

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 13 OCTOBER 2016
REPORT OF THE EXECUTIVE DIRECTOR

6/2016/0669/FULL

LAND ADJACENT TO 26 STARLING LANE, CUFFLEY, POTTERS BAR, EN6 4JX
ERECTION OF 1 DWELLINGHOUSE

APPLICANT: Mr C Holmes

(Northaw and Cuffley)

1 Background

- 1.1 This application was presented to the Development Management Committee (DMC) for a decision on 15 September 2016. However, Members resolved that a decision on the application should be deferred until the October DMC meeting in order that Members could visit the site.
- 1.2 Since the original report was written, further representations have been received, the report has been updated in sections 8.2, 8.3 and 9.3 to take account of these. The remaining report remains as presented in September.

2 Site Description

- 2.1 The application site comprises the far end of the rear garden of No 66 Tolmers Road. The garden faces east but folds around the ends of the gardens to No's 68 and 70 Tolmers Road to the north. The plot measures 10-17m wide by 40m long. It is bound on the north by the side garden of No 26 Starling Lane, to the west by the rear gardens of No's 66, 68 and 70 Tolmers Road and to the south by the garden of No 5 Oak Lane. Each of these boundaries is marked by a fence and these vary in style but are 2m high: close boarded fence to the north and fences with planting to the west. The east boundary is formed by a 2m high brick wall. Beyond the wall is Starling Way. On the far side of Starling Way are the gardens of No 6 Oak Lane and 33 Starling Lane.
- 2.2 Starling Way is a surfaced path/access route, approximately 105m long, which links Oak Lane and Starling Way. It is approximately 3.5m wide and hard surfaced. This Way is maintained and, since 1967, has been adopted by Hertfordshire County Council as a highway. This route has no designated status and consequently there are no prohibitions on vehicles using the surface. However, vehicle access along the full length of the path is prohibited by concrete bollards in two positions. One set is approximately 27m south of the end of Starling Lane and 4m south of the northeast corner of the application site. The other set is close to the Oak Lane end of the path. These bollards prevent vehicles from running along the full length of the Way but allow access to service the street lamp on the west side of the Way.

3 The Proposal

- 3.1 Full planning permission is sought for the construction of a two-bedroom chalet with one bedroom in the roof. The proposal has been amended from a three bedroom chalet. The chalet would be rectangular in shape and measure 12m wide (north/south) by 7.3m deep. It would be finished in brick with a 6.7m high, ridged, tiled roof. The roof space would contain one bedroom and two bathrooms. There would be one west-facing, rear dormer over the staircase with obscured fixed glazing below 1.7m above internal floor level. The main bedroom window would face south over the proposed new garden, 19m from the boundary with the rear garden of 5 Oak Lane. There would be no windows in the north elevation, two roof-lights in the east elevation and one roof-light in the west roof plane.
- 3.2 The vehicle access would be from Starling Way. The proposed site layout shows a linked garage 5.2m wide and 5.5m deep. This would be built of materials to match the chalet and have a crown roof, 4.5m high with pitched edges. The site would include turning areas.
- 3.3 The house would have a private rear garden to the south, measuring 19m deep and 12m wide.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because an objection has been received from Northaw and Cuffley Parish Council.

5 Relevant Planning History

- 5.1 6/2016/0667/FULL – Adj 66 Tolmers Road - Erection of 1no. dwellinghouse. Under consideration.
- 5.2 S/2015/S027/PA – 66 Tolmers Road - erection of two detached houses; one to the side and one to the rear. Response 9.2.2016 raising the following concerns:
- impacts on 26 Starling Lane in terms of light and overbearing impact
 - the building should be one storey/chalet style
 - care must be taken to avoid overlooking and loss of privacy and
 - need to clarify ownership and access rights over Starling Way
- 5.3 S6/1993/0434/FP – 66 Tolmers Road, first Floor rear extension. Approved 16.8.1993.
- 5.4 S6/1987/1027/FP – 66 Tolmers Road, single storey rear extension. Approved 18.1.1988.
- 5.5 S6/1983/0082 – 66 Tolmers Road, two storey and first-floor, side extension. Approved 17.3.1983.
- 5.6 No 26 Starling Lane;
- 6/2016/0177/PN8 - Prior notification for the erection of a single storey rear extension. Prior Approval Not Required 9.3.2016.
- S6/2012/2346/FP - Erection of part single storey, part two storey front extension and single storey side extensions. Granted 8.1.2013.

6 Planning Policy

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

7 Site Designation

- 7.1 The site lies within the settlement of Cuffley as designated in Policy GBSP2 of the Welwyn Hatfield District Plan 2005.

8 Representations Received

- 8.1 The application was advertised by means of site notices posted on 29th April 2016 and neighbour notification letters sent out on 19th April 2016. Twenty seven representations have been received from neighbours and residents of Cuffley and the Northaw and Cuffley Residents' Association. Their comments may be summarised as follows:

8.2 Vehicle access

- Dangerous access on a narrow pedestrian footpath, used by children, mothers and cyclists and dog walkers on a regular basis
- The relevant stretch of Starling Way is under the ownership of the Crown (Bona Vacantia Department) and rights of way over the land would need to be granted
- Conflict of interest between car users and pedestrians
- Footpath should not be turned into a road
- Established safe public footway for over 50 years –loss of safe footpath
- The site could not accommodate turning space and adequate parking provisions
- Overspill car parking and turning on the alley would block it for people with prams/buggies/wheelchairs
- Vehicle access not wide enough to safely manoeuvre, has high fences and blind corners and is poorly lit
- Street lights go out before the last train – conflict with cars in the dark
- Proposal to fit a mirror on the brick wall would be of little use.
- Noise and disturbance to neighbours from car manoeuvres
- Generate more traffic and turning manoeuvres on Starling Lane
- Larger vehicles during construction would be disruptive and disturb neighbouring properties
- Alternative access should be sought and a safer option proposed
- Concern over emergency services accessing the development
- The path has cracks in it and is rarely maintained
- Will the Council be responsible for injuries from the uneven surface and unsafe icy conditions?
- Access should be from Tolmers Road
- Concerned about location of access with adjoining property's access

8.3 Appearance and General Impact

- A new house on the site would be detrimental to the area
- Object to building on back gardens – loss of spacious feel of Cuffley
- Overdevelopment
- Adverse impact on residential amenity of neighbouring properties
- Loss of mature trees
- Loss of biodiversity habitat
- Together with the proposal for a new house at 66 Tolmers Road this is overdevelopment – three houses on one site is too much
- Dangers and stress to neighbours throughout the construction process.
- Utility companies should be consulted with regard to servicing the site
- Does not comply with Fire Authority’s specifications

8.4 Impact on Neighbours

- Overbearing and result in loss of daylight to No 26 Starling Lane
- Overlooking of neighbouring properties on Starling Lane from front garden
- Overbearing impact due to changes in land levels

These objections were maintained for the amended scheme.

9 Consultations Received

9.1 **Hertfordshire County Council Transport Programmes and Strategy**

(HCCTPS) no objection subject to conditions over provision of visibility splays, provision on on-site parking prior to occupation and submission of a Construction Management Plan prior to development commencing. Also recommends informatives over storage of materials and not obstructing or dropping debris on the public highway.

9.2 **Thames Water** – No objection. Advised Thames water should be contacted prior to any connection to the public sewer for surface water run- off.

9.3 **Hertfordshire County Council Rights of Way** has advised that they are now considering an application to make the route between Starling Lane and Oak Lane as a public right of way.

10 Parish Council Representations

10.1 Northaw and Cuffley Parish Council object to the proposal stating:

“The parking provision proposed on this site exits onto an established narrow footpath used regularly by pedestrians! This footpath is enclosed on all sides by 5ft high walls/fences and to allow vehicles to utilise this area would be totally hazardous for pedestrians.”

11 Analysis

11.1 The main planning issues to be considered are:

1. **Principle of the development (GBSP1, GBSP2, R1, H1, H2, NPPF)**
2. **Whether the scheme introduces a high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1, D2)**
3. **Impact on the character and context of the area (D2)**

4. **Impact on the residential amenity of the occupiers of adjacent properties (NPPF, Policies D1 and SDG)**
5. **Other Material Considerations**
 - (i) **Highway Safety and Parking (NPPF, Policies M14 and D1 and SPG)**
 - (ii) **Fire and Emergency Vehicle Access**
 - (iii) **Refuse and Recycling**
 - (iv) **Landscaping (D8) and Biodiversity (R11 and R16)**

1. Principle of Development

- 11.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing that which has been previously developed. Local Plan Policy R1 requires development to take place on previously used or developed land and is consistent with the NPPF.
- 11.3 The site is not an allocated housing site and so is considered as a 'windfall site'. Policy H2, therefore, applies. This policy states that all proposals for windfall housing development will be assessed against the following criteria:
- (i) The availability of previously-developed sites or buildings
 - (ii) The location and accessibility of the site to services and facilities by transport modes other than the car
 - (iii) The capacity of existing and potential infrastructure to absorb further development
 - (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities
 - (v) The physical and environmental constraints on development of land.
- 11.4 The site is part of the rear garden of 66 Tolmers Roads within the settlement of Cuffley which is designated in Policy GBSP2 as a sustainable location to which development will be directed. It is positioned between residential properties in Tolmers Road, Oak Lane and Starling Way. In principle there is no objection to the use of the land being used for residential purposes. Further to subsection (v) the issues of the physical and environmental constraints of the site are covered in the following Sections.

2. High Quality Design

- 11.5 Local Plan Policies D1 (Quality of Design) aims to ensure high quality of design. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG 2005), which requires a development to be assessed with regard to the quality of living environment it creates for future and existing occupiers.
- 11.6 With regard to future occupiers of the proposed dwelling, the layout of the accommodation within the building is considered adequate for a small single family household. The house would have a private rear garden of approximately 225sqm orientated to face south. This is considered adequate amenity space for future residents in terms of size, shape, orientation and privacy.

- 11.7 The attached garage would accommodate one car and bicycle parking. A parking space would be provided to the side of the garage and a turning area in front of the garage. The adequacy of these arrangements is considered under Parking below.

3. Character and Context of the Area

- 10.8 Local Plan Policy D2 (Character and Context) aims to ensure that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the surrounding area. NPPF paragraph 64 emphasises the importance of good design in context that improves the character and quality of an area and the way it functions.
- 10.9 The area is residential in nature and the housing is predominantly detached/semi-detached houses in ample gardens. The housing around the site comprises two storey houses. These are finished in a variety of materials (including red, yellow and buff brick, render, pebbledash and hung tiles). The styles vary and the house roof styles include ridges with flat end gables (in Starling Way) and hipped, pitched roofs on Tolmers Road and Oak Lane.
- 11.10 The proposed house would be a chalet style house finished in brick with half-hipped pitched roofs (6.7m high at the ridge) at a 45 degree angle of pitch. The house would be orientated so the roof ridge runs north/south with half-gables at each end. The roof would contain one dormer window facing west and three small roof-lights: one facing west, two facing east. The styling of the windows (casement with mullions on the larger windows) and the pitched roof with a chimney would reflect the residential character of the area. The proposal would use materials within the existing range of building materials in the near vicinity comprising brick walls and tiled roof. Consequently, the proposal would not appear significantly out of character with the street-scene in Starling Way and Oak Lane. The proposed house would not be visible from Tolmers Road but would not be out of keeping with the character of properties there.
- 11.11 The existing houses in the area are typically two storeys with pitched roofs. The proposed house would have a ridge 6.7m high, which would not be significantly higher than the surrounding houses and would not be unduly prominent in the street-scene when viewed from the surrounding roads and the footpath on Starling Way.
- 11.12 Subject to satisfactory materials and substantial landscaping the new dwelling would not adversely affect the appearance of the area (see under Landscaping Section). In terms of the character and context of the area, the scheme is considered to be in accordance with Saved Policies D1, and D2 of the Welwyn Hatfield District Plan 2005 and Section 7 of the NPPF.

4. Residential amenity and living conditions of neighbouring occupiers

- 11.13 Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in

Paragraph 17 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of neighbouring land and buildings.

- 11.14 The window to the first floor bedrooms would face south over the 19m deep garden. The distance is sufficient to respect the privacy of the future occupiers of the application site and of the neighbouring land at No 5 Oak Lane.
- 11.15 Turning to overbearing impact and loss of light, the proposed house would be 6.7m high and approximately 40m from the rear elevations of the houses at 68 and 70 Tolmers Road. This is considered to be a sufficient distance from existing houses to avoid an overbearing impact or loss of light to windows and amenity areas.
- 11.16 With regard to No 26 Starling Way the proposed house would be on land approximately 1.5m higher than No 26. The ridge of the roof would be approximately 1m higher than that of No 26. However, it would be partially hipped at the north end and set in 11m from the garden boundary and 17m from the south elevation of No 26. These distances are sufficient to prevent an overbearing impact and loss of day and sun light to the garden and rooms at No 26 Starling Way.
- 11.17 With regard to privacy, the adopted Supplementary Design Guidance 2005 does not specify a minimum distance for privacy requirements. However, it does require new residential development to minimise overlooking between internal living areas and private rear gardens. There would be no first floor windows facing north towards No. 26 Starling Way. The ground floor window would be set in 11m from the boundary, which is marked by a 2m high close-boarded fence. The window would be 20m from the facing first floor window at No 26 and would not afford views of the facing ground floor window 17m away. The distances are considered sufficient to prevent significant over-looking from the proposed ground floor window. As a result the proposal is unlikely to result in a significant increase in overlooking of the neighbouring property.
- 11.18 The windows in the west elevation would be between 2.5m and 5.5m from the boundaries with the rear gardens of No's 68 and 70 Tolmers Road. There would be one dormer window to the staircase, and a roof-light to the bathroom. Both these windows would be obscure glazed and fixed below 1.8m above the internal floor level. It is recommended that these details be required by condition to prevent overlooking and loss of privacy to the neighbouring properties
- 11.19 The roof-lights in the east elevation would comprise a secondary window to the bedroom and a bathroom. These would be approximately 5.5m from the end of the rear garden of No 6 Oak Lane. It is recommended that these windows also be obscure glazed with fixed lights below 1.8m above the internal floor level, and that these details be secured by condition. Dwellings benefit from permitted development rights to install windows in their front and rear elevations and also, if obscure glazed, in their side elevations. The configuration of surrounding sites and the orientation of the building within the application site would allow first floor windows without obscure glazing in positions that could cause overlooking. In addition, large obscure glazed windows can give an impression of overlooking affecting the perception of privacy in neighbouring properties. For these reasons it is recommended that a condition is imposed removing permitted development rights to install first floor windows at the proposed development. Control over future windows would be enabled and each window considered on its own merits.

11.20 Given the site configuration and the design of the proposed development conditions are recommended over boundary treatment, and removal of permitted development rights to install windows at first floor. Subject to these conditions, satisfactory levels of amenity would be retained for the neighbouring residential properties in terms of overbearing impact, loss of light and privacy. Details of boundary treatment with neighbouring gardens can be secured by a condition.

5. Other Material Considerations

(i) Highways Access and Parking

- 10.21 Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. The Policy requires parking and traffic management provision to be included in new developments. Policy M5 requires proposals to give priority to pedestrian access in layouts through the inclusion of safe and direct routes linking to existing footpath networks and facilities. Development which would prejudice convenient and safe pedestrian movement will be refused.
- 10.22 The vehicle access to the new house would be from Starling Way. This is a 3.7m wide, publically-used path between Oak Lane and Starling Lane. While the path is not a designated public footpath or owned/adopted public highway it is maintained by the Highways Authority and vehicle access along its full length is prevented by concrete bollards as described in Para 1.2 of this report.
- 10.23 At pre-application stage (S/2015/S027/PA) the applicant was advised to ascertain the ownership of the path and whether there were rights of access across it. Information offered by a neighbour indicates that the land may be in Crown ownership and rights of way would need to be applied for. Legal rights of way may affect the ability to implement the scheme but do not constitute a planning reason for rejecting a scheme. Valid planning considerations include whether the access would be adequate for the number and size of vehicles likely to use it and whether it would affect conditions on the surrounding highways. The safety of other road users is also a valid consideration.
- 10.24 Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) has researched the status of Starling Way and reports that the highway dedication does not identify any prohibition on vehicle movement along the route but the presence of the bollards prevents through traffic. HCCTPS would not support removal of these bollards given the risk of encouraging through traffic and higher speeds, which would be likely to prejudice safe pedestrian movements.
- 10.25 HCCTPS comments that the surface between the end of Starling Lane and the site entrance, a length of 27m, would be shared between cars and pedestrians. Shared surfaces are considered acceptable where the number of trips is less than 100 per hour and where space exists for all users. The proposed use of the site would not generate a significant increase in the number of trips at peak times and the potential for conflict with other vehicles is minor given the cul-de-sac nature of Starling Lane. The previous proposal for a three bedroom house would have introduced low-speed, low-frequency trips (up to 5 to 6 two-way trips per day) over the relatively short length of Starling Way to access a single dwelling. The two bedroom bungalow could be reasonably expected to generate a similar number of trips, perhaps fewer. A shared surface is recommended to have a width of 4.1m in the design guidance "Roads in Hertfordshire". Although the

surface is 3.7m wide, HCCTPS considers this to be adequate to accommodate vehicles and pedestrians and allow them to pass clear of each other. The level of trip generation would not provide the HCCTPS with sufficient grounds to object on safety grounds to the proposal.

- 10.26 In terms of physical access there is a dropped kerb between Starling Lane and Starling Way with low walls on either side that provide adequate visibility splays. However, the existing 2m high wall that bounds the application site and the Starling Way would not enable adequate visibility splays at the point of access to the site from Starling Way. The proposed site layout plan (Drwg No 443315-9 RevA) indicates that the wall would be reduced in height and a mirror installed to ensure the driver could see down the path. Insufficient detail has been provided with regard to the height, length and position of the lowered section to confirm adequate visibility splays. The HCCTPS requires further detailed drawings to demonstrate visibility splays of 0.6m by 0.6m on both sides of the vehicle access free from visual obstruction between 600mm and 2m above the level of the adjacent surface. To this effect a condition is recommended requiring submission of detailed drawings showing visibility splays and boundary treatment to Starling Way that meets these requirements.
- 10.27 HCCTPS has also requested a Construction Management Plan be submitted for approval, before development commences, in order to control the use of the access by construction vehicles for deliveries and for the parking of contractors' vehicles. They also request informatives over storage of construction materials and no obstruction to the public highway/public rights of way.
- 10.28 Parking - The Council's Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG should be taken as guidance only.
- 10.29 The car parking demand in the SPG for a two bedroom house in Zone 4 is 1.5 parking spaces. This parking standard makes allowance for visitor parking. The proposed scheme would provide two on-site spaces; 1 wide garage space (4.7m) and an open space to the side of the garage. Additional visitor allowance could be accommodated within the site. These parking provisions would leave adequate space within the site to enable vehicles to turn and leave the site in a forward gear. Overall the on-site provision is considered acceptable and unlikely to give rise to significant congestion or obstruction to the public highway, including Starling Way, in the vicinity of the site.
- 10.30 Cycle parking requirements are for one long-term secure and weatherproof space, which would be provided in the garage.
- 10.31 Taking the above into account, the proposal would provide adequate parking and turning space for the future residents of the site and, subject to adequate visibility splays being provided, would not affect the convenience and safety of the pedestrian route along Starling Way sufficiently to sustain a refusal of permission. The proposal is, on balance considered acceptable in accordance with Saved Policies D5, M5 and M14 of Welwyn Hatfield District Plan 2005, the Supplementary Planning Guidance Parking Standards (2004), Interim Parking

Policy 2014 and Paragraph 39 of the NPPF. It is reasonable, however, to apply conditions over the matters identified by the Highways Authority.

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

10.32 The HCCTPS has no objection to the scheme with regard to Fire and Rescue grounds as emergency vehicles can get within 40m of the site and the site would provide sufficient operating space around a fire tender in the event of a fire.

(iii) Refuse and recycling

11.33 The current requirement for bin storage is for three bins for each new residential unit, which need to be stored close to the unit. The proposed property has an area adjacent to the garage for bins storage. Bins would need to be wheeled out to a point less than 20 m from the highway for collection day. The submitted details are considered satisfactory.

(iv) Landscape and Biodiversity/Protected Species:

11.34 Saved Policy D8 requires all developments to include landscaping as an integral part of the overall design. Landscape schemes are required to reflect the use of materials and enhance planting of trees and shrubs. The retention of existing trees and shrubs is also expected.

11.35 The site contains several trees and shrubs, which are not covered by Tree Preservation Orders. These plants make a contribution to softening the appearance of the site in this setting where frontages tend to be open and planted with mature trees and shrubs. They also provide a degree of screening for privacy purposes. Policy D8 requires landscape features to be retained wherever possible and replacement/enhancement planting to be included in any proposals.

11.36 The indicative site layout plan (443315-9RevA) shows retention of planting along the northern boundary and within the rear garden to the south of the proposed house. The provision of additional planting is identified in the submitted Planning Statement and would assist in reducing the visual impact of the proposal. New planting should not result, however, in overshadowing of the neighbouring property to the north (26 Starling Lane). It is recommended that submission and implementation of a landscaping plan are secured by conditions.

11.37 There are several mature trees on the site, which may have extensive root systems. A landscaping condition including requirement for a tree protection scheme for these trees' roots, trunks and canopies during construction (to reflect BS5837:2012) is recommended.

11.38 The existing site is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Conditions

11.39 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

11.40 In this particular case the following conditions are considered reasonable and necessary in order to make the proposed development acceptable: submission of material samples and boundary details, submission and implementation of a landscaping scheme, a Construction Management Plan, adequate visibility splays, provision and laying out of the parking facilities and obscured fixed glazing to east and west facing first floor windows

12 Conclusion

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

12.2 The impacts of the proposal have also been considered in relation to the impacts on visual impact of the area, amenity of future occupants, amenity of neighbouring dwellings, safety of site access and landscaping and other material considerations. It is concluded that the proposal is on balance acceptable in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted supplementary planning and design guidance and with the NPPF. The conditions identified above are considered reasonable and necessary to make the proposal acceptable.

13 Recommendation

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

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

Site Location Plan No. 443315-11 received and dated 12.4.2016 and 443315-7/RevC & 443315-9/RevB received and dated 10.8.2016.

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

PRE-COMMENCEMENT

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

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

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels;
- (b) means of enclosure and boundary treatments;
- (c) car parking layout and markings;
- (d) vehicle and pedestrian access and circulation areas;
- (e) hard surfacing, other hard landscape features and materials;
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (h) details of siting and timing of all construction activities to avoid harm to all nature conservation features.

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

4. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
 - a) Construction vehicle numbers, type and routing;
 - b) Traffic management requirements;
 - c) Construction and storage compounds (including areas designated for car parking);

- d) Cleaning of site entrances and the adjacent public highway;
- e) Provision of sufficient on-site parking prior to commencement of construction activities.

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

PRE-OCCUPATION

- 5. Prior to the first occupation of the development permitted a visibility splay measuring 0.6m x 0.6metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2metres above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety.

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

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

- 7. The first floor windows in the west and east elevations of the building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

- 8. 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 Classes B and C 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.

Positive and Proactive Statement

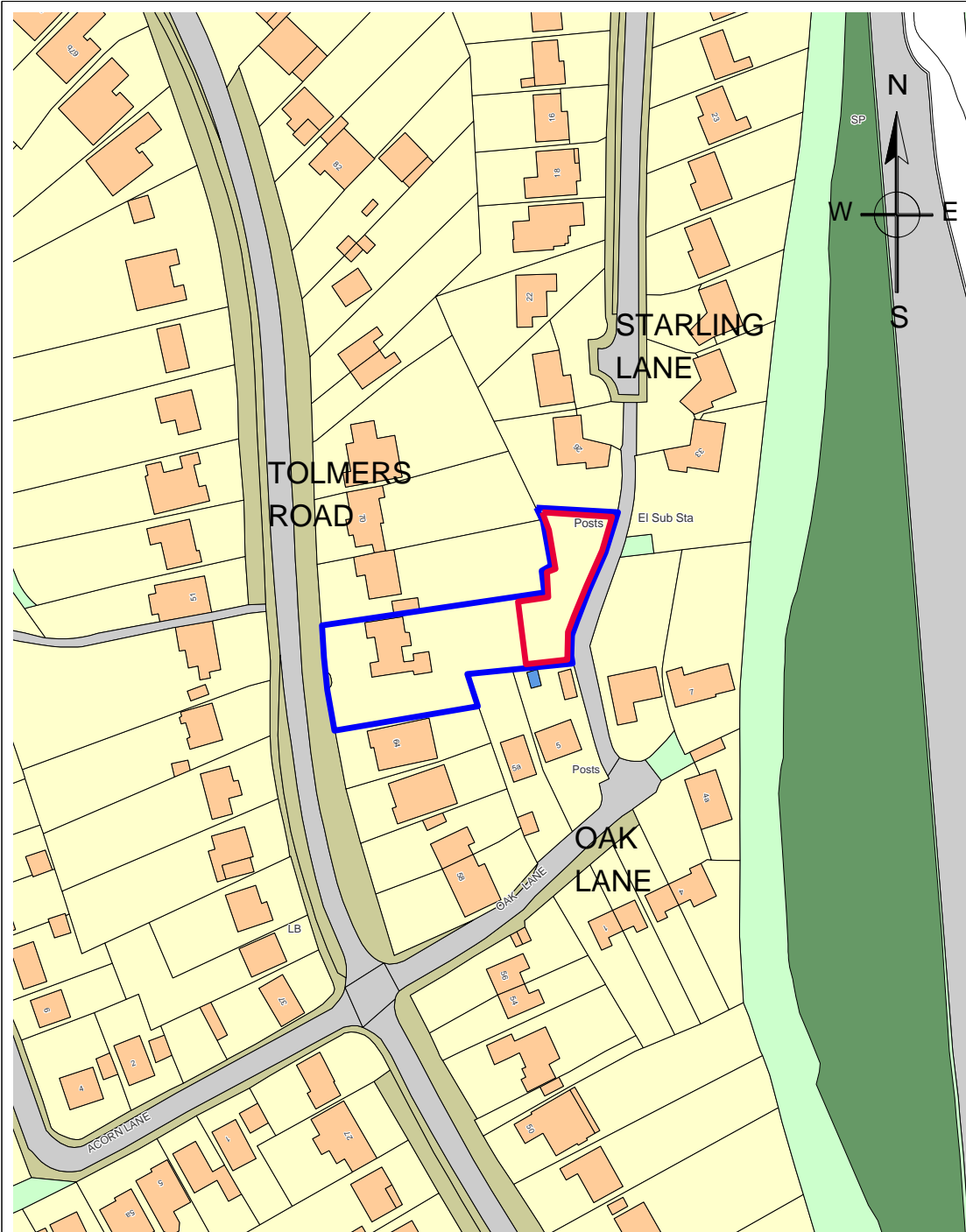
The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision


contrary to the development plan (see Officer's report which can be inspected at these offices).

Informatives

1. The development will involve the numbering of properties. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
2. The applicant is advised to take account of the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. 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.

June Pagdin, (Strategy and Development)
28.9.2016



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|---|--|-------------------------------------|
|  Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE | Title: Land adjacent to 26 Starling Lane, Cuffley | Scale: DNS |
| | Project: DMC Meeting | Drawing Number: 6/2016/0669/FULL |
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