.79 Currently, there is good vegetation within the site. It is important to note that several comments refer to the loss of landscaping on site, such as the removal of shrubs and rare ferns. However, this vegetation was not protected via the use of a Tree Preservation Area (TPO) or a Conservation Area at the time of its removal, and as such no consent was required to remove it.
- 10.80 An Arboricultural Impact Assessment has been provided with the application. The Council's Landscapes Team have reviewed this and raise no objections to the proposals. The tree protection measures are considered sufficient and appropriate to protect the retained trees, which can be secured by condition.
- 10.81 Limited information has been provided in regard to the proposed trees or hedges to be planted. A detailed landscape plan would be required to be secured by condition, which details topographical levels including section plans for the proposed infinity pool, hard and soft landscaping, any outbuildings, and boundary treatments. Ecological enhancements can also be incorporated into this scheme. The detail within the plan and the other recommended conditions will ensure the development maintains, protects and, wherever possible, enhances biodiversity.

v) Refuse and recycling

- 10.82 The proliferation of bins can create a considerable amount of clutter which in turn has a harmful impact upon the visual amenity of the street scene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF.
- 10.83 The Council's Client Services team have commented that the development would not have an additional impact on the existing refuse and recycling services.
- 10.84 The submitted drawings do not identify an area for bin storage to the front of the application site. Details of the bin storage can therefore be secured by condition.

vi) Other matters

- 10.85 Letters of objection have raised noise and construction as an issue. The Council's Public Health and Protection have requested that hours of noisy works be included as a condition. It is considered that construction noise would fall under Public Health and Protection legislation and therefore this is advised to be an informative.

6. Conclusion

- 10.86 Subject to the suggested conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of adjoining occupiers. The proposal has been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval, subject to the recommended conditions and informatives.

11. Recommendation

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

PRIOR TO COMMENCEMENT

Protected Species – Bats

1. No demolition/development shall take place/commence until a Precautionary Working Method Statement (PWMS) as outlined in the submitted Ecology report (section 4.14-4.8) has been submitted to and approved by the Local Planning Authority in writing. The Method Statement should assess the close proximity between the two buildings, and the apparent characteristics of B3 which could be exploited by bats. The works must be supervised by an appropriately qualified and licensed ecologist. The works shall be carried out strictly in accordance with the approved details.

REASON: To safeguard the biodiversity of the site in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Construction Management Plan

2. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The report should include elements of the Construction, Logistics and Community Safety (CLOC) standards as set out in the Highway Authority's Construction

Management template. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements;
- d. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Provision of sufficient on-site parking prior to commencement of construction /demolition activities; and
- h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: In the interests of highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of The Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Construction Environment Management Plan (CEMP)

3. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall detail measures to control dust deposition, pollution/spillage, noise, vibration and lighting pollution during construction, to avoid potential indirect impacts on adjacent trees and associated habitats.

Thereafter, the construction of the development shall only be carried out in accordance with the approved plan.

REASON: To protect protected species from construction in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Landscape and Ecological Management Plan (LEMP)

4. No development shall take place until a Landscape and Ecological Management Plan (including but not limited to the recommendations in the submitted Preliminary Ecological Report) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan (LEMP) shall ensure the ecological and habitat enhancements are achieved and sustained as part of the development. Thereafter the construction of the development shall only be carried out in accordance with the approved LEMP.

REASON: To ensure that ecological and habitat attributes will be maintained, enhanced and managed on site in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

Samples of Materials to be Submitted and Agreed

5. No development above ground level in any phase of the development shall take place until full details of the external materials to be used in the construction of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The details must include the colours, types and manufacturers of all external materials, including windows and doors. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual appearance of the development, in accordance with Policy SP9 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Energy Statement

6. Notwithstanding the submitted details, no above ground development in any phase of the development shall take place until a revised energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the proposed development would be designed and constructed to achieve a reduction in carbon emissions (dwelling emission rates), in addition to any renewable energy sources to be installed, water conservation measures or other measures to secure the sustainability credentials of the development.

The new dwelling will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply.

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 SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Ecological Enhancements

7. Prior to any above ground level development beginning, full details of the design, model and location of any ecological enhancements, such as boundary treatments which allow for the transmission of mammals, bat boxes and bird boxes, and have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be fully installed prior to the first occupation of the development hereby permitted and retained in that form thereafter.

REASON: To enhance the biodiversity of the site in accordance with Policy SADM16 of the Local Plan and the National Planning Policy Framework.

Plant and Machinery

8. Prior to any above ground level development beginning, scaled plans and information on the manufacturing details of any external plant and equipment, including the approved Air Source Heat Pumps and any swimming pool plant and machinery, shall be submitted to and approved in writing by the Local Authority. The details shall also include predicted levels of noise. The noise levels of the external plant and equipment must not exceed 42dBA 1m from

the façade of the nearest residential neighbour and must be achieved with the plant equipment running at a typical maximum load setting. The impact of any new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019.

The development shall be built in accordance with the approved details and shall adhere to the specified noise levels at all times. Should the extraction systems fail to comply with the limitations of any such noise levels, the plant and machinery must be switched off and not used again until it is able to comply.

REASON: To ensure that all nearby residential units are protected from noise nuisance and that any Air Source Heat Pumps promote energy sustainability in accordance with Policy SP10, SADM11, SADM13 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

Electric Vehicle (EV) Charging Points

9. Prior to any above ground level development beginning, details identifying the location and appearance of the electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric car charging points shall be installed as approved prior to the first occupation of the development hereby permitted and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policies SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Solar Panels

10. Prior to any above ground level development beginning, details identifying the location and appearance of any solar panels shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed as approved prior to the first occupation of the development hereby permitted and thereafter retained as part of the development.

REASON: In the interest of the appearance of the development, in accordance with Policy SP9 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Crown Roof Details

11. No above ground development shall take place until full details of the proposed crown roof, 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 Policy SP9 of the Welwyn Hatfield Borough Council Local Plan, the SDG and the National Planning Policy Framework.

Refuse and Recycling Storage

12. No development above ground level shall take place until plans and elevations of any refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the refuse and recycling storage shall be constructed, equipped and made available for use prior to the first occupation of the development and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policy the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Landscaping

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

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels [earthworks to be carried out];
- (b) means of enclosure and boundary treatments (including management and maintenance details) to include levels and sectional details of the proposed infinity swimming pool and terrace;
- (c) planting plans including any new trees and hedgerow, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (d) water butts;
- (e) ecological enhancements to enhance the biodiversity of the site; and
- (f) SUDS planters and other methods of improving drainage on site.

Thereafter the development shall accord with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION

Access Gates

14. Prior to the first occupation of the development hereby permitted, detailed drawings of the access gates/piers to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. Any access gate(s), bollard, chain or other means of obstruction shall be installed to open inwards, set back, at a minimum distance of 6 metres from the edge of the highway. The development shall be implemented using the approved details and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and to enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SP9 and SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Highways Visibility Splay (Vehicles)

15. Prior to the first occupation of the development hereby permitted, a visibility splay measuring 43 x 43 metres shall be provided to each side of the access where it meets the highway, and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Highways Unbound Material/Surface Dressing

16. Prior to the first occupation of the dwelling hereby permitted, the driveway hereby approved shall be constructed of a bound material measured 5 meters from the back edge of the carriageway into the site to reduce the risk of loose surface dressings entering the highway.

REASON: In the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER COMPLIANCE CONDITIONS

Landscaping Implementation

17. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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 Policy SP9, SADM15 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Permitted Development Rights

18. 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, B, C, E, and F of Part 1 Schedule 2) and Class A of Part 2 Schedule 2 of the General Permitted Development Order (2015) 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, and the biodiversity of the site, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

External lighting

19. Prior to the installation of any external lighting, a scheme of external lighting installations (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Thereafter, the development shall accord with the approved details.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development and to protect biodiversity, in accordance with Policy SADM11, SADM16 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Fixed and Obscured Glazing

20. The first-floor window of the annex serving the ensuite hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above 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. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy SADM11 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Arboricultural Report

21. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Report by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited dated August 2023.

REASON: In the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with Policies SADM16 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Ecological Appraisal and Preliminary Roost Assessment

22. The development hereby approved shall be carried out in accordance with the mitigation measures in the submitted Ecological Appraisal and Preliminary Roost Assessment by aLyne Ecology Ltd dated 25/7/2023 Version 001. In particular, sections 7.1 and 7.2, 7.3, 7.5 and 7.8 must be implemented and retained permanently thereafter within the constraints of any relevant EPS licence.

REASON: To ensure the development will have an acceptable impact on the ecology of the site in accordance with the Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Informatives:

- 1. Other consent may be required**

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

2. Pre-commencement conditions

The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <https://www.planningportal.co.uk/applications>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken.

3. Badgers Act 1992

Badgers and their setts are protected under the Protection of Badgers Act 1992. In the event of any harmful impact from the development upon badgers and their setts a licence may be required from Natural England to proceed lawfully. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

4. Bats and bat roosts

Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

5. Bat Licence

A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

6. Road deposits

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/highways-roads-and-pavements.aspx>

7. Parking and storage of materials

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought

from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

8. Obstruction of highway land

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. Noise control

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

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

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

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.

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.

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.

Any pile driving shall be carried out by a recognised noise reducing system.

Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

Any emergency deviation from these conditions shall be notified to the Council without delay.

10. Dust control

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

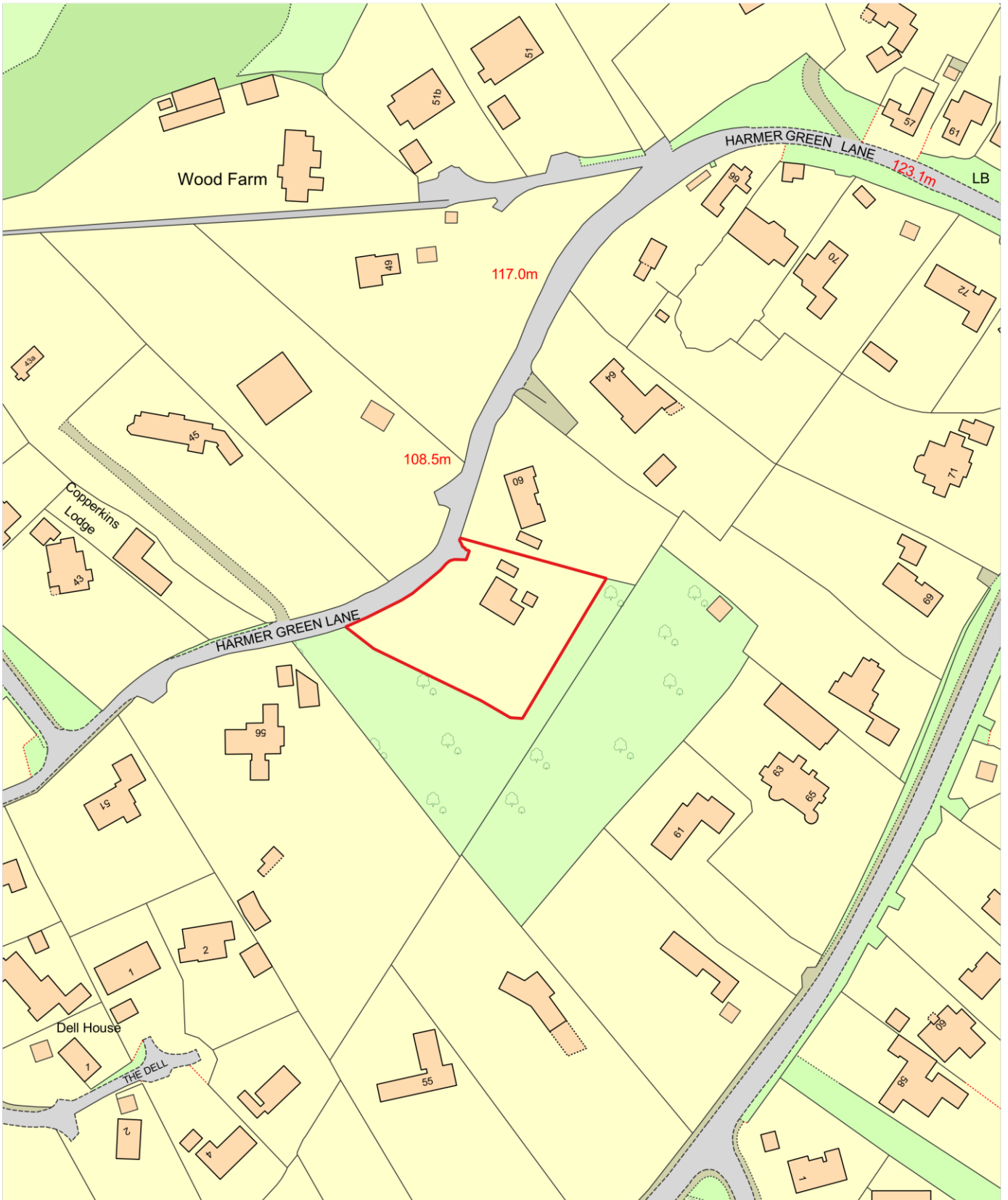
Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.


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

11. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of

vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest

Sarah Madyausiku (Development Management)
Date: 22 December 2023



 Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: 58 Harmer Green Lane Digswell Welwyn AL6 0AW		Scale: 1:5000
	Project: Development Management Committee		Date: 26-01-2024
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