

Part I

Item No:

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 03 MARCH 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

S6/2015/1391/FULL

55 MOFFATS LANE, BROOKMANS PARK, HATFIELD, AL9 7QQ

ERECTION OF 2 THREE BEDROOM DWELLINGHOUSES FOLLOWING
DEMOLITION OF EXISTING DWELLINGHOUSE

APPLICANT: Mr T Arif

(Brookmans Park and Little Heath)

1. Background

- 1.1 Members will recall that this application was heard at Development Management Committee on 4th February 2016. During this meeting it was considered that the application should be deferred to a site visit. This site visit is scheduled for 28th February 2016.
- 1.2 This application remains unchanged from that previously presented to the Development Management Committee. However, in line with amendments received during the course of the application, the description of development has been altered to describe three bedroom units, not four bedroom units as previously presented to the Committee.

2. Site Description

- 2.1 The application site is located within a residential area of Brookmans Park, within a streetscene comprised of a mix of single storey and two storey detached and semi-detached units. There is an eclectic mix of architectural form and a diverse palette of materials within the immediate and wider surrounding area. The application property itself is a detached single storey dwelling constructed of facing brickwork and render under a pitched roof.

3. The Proposal

- 3.1 This application seeks planning permission for the erection of 2no. semi-detached three bedroom dwellinghouses following demolition of the existing dwellinghouse. The proposed buildings would have a maximum height of approximately 7.8m, an eaves height of 5m, a width of approximately 13.1m and a maximum depth of approximately 12.6m.

4. Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because North Mymms Parish Council has objected to the proposal.

5. Relevant Planning History

- 5.1 None

6. Planning Policy

- 6.1 National Planning Policy Framework (NPPF) March 2012
- 6.2 Welwyn Hatfield District Plan 2005
- 6.3 Supplementary Design Guidance, February 2005
- 6.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

7. Site Designation

- 7.1 The site lies within the settlement boundary for Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

8. Representations Received

- 8.1 The application has been advertised by means of neighbour notification letters. 37 letters have been received from addresses in Brookmans Avenue, Moffats Lane, Westland Drive, Calder Avenue, Peplins Way, The Grove, Mymms Drive and Shrublands in objection to the proposal. Reasons are summarised as:

- Overdevelopment of the plot and harm to the visual amenity of the immediate and wider surrounding area.
- Impact on neighbouring amenity in terms of loss of privacy, loss of light and noise and disturbance.
- Lack of parking provision.
- Scale of development is incongruous with surrounding properties.
- Out of character with the prevailing nature of surrounding units.
- Reduction in soft landscaping to front.
- Design of units would disrupt harmony of surrounding built form.
- Detrimental impact in terms of highway safety.
- Noise and disturbance during construction phase.
- Harm to the spacious nature of the area.

- 8.2 Some of the above objections had regard to the timing of the submission of the application. This is not a material planning consideration and has no weight in the determination of this application.
- 8.3 A petition has also been received, signed by 100 residents at addresses within Brookmans Park, objecting to the proposed development due to overdevelopment of the plot, lack of parking provision and detrimental impacts in terms of highway safety.

9. Consultations Received

- 9.1 No objections have been received from; Welwyn Hatfield Client Services, Welwyn Hatfield Environmental Health, Affinity Water, Thames Water and Hertfordshire County Council Transport, Programmes and Strategy

10. Parish Council Representations

- 10.1 North Mymms Parish Council has objected to the proposed development stating:

Initial Development

“North Mymms Parish Council objects on the grounds that the proposal would be overdevelopment of the site and be overbearing on the street scene. There would be a loss of privacy for the neighbouring properties. The vehicle parking and manoeuvring space on site would be inadequate for the size of dwellings. The materials should be in keeping with the surroundings. (Refer to Development Management Committee if approval is recommended by Officers).”

Comment on Amended Plans

“North Mymms Parish Council OBJECT to the planning application, although the plans have changed it is still over-development and NOT in keeping with the street scene. The road is extremely narrow, bends and goes up a hill at this point. Parking is only allowed on one side of the road. This development would increase ON street parking even with the increase in parking spaces and would therefore cause a part of the road which is already dangerous to become more so.”

11 Analysis

- 11.1 The main planning issues with this application are:

- 1. Principle of development (SD1, R1, H1, H2, GBSP1, GBSP2, National Planning Policy Framework (NPPF))**
- 2. The quality of the design and the impact on the character and appearance of the area (D1, D2, SDG & NPPF)**
- 3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)**
- 4. Other Material Planning Considerations**
 - i) Highway and Parking (M14 and SPG)**

ii) Refuse and Recycling Storage (D1, IM2 & M4)

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 land that has been previously developed. Local Plan Policy R1 which requires development to take place on previously used or developed land is consistent with the NPPF. Furthermore, policies GBSP1 and GBSP2 direct new development towards existing towns and settlements.
- 11.3 The site is not an allocated housing site and so is considered to be a 'windfall site' and Policy H2 applies. Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;*
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
 - iii. The capacity of existing and potential infrastructure to absorb further development;*
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;*
 - v. The physical and environmental constraints on development of land.*
- 11.4 The application site is situated within the existing settlement of Brookmans Park as outlined in the Welwyn Hatfield District Plan 2005. This site has previously been developed, in accordance with policy R1, and currently comprises a detached, single storey dwelling. Additionally, as the application site is located within the settlement of Brookmans Park the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Furthermore, there are no known physical or environmental constraints at this site.
- 11.5 Taking all of the above into account, the proposal would be located within a sustainable location, in accordance with policy SD1. The development would also not contravene the Council's settlement strategy, in accordance with policies H1, H2, GBSP1 and GBSP2. As such, there is no objection to the principle of development in purely land use terms.

2. The quality of the design and the impact on the character and appearance of the area

- 11.6 Local Plan Policies D1 (Quality of Design), D2 (Character and Context) and GBSP2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These

policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

- 11.7 The proposed development would form part of an existing established streetscene comprised of a mix of semi-detached and detached single storey and two storey residential units diverse in build and form. Though the area has a distinct spatial feel, there are examples of properties within the immediate vicinity with reduced spacing to sides.
- 11.8 The existing property on the site is a single storey detached unit constructed of facing red brickwork and render. This unit has a maximum height of approximately 5.6m, an eaves height of 2.5m, a maximum depth of approximately 10m and a width of approximately 14.7m (including the single storey garage). At present, the single storey garage is constructed on the western boundary of the site and there is a gap of approximately 1.2m between the eastern elevation of the dwelling and the adjacent eastern boundary of the site. The unit is set back approximately 11m from the access road.
- 11.9 The proposed units would have a maximum height of approximately 7.8m, a maximum eaves height of 5m, a width of 13.1m and a maximum depth of 12.6m. The proposal would leave a gap of approximately 1.3m between the eastern elevation and the adjacent eastern boundary of the site and would leave a gap of approximately 1.2m between the western elevation and the adjacent western boundary of the site. The units would be set back from the access road by approximately 9.5m.
- 11.10 It is acknowledged that the proposed units would be greater in scale than the existing dwelling at the site. However, given that the units would be consistent in scale with the two storey unit immediately adjacent to the west of the site, and with two storey dwellings within the wider streetscene, and as the dwellings would still be set back from Moffats Lane by approximately 9.5m, it is not considered that the proposed development would result in a visually dominant or intrusive feature within the streetscene.
- 11.11 The proposal would not result in a discernible impact on the spacing between the proposed building and the eastern boundary of the site when compared to the existing situation and would result in an increase in the spacing (1.2m) between built form at the site and the western elevation of the site. Taking this into account, it is considered that the units would be of an appropriate bulk and mass for their respective plots. As such, and with regard to units within the immediate streetscene with reduced spacing to side, there would be sufficient space left about the proposed dwellings so that the development

would not appear cramped upon the plot, respecting the spacious character of the area.

- 11.12 Furthermore, on discussion with Welwyn Hatfield Landscape and Ecology Officers, it is not considered that the proposal would result in harm to vegetation at the site that is of significant amenity value to protect. In addition, it is considered that the ratio of soft landscaping to hard landscaping to the front of the proposed dwellings would be consistent with that of units within the immediate and wider surrounding area and is, therefore, acceptable. It is, however, recommended that a condition be imposed requiring the submission of a Landscaping Plan prior to development commencing. This would provide further details of hard surfacing materials and vegetation to be used and would ensure that the proposal is of a high standard of design in this regard, in accordance with policy D8
- 11.13 With regards to the design and appearance of proposed units, it is considered that a pair of semi-detached units constructed of facing red brickwork under a hipped roof would be acceptable. Furthermore, there are examples of properties with cat slide roofs to front and dormer windows of a scale similar to those proposed within the immediate streetscene. As such, the overall design of proposed dwellings would not disrupt the harmony of the surrounding built form to the extent that would warrant a refusal of permission. It is, however, considered reasonable to attach a condition requesting samples of materials to be used for the actual construction of the units to be submitted to ensure that the build of the proposed development is of a high standard.
- 11.14 Taking all of the above into account, it is considered that the proposal, subject to the imposition of relevant conditions, would be visually acceptable and satisfactory in design. The development therefore complies with saved policies D1, D2 and D8 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF.

3. The potential impact on the residential amenity of adjoining neighbours

- 11.15 Policies D1 and R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 11.16 The most likely neighbouring properties to be impacted upon by the proposed development are Nos. 53 and 57 Moffats Lane.
- 11.17 With regards to No. 53 Moffats Lane, the proposed development would extend beyond the rear elevation of this property, at two storey level, by approximately 3.5m. A single storey element would extend approximately 2m beyond this. The proposed units would be approximately 6m away to the east of this neighbouring property. With particular regard to this distance, it is considered that the overall build, form and positioning of the proposal would

not result in significant and demonstrable harm to the living conditions of the occupants of No. 53 Moffats Lane, in terms of overbearing and loss of light. Furthermore, there are no first floor side facing windows within the western elevation of the proposal and first floor rear windows would not afford direct views of the private primary amenity space which benefits No. 53 Moffats Lane. As such, the privacy of this unit would be preserved.

- 11.18 Turning to No. 57 Moffats Lane, the proposed development would extend beyond the rear elevation of this neighbouring unit, at two storey level, by approximately 1.1m. A single storey element would extend a further 2.2m beyond this. The proposal would be constructed approximately 3m away from this neighbouring property. Taking this into account, it is considered that the overall build, form and positioning of the proposal would not result in significant and demonstrable harm to the living conditions of the occupants of No. 57 Moffats Lane, in terms of overbearing and loss of light. Furthermore, there are no side facing first floor windows within the eastern elevation of the proposed development and proposed first floor windows would not afford direct views of primary private neighbouring amenity space which benefits No. 57 Moffats Lane. As such, the privacy of this neighbouring unit would be preserved.
- 11.19 Notwithstanding the above, considerable extensions and alterations to the proposed units could be constructed under permitted development were permission to be granted. As such, it is considered reasonable to remove permitted development rights for extensions and alterations to both units (Schedule 2, Part 1, Class A) in the interests of the living conditions of the occupiers of neighbouring units, in terms of overbearing and loss of light.
- 11.20 It is also noted that concerns have been raised with regards to noise and disturbance to neighbouring units during construction and following completion of the units. Given the scale of the proposal and as developers would have to comply with Environmental Health legislation with regards to noise and disturbance during construction, it is not considered that the proposal would result in significant harm to the occupiers of neighbouring units in this regard. Additionally, again given the scale of the proposal, which would add an additional unit to an existing residential area, it is not considered that the development would result in significant levels of noise and disturbance through intensification of the existing C3 (residential) use.
- 11.21 With regard to the amenity the development would provide for future occupiers of the proposed dwellings, the dwellings are of a high standard of design and would provide in excess of 80m² of usable private amenity space for future occupiers. Having regard to this, and to the relationship proposed units would have with existing neighbouring properties, it is considered that the development would provide acceptable levels of amenity for future occupiers and a refusal on these grounds alone would not be reasonable.
- 11.22 Taking all of the above into account, it is considered that the development would not detrimentally impact upon neighbouring amenity, in terms of overbearing, overshadowing and overlooking. Furthermore, the proposal

would provide adequate amenity for future occupiers of the proposed dwellings. The proposal therefore complies with saved policies D1 and R19, the Supplementary Design Guidance or the relevant paragraphs of the NPPF.

4. Other Material Planning Considerations

11.23 *i) Highway and Parking (M14 and SPG)*

Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

11.24 In accordance with the adopted Supplementary Planning Guidance for parking the development would require a maximum of 6 spaces. The development would provide ample hardstanding to the front of the proposed units that would allow for two off-street parking spaces per dwelling.

11.25 Furthermore, on-street parking is permitted in Moffats Lane and on-street parking is not prevalent within the immediate area, as most properties benefit from sufficient off road parking spaces. As such, it is considered that even if there were pressures for on-street parking resulting from the proposal this could be accommodated within the immediate area without compromising vehicular movements along Moffats Lane.

11.26 Taking all of the above into account, and as there is space to the rear of each unit to allow for secure cycle storage in accordance with adopted guidance, the proposal is not considered to be contrary to paragraph 39 of the NPPF in this regard.

11.27 Turning to highway safety, the property as existing is served by two vehicle crossovers, providing a carriage driveway arrangement enabling vehicles to enter and leave in forward direction. However, submitted plans show that each proposed dwelling would be served by one of the existing vehicle crossovers

11.28 Whilst this new arrangement may result in the loss of ability to exit the site in a forward gear, such a requirement is not mandatory on this class of road subject to there being appropriate pedestrian / vehicle intervisibility at the access and achievement of visibility splays. No front boundary wall is proposed and visibility splays appear appropriate in each direction. As such, it is not considered that the proposed access arrangements for the units would result in significant harm in terms of highway safety.

- 11.29 Furthermore, though the provision of 2 dwellings on the site of a former single dwelling may give rise to additional vehicle trips, this would be at a level that could be accommodated within the local highways network.
- 11.30 Taking all of the above into account, and as Hertfordshire County Council Transport Programmes and Strategy are not opposed to the proposed development, it is considered that the proposal would not result in significant harm in terms of highway safety.
- 11.31 *ii) Refuse and Recycling Storage (D1, IM2 & M4)*
The Council has adopted a Supplementary Planning Document 'Planning Obligations' which may require a development to provide financial contributions for new bins and recycling facilities. Welwyn Hatfield Borough Council Client Services have been consulted and have raised no objection to the proposal and have not requested a financial contribution. On this basis, it is considered that the refuse and recycling for the proposed units can be incorporated into the existing service and the proposal, therefore, complies with local planning policy D1 in this regard.

12. Conclusion

- 12.1 The proposal would be located within a sustainable location, in accordance with policy SD1. The development would also not contravene the Council's settlement strategy, in accordance with policies H1, H2, GBSP1 and GBSP2. As such, there is no objection to the principle of development in purely land use terms.
- 12.2 The impacts of the proposal have been considered on the visual amenity of the area, on the amenity of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with relevant policies within the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with relevant provisions of the NPPF.

13. Recommendation

- 13.1 It is recommended that planning permission be approved subject to the following conditions:
1. Development in accordance with approved plans and details: 05 received and dated 23 July 2015 & 02 Rev. D received and dated 14 January 2016 & 04 Rev. C & 01 Rev. E received and dated 18 January 2016 & 03 Rev. C received and dated 21 January 2016.
 2. Samples of materials
 3. No development shall take place until further 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. Subsequently, these

works shall be in addition to those shown on the approved plans and shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) planting plans, including specifications of species, sizes, planting centres, number and percentage mix for the front garden area;
- b) a copy of the suggested maintenance program for vegetation to be issued to future residents
- c) means of enclosure and boundary treatments;
- d) existing and proposed finished levels and finished floor levels of the dwelling;
- e) details for all hard surfacing

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

4. All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 1 of Schedule 2 of that Order shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of protecting the living conditions of the occupiers of neighbouring properties in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has 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. Road deposits. Best practical means should be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

2. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

3. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

4. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

5. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

6. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum should be employed at all times

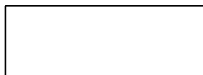
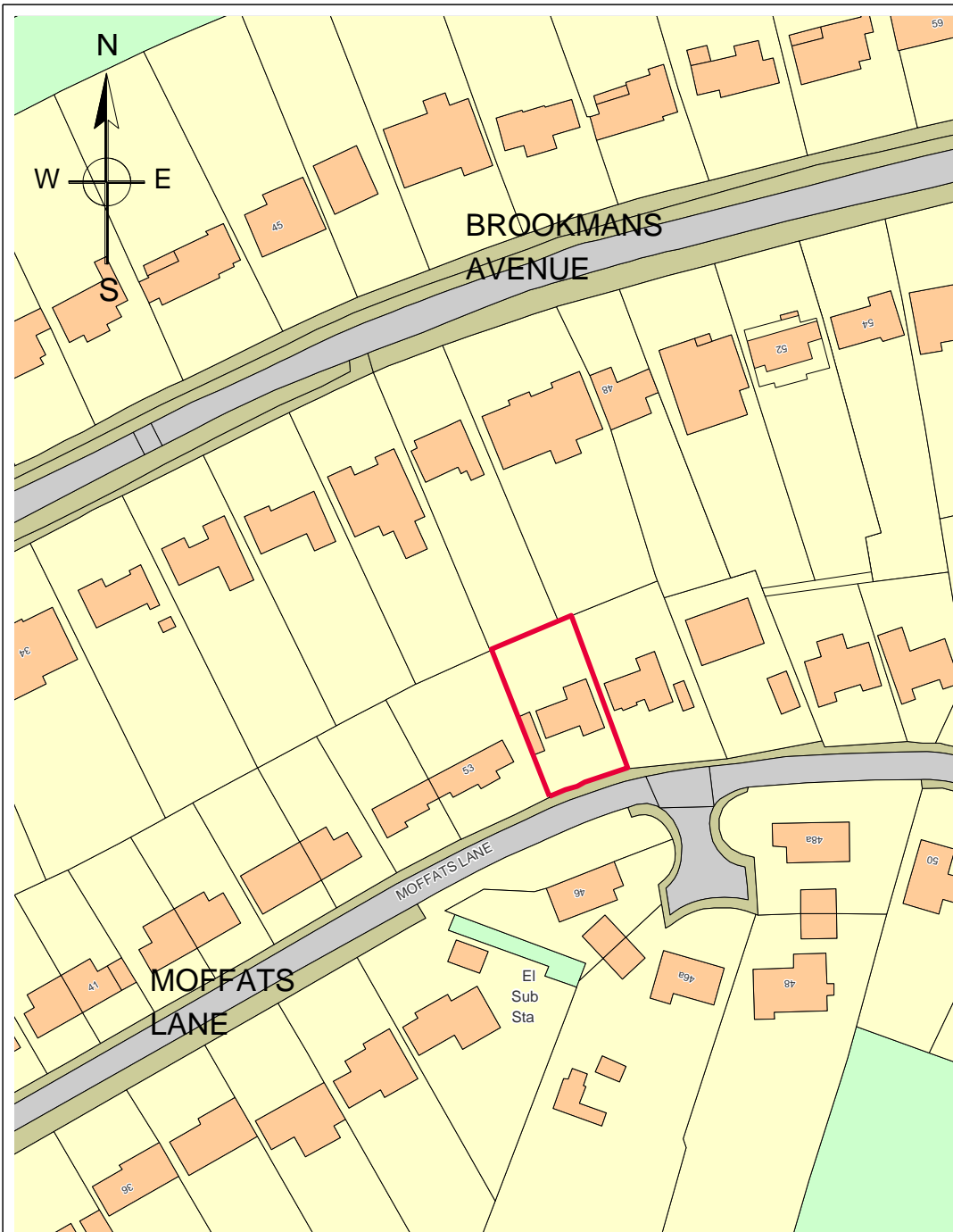
7. All plant and machinery in use should be properly silenced and maintained in accordance with the manufacturers' instructions

8. All compressors should be sound reduced models, fitted with properly lined and sealed acoustic covers, which should be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufactures.

9. All machines in intermittent use should be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, should be housed in suitable acoustic enclosures.
10. Items of plant and equipment should be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
11. All pile driving should be carried out by a recognised noise reducing system.
12. Where practical, rotary drills and bursters, actuated by hydraulic or electric power should be used for excavating hard material
13. In general, equipment for breaking concrete and the like, should be hydraulically actuated.
14. '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.
15. Any emergency deviation from these conditions should be notified to the Council without delay
16. Any planned deviations from these conditions for special technical reasons, should be negotiated with Council at least 14 days prior to the commencement of the specific work.
17. Permissible noise levels are not specified at this stage.
18. All efforts should be made to reduce dust generation to a minimum
19. Stock piles of materials for use on the site or disposal, that are likely to generate dust, should be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
20. Water sprays should be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

Matthew Heron, (Strategy and Development)
Date 10/02/2016

Expiry Date: 05/02/2016



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title:

55 Moffats Lane, Brookmans Park

Scale: DNS

Date: 2016

Project:

DMC Meeting

Drawing Number:

S6/2015/1391/FULL

Drawn: Andrew Windscheffel

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