

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2016/0887/MAJ

CUFFLEY MOTOR COMPANY, 71 STATION ROAD, CUFFLEY, EN6 4NZ

ERECTION OF THREE STOREY RESIDENTIAL BLOCK (WITH BASEMENT  
PARKING) COMPRISING OF 9NO TWO BEDROOM AND 3NO ONE BEDROOM  
FLATS WITH ASSOCIATED ACCESS, OFF-STREET PARKING, AMENITY SPACE  
AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING CAR  
SHOWROOM

APPLICANT: Mr Rowe

AGENT: Mr P Cavill

(Northaw and Cuffley Ward)

## **1 Site Description**

- 1.1 The application site is located on the west corner of the junction of Station Road and Meadway in Cuffley. The application site is currently occupied by a single storey car showroom building with a covered open garage forecourt facing Station Road.
- 1.2 The canopy has a flat roof and is supported on metal columns. Behind the canopy is the showroom building with a pitched gable roof and a workshop with a flat roof behind. There is an open yard at the rear of the site abutting the side boundary of No 2 Meadway.
- 1.3 To the west is the three storey building at 69 Station Road. Previously used as an office, it has been converted into flats, with parking at the rear. It is of brick construction with a slate roof.

## **2 The Proposal**

- 2.1 Full planning permission is sought for the demolition of the existing garage buildings and construction of a new residential block of twelve flats. The use of the site would change from commercial to residential (C3).
- 2.2 The proposed building would be three storeys high and contain nine x two bedroom flats and three x one bedroom flats. The pedestrian footpath would lead from Meadway to the communal entrance where a lift and staircase would lead to all the units and to the basement car park.

- 2.3 The vehicle access to the site would be from Meadway and a driveway would lead to five surface parking spaces and down to basement parking for twelve cars and cycle storage. On the rear of the site would be a communal garden and a bin store.
- 2.4 The amended drawings for the building show it finished in brickwork with zinc cladding at roof level. Proposals have been amended from previous scheme for render and timber cladding.
- 2.5 A flood risk assessment was submitted.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council has objected to the application.

### **4 Relevant Planning History**

- 4.1 S6/2015/0743/PA - Pre-application advice for erection of a block of flats consisting of 12 residential units following demolition of existing buildings. Advised that principle of residential would be in accordance with adopted Policy. However, design should reflect massing and style of neighbouring buildings. Provisions of amenity space, car and cycle parking and noise insulation should meet Council Policy requirements. Careful design required with regard to positioning and impact on neighbours. Contaminated land assessment will be required, probably by condition. Landscaping would be expected. S106 contributions will be required for green space, play space and waste and recycling.
- 4.2 S6/2013/1313/MA - Demolition of existing car showroom/garage and construction of a three storey residential block comprising of 12 X 2 bed flats with basement parking, together with associated new access, parking, bin and cycle store and amenity space and landscaping. Withdrawn. 19.9.2013.
- 4.3 S6/2011/2688/MA - Demolition of existing garage and construction of three storey residential block comprising of 12 two bed flats, plus basement parking, bin store and associated landscaping. Refused 24.9.2012. Reasons related to (i) design, scale and height and insufficient setback from the street in the Meadway (ii) loss of privacy to No 2 Meadway from balconies on rear of building, (iii) insufficient noise impact assessment and (iv) lack of S106 for sustainable transport, library and youth facilities.
- 4.4 S6/1994/0179/FP – Change of use to car showroom and office. Granted 29.9.1994.
- 4.5 S6/1986/0789/FP – single storey side extension to form office and parts store. Granted 15.1.1987

### **5 Planning Policy**

- 5.1 National Planning Policy Framework (Paragraph 17)

- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.6 Planning Obligations, Supplementary Planning Document, February 2012

## **6 Site Designation**

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

## **7 Representations Received**

- 7.1 The application was advertised by means of site notices and neighbour notification letters to sites abutting the application site. Thirty two representations have been received; eight from residents in Meadway as well as Northaw and Cuffley Residents Association and Welwyn Hatfield Access Group. Their comments can be summarised as:

- Flat roof is out of keeping with the area – pitched roof essential to maintain High Street aesthetics
- The modern design on this prominent corner would be out of keeping with the area
- Overdevelopment
- Materials should be brick
- Parking provision is less than WHBC standard of 1.5 per flat
- More parking should be provided
- Additional parking on amended scheme would be next to bedroom
- Would result in more on- street parking
- Use of Sopers Road car park for visitors is not appropriate
- Ownership of cars should be restricted to one per flat
- Is archaeological survey required – in vicinity of Roman Road
- Traffic disruption – unnecessary extra flats
- Additional flats – impact on local services which are already under strain
- Appreciate need for one-bedroom flats
- Land will need to be decontaminated and asbestos removed
- Overlooking of bedroom window and rear garden from windows in upper floors
- Potential for loss of light to windows of Bridge House
- Concern over the type of trees proposed for the amenity area
- Noise from pumps required to keep underground car park free of water
- Noise disturbance during construction
- Underground excavation could affect foundations

7.2 Welwyn Hatfield Access Group responded seeking further information about the access details of the development: particularly level entrance, parking, lifts, refuse bins and tenure.

## **8 Consultations Received**

8.1 No response has been received from the following consultees. Comments were due by 24.6.2016

- Hertfordshire Constabulary
- Hertfordshire County Council Historic Environment Advisor
- Environment agency

8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - no objection subject to conditions over provision of car parking spaces, no overhang of the highway, and removal of existing accesses onto Meadway and Station Road.

8.3 **Hertfordshire County Council Spatial and Land Use Planning Minerals and Waste (M&W)** – no objection but recommended an informative over providing a Site Waste Management Plan.

8.4 **Hertfordshire County Council Planning Obligations** – request financial contributions towards Early Years (nursery education/pre-school/day nursery) and Library Service (improvements to Wi-Fi at Cuffley Library).

8.5 **Hertfordshire County Council –Lead Local Flood Authority (LLFA)** – initially objected because no Flood Risk Assessment for surface water drainage was submitted. A FRA and Drainage Strategy was prepared and submitted. The LLFA removed their objection and recommended two conditions be applied requiring adherence to the submitted drainage assessment and mitigation measures and submission of further details of surface water drainage based on the FRA.

8.6 **Welwyn Hatfield Borough Council Environmental Health Department (EH)** – no objection subject to submission of further details of mechanical ventilation to ensure windows can remain shut in summer.

8.7 **Welwyn Hatfield Borough Council Client Services Department** - No objection subject to financial contributions to provide bins and submission of details of the bin store (to ensure correct dimension, sloped access and outward opening doors).

8.8 **Thames Water (TW)** – the applicant is advised to contact Thames Water regarding pile driving near to public sewers, a non-return valve, and minimising groundwater discharges into the public sewer. Approval is required for surface water discharge to the public sewer.

## **9 Town / Parish Council Representations**

9.1 The Northaw and Cuffley Parish Council responded as follows:

*“The Parish Council objects to this application for the following reasons:-*

*In line with our emerging Neighbourhood Plan we would want to see the roof line either a pitched or mansard. At present we do not feel that the proposed development is in keeping with the overall street design and character of the main highway through the village and surrounding area.*

*We feel that there has been no consultation with neighbours or residents of Cuffley with regard to this application, especially as the building would be a prominent feature on the way into Cuffley from Goffs Oak and out from the centre of the village.*

*The PC does approve of the basement parking and the good amenity space to the rear of the proposed building but does the Local Plan not advise 1.5 car spaces per unit?*

*The PC would have liked to have seen more affordable one bedroom units for starter homes as only three are listed but we can see that it may not have been commercially viable for the applicants.*

*Our Historian has advised us that a Roman Road is in the vicinity of this application.”*

## **10 Analysis**

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

- 1. The Principle of the change of use from car sales and garage to residential (GBSP1, GBSP2, H2)**
  - 2. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)**
  - 3. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)**
  - 4. Impact on living conditions and amenity of neighbouring occupiers**
  - 5. Other planning matters**
    - (i) Highways access and parking**
    - (ii) Refuse and recycling**
    - (iii) Flood Risk Assessment and Surface Water Drainage**
    - (iv) Landscaping (D8)**
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- 1. The Principle of the change of use from car sales and garage to residential**

- 10.2 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.
- 10.3 The application would involve the loss of a commercial garage and car sales showroom. Policy EMP8 (Employment sites outside Employment Areas ) requires residential development on employment sites outside the designated Employment Areas to only be allowed if it can be shown that a live-work mixed use scheme would not be viable. While no evidence confirming this was submitted with the application, the same issue was raised at the adjoining site at No 69 Station Road (Bridge House) and it was shown to be unviable. It would be reasonable to take a similar view on this site given its proximity and similar circumstances.
- 10.4 Policy EMP8 also requires the development to not have any adverse effects on residential amenities of any nearby properties and to provide adequate parking, servicing and access arrangements and not have an adverse impact on the Highway network. These criteria are considered below in sections 4 and 5 of this report.
- 10.5 The site is not an allocated housing site and so is considered to be 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.
- 10.6 Policy SD1 aims to promote sustainable development and the 'golden thread' running through NPPF is the presumption in favour of sustainable development (para 14). The framework states that there are three aspects to sustainable development: social, economic and environmental, which are mutually dependent. The site was previously developed and is located within Cuffley settlement, which is designated in Policy GBSP2 as a sustainable location to which development will be directed. It is positioned close to the facilities of the village centre and the railway station. The scale of the development for 12 flats is not likely to increase the demand for local services but would accommodate a small increase in the population of Cuffley on a site that is well-located for access to local services, including shops, doctors, library, schools etc. The site, therefore, meets the criteria for sustainability

and, in principle, there is no objection in land use terms to this site being used for residential purposes.

## **2. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance**

- 10.7 Policy D1 of the Welwyn Hatfield District Plan 2005 requires a high quality of design in all new developments. The Supplementary Design Guidance 2005 also requires high quality design to provide adequate living standards for future occupiers.
- 10.8 The proposed development would provide nine x two bedroom flats (between 64 and 70sqm floor area each) and three x one bedroom flats (55sqm each). The flats would be arranged over three floors with the one bedroom flats on the top floor. The building would be accessed by pedestrians from Meadway. The lobby would contain a lift and stairs to all floors and each flat would open off these central internal areas.
- 10.9 The vehicle access would be from the side of the site off Meadway. This would lead down under the building to the car and cycle parking areas cycle parking facilities would also be accessed from the rear access.
- 10.10 The rear of the site would provide a shared amenity area for sitting out and clothes drying. The space would cover approximately 350sqm in a functional, rectangular shape, contain some planting and would be available for occupants of the twelve flats. This facility is considered acceptable subject to adequate landscaping treatment on the boundaries, which shall be secured by condition. However, the Council's adopted SPD 'Planning Obligations' seeks secure contributions towards implementing projects in the vicinity o enhance green space and, where developments contain residential units of more than one bedroom, local play spaces. The number and size of proposed units gives rise to the requirement for contributions of £1,262 for Green Space and £3.312 for play space. It is recommended that these are secured by S106 Agreement.
- 10.11 A bin store would be provided adjacent to the vehicle entrance on Meadway. Further details of the bin store are recommended to be secured by condition on planning permission
- 10.12 The layout of the flats ensure adequate light to each habitable room with large windows to each living room/kitchen and secondary windows to the kitchen area. The flats on the south east corner would benefit from a large corner feature windows. With regard to external lighting, it is recommended that details are secured by a condition on planning permission to enable assessment of their impact on occupants of the site and of neighbouring units.
- 10.13 The stacking of rooms between the floors has been arranged to achieve living rooms above living rooms and bedrooms above bedrooms in accordance with good practice to prevent noise nuisance between units. The noise assessment submitted with the application has been assessed by the Council's Environmental Health Department. The internal noise levels are

considered to fall within the expected levels. However, further details of mechanical ventilation are required to ensure the windows can remain closed in summer. It is recommended that these details be secured by condition.

- 10.14 The proposed design is considered to be adequate to meet the requirements of Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

### **3. Respects and relates to the character and context of the area,**

- 10.15 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the existing buildings and surrounding area. NPPF paragraph 64 emphasises the importance of good design in context that improves the character and quality of an area and the way it functions.
- 10.16 The scale of the building is in keeping with the adjacent building at No 69 Station Road; the eaves height and roof height would be similar and the windows heights and sizes would be aligned. The corner would feature larger windows to articulate and add interest to the elevations. The building would be three storeys high and set on land lower than and 20m from the residential properties behind. It would not be out of keeping with the scale of other surrounding buildings (planning permission was granted for a mansard roof on No's 73 and 75 Station Road Ref No 6/2016/0294/FULL) and No 80 Station Road is four storeys high while the industrial buildings on Sopers Road are two and three storeys with flat roofs.
- 10.17 The proposed materials for the external walls have been amended to be brickwork, a similar colour to the building at No 69 Station Road, and zinc cladding on the roof (in a shade to tone with the slate roof at No 69 Station Road). These are illustrated on the Elevation Drawing no 12010\_P004/Rev A and are considered appropriate to the setting. The flat roof would be a green roof incorporating a BLU-roof attenuation system.
- 10.18 Despite the prominent location on the entrance to the village the site at present does not make a positive contribution to the street-scene. The redevelopment of the site with a landscaped front area would improve this part of the streetscape. New landscaping is proposed to the street frontages on Station Road and Meadway and also in the proposed rear amenity area and car park on the boundary with No 2 Meadway.
- 10.19 The scale and appearance of the building are considered to be within the character and context of the setting and to improve the appearance over the existing situation. It is, therefore, considered to be in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.



#### **4. Impact on living conditions and amenity of neighbouring occupiers**

- 10.20 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 protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity and living conditions for all existing and future occupiers of land and buildings. Living conditions are assessed with regard to overbearing impact, loss of light and overlooking/loss of privacy.
- 10.21 The nearest properties are the flats at 69 Station Road, the bungalow at No 2 Meadway and the flats at 73 Station Road (on the far side of Meadway).
- 10.22 With regard to the flats at No 69, the proposed building would not project further forward or back from the front and rear elevations of No 69. It would not be higher than No 69 near the boundary with that property. No 69 has no windows to habitable rooms in the side elevation facing the application site. The proposal would not, therefore, result in an overbearing impact upon or loss of light to internal spaces of habitable rooms in the flats at No 69.
- 10.23 In terms of privacy, No 69 has no windows to habitable rooms in the side elevation so the proposed secondary windows in the west elevation of the application site would not enable views of the internal spaces of the flats at No 69.
- 10.24 The proposed building would be 18 to 20m to the south of the boundary with No 2 The Meadway. The house at No 2 The Meadway is set in 4m from the boundary beyond the garage to that property and is on land that is approximately 1m higher than the application site. Given the orientation and relative positions, the proposed building is not likely to give rise to an overbearing impact on or loss of light to the internal spaces or garden area of No 2 The Meadway.
- 10.25 Residents have objected to the positioning of car parking near the boundary of the site with No 2 The Meadway with regard to disturbance from vehicles. The five parking spaces would be parallel to the boundary rather than abutting it and be on land lower than the house at No 2, which is set off the boundary beyond their own garage.
- 10.26 In terms of privacy, the windows in the rear elevation of the building would be 18m and 20m from the boundary with No 2 The Meadway and 22 to 24m from the side elevation of the bungalow. This is the same distance as the flats at No 69 Station Road. This distance is a generally accepted one for separation between windows and boundaries. The same Supplementary Design Guidance (2005) has been applied to these flats. A previous application included rear balconies and was refused on the basis that they would project nearer to the boundary. The current proposal does not include balconies. In addition, the third floor windows would be set back a further 0.75m. The area of amenity space immediately to the south of the boundary with No 2 would

provide a landscaped area with enhanced with planting to reduce any impression of loss of privacy to the garden of No 2. It is recommended that this be secured by a condition on planning permission.

- 10.27 With regard to external lighting, it is recommended that details are secured by a condition on planning permission to enable assessment of their impact on occupants of the site and of neighbouring units.
- 10.28 Having regard to the above, it is considered, that on balance, the development would not impact unacceptably upon neighbouring amenity in terms of overbearing impact, loss of day and sun light, loss of privacy and overlooking sufficient to warrant refusal of the application. The proposal would provide adequate amenity for future occupiers of the units. The proposal is, therefore, considered to comply with Policy D1 of the Welwyn Hatfield District Plan 2005, the Supplementary Design guidance (2005) and Section 7 of the NPPF

## **5 Other planning matters**

### **(i) Highways access and parking**

- 10.25 Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. Parking and traffic management provision must be included in new development. The Highway Authority has assessed the proposal and seeks to secure the closure of the two existing vehicle accesses to the site (one each on Station Road and The Meadway) in the interests of highway safety. For the same reason they have requested that the gradient of the ramp down to the basement parking be at a suitable gradient. It is recommended that these measures are secured by condition.
- 10.26 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.
- 10.27 The car parking requirement for a two bedroom flat is 1.5 parking spaces and for a one bedroom flat is 1.25 spaces. The proposed development would create 9 x 2 bed and 3 x 1 bed dwellings requiring 17 spaces on the site. The proposed scheme would provide 17 parking spaces; 12 in a basement car park, accessed from the rear of the site off Meadway, and five open spaces on the rear of the site.
- 10.28 The site is located close to the railway station and bus stops for the routes that serve Cuffley and is in easy walking distance of the shops and services in Cuffley centre. As this site is in a sustainable location and parking provisions would meet the Council's standards the proposal is considered to comply with Policy M14 and the NPPF.

10.30 Cycle parking requirements are for one long term space per unit and these are proposed to be in a basement bicycle store. It is recommended that further details of the cycle store are secured by condition.

**(ii) Refuse and recycling**

10.31 The Council's adopted Supplementary Planning Document 'Planning Obligations' requires developments to provide financial contributions for new bins and recycling facilities. Welwyn Hatfield Borough Council Client Services has been consulted and has raised no objection subject to contributions towards provision of the bins. The amount of contribution will depend upon the size of bins chosen and can be secured by S106 Agreement. Client Services has recommended that the design of the bin store incorporates outward opening doors and sloped access to the store and the dimensions will need to accommodate the selected bin sizes. Further details shall be secured by a condition on planning permission.

**(iii) Flood Risk Assessment and Surface Water Drainage**

10.32 A Flood Risk Assessment was submitted following the LLFA's objection that one was not initially provided with the application. This objection was removed upon receipt of the FRA which proposed attenuation using a green roof (blu-roof system) and a basement sump and discharge reusing the existing site connections to Thames surface water sewers. The LLFQA requested a condition to secure implementation of the development in accordance with the submitted SUDs assessment (MTC Engineering Ltd, 1831-DS dated January 2017).

**(iv) Landscaping**

10.33 Policy D8 of the District Plan 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 the appearance with planting of trees and shrubs.

10.34 The redevelopment of the site provides the opportunity to provide landscaping within the site. The proposed site frontage on Station Road is shown on the layout plans as being grass surfaced and planted with shrubs. The rear amenity area would be similarly grassed and planted with shrubs. The boundary with the garden of No 2 The Meadway would benefit from some screen planting of sufficient density to prevent the perception of overlooking between the sites but not so dense as to cause loss of light to the garden area. It is recommended that a detailed landscaping scheme and its implementation are secured by conditions.

**(v) Contamination**

10.35 Given the industrial use on the site at present and the proposed change of use to a more sensitive purpose (residential), it is reasonable to seek provision of investigation and any necessary remediation of contaminants in

the land. It is recommended that this be secured by condition on planning permission.

### **Planning Obligations**

10.35 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

10.36 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005.

The proposed development gives rise to the necessity for the following obligations:

1. Green Space £1,262
2. Play space £3,320
3. Refuse and recycling bins (between £900 and £1,400)
4. HCC Nursery education £1,680 - in accordance with HCC Planning Obligations Toolkit
5. HCC Library contribution £1,617 - in accordance with HCC Planning Obligations Toolkit
6. Monitoring fee at 5% of total contributions

The contributions shall be index linked. The applicants have indicated their willingness to make these contributions.

### **Conditions**

10.37 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.

10.38 In this case the proposal is considered acceptable subject to conditions over the following matters: construction in accordance with submitted plans, submission of material samples, further details of bicycle store, bin store and landscaping plans, mechanical vents and the proposed green roof and provision of sustainable drainage scheme, and on-site parking prior to occupation and closure of existing vehicle crossovers.

### **Conclusion**

10.39 The application has been assessed in terms of the principle of the proposed residential use and is considered acceptable in this location. Although modern in design, the proposed building will represent sustainable development. It will replicate the colour and style of adjacent building and will be within keeping with the scale and with the adjacent building at 69 Station Road (Bridge House) and with other buildings in the street-scene. The proposed development will provide satisfactory living conditions for future occupants and maintain the living conditions and amenity of neighbouring occupiers. In addition the scheme would provide adequate parking facilities within the site and make S106 contributions to make the application acceptable in planning terms.

## **11. Recommendation**

11.1 It is recommended that planning permission be approved subject to completion of a S106 agreement securing the following contributions and to the applicant agreeing any necessary extensions to the statutory determination period to allow the completion of the S106:

1. Green Space £1,262
2. Play space £3,320
3. Refuse and recycling bins (between £900 and £1,400)
4. HCC Nursery education £1,680
5. HCC Library contribution £1,617
6. Monitoring fee at 5% of total contributions

and the following conditions:

#### PRE-COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

2. No development shall take place until details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use, in accordance with the approved details, prior to first occupation and retained in that form thereafter.

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

3. No development shall commence until a scheme for the provision of secure cycle parking (including powered two wheel vehicle parking where applicable) on site has 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 scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

4. 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) planting plans, including a scheme for enhanced screen planting of the northern boundary (including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing)
- (g) management and maintenance details

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

5. Notwithstanding the planning permission hereby granted, development must not commence until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. Details must include the construction method; specification of planting species to be used and a scheme for the management and maintenance of the roof. Subsequently the development shall not be carried out other than in accordance with the approved details.

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

6. No development shall take place until a detailed surface water drainage scheme for the site based on the approved Flood Risk Assessment (carried out by MTC Engineering Ltd (Reference 1831-DS) and dated January 2017) and sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The strategy should include the following:
  - (i) Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
  - (ii) Clarification of flow rate from green roof into the wider drainage system, how this will be controlled and location of all control structures;
  - (iii) Post development calculations to be carried out for the 1 in 10 year rainfall event, 1 in 30 year rainfall events up to and including the 1 in 100years plus climate change event

- (iv) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall subsequently be implemented in accordance with approved details before the development is completed.

REASON: To prevent the increased risk of flooding both on and off the site in accordance with Policies of the National Planning Policy Framework and Policy R8 of the Welwyn Hatfield District Plan 2005

7. No development shall take place until details of any external lighting proposed in connection with the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.Noise mechanical vents

8. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters



- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

PRE-OCCUPATION

9. The development hereby permitted shall not be carried out other than in accordance with the approved surface water drainage assessment carried out by MTC Engineering Ltd (reference 1831-DS) dated January 2017 and the following mitigation measures as set out in the Flood Risk Assessment:

- (i) Providing a minimum attenuation volume of 20cubic metres to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year+ climate change event;
- (ii) Limiting surface water run-off to 6.9l/s with discharge in Thames Surface Water sewer
- (iii) Implementing appropriate SuDS measures as shown on the proposed drainage plan Drawing No 1831-02 and including a green roof.

The mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the timing/phasing arrangements embodied within the scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

10. Prior to the first occupation of the development hereby permitted, the proposed access and on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the

approved plan and retained thereafter available free of charge for parking of domestic vehicles in association with the residential use of the site and for no other purpose.

REASON: To ensure the permanent availability of the parking/manoeuvring area in the interests of highway safety.

11. The gradient of the access shall not be steeper than 1:20 for the first five meters from the edge of the carriageway.

REASON: In order that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

No overhang over the public highway

12. Before the first occupation of the development hereby approved, and concurrent with the construction of the new access onto The Meadway, all existing accesses onto Station Road and The Meadway shall be removed and the footway reinstated and constructed to the specification and satisfaction of the Local Planning Authority.

REASON: To ensure that the site access is constructed to the satisfaction of the Local Planning Authority in the interests of highway safety and in accordance with Policies of the National Planning Policy Framework and the District Plan.

Closure of existing vehicle openings from Meadway and Station Road

#### POST DEVELOPMENT

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
8754-A1-		Existing Plans and	18 May 2016

S002		Elevations	
12010_P00	A	Proposed Street	12 April 2017
4		Elevations	
12010_P00	C	Site Plan and Basement	12 April 2017
2			
12010_P00	B	Proposed Floor Plans	12 April 2017
1			

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

### **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 and naming new streets. 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. You are advised that because of the scale of the development, you will be required to submit a Sustainable Waste Management Plan for approval by the Local Waste and Minerals Authority. The Sustainable Waste Management Plan shall include details of waste arising from demolition and construction, the volumes of waste and identify methods to re-use, recycle or recover materials to minimise waste and the volume of waste to be disposed of off-site. Further information is available from [spatialplaning@hertfordshire.gov.uk](mailto:spatialplaning@hertfordshire.gov.uk).
3. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide 2011". Before any works commence the applicant will need to apply to the Highways Authority to obtain their permission and requirements. Further information is available via the website <http://www/hertsdirect.org/services/trnstreets/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/trnstreets/highways/> or by telephoning 0300 1234047.

5. 1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :
  - 8.00am and 6.00pm on Mondays to Fridays
  - 8.00am and 1.00pm Saturdays
  - and at no time on Sundays and Bank Holidays
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
11. Any emergency deviation from these conditions shall be

notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage.

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

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

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

**OR**

In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Together with drawing numbers and positive and proactive statement.

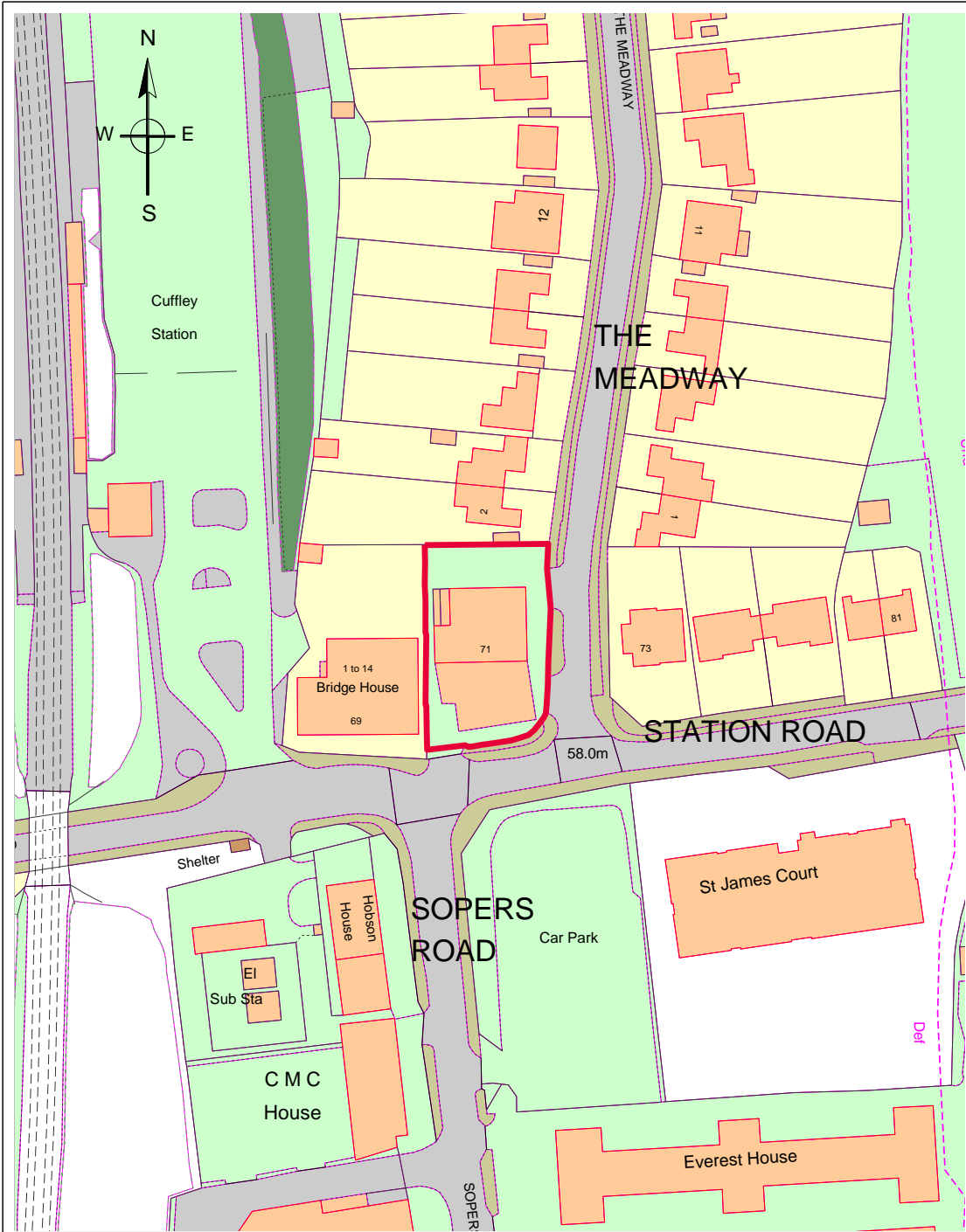
*June Pagdin, (Planning)*


Date: 25.4.2017

Expiry Date: 17<sup>th</sup> August 2016

Extension of Determination date: 31<sup>st</sup> August 2017

Background papers to be listed (if applicable)



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Cuffley Motor Company Ltd, 71 Station Road, Cuffley, Potters Bar,	Scale: DNS
	Project: DMC	Date: 2017
	Drawing Number: 6/2016/0887/MAJ	Drawn: Andrew Windscheffel
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