

Part I

Executive Member: Councillor S. Boulton

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 OCTOBER 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/1029/FULL

DIOCESAN EDUCATION CENTRE, HALL GROVE, WELWYN GARDEN CITY AL7 4PJ

ERECTION OF 9 X 2 BED HOUSES AND A COMMUNITY HALL WITH ASSOCIATED
PARKING AND LANDSCAPING, FOLLOWING THE DEMOLITION OF THE EXISTING
CHURCH AND DWELLING

APPLICANT: Mr P Highfield

(Howlands)

1 Site Description

- 1.1 The application site extends to 2,400 sqm in size and comprises two properties – the Diocesan Education Centre, accessed from Hall Grove, and a two storey dwelling to the rear, accessed from Cole Green Lane. The two properties are separated by a 1.8m high fence. The Education Centre is sited adjacent to the boundary with 9 Hall Grove. Much of its curtilage is laid to hardstanding with a small patch of grass at the rear. The centre is boarded up and is in a very poor state of repair. The site is poorly maintained and is an unattractive element of the street scene
- 1.2 The dwelling is sited towards the western boundary of the site and is surrounded by trees and bushes, with a reasonably large expanse of gravel parking and turning area.
- 1.3 The Hall Grove street scene comprises a variety of terraces, detached and semi-detached dwellings, many of which are built close to their flank boundaries. On the opposite side of Hall Grove, is a short terrace of retail units and a Doctor's Surgery.
- 1.4 The Cole Green Lane street scene is far more open with expanses of grass on either side of the road and the dwellings and their parking areas on the northern side of the road set well back behind hedging.

2 The Proposal

- 2.1 Planning permission is sought for the erection of 9 x 2 bedroom houses and a community hall with associated parking and landscaping following the demolition of the existing church and dwelling. During the course of the application, amended plans have been received addressing the concerns with the originally proposed scheme. These plan have been re-consulted on and any comments received in response will be reported at the committee.

2.2 The dwellings would be arranged as three detached bungalows and a pair of semi-detached dwellings (plots 1 – 4 and 9; accessed from Cole Green Lane) and a terrace of three houses (plots 5 – 7) fronting Hall Grove, set back from it by around 7m. The community hall would also front Hall Grove with the eighth dwelling (a flat) above it at first floor level. It would be set back from the road by around 15.5m.

2.3 The size of the dwellings and their parking spaces would be as follows;

Plot	No. of Bedrooms	No. of Parking Spaces
1	2	2
2	2	1
3	2	1
4	2	1
5	2	1
6	2	1
7	2	1
8	2	1
9	2	1

2.4 Three visitor parking spaces would be provided as well as nine spaces for the community hall. Four bicycle parking spaces would be provided for the community hall as well.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because it has been called in by Councillor Weston who expresses concern about traffic congestion/generation, lack of disabled parking and the absence of affordable homes for local people.

4 Relevant Planning History

4.1 6/2017/2760/MAJ Erection of 9 houses (1 x 2 bedroom, 6 x 3 bedroom and 2 x 4 bedroom) and a single storey community hall with associated parking and landscaping following the demolition of the existing church and dwelling. Withdrawn as the Council was concerned with the quantum of the proposed development, its impact upon the street scene and the level of hardstanding proposed in the scheme.

5 Relevant Planning Policy

5.1 National Planning Policy Framework 2018 (NPPF)

5.2 Welwyn Hatfield District Plan 2005 (Local Plan)

5.3 Draft Local Plan Proposed Submission 2016

- 5.4 Supplementary Design Guidance 2005 (Statement of Council Policy) (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the built up area of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.
- 6.2 The site is in close proximity to the Beehive Conservation Area, the boundary of which incorporates the dwellings along Moorlands, to the south of the application site, and those to the west of 7a Hall Grove, to the west of the application site.

7 Representations Received

- 7.1 The plans for the original application were advertised by means of neighbour notification letters and two site notices (one along Hall Grove, one along Cole Green Lane). Seven responses received, two supporting the application, four objecting and one commenting;
- 7.2 The letters of support;
 - This will be an improvement to the local area. Apart from a visual improvement, the development would be a useful community hub for the area. It would also provide much needed social housing.
 - The development would be in keeping with Howard's Garden City design.
- 7.3 The letters of objection;
 - What is 'associated parking' - especially for a community hall that would host local events with very much needed parking spaces. Hall Grove is already very congested and I can see no improvement to this with this development.
 - Is there accessible/ disabled parking and access to the community hall area?
 - Visitors and others will have to use roads around Hall Grove as an overflow, clogging up the already congested streets and creating further problems. Not convinced this is good for local residents that already cannot park outside their houses.
 - The development would have a negative impact upon our home and would go against the traditional Welwyn Garden City style.
 - Loss of outlook.
 - The distance between the dwellings on plots 1 and 2 and the boundary has been reduced, resulting in a loss of privacy.
 - The development would be intrusive and would result in a loss of enjoyment of neighbour's garden space with noise, pollution and nuisance arising.
 - The limited amount of garden space has implications for the layout of garden equipment and privacy of the neighbouring properties.
 - The proposed landscaping indicates the removal of established shrubs and trees with implications for privacy and outlook.

- Landscaping in the neighbouring properties should not be removed or lopped.
- The proposed proximity of the new dwellings to the boundaries of the site may result in a desire to trim the well- established boundary hedges: this would result in a loss of outlook and enjoyment of the existing neighbouring properties and should not be allowed.
- The proposal represents overdevelopment of the site with potential issues of noise, privacy, odour and outlook.
- The dwellings would soon become too small for families and would want to be extended, therefore having a potentially greater impact upon the neighbours.
- There are no disabled parking bays.
- Is another dropped kerb onto Hall Grove permitted? There are double yellow lines along the road and the additional dropped kerb may make the parking worse.
- Will the houses be affordable to Welwyn residents?
- The proposal would represent overdevelopment of the site and would result in loss of daylight and sunlight.

7.4 The letter of comment;

- I am worried that there will no longer be any disabled access to the site, especially the community hall on which a number of activities took place that catered for disabled and people with access needs. This should be considered in terms of car parking and access.
- I am concerned that for nine properties there will be more parking needed, especially if there is to be a community hall here. The parking situation in Hall Grove is already quite bad with many people having to park over double yellow lines and on kerbsides. Will there also be sufficient parking for the residents of nine houses with two/ three bedrooms each?
- The size and use of the community hall/ church will be greatly diminished and we as local residents to Hall Grove, do not benefit from these facilities that were once here.
- I'd like to know how much (if any) of this development will be affordable to local people. It sounds as if it is a developer that wants to cash in. We urgently need more affordable housing for our younger generations.

8 Consultations Received

- 8.1 **Cllr Jill Weston** – I am extremely concerned about traffic congestion related to this site as Hall Grove gets congested already outside the shops, doctor's surgery and further down near the community centre and hospice. More cars coming out from and going into this site will only add to the mayhem.

There are not enough parking spaces on the site with only seven for the community hall and none of these is a disabled bay. There is only one space provided for five of the houses so there is bound to be over-spill into Hall Grove itself, making parking matters there worse.

I am concerned that as many new homes built in our area as possible are affordable, for local people. I would like to call this application in.

- 8.2 **Welwyn Hatfield Borough Council – Waste Services** – (to the original plans)
The Bin Collection Point shown on Cole Green Lane appears to have been designed on part of the existing grass strip maintained by WHBC and I'm not sure this is land owned by the developer. This should be clarified to ensure the development is fully within the curtilage of the private land of the development.

A designated Bin Collection Point on the Hall Grove side is not appropriate as it appears to be on the public footpath itself? Each household would be responsible for presenting their bins but to avoid obstruction these would be best placed on the verge outside each individual's household.

- 8.3 **Welwyn Hatfield Borough Council – Landscape** – (to the original plans)
The majority of the higher quality trees are to be retained with the exception of a cherry tree located at the front of the site which will be replaced as part of the proposed planting and a cypress tree within the site.

I am satisfied that the proposed development has considered the trees and will retain the higher quality vegetation in most instances. As the cherry tree is outside the red line of the site it is recommend that the applicant reach an agreement with Herts County Council regarding the removal of tree and its subsequent replacement.

The applicant has supplied a Tree Protection Plan and an Arboricultural Method Statement (AMS). The proposed methods of work and protection are considered appropriate. The AMS should be adhered to fully if the proposal is approved.

The proposed landscaping including the planting methods shown on Ginger Landscape Planting Plan (drawing number L003 revision B) are considered appropriate and sufficient for the proposed layout. It is recommend that if approved, a condition be attached stating that any loss of plants/ trees within the first five years should be replaced.

In conclusion, there are no objections to the proposal on landscape grounds and the proposed landscaping is considered sufficient.

- 8.4 **Welwyn Hatfield Borough Council – Public Health and Protection** –

Recommend approval subject to a condition regarding noise control and an informative regarding dust suppression.

- 8.5 **Herts Highways Transportation Programme** – (to the original plans) Does not wish to restrict the grant of permission subject to conditions regarding the provision and retention of the vehicular and pedestrian accesses; the closure of any other accesses/ egress point and the re- instatement of the footpath; the provision of visibility splays to the Cole Green Lane; the provision of the parking and turning space; the provision of and adherence to a Construction Management Plan; and informatives regarding the storage materials, the obstruction of the highway, wheel cleaning and works to the highway being done by an approved contractor.

- 8.6 **Herts County Council Development Services** – (to the original plans)
Is not intending to seek planning obligations on behalf of Hertfordshire County Council Property Services for this application as the development is for ten units

or less, and which has a maximum combined gross floor space of no more than 1000sqm. We therefore have no further comment on behalf of these services.

Please note that this does not cover the provision of fire hydrants and we may contact you under separate cover regarding a specific and demonstrated need in respect of that provision.

- 8.7 **Historic Environment Advisor** – (to the original plans) The proposed development site is close to Areas of Archaeological Significance (nos. 30 and 31) identified in the Local Plan.

The position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest.

Conditions regarding the provision of an Archaeological Written Scheme of Investigation, the provision of the development in accordance with the Written Scheme and no occupation of the development until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme approved and the provision has been made for analysis and publication where appropriate.

- 8.8 **Welwyn Hatfield Borough Council – Parking Services** – There are still significant concerns to the parking provision for the new residents as well as the community centre. There are currently double yellow lines in front of the development which prevent parking 24/7. Residents further down Hall Grove already struggle for parking space and there are no properties with off- street parking provision and rely on the parking availability on- street. There are shops a short distance away which already struggle for shopper spaces and this would likely be exacerbated with the increase in people using this when visiting residents in the new development. My previous comments regarding the complaints the Council have received about parking in the area and parking on garage forecourts and grass verges still stand. Although some additional parking has been created for the community centre, this is still limited and there are no disabled parking bays which would seem unusual for this type of development. I still feel the additional parking provision is not enough of the community centre and this will make it even more challenging for residents, shoppers and businesses alike when events are taking place.

- 8.9 While the Lead Local Flood Authority was consulted on the application, it was subsequently realised that they needn't have been as the application is not a major development considering the number of units and overall floorspace proposed. Their comments are therefore not being reported.

9 **Analysis**

- 9.1 The main planning issues to be considered are:

1. **The acceptability in principle of the change of use from community use to mixed community and residential use** (NPPF; Policies SD1, GBSP2, R1, H2 and CLT13 of the Local Plan; Policies SP1, SP3, SADM1 and SADM7 of the Emerging Local Plan)
2. **The acceptability in principle of residential development** (NPPF; Policies SD1, R1, GBSP2 and H2 of the Local Plan; Policies SP3 and SP7 of the Emerging Local Plan)

3. **Quality of design and impact on the character and appearance of the area** (NPPF; Policies D1, D2, D8, GBSP2 and SDG of the Local Plan; Policy SP9 of the Emerging Local Plan)
4. **Impact on the character and appearance of the area and on the Welwyn Garden City Conservation Area, the nearby Grade II listed building and the Areas of Archaeological Significance** (NPPF; Policy R29 of the Local Plan; Policy SADM15 of the Emerging Local Plan)
5. **Impact on the living conditions of neighbouring occupiers and future occupiers** (NPPF; Policy D1 and SDG of the Local Plan; Policy SADM11 of the Emerging Local Plan)
6. **The density of the proposed development** (NPPF; Policy H6 of the Local Plan)
7. **Impact of the historic environment** (NPPF; Policy R29 of the Local Plan; Policy SADM15)
8. **Highway safety, car and cycle parking, and refuse considerations** (NPPF; Policies M14, SPG and Interim Car Parking Policy of the Local Plan; Policies SP4, SADM2 and SADM12 of the Emerging Local Plan)
9. **Other considerations**
 - i) **Landscaping**
 - ii) **Flood Risk and Surface Water Run Off**
 - iii) **Access for People With Disabilities**
 - iv) **Removal of permitted development rights**
 - v) **Ensuring compliance with the Building Regulation**
 - vi) **Other non-material neighbour representations**

1. The acceptability in principle of the change of use from community use to mixed community and residential use

9.1 The applicant suggests the existing, empty facility is not fit for purpose as a church or an education centre as it is boarded up and is in a very poor state of repair. It has been closed for several years. The proposed development would retain a church hall/ community facility, in accordance with Policy CLT13 of the adopted Local Plan and criterion (iii) of the emerging Local Plan Policy SADM7. However, the proposed facility would represent a 76% reduction in the community floorspace provided on the site. The agent for the application has confirmed that the application is driven, not by residential development, but by the requirements of the Parish of Hatfield Hyde under the direction of the current Vicar to establish a new space appropriate to their work with the community and their future vision to expand this area of support to the community. The facilities that would be provided by the new community hall would they say, provide acceptable alternative facilities for the Parish. The Parish's congregational requirements for church services are met by its church at St Mary Magdalene in Hollybush Lane. The size of the proposed community hall is far better suited to the requirements of the church and is therefore in accordance with the requirements of Policy CLT13 of the adopted Local Plan and criterion (iii) of Policy SADM7 of the emerging Local Plan.

9.2 The church building at All Saints is therefore surplus to requirements for services and is also unsuited to the church's future community activities. The building is quite tired, requires significant capital investment, is too large to serve the community uses, too expensive to run and lacks the appropriate intimacy required for their community work. Consequently, the building has lain empty and disused for several years and is a current burden to the parish. The D1 use of the building is presently lost whilst the community activities of the parish are

undertaken on an ad hoc basis from other less suitable premises on a temporary tenure/ informal basis. The applicant suggests the current application not only provides the opportunity for the parish to secure the space they need but allows them to do so within their means, on a site they own, located at the heart of the community they seek to serve. The provision of residential development on the site permits the parish to secure a freehold title in the new D1 space together with the flat above, and a capital receipt to invest in their community activities without a funding gap or burden.

- 9.3 The proposed development would therefore be able to deliver a community use of better and more useful provision for the Parish, given the specific requirements for the building and the Parish and the presence and use of the church at St Mary Magdalene. The appellant confirms there is no need for a facility of such a size as the existing centre for the purposes of the Parish and indeed it has not been used for several years. The proposed loss of the existing facility would therefore not harm the ability of the church to provide the services and functions that it wishes to provide, at the heart of the community. The development would also provide additional benefit in the form of additional income for the church and would not result in the loss of a communal facility. The provision of the new facility which would be available to the local community (whereas the existing facility is not available to the local community as it boarded up and there is no prospect of it being brought back into use in its current form) is in accordance with Policy SP6 of the emerging Local Plan.
- 9.4 Moreover, given the length of time that the building has remained vacant (several years), it is not considered that the site need remain in the approved community use or in its current form. The principle of the change of use from an unused D1 community use to mixed community and residential use is on balance considered acceptable.
- 9.5 The community hall would be of a far better size for the community uses that it is intended to be put to than the existing much larger church centre (if it were to be brought back into use) and would be appropriate to the church's current needs. The new hall would be able to deliver community use to a better and more suitable level than previously available on site (notwithstanding the existing building has been boarded up and unused for several years). There is therefore limited conflict with Policy SADM7 of the emerging Local Plan as, while the proposed loss in floorspace is significant, it is expected that there would be a higher level of demand for the new facility of its reduced size, where currently it is considered that there would not be such demand (should the building once again be available for such use). It is the intention of the Vicar and the Parish of Hatfield Hyde to establish a new space appropriate to their work with the community and their future vision to expand this area of support to the community. The proposed development would meet this desire.
- 9.6 As a windfall site, the development must be considered against Policies R1 and H2 of the District Plan. Policy R1 refers to maximising the use of previously developed land and requires that development take place on previously developed land. This would be the case with the proposed development. Policy H2 refers to the location of windfall development and states that all applications for windfall residential development will be assessed for potential and suitability against a number of criteria. The site is considered suitable when assessed against these criteria as it is well sited for access by means other than the private car and is also within walking distance of local facilities. Moreover, the development would reinforce the existing community in the area. The

development proposes two bedroom dwellings and bungalows, which is considered acceptable for the site and in keeping with the surrounding properties.

- 9.7 The proposal is below the threshold for affordable housing in current District Plan (25 dwellings) and below the threshold set in Policy SP7 of the emerging Local Plan – Type and Mix of Housing (11 and more). Therefore there is no policy requirement for affordable housing in the scheme.

2. The acceptability in principle of residential development

- 9.8 Policy SD1 of the Local Plan states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Local Plan. The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Local Plan Policy R1 requires development to take place on previously used or developed land whilst Policy GBSP2 directs new development into the existing towns and specified settlements within the district.

- 9.9 The application site is located within an existing town and as such, there is the infrastructure for good transport links for existing residents, as well as shops, services and facilities available within walking distance of the site. The principle of residential development in this location is acceptable when considered against the criteria set out in Policy H2, subject to an assessment of the scheme against the adopted policies governing residential development, namely whether it is designed to be in keeping with the character and quality of the local environment, ensuring that there is a proper means of access and adequate parking provision.

3. Quality of design

- 9.10 The Government attaches great importance to the design of the built environment. Paragraph 124 of the NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 continues that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.11 Local Plan Policies D1 and D2 aim to ensure a high quality of design in all new development 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. The Council's Supplementary Design Guidance (SDG) requires the impact of a development to be assessed having regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and the area. Policy D6 of the Welwyn Hatfield District Plan requires new development to enhance and contribute the legibility of the development itself and the surrounding area. All new development should reinforce the identity of the district and be clearly legible to the user. In particular, new development is expected to respect and enhance existing views and vistas;

pay careful attention to the design of corner developments and ensure they are interesting and become points of local identity.

- 9.12 Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character. Local Plan Policy D8 requires landscaping to form an integral part of the overall design. Policy H6 requires new development to make efficient use of land; and that density should relate to the character of an area. It states that in areas with good accessibility residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and satisfy the design policies of the Plan. These policies are consistent with the design policies contained in the Emerging Local Plan and are broadly consistent with the NPPF.
- 9.13 Of a simple design and appearance, the proposed development would represent an improvement to the visual appearance of the site and would be compatible with the overall character of the street scene and this part of the Garden City. The nearby dwellings (and in particular, those immediately to the north of the site) are of a comparable simple design such that the proposed dwellings would in keeping with the street scene. While it is noted that the proposed doors and windows of the dwellings are more contemporary in their design, this is considered acceptable as they represent a modern interpretation of the simple Garden City design. They are uncomplicated in appearance and their grey frames would complement the proposed buff brick and grey roof tiles of the dwellings. Moreover, the proposed materials of construction are such that the new buildings would harmonise with the street scene in terms of materials and design. The flank elevation of the dwelling on plot 7 would be broken up to sufficient a degree by the front door in that elevation.
- 9.14 The bulk and massing of the proposed dwellings and the community hall and flat above are considered acceptable. They would be comparable with the size of the neighbouring and nearby buildings and would not be too large.
- 9.15 With regards to their layout, the proposed dwellings on plots 5 – 7 and the community hall would respect the staggered nature of the dwellings fronting Hall Grove and would be compatible with the layout of the street scene. The dwellings on plots 1 – 4 in the rear half of the site would follow the grain of the existing dwelling and garage on the site. While the dwellings in the vicinity of the site are two storey (terraced and semi-detached), there are a number of single storey buildings present (in the form of garage blocks and large outbuildings). The mix of dwellings and bungalows proposed in the scheme is therefore considered to be acceptable in terms of general compatibility with character of the area. Overall, the proposed development would be compatible with the layout and feel of the area and would not represent a jarring or incongruous addition to the quantum of built form in the area. The spaces that would be exhibited between the terrace of dwellings on plot 5 – 7 and the community hall and between these buildings and the neighbouring dwellings would be reflective of the overall degree of spacing between the existing buildings in the immediate area. The proposed community hall's set back from the site's frontage would serve to emphasise the reasonably spacious feel provided by the proposed development. This would reflect the set-back distance of the adjacent dwelling at 7b Hall Grove and would be acceptable. The proposed dwellings on plots 5 – 7 would have a ridge height around 1.3m higher than the adjacent terrace to the north of the site, as a consequence of the sloping nature of this part of the road. This relationship is

considered acceptable in terms of its impact upon the street scene. The difference in the heights of the buildings is not that significant as to have an adverse impact upon the scene or for the relationship between the dwellings to be unacceptable.

- 9.16 The relationship between the bungalow on plot 9 and the community hall is considered acceptable. Though these buildings would be sited close to each other, this relationship would not be evident from the front of the plot while, when viewed from the rear of the site, the bungalow would be read against the community hall. The buildings would not appear cramped or overcrowded on the plot.
- 9.17 With regard to spacing, the Supplementary Design Guidance (SDG) outlines that a minimum of 1m must be maintained between first floors and flank boundaries (therefore 2m between neighbouring houses). It is good practice to apply this rule to new dwellings to ensure sufficient spacing is maintained to prevent overdevelopment across plot widths at first floor and the appearance of terracing in streets where spacing is typically more generous. In this case, though the flank elevation of the terrace of dwellings at 9 – 19 Hall Grove is built to the side boundary of its plot, the space of 3m which would remain between the dwelling on plot 5 and the flank boundary of the site would be acceptable in the street scene. A similar distance would remain between the community hall and the boundary with the dwelling at 7b Hall Grove (with a further 2m to the dwelling itself). This spacing would be acceptable and would accord with the guidance in the SDG. The distance between the community hall and the dwellings on plots 5 – 7 would, together with the staggered nature of the buildings, would also have an acceptable upon the street scene. The proposed development would not appear cramped within the plot.
- 9.18 The proposed gardens are commensurate with the size and scale of the proposed dwellings.
- 9.19 However, the proposed flat would not be provided with its own garden or amenity space and there is no communal amenity space provided in the development which could be used by the occupiers of the flat. The absence of amenity space represents a shortcoming in the quality of accommodation provided and the inability to provide such space is indicative of the proposed scheme representing overdevelopment of the site. The agent for the application has however commented that the Parish do not foresee a requirement for dedicated amenity space for this dwelling, as it would be used in association with the Parish Hall. Moreover, there is public open space around 200m to the west of site along Beehive Lane, and around a similar distance to the south east, along Archers Ride. On balance, the presence of these areas of open space and the intended use of the flat linked with the church hall are considered sufficient to outweigh the lack of a garden for the flat.

4. Impact on the character and appearance of the area and on the Welwyn Garden City Conservation Area, the nearby Grade II listed building and the Areas of Archaeological Significance

- 9.20 The development would enhance the character and appearance of this part of the Welwyn Garden City Conservation Area through the removal of the existing building which, in a very poor state of repair, detracts from the Conservation Area, and its replacement with a suitably sized, scaled and designed addition to the area. It would meet the requirements of section 72 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 9.21 The proposed development would not have an adverse impact upon the setting of the Grade II listed Ludwick Hall as a consequence of the distances between the development site and the listed building (around 70m), and the presence of dwellings and garages between the two.
- 9.22 The proposed development is considered as likely to have an impact on heritage assets of archaeological interest. Accordingly, it is considered appropriate that conditions regarding the provision of an Archaeological Written Scheme of Investigation, the provision of the development in accordance with the Written Scheme and no occupation of the development until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme approved and the provision has been made for analysis and publication where appropriate, be imposed upon a permission granted.

5. Impact on the living conditions of neighbouring occupiers and future occupiers

- 9.23 The proposed dwellings and bungalows, their layouts and their individual rooms would be of a size which would comply with the minimum room and dwelling size standards contained in the Government's Technical Housing Standards document. The properties would therefore provide for a suitable level of accommodation for their future occupiers. They would also provide a suitable outlook from their habitable room windows. The distance between the rear elevation of the dwellings on plots 6 and 7 and the flank elevation of the dwelling on plot 4 would be around 14.5m. The outlook for the dwellings on plots 6 and 7 would therefore be acceptable.
- 9.24 In terms of orientation and the levels of light reaching the habitable rooms of the dwellings, the proposed development would be acceptable. The orientation and size of the windows would allow suitable levels of light to enter the rooms such that they would not be dark and dull but would provide a suitable living environment for their occupiers. The presence of trees and bushes in reasonably close proximity to the bungalows on plots 1 and 2 would not adversely affect the light reaching the rear-facing windows on the bungalows. Sufficient light to provide a suitable level of amenity for the occupiers of the development would be able to enter the rooms.
- 9.25 The proposed dwellings would not result in a material degree of overlooking of each other as a consequence of their siting and layout with regard to each other. The bungalows on plots 1 and 2 would not result in the overlooking of 11 and 12 Autumn Grove (to the rear) as they would be single storey and the rear boundary treatment of a visually solid hedge to a height of around 3m would prohibit overlooking. The dwellings on plots 3 and 4 would not result in a material degree of overlooking of 11 Autumn Grove as a result of the angle between the properties, and not of 10 Autumn Grove as a result of the distance between the properties. Overlooking from the dwelling on plot 5 would not result as a consequence of the angle between it and the neighbouring properties. None of the proposed dwellings would result in an overbearing impact for the neighbouring properties as a result of the relationship between the properties. There would not be an undue loss of daylight or sunlight for the neighbouring

properties either as a consequence of the proposed development and the siting of the buildings in relation to the neighbouring dwellings.

- 9.26 Though the development would cause a degree of noise and disturbance for the existing surrounding occupiers, this would not be beyond what would be expected from a development of this nature. It would not cause an undue adverse impact upon the amenities of the surrounding occupiers.

6. Density of the proposed development

- 9.27 The NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. The guidance in relation to densities is to try to ensure that development would not have an adverse impact on the character of the surrounding area and can satisfy design policies which has been discussed earlier in this report. Policy H6 identifies that in areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare. There are local facilities within immediate walking distance of the site and a number of bus services along both Hall Grove and Cole Green Lane which link this part of Welwyn Garden City to the town centre and further afield, and the services and facilities in those locations. The density of the development would be 37.5 dwellings per hectare which is considered acceptable for this site.

7. Highway safety, car and cycle parking, and refuse considerations

- 9.28 In terms of parking provision, the Council's interim policy for car parking states that the standards set out in Parking Supplementary Planning Guidance (SPG) will be treated as a guideline, but not a minimum or maximum. The Council no longer wishes to impose the restraint which maximum standards imply, and it now allows for flexibility to suit the needs of individual developments. For two bedroom dwellings, the SPG indicates the provision of 1.5 spaces per dwelling to be acceptable. The development would therefore require 13.5 spaces. However, the development would comprise two bedroom dwellings and is in a sustainable location within walking distance of local facilities and amenities and is well served by public transport. Moreover, Central Government guidance encourages the provision of parking at lower levels in new developments in order to encourage a move away from reliance on the private car. One space per dwelling would therefore be a sufficient level of parking for the development.
- 9.29 Nine parking spaces are proposed for the community hall. The Council's standards would usually require ten spaces: the provision of the nine spaces is considered acceptable given that the standards are guidelines and the proximity of a number of bus routes along both Hall Grove and Cole Green Lane making it possible to access the site by public transport and foot and cycle. This is also in accordance with Central Government guidance on parking provision.
- 9.30 The parking spaces would be an appropriate width and length. The design uses a shared surface area allowing access to parking spaces. The development is unlikely to have any impact on highway visibility, and the design does not impact on pedestrian-vehicle inter-visibility. The Highway Authority has not raised any objections to the proposed development and recommend a number to conditions regarding the provision and retention of the vehicular and pedestrian accesses, the closure of any other accesses/ egress point and the re- instatement of the

footpath; the provision of visibility splays to the Cole Green Lane; the provision of the parking and turning space; and informatives regarding the storage of materials, the obstruction of the highway, wheel cleaning and works to the highway being done by an approved contractor.

- 9.31 The concerns raised by Parking Services over the failure to separate the parking for the Community Hall and some of the dwellings is noted. However, the agent for the application has proposed that the site be run by a management company who would manage the issues arising from this. Moreover, one of the parking spaces to the front of the hall would be for occupier(s) of the flat above the hall which would be for use associated with the hall, rather than as a separate flat. This would resolve some of the potential parking conflict on the site.
- 9.32 The concern over the level of parking for the community hall is also noted, however the reasonably sustainable location of the development with proximity to the bus services and local facilities is considered sufficient to justify the proposed reduced level of parking. Moreover, the hall will serve the community in which it is located and many of the residents who use it will live within walking distance of the venue, thereby reducing the need for parking there.
- 9.33 The design also incorporates cycle parking and with the potential for sustainable travel well catered for in the local area no aspects of the design prevent the use of sustainable modes of transport. The cycle parking should be provided in a secure enclosure and this can be required by condition.
- 9.34 With regards to refuse collection, each dwelling would be provided with its own refuse and recycling facilities. These would be presented for collection in communal points and the front and rear of the site on the relevant mornings. These would be within the 15 metre refuse collection distance for collection.
- 9.35 It is therefore not considered that the proposed development would have an adverse impact upon the safety or operation of the highway network or the free flow of traffic.

8. Other considerations

Landscaping

- 9.36 Landscaping should be an integral part of the overall design of a development and, where feasible, the retention of existing trees is expected. There is a number of trees on the site which are worthy of retention in order to assist in the assimilation of the development within the street scene (from Cole Green Lane). The Council's Landscape Officer is satisfied with the proposed landscaping scheme and the details contained in the Tree Protection Plan and the Arboricultural Method Statement. The amended landscaping scheme proposes the planting of a hedge to a minimum height of one metre along the boundary of the site with Hall Grove as well as tree and hedge planting along the sides of the parking areas accessed from Hall Grove and along part of the front of the community hall. This would provide a pleasant frontage to the development and would screen the proposed parking. The distance between the terrace of dwellings on plots 5 – 7 and the community hall would also permit the provision of landscaping in this area to the benefit of the development. The development would result in a pleasantly landscaped environment for the future occupiers of the development. The concerns raised by the neighbours regarding the potential

loss of established shrubs and trees will be mitigated through the landscaping scheme which can be secure by condition.

Flood Risk and Surface Water Run Off

- 9.37 At the time of the original application on the site (for nine houses and a community hall, ref. 6/2017/2760/MAJ), the application was considered to be a major application and therefore the Lead Local Flood Authority was consulted. However, it has been determined that the current application is not a major application given it is for nine dwellings and the total development would have an overall floorspace of less than one hectare. Therefore, while the LLFA was consulted on this application, its objection on the grounds of the submitted documentation being insufficient to make an informed decision on flood risk grounds need not be taken into consideration.
- 9.38 It is however considered appropriate to require that details of a drainage scheme for the site be submitted to and agreed in writing by the Local Planning Authority to ensure that adequate drainage is provided for the site and that the development does not result in discharge onto the highway. This can be conditioned.

Access for People with Disabilities

- 9.39 Inclusive access for disabled persons will be provided in accordance with the requirements of Part M of the Building Regulations and Policy D9 of the Welwyn Hatfield District Plan, 2005. Access to accommodation above the ground floor can only be gained via a staircase. However, assuming the dwellings are designed in accordance with the Lifetime Homes standards, the proposed development would be in accordance with Policy H10 of the Local Plan.

Removal of permitted development rights

- 9.40 The dwellings would benefit from permitted development rights. The proposed development has been designed to be in keeping with the character and context of the area and to ensure that the living conditions of the neighbouring and future occupiers would not be harmed. In the interest of maintaining high quality design, it would be reasonable to impose a planning condition withdrawing permitted development rights under Class A (*enlargement, improvement or other alteration of a dwellinghouse*) and Class B (*the enlargement of a dwellinghouse consisting of an addition or alteration to its roof*).

Ensuring compliance with the Building Regulations

- 9.41 The proposal exceeds the Policy SP7 requirement for 20% of all new dwellings to meet Building Regulations Part M4(2) standards as the Design and Access Statement states that all proposed dwellings will be built to M4(2) standard. It has been suggested that a condition should be imposed to secure compliance with the Building Regulations. However, this is not considered necessary as the development would need to be built in accordance with the Regulations, thereby negating the need for such a condition.

Other non-material neighbour representations

- 9.42 The comments received concerning the development providing much needed social housing are noted. However, the proposal is to be for market housing.

- 9.43 The proposed dwellings are not considered to be too small for families as they would have two bedrooms and could accommodate small families.

Conditions

- 9.44 Following the introduction of new legislation from 1 October 2018, the Council is required to seek the agreement of an applicant when it is proposed to apply pre-commencement conditions. This agreement has been sought on this application, and the applicant has confirmed that they accept the imposition of pre-commencement planning conditions, should permission be granted.

10 Recommendation

- 10.1 It is recommended that planning permission be **GRANTED** subject to the following conditions and informatives:

1. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the 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.

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 above ground level in any phase of the development shall take place before a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure the development does not result in surface water discharge onto the public highway.

3. No development shall take place before details of wheel cleaning facilities to be provided during site demolition, excavation, preparation and construction have been submitted to, and approved in writing by, the Local Planning Authority. The approved wheel cleaning facilities shall be installed and operational before any development commences and shall be retained in working order throughout all phases of development. All vehicles leaving the site shall use the wheeling cleaning facilities.

REASON: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity.

4. No development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:

(a) A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site, floor levels of adjoining buildings, and full details of the proposed finished floor levels of all buildings and hard surfaces.

(b) The development shall thereafter be carried out only in accordance with the approved details.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties.

5. The tree protection measures specified in the Tree Protection Plan and the Arboricultural Method Statement shall be in place before works commence on site and shall be adhered to in the implementation of the development hereby approved for the duration of works.

REASON: To ensure protection of trees with identified amenity value within and adjacent to the site in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005

6. Prior to the occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan number 101 Rev PL1 to the satisfaction of the Highway Authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so it does not discharge from the site onto the public highway carriageway.

REASON: To ensure satisfactory access into the site and to avoid carriage of extraneous material or surface water to or from the highway.

7. Prior to the first occupation of the development hereby permitted, vehicular and pedestrian (and cycle) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing 101 Rev PL1 only. Any other existing points of access/egresses shall be permanently closed and the footway/ highway verge shall be reinstated in accordance with a detailed scheme which shall have been submitted to and approved in writing by, the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON: In the interests of highway safety and amenity.

8. Prior to the first of occupation of the development hereby permitted, a visibility splay measuring 2.4m by 43m shall be provided on each side of the Cole Green Lane access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety.

9. Prior to the first of occupation of the development hereby permitted, the proposed access/ on - site car parking and turning areas shall be laid out,

demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.

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

10. All contractor and delivery vehicle parking associated with site shall be provided on the site during the implementation of the development hereby approved.

REASON: In the interests of highway safety.

11. Prior to the commencement of any works above ground level on site, details of an enclosure for the proposed cycle parking/storage shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the size, external appearance, materials of construction and means of securing the enclosure. The enclosure shall be installed as approved before the dwellings are first occupied and shall thereafter be retained.

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.

12. 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 A and B of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

13. The scheme of landscaping in the approved Ginger Landscape Planting Plan 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. No development shall take place/ commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the

local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as required by the evaluation;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

15. The development shall take place/ commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 15.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

16. The development shall not be occupied/ used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision has been made for analysis and publication where appropriate.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

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

Plan Number	Revision Number	Details	Received Date
001	PL1	Location plan	20/04/2018
002	PL1	Existing site plan	20/04/2018
003	PL1	Existing elevations AA & BB	20/04/2018

004	PL1	Existing elevations CC & DD	20/04/2018
005	PL1	Existing elevations EE & FF	20/04/2018
006	PL1	Existing ground floor plan	20/04/2018
007	PL1	Existing first floor plan	20/04/2018
101	PL3	Proposed site plan	26/09/2018
102	PL2	Proposed site plan level 1	26/09/2018
103	PL2	Proposed site plan level 2	26/09/2018
110	PL2	Proposed elevations AA & BB	26/09/2018
111	PL2	Proposed elevations CC & DD	26/09/2018
112	PL2	Proposed elevations EE & FF	26/09/2018
113	PL2	Proposed elevations GG & HH	26/09/2018
121	PL2	Proposed unit A, B and C floor plans	26/09/2018
122	PL1	Proposed plan – community centre	20/04/2018
130	PL1	Proposed perspective – community centre	20/04/2108
131	PL1	Proposed perspective – private drive	20/04/2018
SK04		Swept path analysis 1	20/04/2018
SK05		Swept path analysis 2	20/04/2018
SK06		Swept path analysis 3	20/04/2018
SK07		Swept path analysis 4	20/04/2018
L001	B	Tree constraint plan	20/04/2018
L002	B	Tree protection plan	20/04/2018
L003	B	Planting plan	20/04/2018
L004	A	Proposed landscape	20/04/2018

1. POSITIVE AND PROACTIVE STATEMENT

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 viewed on the Council's website or inspected at these offices).

INFORMATIVES

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

Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

The applicant is advised that the storage of material 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 area must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction work commences. Further information is available via the website <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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 126 (2011)". Before works commence, the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

All works and ancillary operations which are audible at the site boundary, 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

Tom Gabriel, (Development Management)
Date 28/09/2018
Expiry Date: 12/10/2018



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p>	Title: Diocesan Education Centre Hall Grove Welwyn Garden City		Scale: DNS
	Project: DMC Committee		Date: 2018
	Drawing Number: 6/2018/1029/FULL		Drawn: Ida Moesner
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2018			