

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 25 APRIL 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/3125/FULL

12 TOLMERS GARDENS, CUFFLEY, POTTERS BAR, EN6 4JE

ERECTION OF 8 APARTMENTS FOLLOWING DEMOLITION OF EXISTING
BUNGALOW

APPLICANT: Mr A Sarno

(Northaw and Cuffley)

1 Site Description

- 1.1 The application site is located on the south side of Tolmers Gardens in the settlement of Cuffley. The road is a residential cul-de-sac close to the centre of Cuffley containing detached and semi-detached houses in one and two storeys with consecutive numbering. The ground level rises along the street and the roadway curves so there is not a continuous building line.
- 1.2 The site comprises a detached bungalow sited on the east of the plot. The site incorporates the end of the rear garden of No 11 and a slice of the rear garden and front forecourt of No 13. Both of these neighbouring properties are two storey. No 13 has recently been converted into two self-contained flats (6/2017/2013/FULL). Land levels on the site slope downward from west to east which result in the application dwelling being at a noticeably lower level than No 13.

2 The Proposal

- 2.1 Planning permission is sought for the erection of 8 apartments following demolition of the existing bungalow. The flats would be in 1 block, designed to look like two semi-detached houses. The flats would be arranged over three floors having three flats at ground level (2-beds), three at first floor (2-beds) and two in the roof-space (1no 2-bed and 1no 1-bed). All the flats would be served by a lift. The site would provide car parking spaces, a bin store, a cycle store and amenity areas.
- 2.2 A total of 12 parking spaces would be provided on site, three on the frontage, and nine within the site.
- 2.3 This application follows a previously refused application for the '*Erection of two semi-detached 4-bedroomed dwellings with associated car parking and landscaping, following the demolition of existing bungalow.*' (6/2017/0474/FULL). That application was refused for two reasons: scale, size, bulk and massing appearing overly prominent and incongruous in the street-scene (particularly the front gables) and over-dominance and perception of overlooking of No 13

Tolmers Gardens. The application was dismissed on appeal and the Inspector commented that the width and height of the building would be out of scale in the street-scene and, combined with the wide flat-end gables at roof level, would be intrusive in the street-scene and have an adverse impact on the character and appearance of the area. In addition the height and proximity to No 13 would result in an unacceptable effect on the living conditions at No 13.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called in by Councillor Sarson on the following grounds:

“This would be overdevelopment in a rural area and totally out of character.”

4 Relevant Planning History

- 4.1 Application number: 6/2017/0474/FULL
Proposal: Erection of two semi-detached 4-bedroomed dwellings with associated car parking and landscaping, following the demolition of existing bungalow.
Decision: Refused
Decision date: 22 August 2017
Dismissed on Appeal 1 December 2017
- 4.2 Application number: S6/1981/0708
Proposal: single storey side extension
Decision: Granted
Decision date: 26 January 1982
- 4.3 Application number: S6/1979/0741
Proposal: Ground floor rear extension and new dormer
Decision: Granted
Decision date: 20 December 1979
- 4.4 Application number: S6/1979/0410
Proposal: Two storey rear extension
Decision: Granted
Decision date: 5 September 1979
- 4.5 Application number: E6/1958/1703
Proposal: Site for bungalow
Decision: Granted
Decision date: 16 April 1958

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2019 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters and a site notice. The site notice expired on 15th January 2019. Sixty five responses were received from 61 addresses in the surrounding areas.

7.2 Eleven supporting comments were from 5 addresses in Tolmers Gardens and three from the wider village area. They can be summarised as follows:

- Site is within settlement boundary of Cuffley – not in the Green Belt
- There is a demand for this type of development
- Several long term residents looking to downsize for some years
- Accessibility to shops and local friends without being located on the main road (like the other flats)
- Good design, pleasing and in keeping with the area
- There should be a mix of housing in the area, including smaller units
- Housing market needs stimulation not stagnation
- Modern building, better insulated – lower carbon footprint
- Would accommodate downsizers; lift provided and generous room sizes for less mobile people
- Adequate parking to meet Council standards
- Occupant of No 13 considered No 12 would not overlook No 13
- No 14 side first floor window overlooks No 13
- No 13 is now occupied by a long term resident of Cuffley

7.3 Fifty seven objections were from 19 addresses in Tolmers Gardens and 32 from wider afield. They can be summarised as follows:

- The proposal is overdevelopment of the site
- Density on the site would be high
- Bigger than scheme for two semi's which was refused
- 25% increase in number of properties in the road
- Little amenity space
- Detrimental to character and appearance of area
- 3 storeys and windows on second floor (roof) frontage are out of character
- Loss of garden, hedge, trees, and wildlife habitats
- Would set a precedent and alter character of village
- Detrimental to neighbours; demolition, block light, overshadow, overbearing impact on Nos 13 and 14.
- Windows at No 13 are built out and overlook No 14
- Where is the on-site bin collection point?
- Inadequate parking and turning on site
- Narrow curved road suffers from severe parking congestion
- Disruption from car headlights
- Eligibility for residents parking scheme?

- Pedestrian gate from Parish Council car park is not an adequate access
- Not an appropriate site for flats
- Pressure on wider infrastructure: sewers and GP's
- Proposal does not appear to be solely for elderly people as previously indicated
- There are other flatted developments for elderly people in Cuffley (300 flats/maisonettes)
- No communal rooms for elderly people to socialise
- Contrary to draft Neighbourhood Plan which aims to preserve bungalows

7.4 Northaw and Cuffley Residents' Association responded with a letter containing many of the points of objection set out above. They also expressed that the response of residents at the NCRA meeting at which the proposal was presented, was not unanimously in favour of or against the proposal.

8 Parish Council Representations

8.1 Northaw and Cuffley Parish Council responded with a major objection to the proposal on the following grounds:

"This Block would be out of character with Tolmers Gardens. Tolmers Gardens is not all 4 - 5 bedroomed houses as stated. There are some 3 bedroomed homes. This is over development of the site. We recommend that WHBC make a site visit to make a judgement on the proposed mass scale & bulk of the development. A plan for two semi's has already been refused for this site - Ref 0474. Under the draft Neighbourhood Plan, NCPC recommends the retention of Bungalows. The site boundary shown in the proposed site plan 130E does not match the one in the design & access statement - Fig.2. page 5. Mature trees at No. 11 are at potential risk from this development."

9 Consultations received

9.1 Call-in received from Councillor Bernard Sarson stated in paragraph 3.1.

9.2 Welwyn Hatfield Borough Council Public Health & Protection Team – No objection

9.3 Welwyn Hatfield Borough Council Client Services Team – Comments:

- The refuse/recycling requirements for this development would be either 1x1100ltr and 1x240ltr refuse bins/containers or 4x360ltr refuse bins/containers and 3x360ltr recycling bins
- Bin store will require will require double doors opening outwards with a tarmac path at a minimum of 2m wide from the doors to the freighter and a drag distance of no more than 15m
- Strongly advise a lock to be fitted to the bin store and ask for a coded lock as opposed to one requiring fobs or keys.

9.4 Hertfordshire County Council Highways – Objection

- Point of access to shared surface excessive in width, contrary to recommended standards (Roads in Herts 3rd Edition Version 1 Jan 2011 Table 4.1.1.1) and unacceptable in terms of pedestrian safety.

10 **Analysis**

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

- 1. Principle of Development**
- 2. Quality of design and impact on the character and appearance of the area**
- 3. Impact on the living conditions of neighbouring occupiers and future occupiers**
- 4. Highways and parking provision**
- 5. Other considerations:**
 - Waste and recycling
 - Accessible and adaptable dwellings
 - External lighting
 - Neighbour representations

1. Principle of Development

10.2 Saved Policy R1 of the District Plan requires development to take place on previously used or developed land. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land.

10.3 The National Planning Policy Framework 2019 (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. Gardens and residential curtilages are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. The settlement of Cuffley is defined as an urban area for the purposes of the District Plan. Although gardens/residential curtilages are not a priority for development, the need to make efficient use of urban land remains a policy objective.

10.4 The application site is not allocated in the District Plan as a designated housing site so comes forward as a windfall site. Policy H2 of the District Plan 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.
- 10.5 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.6 The site is situated within the settlement of Cuffley, within easy walking distance of services and facilities of the centre. Existing infrastructure can absorb this development and the proposal would not undermine the delivery of allocated sites in the overall strategy, nor result in disproportionate growth of the settlement. The physical and environmental constraints of development of the land in the manner proposed is assessed below.

2. Quality of design and impact on the character and appearance of the area

- 10.7 District Plan Policies D1 and D2 of the Local Plan require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's SDG and are consistent with Policy SP9 of the Emerging Local Plan. Furthermore, Policy GBSP2 of the District Plan requires that 'within specified settlements' development will be limited to that which is compatible with the maintenance and enhancement of their character.
- 10.8 The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents. As such, there is also consistency between the Council's Saved and Emerging Local Plan with the NPPF.
- 10.9 The site is located near to the centre of the settlement and forms part of an area which has a residential, suburban character of broadly two-storey detached dwellings set with good sized plots. There is a strong presence of soft landscaping in the area which effectively softens the built development. A number of generously sized plots on Tolmers Gardens, each containing a single dwelling, have gained planning permission to be redeveloped for additional residential development over the years. Examples include:
- 13 The Gardens (6/2017/2013/FULL) – Conversion of 5-bed detached house into 2no, 2-bed flats
 - Land at 16 Tolmers Gardens (S6/2006/1076/OP & S6/2006/1728/DE) – Demolition of existing dwelling and erection of four new dwellings. Now named Chase Green

- Land to rear of 1-3 Tolmers Gardens (S6/2003/1317/FP) Erection of 3no, 2-bed dwellings. Not implemented.
- 10.10 The proposed development comprises a flatted block with associated cycle and bins stores, amenity space and parking.
- 10.11 The proposal would be 64.7% larger in footprint than the existing dwelling. Whilst this may appear to be significant, the application site is larger than existing – the result being a development which would only occupy 23% of the application site (302sqm of 1274sqm). Therefore, it is considered that the built development to plot ratio as proposed is acceptable.
- 10.12 The building would have a crown roof, hipped on all sides. This is an efficient design which allows the incorporation of living space into the roof. Whilst in some instances crown roofs can result in an unduly bulky appearance, in this case the visual perception of bulk would be reduced by the staggered elevations of the proposed development together with the bay and oriel window projections. When travelling east to west along Tolmers Gardens, views of the roof would be largely obscured by Nos 8, 9, 10 and 11 Tolmers Gardens.
- 10.13 Notwithstanding the above, the success of the proposed crown roof will rely on the quality of the detailed design, therefore it is considered necessary and reasonable to attach a planning condition requiring a cross-section drawing to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.
- 10.14 The development would have the appearance of 2no semi-detached dwellings from the street scene and include front bay windows reflective to the front façade of many existing dwellings in Tolmers Gardens. The design would also include modest hipped roof projections above the bay window features, an oriel window to the western flank and a further brick faced bay projection to the east flank. These additional features add visual interest to the building and are considered complementary to the area's character.
- 10.15 In terms of appearance, external materials have not been specified on the submitted drawings however it is understood that these would be in keeping with the street-scene. The front page of the submitted Design & Access Statement (August 2018) provides a computer generated 3-D visualisation of the external appearance of the dwelling and how it would integrate into the street-scene. For the avoidance of doubt and in the interest of proper planning, precise details/samples of the external materials can be secured through a planning condition.
- 10.16 On entering Tolmers Gardens, land levels slope gradually upward from east to west and building heights are stepped accordingly to respect this topography. The proposed flatted block would be set below existing ground level by between 0.4m-1.4m to offset its three storey height. The result of which is a building which would not be excessively greater in height than No 11 Tolmers Gardens (on lower land level) and notably lower than No 13 Tolmers Gardens (on higher land level).

- 10.17 In terms of layout, access to the ground floor flats would be by doors leading directly to the footpaths around the building. Access to the first and second floors would be via the communal stair and lift well positioned on the west side of the building.
- 10.18 The application has been supported by a block plan showing retained and proposed planting. A large boundary hedge has been removed between No 12 and 13's gardens. This was set behind the 2m fence on the site frontage and not a major contribution to the street-scene. Details of any tree works required to facilitate the development, a tree protection plan, and a further landscaping plan requiring additional trees and hedging to bolster the most prominent boundaries can be secured by condition.
- 10.19 Details of hard-landscaping have not been provided, however precise details can be secured through a planning condition.
- 10.20 Whilst it is noted that planning permission has been refused by Officers and subsequently dismissed at appeal for a flatted development on the site under reference: 6/2017/0474/FULL, the design of the development in that case was materially different to that currently proposed. The footprint has been reduced; the building has been re-aligned on the plot; and flat-end gables deemed inappropriate have been removed. Cumulatively, the proposed building would be much less prominent in the street-scene. In addition, the detailing of the building in terms of size and design of fenestrations have been extensively re-worked to respect and relate to adjacent dwellings in the street.
- 10.21 Concluding on the above and subject to the suggested conditions, it is considered that the proposed development would represent an acceptable standard of design and which would maintain the character of the existing area. In this respect the development would accord with Policies D1 and D2 of the District Plan, the Council's SDG, Policy SP9 of the Emerging Local Plan and the NPPF.

3. Living conditions of future occupiers and neighbouring residents

- 10.22 Policy D1 of the District Plan requires the standard of design in all new development to be of a high quality. This is expanded upon in the Council's SDG which sets out the guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. The NPPF advocates high quality design and outlines that planning decisions should create a high standard of amenity for existing and future occupiers

Living conditions of future occupiers

- 10.23 The proposed 1 and 2-bed flats are of a good size internally for the occupiers. The table on the following page sets out the Gross Internal Area (GIA) of the proposed flats with the Nationally Described Space Standards (NDSS). The floor areas proposed at ground and first floor are significantly over the NDSS for the number of bedrooms. The applicant has stated that the rooms are generous to accommodate people with mobility restrictions including wheelchair users who often require more circulation and manoeuvring space.

Flat No	No of bedrooms	GIA sqm proposed	NDSS sqm requirement	NDSS achieved
1	2	91	70	3 bedroom
2	2	71	70	2 bedroom
3	2	90	70	3 bedroom (5 persons)
4	2	77	70	3 bedroom (4 persons)
5	2	71	70	2 bedroom
6	2+ study	96	70	3 bedroom (5 persons)
7	1	61	39	2 bedroom (3 person)
8	2	82	61	3 bedroom (4 persons)

10.24 Communal amenity space would be provided around the blocks of an acceptable size with access to this area being available for the benefit of all occupiers. In addition, patios for side and rear ground floor flats are proposed. A planning condition can be imposed to ensure access to the communal space is retained for all occupants of the building. A detailed landscaping scheme including boundary treatments, and details of any garden furniture will ensure that the amenity area is appropriately designed for users. This can also be secured by condition.

10.25 Future occupiers in this block would have sufficient levels of outlook, privacy, sunlight and daylight to their internal accommodation.

Living conditions of neighbouring residents

10.26 In terms of the living conditions of neighbouring residents, the main properties which may be affected by the development proposal are those at No 11, 13 and 14 Tolmers Gardens.

10.27 No 11 is a two storey detached dwelling sited to the immediate east of the application site. The flank elevation of the building would be separated from the flank elevation of No 11 by approximately 2m and run approximately parallel to it. The flank wall is blank and the 3no roof-lights in the side roof-slope would not present direct overlooking to this property provided they are non-opening and glazed in obscure glass below 1.7m from finished internal floor level. This measure can be secured through a planning condition. The proposed building would project 5.5m to the rear of No 11. This level of projection would not appear unduly dominant from the rear windows or private amenity space of No 11 considering the separation distance between the properties, overall height of the proposed building and its hipped roof form. The rear elevation of No 11 faces south and so would not experience a significant adverse loss of sunlight or daylight from the proposed building.

- 10.28 No 13 is also a two storey building, which has been subdivided into two flats (one on each floor). It is on higher ground than the application site. The flank elevation of the building would be separated from the side boundary fence of No 13 by approximately 7m, the flank elevation of No 13 by 8m. The proposed oriel window at first floor is approximately 6m from this boundary and would only feature side windows so there would be no direct or harmful overlooking. There would be no direct views toward neighbouring properties from rear windows of the proposed flatted block. Flat 5 (at first floor) would feature a step-out balcony to the rear – approximately 1.2m in depth. To prevent direct overlooking toward neighbouring properties, the flanks of this balcony include a 1.8 solid screen. Such a measure would prevent harm to neighbouring properties in terms of overlooking or privacy. Precise details of this 1.8 screen can be secured through a planning condition.
- 10.29 The 4no roof-lights in the side roof-slope would not present direct overlooking to this property provided they are non-opening and glazed in obscure glass below 1.7m from finished internal floor level. This measure can be secured through a planning condition. The building would project beyond the rear of No 13 but be stepped back. The rear window of the first floor of No 13 has been angled away from No 12. The lawfulness of this adaptation is under investigation. If the window was still flush with the rear elevation the proposed new building would not intrude upon a 45 degree line from the centre of that window until a distance of 15m, and this would be reduced in impact by the pitch of the roof over the lift and would not appear unduly dominant. The rear elevation of No 13 faces south and, given the difference in land levels, would not experience an adverse loss of sunlight or daylight from the proposed building.
- 10.30 Concluding on the above and subject to the suggested planning conditions, it is considered that the proposed development would provide acceptable living conditions for its future occupiers and protect the living conditions of all neighbouring properties. In this respect, the development proposal would accord with Policy D1 of the District Plan, the Council's SDG, Policy SADM11 of the Emerging Local Plan and the NPPF.

4. Highways and parking provision

- 10.31 The Highways Authority have been consulted for this application and highlight that the proposed shared surface access at the point of entry (annotated as tarmac on drawing number: jw820-130 Rev G) is excessive in width and therefore unacceptable in terms of pedestrian safety. At the nearest point to the highway, this shared surface is 7m in width. The Highways Authority recommend that such an access in this location is 5m at the back edge of the footway as the development could reasonably be served by a dropped kerb. Notwithstanding the submitted details, a planning condition can require this access to be reduced in width accordingly prior to occupation of any part of the development.
- 10.32 The development would provide a total of 12 on-site parking spaces in full accordance with the Council's parking standards. The spaces are of suitable dimensions and appropriately laid out for safe and convenient use. In addition, many of the parking spaces would be located to the rear of the site and therefore would not be readily visible from the street scene.

- 10.33 Notwithstanding the above, it is considered necessary and reasonable in this case for the Local Planning Authority to exercise control over the allocation of car parking in order to ensure that on-site parking spaces are designated and spread appropriately across the flats. Control over the allocation of car parking can be secured through an appropriately worded planning condition.
- 10.34 The site is located within walking distance of the village centre of Cuffley where amenities and facilities are located, as well as Cuffley railway station and access to bus services.
- 10.35 A cycle store (for up to 8 cycles) has also been indicated which supports sustainable modes of transport. Whilst full details of the building have not been provided, this can be secured through a planning condition.
- 10.36 A suitable level of parking would be provided on site and the proposal would not represent a severe impact to highway capacity to justify a refusal of the application. Therefore subject to conditions the development would accord with Policy M14 of the Local Plan, the Council's SPG and Interim Parking Policy, Policy SADM12 of the Emerging Local Plan and the NPPF.

5. Other considerations

Waste and recycling

- 10.37 The Council's Client Services Team (Client Services) have been consulted for this application.
- 10.38 The refuse/recycling requirements for this development would be either: 1no 1100 litre and 1no 240 litre refuse bins/containers or; 4no 360 litre refuse bins/containers and 4no 360 litre blue lidded recycling bins.
- 10.39 The location of bin store is acceptable in terms of its proximity to the highway for waste collection. However, no details have been provided regarding the size, form, appearance and openings of the bin store, nor the number of receptacles the bin store can accommodate. Such details can be secured through a planning condition.
- 10.40 A 2m wide tarmac path from the door to the freighter is required. The area between the proposed bin store and the shared tarmac surface is laid in grass. However, a planning condition can require such a path to be provided to provide completely acceptable access arrangements for the dragging of bins to and from the bin store and freighter.
- 10.41 Client services have also requested that a lock to be fitted to the bin store and ask for a coded lock as opposed to one requiring fobs or keys. It is however considered that such a request cannot be imposed under the planning system. This would be for future occupiers and the owner/management company to agree with the waste management authority.

Accessible and adaptable dwellings

- 10.42 Policy H10 of the District Plan states that in all residential developments involving 5 or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime Home Standards. Policy SP7 of the Emerging Local Plan updates Policy H10 outlines that at least 20% of all new dwellings on sites

involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable' dwellings.

- 10.43 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance.
- 10.44 It is understood that the development would meet the needs of occupants with differing needs including some older or disabled people and is capable of adaptation, should needs change in the future. A planning condition can ensure that the development adheres to this part of the Building Regulations.

External lighting

- 10.45 No details of external lighting have been provided alongside this application. A planning condition is suggested requiring details to be submitted and approved by the Local Authority in the interest of protecting the living conditions of neighbouring occupiers and for the avoidance of any doubt.

Neighbour representations

- 10.46 A large number of neighbour representations have been received for this application, either supporting or objecting to the proposal. Many of the objections listed in paragraph 7.3 of this report have already been considered.
- 10.47 A recurring theme in the objections received is that the site is not appropriate for flats, would represent overdevelopment of the site and set a precedent.
- 10.48 There is a similarly scaled flatted block nearby the site along Tolmers Road and flatted development also exists above shops along the adjacent village centre along Station Road. The Council do not have a policy directing flatted development to gateway locations. Furthermore, Policy GBSP2 aims to ensure development within specified settlements, of which Cuffley is one, is compatible with the maintenance and enhancement of their character. It is considered that the flats proposed in this instance including amenity areas would be appropriately sized and well-appointed, and located within a building which would be compatible with the street scene.
- 10.49 Concern regarding the development setting a precedent with harm to local character are appreciated. However, no similar sites or applications to which this might apply have been put forward. Furthermore, each application and appeal is considered on its own merits and so a generalised fear of precedent can only be given limited weight.
- 10.50 In addition, the proposed development complies with Paragraph 60 of the NPPF which states that housing development should respond to future demographic needs and market trends.

11 Overall balance and conclusion

- 11.1 Paragraph 73 of the NPPF sets out that "*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*".

11.2 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 7 outlines that it includes, amongst other things, *“for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)”*.

11.3 The recent appeal at Entech House outlined that the Council do not have a five year housing supply and therefore the NPPF at Paragraph 11 notes the presumption in favour of sustainable development which for decision taking means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.4 *An assessment of the benefits:*

The proposed development for 8 flats will make a small but important contribution to help the Borough meet the requirements of Draft Policy SP2, which identifies a borough-wide housing target of 12,000 dwellings between 2013 and 2032. The principle of development of this site is in accordance with the emerging site allocation policy.

11.5 The site is sustainably located within the settlement of Cuffley, in close walking distance to range of day-to-day service needs.

11.6 The proposed development has been assessed against the policies of the District Plan, Emerging Local Plan and NPPF. It has been found to be acceptable, subject to conditions, in terms of impact on: the character of the area, living conditions of future occupiers and neighbouring occupiers, highways and parking, environmental health and the wider environment. There are no adverse impacts to this development and it meets the economic, social and environmental objective of sustainable development in mutually supportive ways.

11.7 Subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

12 Recommendation

It is recommended that planning permission is granted subject to the following conditions:

1. No development above ground level 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005 (Statement of Council Policy); Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

2. No development above ground level shall take place until details of the proposed crown roof have been submitted to and approved in writing by the Local Planning Authority. The details, including; a roof plan, elevations and sections, in either 1:50 or 1:100 scale, must clearly show that the flat roof is stepped down and concealed behind the surrounding pitched roof. The pitched roof must use ridge tiles. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: The proposal contains insufficient information in regards to the detailed design of the roof and this is required in the interests of quality of design and visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005 (Statement of Council Policy); Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and; the National Planning Policy Framework 2019.

3. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:

A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';

- a) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- b) The person carrying out the building work must inform the Building Control body which requirements apply;
- c) Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; and Policy SP7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

4. No development above ground level shall take place until details, including type and appearance, of the proposed flank screens of the balcony associated with Flat 5 has been submitted to and approved in writing by the Local Planning Authority. The approved details must be in place prior to occupation of Flat 5 and retained permanently thereafter.

REASON: To protect the living conditions of neighbouring occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

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

The landscaping details to be submitted must include:

- a) Means of enclosure and boundary treatments (including locations, height, scale and appearance);
- b) Hard surfacing, other hard landscape features and materials;
- c) Existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- d) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

6. All agreed landscaping comprised in the above details of landscaping must 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; Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

7. No development above ground level shall take place until details of the proposed cycle store have been submitted to and approved in writing by the Local Planning Authority. Details must include:
- a) Elevations (front, sides and rear) to a metric scale illustrating the size, form and openings. The type, colour and manufacture of the external materials must also be annotated;
 - b) Floor plan to a metric scale showing footprint and openings;
 - c) Roof plan to a metric scale including annotation of type, colour and manufacture of the roof covering.

The cycle store must be constructed in accordance with the approved details, made available for use and retained in that form permanently thereafter.

REASON: In order to ensure that there is adequate provision for cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policy M6 of the Welwyn Hatfield District Plan 2005; Supplementary Planning Guidance - Parking Standards 2004 (Statement of Council Policy); Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

8. No development above ground level shall take place until details of the proposed bin store and access arrangement has been submitted to and approved in writing by the Local Planning Authority. Details must include:
- a) Elevations (front, sides and rear) to a metric scale illustrating the size, form and openings of the bin store. The type, colour and manufacture of the external materials must also be annotated;
 - b) Floor plan to a metric scale showing footprint of the bin store, openings and receptacle provision within. The receptacle provision must include either: 1no 1100 litre and 1no 240 litre refuse bins/containers or; 4no 360 litre refuse bins/containers and 4no 360 litre blue lidded recycling bins. The bin store will require double doors opening outwards;
 - c) Roof plan to a metric scale including annotation of type, colour and manufacture of the roof covering;
 - d) A revised site plan to drawing number: jw820-130 Rev G, showing a tarmac path at a minimum width of 2 metres between the bin store doors and tarmac shared surface.

The bin store and access path must be constructed in accordance with the approved details, made available for use and retained in that form permanently thereafter.

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

Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2018; and the National Planning Policy Framework 2019.

9. No development above ground level shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the shared surface access (at the point of entry from the highway) on drawing number: jw820-130 Rev G revised to a width of 5 metres.

The approved details must be carried out prior to occupation of any part of the development.

REASON: In the interest of highway safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

10. Prior to installation of any external lighting, the applicant must submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties). This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

Any external lighting must be implemented in accordance with the approved details.

REASON: To protect the living conditions of neighbouring residential properties in accordance with Policy D1 and R20 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policy SADM11 and SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

11. Prior to occupation of any part of the development hereby approved, the proposed on-site vehicle parking must be laid out, demarcated, levelled, surfaced and drained, and retained thereafter available for that specific use.

REASON: To ensure the parking areas are implemented and retained for their specific use in the interests of highway safety and parking provision, in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005; Supplementary Planning Guidance – Parking Standards 2004; Interim Policy for Car Parking Standards and Garage Sizes 2014; Policies SADM2 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

12. Prior to occupation of any part of the development hereby approved, a scheme which shows the spaces allocated to each flat must be submitted to and agreed in writing by the Local Planning Authority. This must include a minimum of one space per unit. The car parking layout as shown on drawing numbers: jw820-130 Rev G and jw820-133, and agreed parking allocation must be retained permanently and shall not be used for any other purpose.

REASON: To ensure that the car parking spaces are provided prior to the occupation of the units in the interests of highway safety and that the number of spaces to serve each flat complies with Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance - Parking Standards 2004,

Interim Policy for Car Parking Standards and Garage Sizes 2014; Policies SP4, SADM2 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

13. Prior to occupation of any part of the development hereby approved, the shared amenity space must be provided. Thereafter, the shared amenity space must be retained permanently for the occupiers of the development hereby approved and must not be used for any other purpose.

REASON: To ensure all future occupiers of the development benefit from satisfactory private amenity space in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

14. Any upper floor window located in a wall or roof slope forming a side elevation of the building hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the living conditions of neighbouring occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

Plan Number	Revision Number	Details	Received Date
jw820-136	G	Existing Site Location Plan & Block Plan	25 March 2019
jw820-135	G	Existing Floor Plans and Elevations	25 March 2019
jw820-130	G	Proposed Site Plan	25 March 2019
jw820-131	G	Proposed Floor Plans and Roof Plan	25 March 2019
jw820-132	G	Proposed Elevations & Section	25 March 2019
jw820-134	G	Proposed Front & Rear Street Elevation	25 March 2019

- 15.

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

David Elmore (Development Management)

Date of expiry: 04 February 2019

Extension of time: 26 April 2019



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 12 Tolmers Gardens, Cuffley, Potters Bar		Scale: DNS
			Date: 2019
	Project: DMC Committee	Drawing Number: 6/2018/3125/FULL	Drawn: Emma
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2019			