

Part I

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(Hatfield Villages)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0775/FULL

THE LONG AND SHORT ARM, 18 LEMS福德 VILLAGE, LEMS福德, WELWYN
GARDEN CITY, AL8 7TN

CHANGE OF USE FROM CAR PARK FORMALLY ASSOCIATED WITH NOW
CLOSED PUBLIC HOUSE FOR THE ERECTION OF FOUR INFILL DWELLINGS AND
ASSOCIATED CAR PARKING, SHEDS, BIN STORAGE AND LANDSCAPING

APPLICANT: GRIGGS (FELDEN) LTD

1 Site Description

- 1.1 The application site lies within the Metropolitan Green Belt to the north of the specified settlement of Lemsford Village. Lemsford Village sits to the west of Welwyn Garden City.
- 1.2 The application site, known as The Long Arm and Short Arm Public House (now closed) is located on a substantial wide open fronted plot and has a steep incline of approximately 0.5 metres in topographical levels, with the south of the site lower than the rest of the site.
- 1.3 The Public House fronts onto Lemsford Village, which is the main through road linking it to other settlements such as Welwyn Garden City, and major infrastructure links such as the A1(M) motorway.
- 1.4 Due to its position on the main through road, and its prominent and elevated position within Lemsford Village, the Public House forms a landmark building.
- 1.5 Located to the west of the application site sits the Public House which is two commercial storeys in height and includes a large basement area. The Public House was constructed in the 1920's and has been extended, primarily in the 1980's. To the North of the Public House is an elevated garden area and a wooden shed.
- 1.6 To the West of the Public House is a small car parking area, some of which was formerly used for outdoor seating, although there is no record of this being approved via a planning permission. To the East of the Public House is the main car park area and a detached double garage associated with the residential accommodation of the Public House. Both car parks are accessed from two separate points off Lemsford Village road.
- 1.7 Pedestrian access is to the front of the Public House via either car parking area.
- 1.8 In terms of the boundary treatments, the eastern and northern areas are bound by various vegetation. The southern boundary is partially bound by the existing

built form, which abuts onto the public footpath. The western area to the side of the Public House does not have a boundary but does immediately abut onto the minor access road which provides access to a driveway for a property, 20 Lemsford Village, to the north.

- 1.9 The surrounding area is predominately residential in character, although there is another Public House in Lemsford, called The Sun Inn. The application site is enclosed by adjacent residential properties on its northern, and eastern boundaries ranging in age, with 20 Lemsford Village to the north being Grade II Listed. The dwellings are traditional in their setting, mainly linear development, in size and architectural appearance.

2 The Proposal

- 2.1 The application seeks full planning permission for the erection of two pairs of two storey, 3-bedroom semi-detached dwellings. These dwellings are located on the former main car park of the Public House. The proposed layout plan demonstrates a linear style of development which fronts onto Lemsford Village. The design approach is traditional, with a mixed pallet of materials.
- 2.2 Each dwelling would have two car parking spaces accessed from separate vehicular points along Lemsford Village. Each dwelling would have an electronic charging point.
- 2.3 Each dwelling would have private front and rear amenity gardens. A shed would be provided for bicycle storage and bin storage would be located behind the proposed gates, with access to the front of each property for collection.
- 2.4 The proposal seeks to incorporate a landscaping scheme.
- 2.5 The proposed dwellings are intended to be sold on the open market.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Broach.

- 3.2 The reasons for the Call In are:

1) The proposal would result in overdevelopment of the site;

2) The proposal would severely harm the prospect of the now vacant pub to be used for commercial purposes (as this proposal is building on the car park);

3) The proposal may provide insufficient natural lighting to potential future occupants of the dwellings;

4) Residents have expressed concern that since the application is submitted, the bus services have been cut by HCC, and that the transport statement might no longer be accurate.

4 Relevant Planning History

- 4.1 Application Number: E6/1959/0621/

Decision: Granted
Decision Date: 21 May 1959
Proposal: Extension to P.H. And formation of car park

- 4.2 Application Number: E6/1969/1608/
Decision: Granted
Decision Date: 29 December 1969
Proposal: Car park & staff garage.
- 4.3 Application Number: N6/1975/0714/
Decision: Granted
Decision Date: 11 March 1976
Proposal: Public house car park with access and new access to Brocket Estate and Lemsford Cottage including new double garage
- 4.4 Application Number: C6/1983/0629/
Decision: Granted
Decision Date: 16 February 1984
Proposal: Extension and alterations
- 4.5 Application Number: N6/2008/0895/FP
Decision: Granted
Decision Date: 31 July 2008
Proposal: Erection of smoking shelter
- 4.6 Application Number: N6/2008/2169/DS
Decision: Prior Approval Not Required
Decision Date: 07 January 2009
Proposal: Discharge of condition 3 (waste management) of planning permission N6/2008/0895/FP
- 4.7 A pre-application advice request was submitted prior to the submission of this planning application. However, this planning application was submitted before a pre-application report could be issued.
- 4.8 Amendments have been made during the course of the planning application. These relate to a reduction in the size of the proposed dwellings to reduce the impact on the setting of the Grade II Listed Bridge. Further plans have been submitted to demonstrate swept path analysis to the smaller car park, address Highway matters and to demonstrate sections through the site. These amendments will be discussed throughout this report.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

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

5.6 Lemsford Character Assessment (2023)

6 Site Designation

6.1 The site lies within the settlement boundary of Lemsford Village as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2023.

7 Representations Received

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notice. In total, 2 representations have been received, comprising 2 objections. All representations received are published in full on the Council's website and are summarised below:

Objections

- Impact on public highway;
- Impact on residential amenity of neighbouring property;
- Impact on future residents;
- Impact of the loss of the public house/car park;
- Loss of a view;
- Sustainability credentials;
- Potential for flooding;
- Impact on noise and disturbance.

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied:

- HCC Lead Local Flood Authority (LLFA)
- HCC Historic Environment Team
- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Landscape and Ecology
- Environment Agency
- Place Services Conservation Officer
- Herts and Middlesex Wildlife Trust
- Hertfordshire Ecology

8.2 The following have responded that they have no objections to the proposal but have not included conditions or obligations:

- Hatfield Town Council
- WHBC Client Services
- Thames Water

8.3 No response was received from the following consultees:

- Cadent Gas Limited
- Affinity Water
- HCC Water Officer

9 Analysis

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

1. Principle of development

- 1. Impact on setting of Listed Buildings and setting of Lemsford Conservation Area. Quality of design and impact on the character of the area.**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Renewable energy**
 - iv) Landscaping**
 - v) Contaminated land**
 - vi) Archaeology**
 - vii) Refuse and recycling**
 - viii) Other matters**
- 6. The planning balance**

1. Principle of the development

9.2 The National Planning Policy Framework (NPPF) states planning policies 'should promote and support the development of under-utilised land and buildings' (Para.120 (d)) and 'support development that makes efficient use of land' (Para.124).

9.3 Policy SP1 of the Local Plan seeks to bring about sustainable development in the borough by applying the following principles:

- The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities in the borough - whilst recognising environmental and infrastructure constraints.
- That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.
- That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.

- That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.
 - That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems (SUDs).
- 9.4 The definition of previously developed land in the NPPF includes: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*
- 9.5 From the planning history, it is understood that the site has an established use as a public house and associated car park for the pub. Therefore, the land use would not appear to conflict with the definition of previously developed land in the NPPF.
- 9.6 The application site is not allocated in the Local Plan for housing and therefore has come forward as a windfall residential site.
- 9.7 *Policy SADM1 of the Local Plan states:*
- ‘Planning permission for residential development on unallocated sites will be granted provided:*
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;*
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;*
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;*
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and*
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.*
- Windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services’.*
- 9.8 Criterion (i) of Policy SADM1 is discussed above and in the Green Belt section of the report below. In terms of criterion (ii), the site is located within the village of Lemsford, which is situated to the west of Welwyn Garden City. With regards to the sustainability of the development, it is noted that Lemsford is classified in Local Plan Policy SP3: Settlement Hierarchy, as a ‘Green Belt Village’ that is ‘washed-over’ by the Green Belt designation with limited local services and facilities. As such, these areas are not generally considered suitable for further development, unless it is compatible with Green Belt policy.

- 9.9 It has been identified that the village of Lemsford contains a village hall, primary school, and another pub, which are all within reasonable walking distance and are accessible via a footway. No shops are located in Lemsford, and the closest local centre is the Handside Neighbourhood Centre in Welwyn Garden City to the east of the A1(M), approximately 1 mile away, which can be accessed on foot (albeit requires passing underneath the motorway).
- 9.10 The application site is also around 1.4 miles from the Welwyn Garden City Sainsbury's store and approximately 1.9 miles to Welwyn Garden City Railway station. The site is around a 1-minute walk from two bus stops on a route providing a limited bus service to Hatfield, Welwyn Garden City, Harpenden, and Luton, which can be accessed by footways. The distances between the application site and Welwyn Garden City Town Centre would also be suitable for cycling. As such, access to services and facilities from the application site would not be entirely restricted to the use of the private car, although it naturally sways towards this mode of transport. The site is therefore considered to be reasonably accessible to services and facilities by transport modes other than the private motor vehicle. The location and accessibility of the site is therefore considered, on balance, to be acceptable.
- 9.11 The application site is located adjacent to an existing residential area and due to the size of the proposal, there is no evidence that existing infrastructure does not have the capacity to absorb the development. The proposed development also has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 9.12 The proposal would not undermine the delivery of allocated sites or the overall strategy of the Plan; and due to the number of proposed units it would not result in disproportionate growth, taking into account the position of a settlement within the settlement hierarchy.
- 9.13 Physical and environmental constraints on the development of the land are discussed below.
- 9.14 Subject to there being no physical or environmental constraints to the development of the land, the proposal would not conflict with the National Planning Policy Framework or Policy SADM1 of the Local Plan.

Green Belt

- 9.15 The application site is located within the Metropolitan Green Belt, as defined by Policy SP3 of the Local Plan.
- 9.16 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 137). Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.17 Under paragraph 148 of the NPPF it states: "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*"

9.18 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in the Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

9.19 Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to the listed exceptions. Exception 149(e) allows for “limited infilling in villages”.

9.20 The NPPF does not define the term ‘limited infilling’.

9.21 Proposals for development in the Green Belt will be assessed against the criteria set out in Policy SADM34 of the Local Plan within the Green Belt, as defined on the Policies Map. Planning permission will be granted for development in accordance with national policy and other policies in this plan. Of the criteria set out, the following is considered of particular relevance to the proposed development.

9.22 Policy SADM34 of the Local Plan states that limited infill development will be permitted in villages within the Green Belt provided:

i. It is within a continuous built up frontage;

ii. It does not extend the existing ‘built up’ area of the village into the open countryside;

iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and

iv. It is small scale and would not result in the provision of more than four dwellings (net)’.

9.23 Limited infill development is defined in the Local Plan as development within an otherwise substantially built-up road frontage within the built-up area of a village, for example filling a narrow gap between buildings or the redevelopment of an existing property and plot that are capable of taking a limited number of modest sized dwellings. The four dwellings comprising development on the car park could be considered in this context.

9.24 The proposed layout demonstrates 4 dwellings. The dwellings would be located adjacent to Lemsford Village in a linear and continuous built-up formation fronting the public highway. There is a residential property, 4 Lemsford Village to the right-hand side (east) and the existing Public House on the left hand side (west). These buildings both front onto Lemsford Village. Therefore, criteria i. is met.

9.25 When viewed on the ground from the highway, the character of this part of Lemsford Village is within a built-up area of the village, therefore the

development of the application site would not extend the existing 'built up' area of the village into the open countryside. As such, criteria ii. is met.

- 9.26 The proposal, due to its location on Lemsford Village between two existing buildings and existing appearance as a car park, is not considered to result in a loss of a view or vista which makes a significant contribution to the character of the settlement. Therefore, criteria iii. is met.
- 9.27 The proposal would involve a net increase of 4 new dwellings and subsequently criteria iv. is also met.
- 9.28 It is therefore considered that the proposed development can be classed as limiting infill development in a village under exception 149(e) of the NPPF.

Openness and Purposes of Including Land in the Green Belt

- 9.29 The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently, no discussion of this has been made in respect of the new dwellings.

Conclusion on the Green Belt

- 9.30 In view of the above, the proposed four dwellings on the car park meet the relevant exception, 149 (e) for development in the Green Belt in accordance with the National Planning Policy Framework, and the requirements of Policy SADM34 of the Local Plan. Therefore, the proposal is not considered to be inappropriate development by definition, or harmful to the Green Belt.

Community Services and Facilities

- 9.31 Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, among other things, plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It also states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 9.32 Table 3 of the Local Plan sets out community services and facilities, this includes Commercial leisure; including cinemas, pubs and restaurants.
- 9.33 Policy SP6 of the Local Plan seeks to guard against the loss of community facilities. Policy SADM7 of the Local Plan states:

'Planning permission will only be granted for proposals involving the loss or change of use of community services or facilities in the following circumstances:

i. It can be clearly demonstrated that there is no longer a current demand for such a facility or for alternative recreational, leisure or community use, or any real prospect of such a demand arising within a realistic timescale; or

ii. It can be clearly demonstrated that an acceptable alternative means of meeting any such demand is or will become available before the loss of the existing facility; or

iii. The new development consists of, incorporates, or provides an appropriate alternative recreational or community service or facility, either on site or within the vicinity, of equivalent or better provision in terms of quantity and quality in a suitable location accessible to the local community. Demand should be assessed according to the nature of the existing facility in question’.

- 9.34 Further to the above policy, supporting Paragraph 8.33 of the Local Plan adds that because the provision of community services and facilities is an important part of the Council's vision for maintaining sustainable communities, it is very important that they are not lost. This policy ensures that they can only be lost if they are no longer needed, or if they are satisfactorily replaced. Where there is a proposal for a facility to be lost and not replaced, it will be necessary for the applicant to demonstrate that there is no prospect of demand for that facility arising within a reasonable timescale. The length of that timescale will depend upon the type of facility, but would generally be a minimum of three years.
- 9.35 The Long Arm Short Arm pub has now closed. However, the public house itself does not form part of this planning application, only the main car park. There are no specific planning policies restricting the change of use of a car park associated with a community facility. The reasons for the closure of the pub have been described as a change in personal social habits to the use of pubs nationwide and the significant financial impact of Covid 19.
- 9.36 It is acknowledged that the main car park would have supported the use of the pub as a community facility due to the limited public car parking in the village. There is another public house in Lemsford which benefits from a main car park, however this is likely to be restricted to users of the facility. There are also some on-road parking spaces nearby, albeit limited. As part of this planning application, the applicant has submitted a variety of alternative uses for the pub building which may come forward in future, if the public house did not re-open. This is because, in the applicant’s view, the building is highly unlikely to continue in a pub use due to being economically unviable. These alternative uses range from a children’s nursery to a restaurant. However, as set out above, the majority of the public house building (with the exception of the front corner which is proposed to be demolished) does not form part of the application and the use of the building cannot be altered through this application. It would require a separate grant of planning permission,
- 9.37 It is also noted that residents have raised concerns about the existing car park being used for residents and visitors as an ‘overflow’ car park. Whilst this may have been the case, it is not a public car park and belongs to the wider site, to be used in association with the public house. Therefore, the applicant is in control of the site and not a public body.
- 9.38 The proposed layout plan shows that there is a hard surfaced area on the west side of the pub, which could still be used for parking. For indicative purposes, the applicant has provided a parking plan which demonstrates there is the ability for 8 parking spaces to be provided on land to the opposite side of the public house, outside of the application site. Within the table of proposed alternative uses, the applicant has sought to demonstrate that there are car parking spaces available

for each use sufficient to enable the continued use of the pub/community facility going forward, should it be reopened/repurposed, given the existing lack of on-street parking in the village.

- 9.39 This area has previously been used for parking in the past and will address some of the shortfall arising as a result of the development. However, it will not be able to replace all of the parking spaces. The County Highway Authority have confirmed that they do not wish to restrict the grant of planning permission, subject to the suggested conditions.
- 9.40 Based on the above, it is considered that the loss of the main car park would likely have some impact on the future use of the pub building if it was to open either as the existing use or an alternative use as the future use. However, this has to be balanced against the consideration that the future use of the building may not require the main car park (the applicant has control of future uses), and that there is another car park on the western side of the pub building with a separate vehicular access. Therefore, the loss of the main car park would not necessarily in itself prevent the community facility (public house) from re-opening in the future. On balance, it is therefore considered that the loss of the main car park would be acceptable in line with the NPPF, and Policies SP6 and SADM7 of the Local Plan.

2. Impact on setting of Listed Buildings and setting of Lemsford Conservation Area. Quality of design and impact on the character of the area

- 9.41 The application site is located within the Lemsford Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires there is no harm caused to the significance of the nearby listed buildings.
- 9.42 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness’.*
- 9.43 Paragraph 199 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation.
- 9.44 Paragraph 201 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm.

- 9.45 Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.46 Policy SADM15 of the Local Plan is consistent with the NPPF.
- 9.47 Paragraph 134 of the NPPF is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”
- 9.48 Also of relevance, and consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council’s Supplementary Design Guidance (SDG).
- 9.49 The Lemsford Village Character Assessment also is relevant.
- 9.50 The application is supported by a Heritage Statement (as per paragraph 194 of the NPPF) to consider the impacts on the significance of the nearby heritage assets, and any heritage interest of the public house itself.
- 9.51 The site is located in a prominent position on the main route running through Lemsford Village and comprises the large car park of a 1920s public house (with later additions and alterations). The site historically contained a row of cottages, likely to be nineteenth century in date, which were demolished in the mid-late twentieth century. The adjacent site has been home to a beer house (within an earlier range of cottages) and later a public house since the mid-nineteenth century.
- 9.52 There are a number of Grade II listed buildings close to the site: to the rear (north-west) of the site is the Grade II listed, seventeenth century cottage at no. 20 Lemsford Village (list entry no. 1101026); to the south-west are the Grade II listed seventeenth and eighteenth century cottages at nos. 22 and 24 Lemsford Village (list entry no. 1173491); and the eighteenth century bridge over the River Lea also to the south-west of the site is Grade II listed (list entry no. 1296198). The site is also in close proximity to the boundary of the Grade II Registered Park and Garden of Brocket Hall (list entry no. 1000540) demarcated by the red brick wall to the west of the site beyond the public house.
- 9.53 The historic core of the village of Lemsford is considered to be of heritage interest and is currently designated as a Conservation Area (including the application site).
- 9.54 The Council’s Conservation Officer has been consulted and raises no objection to the erection of two pairs of semi-detached houses on the existing car park. Historic maps and photographs show a nineteenth century row of cottages in this location, demolished in the late 1960s or early 1970s. The car park is an unattractive area of tarmacked hardstanding in this part of the village. The erection of sets of well-designed houses of a sympathetic scale, form and materiality will reinstate the historic streetscene and remove the gap-site of the car park.

- 9.55 The proposed houses are sympathetic in scale, height, spacing, design and materiality. Further details of the external materials can be reserved by condition, but red brick and clay plain tile as proposed is an appropriate response to the locality. Windows and doors should be timber to reference the quality and craftsmanship of historic buildings within the village and further details can be reserved by condition. It is noted that there are examples of uPVC replacements elsewhere, but these have undermined the traditional characteristics and quality of the townscape and are not a feature that would be beneficial to reproduce.
- 9.56 Concerns have been raised in regards to accessibility of the proposed dwellings. It is considered that the area to the side of the plots 1 and 2 if a car was parked would reduce the ability to enter the dwelling to the rear. Therefore notwithstanding the submitted plans, revised details have been recommended by condition.
- 9.57 The proposed position of the dwellings close to the road with a small front garden and car parking to the sides is supported as this follows the historic characteristics of the area and will lessen the visual impact of parked cars. The addition of greenery to the streetscene is supported and reinforces the verdant appearance of the village (landscaping would be covered by a condition).
- 9.58 There are no objections to the demolition of the existing double garage. The plans also show the demolition of part of the front corner of the public house. This is the raised walkway/patio area accessed by steps from the car park. The steps and raised patio are a later addition to the public house and are not of any heritage interest so there are no issues in principle with their removal. However, it is not clear how the building will be made good following their removal. Further information on the demolition and making good of the building would be covered by a condition.
- 9.59 It was noted on site that there is a small length of historic flint retaining wall to the rear of proposed Plot 4. This should be stabilised and retained as it is a wall of historic interest, as well as performing a function as a retaining wall. Further details of the repair of the wall would be reserved by condition.
- 9.60 To conclude, no harm would be caused to the significance of the Conservation Area. Accordingly, the proposed development would be of a good standard of design which has paid special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Conservation Area acceptable to the provisions of Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Supplementary Design Guidance, Policies SADM11, SP9 and SADM15 of the Local Plan and the National Planning Policy Framework.

Landscape Character Area (LCA)

- 9.61 Policy SADM16 of the Local Plan states that proposals should take full account of the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein.
- 9.62 The site is located within landscape character area of Upper Lea Valley where settlements, and the built form of the area, are characterised within the wider Brocket Estate. The site is currently open but developed, with the result that it is judged that the existing site does not contribute to the setting and open character of the LCA.

- 9.63 Due to the small scale of the development in an established residential area, it is considered that although the proposal would not contribute to the Landscape Character Area, it is not considered it would conflict with its aims as it would not have an adverse impact upon the LCA.

Conditions

- 9.64 Paragraph 54 of the NPPF states “planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.” The Planning Practice Guidance (PPG) advises that “Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”.
- 9.65 In this case, it is considered that further development and extensions built within permitted development have the potential to have a harmful impact upon the listed buildings nearby, the Conservation Area and on the residential amenity of neighbouring occupiers, with particular regard to overbearing impact, loss of light and loss of privacy.
- 9.66 Therefore, to protect the setting of the listed buildings, Lemsford Conservation Area and amenity of neighbouring occupiers, it is recommended that permitted development rights are removed. This includes Classes A, B, C, D, E, F, G, and H of Part 1 Schedule 2 and Class A of Part 2 Schedule 2 of the General Permitted Development Order (2015) or as amended enabling the Local Planning Authority to fully consider the effects of development normally permitted by the General Permitted Development Order (2015) or as amended.

3. Residential amenity

- 9.67 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.68 Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Policy SADM18 additionally states that the potential impact of proposals upon odour levels, or their sensitivity to prevailing sources and levels of odour, should be considered, and addressed.
- 9.69 The proposed development has the potential to impact 4 and 20 Lemsford Village, as these are some of the nearest dwellings to the proposal. The proposed development, due to the existing open use of the site, will result in a change in the outlook experienced by the occupiers of nearby residential properties. However, due to the orientation of many of the existing nearby dwellings (which do not face directly on to the application site), the intervening highway network (which lies between the application site and surrounding dwellings) and existing landscaping, the proposal is unlikely to result in significant harm to the outlook from these existing properties. In addition, the existing dwellings to the east of the site (2 and 4 Lemsford Village) already have rear amenity spaces and access to sloping land which afford some views towards the rear of each other’s properties. It is not considered that the proposed development would be dissimilar in its relationship.

- 9.70 Furthermore, due to the distance of the existing dwellings from the proposed dwellings (at its closest the proposed building would be approximately 10 metres from the nearest existing residential property), the proposal is unlikely to result in significant harm in terms of loss of light, privacy or overbearing impact.
- 9.71 Finally, it is considered that noise from pedestrian and vehicular movements associated with the proposed dwellings would be reduced in comparison to the use as a car park. Noise within the proposed dwelling's amenity spaces would be considered acceptable within a residential setting. Noise from the proposed air source heat pumps would be restricted through condition.
- 9.72 Concerns have been raised by residents regarding the loss of a view. The loss of a private view or the negative effect of a development on the value of a property are not material planning considerations which can be considered against the relevant national and local planning policies.
- 9.73 In terms of the occupiers of the public house building adjacent to the new dwellings, this building would be located closer to the boundary than the residential dwellings at 4 and 20 Lemsford Village. However, the building is currently vacant and the habitable accommodation above it is not in use. The supporting information also makes clear that the continued use of the public house is unlikely to be viable. Nonetheless, consideration has been given to the potential for this building to be retained, due to the proposal not including a change of use of the building.
- 9.74 As the public house building next door is currently vacant, it is not operating with a restaurant or bar area, nor is the dwelling above occupied. It is unclear whether the building will be used for any of these purposes in future, but a hypothetical scenario of the re-instatement of the existing use has been considered for completeness.
- 9.75 The eastern elevation of the existing public house building benefits from a number of windows at both ground and first floor level. Historic planning records have been consulted which suggest that the majority of the side windows at ground floor serve bathrooms. One window towards the front of the site is a secondary window to an open area within the public house, which would likely be used for seating. As there is a front window serving this same space, the change in outlook and light for the commercial use would not be unduly detrimental. At first floor, there is a secondary side window to a living space which also has a front facing window, therefore amenity is acceptable in this regard too. An office window and two bathroom windows are also located at first floor level with side facing windows, but due to the nature of these rooms they are not considered to be key habitable rooms which require the same level of outlook as living rooms and bedrooms. As such, the impact is acceptable.
- 9.76 However, there is an existing side bedroom window at first floor level which has the potential to be impacted, particularly as this is the only window serving the room. The position of this window has been marked indicatively on a plan. The window would be located approximately 2m away from the new dwelling at its closest point. It is likely that the proposed development would result in a reduction in outlook from this window compared to existing, due to the introduction of built form at two storey level which would be in closer proximity. However, this part of the proposed dwelling at plot 4 would have a pitched roof which would be pitched

away from the boundary, lessening its visual impact. Furthermore, it is likely that some views would still be obtained from this window towards the rear garden of the application site, rather than directly towards the flank wall and roof of the new dwelling, therefore on balance the amenity would be acceptable for the future occupiers of this bedroom.

- 9.77 In terms of privacy, the first-floor rear windows of the new dwelling on plot 4 have the potential to introduce new views towards the habitable bedroom window in the side elevation of the pub. However, from ground level this is unlikely to be a direct view due to the differences in levels. At first floor, there is potential for the closest window to result in some indirect overlooking, therefore it is proposed that this is obscure glazed and fixed. This is acceptable as it is not the only window to that room, and can be secured by condition.
- 9.78 Turning now to the future occupiers of the proposed development, it is proposed that all residential units will meet the nationally described space standards in terms of the gross internal area of the dwellings. However, a storage space is required and it is considered that this could be provided under the staircase of each dwelling, which could be conditioned.
- 9.79 Each dwelling would have a private rear garden. It is not clear on the basis of the information available if these rear gardens would all be useable due to topographical changes on site. An illustrative section plan has been provided which provides a likely indication of the levels, but further information is required as to the final detail of each garden space, due to the lack of detailed section plans. It is considered that this should be secured by condition. Boundary treatments to protect the amenity spaces of these gardens can also be secured by condition.
- 9.80 Subject to condition, this is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space.
- 9.81 Details of any proposed external lighting have not been provided with the application. Any external lighting proposed/required as part of the development will need to be designed to take into account the ILP guidance in terms of light trespass into windows or sensitive receptors, and vertical lux diagrams will be required to show that any external lighting will not cause an issue. A condition is recommended, requiring the submission of an external lighting scheme.
- 9.82 As set out above, the planning history for the Long Arm and Short Arm demonstrates that the first floor was formerly used as residential accommodation in association with the commercial use on the ground floor. There is habitable accommodation which would face on to the flank elevation of plot 4 and its rear amenity space.
- 9.83 Most of the windows for the first-floor residential accommodation for the Long and Short Arm would face onto the flank elevation of plot 4 to which a condition would be included to ensure that the side windows of plot 4 are obscurely glazed and non-opening below a height of 1.7 metres when measured internally. This would protect against a loss of privacy between windows in this location.
- 9.84 There is a bedroom and bathroom window to the rear part of the first-floor residential accommodation of the Long and Short Arm which would face onto the

rear amenity space of plot 4. These windows are not obscurely glazed and would be approximately 3 metres from the nearest corner of the proposed dwelling and approximately 1.2 metres from the boundary line with plot 4. The windows would face obliquely towards the nearest rear habitable windows and doors of plot 4 and would face onto a small area of the most habitable part of the rear garden where the patio is located.

- 9.85 Whilst there would be some degree of overlooking towards the ground floor windows, due to the differences in levels this is not considered to be unduly detrimental to the future occupiers of the new development. At first floor, the closest window on the rear of plot 4 may be affected from views from the bedroom window of the public house. In order to address this, the internal layout of plot 4 has been amended and a condition will be imposed to obscurely glaze and fix the closest window at first floor to protect future occupiers' privacy. In terms of the garden space, although there would be some overlooking towards the private patio area, the adjoining dwelling (plot 3) would also benefit from first floor rear windows which may afford similar views, therefore this would be consistent with the design approach for the new dwellings.
- 9.86 The retention of the Long and Short Arm building is not considered to result in any significant loss of light, or overdominance to the proposed dwellings.
- 9.87 The dwellings would also receive a similar level of sunlight and daylight to other properties located along this part of the road (2 and 4 Lemsford Village). Therefore, this is considered acceptable.
- 9.88 Paragraph 187 of the NPPF states that Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 9.89 The existing public house is closed. However, it remains in a lawful use for this purpose. There is also potential for the public house to be reopened for another use class in future. However, in the absence of any definitive information about the future use of the public house building, it is difficult for the Local Planning Authority to ascertain what the potential impacts arising would be, as this may change depending on the final use. Whilst a change of use of the building itself would require a separate planning application and these matters could be considered at that time when full details are known, the Council must be satisfied there are measures in place to provide suitable mitigation before the development is completed, as confirmed in Paragraph 187 of the NPPF above.
- 9.90 The Council's Public Health and Protection Team have confirmed that conditions to protect the future residents from noise and disturbance would be appropriate to address any potential issues from arising through the design of the proposed development.
- 9.91 Whilst it is acknowledged that the existing public house has a kitchen and there may be existing flues/vents on the building that could produce odours, the Council are not in the possession of any evidence to suggest this would be the case at the time of determining this application. Therefore, it is considered that an odour impact assessment should be carried out which can be secured by condition, and

if any issues are identified, mitigation measures should be incorporated into the new dwellings to prevent these causing issues to the new dwellings. A condition has already been drafted which means any extract vents or grilles will require further details to be submitted to the LPA for approval. In addition, it is recommended that permitted development rights for chimneys, flues etc are removed and would require planning permission, providing another opportunity for the Council to consider potential impacts arising.

- 9.92 Subject to the suggested conditions, the proposal would be in accordance with the NPPF, Policies SP9, SADM11 and SADM18 of the Local Plan.

4. Highways and parking considerations

- 9.93 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. The Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 9.94 Policy 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.95 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a. The site's location and accessibility to public transport, services and facilities;
 - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
 - c. The need to promote more sustainable forms of travel within the borough.
- 9.96 This policy refers to parking within new development proposals, rather than the loss of existing car parks. However, it acknowledges that there are a range of factors to be taken into consideration for parking assessments, including access to other services and facilities, parking demand likely to be associated with a development, opportunities for shared parking and the need to promote more sustainable forms of travel.
- 9.97 The application is supported by transport technical notes, a Stage 1 Road Safety Audit (RSA), parking plans, visibility splay plans and indicative swept path analysis drawings.

- 9.98 It is noted that the Council's Supplementary Parking Guidance (SPG) states that parking for public houses should be calculated based on the number of employees and the floor space of the bar area. As the public house is closed, there are no employees at present, as confirmed on the application form. However, the existing site plan demonstrates 19 parking spaces. As the public house was previously operating with this number of spaces, this has been considered as a maximum number which is appropriate. As discussed elsewhere in this report, the development would result in the loss of the car park, but the applicant has demonstrated that there is potential for up to 8 additional spaces to be provided on the opposite side of the public house building. Although it would not provide the same number of spaces as existing and therefore there could be some shortfall in parking, it is not considered that this alone would justify a refusal of the application.
- 9.99 Turning to the proposed development, Lemsford Village is located outside of any of the specified zones for car parking provision. However, as it is not within Zone 1 or 2, higher parking standards apply. A three bedroom dwelling would require 2.25 spaces. There would be a shortage of one car parking space in line with the maximum standards, with limited explanation to why there is a shortage in the total number of car parking spaces. The Case Officer noted that on undertaking a site visit, that there is some limited car parking provision on Lemsford Village. Whilst it is acknowledged that there would be a shortfall in the total number of car parking spaces proposed in line with the maximum standards, as this would only be for one parking space, it is not considered that car parking provision would justify a reason for refusal.
- 9.100 Limited details have been provided of the topographical levels in the location of the car parking spaces. It is therefore unclear whether these car parking spaces would be useable as proposed or if an engineering solution would have to be utilised. Despite this, the Highway Authority have not objected on these grounds. A condition is recommended to ensure that the car parking spaces for each property are functional and useable.
- 9.101 The Council's parking standards also require the provision of secure and weatherproof cycle storage at a rate of one space per dwelling. The proposal does provide bicycle storage for each dwelling via a shed in each private garden. Further details of the location, design and finish of the sheds in the rear gardens can be secured by condition. The site is also situated in a reasonably sustainable location in close proximity to bus stops which link to wider transport links.
- 9.102 In addition, Policy SADM12 of the Local Plan seeks to promote more sustainable forms of travel, including the provision of electric vehicle charging points. Limited details have been provided at this stage and it is recommended that this is secured by condition.
- 9.103 Concerns have been raised by neighbouring properties in regards to both highway and pedestrian safety. The applicant entered into pre-application discussions with Hertfordshire County Council prior to the submission of the planning application. This is documented in the supporting documentation.
- 9.104 Hertfordshire County Council Highways have been consulted and raised no objection to highway or pedestrian safety subject to the suggested conditions and informatives.

- 9.105 The Highway Authority have recommended a construction management statement is secured by condition, to ensure the development will be constructed in a satisfactory manner. This is included in the list of conditions at the end of this report.
- 9.106 Works to the pedestrian highway and removal of the lamp post in front of the application site would be the responsibility of and paid for by the applicant. These fall under the parameters of Hertfordshire County Council's Highways service.
- 9.107 In summary, subject to the suggested conditions, the proposal would provide an acceptable level of on-site car parking and there are no concerns raised on highway safety grounds, therefore no objections are raised in regards to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2 and SADM12 of the Local Plan and the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 9.108 Paragraph 170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged"*. It is stated within Paragraph 180(d) that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.
- 9.109 The Environment Act 2021 gives greater emphasises to measurable Biodiversity Net Gain (BNG) and advocates using the current version of the Biodiversity Metric. However, mandatory BNG as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2024.
- 9.110 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity.
- 9.111 Policy SADM16 additionally says that all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%. The Biodiversity Net Gain (BNG) policy requirement will apply to Small Sites from April 2024. For residential development, this means where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares. For the above reasons, this site does not require a 10% BNG to be demonstrated.
- 9.112 The application is supported by an ecology report that outlines mitigation measures. With respect to ecological impacts, the proposal involves the development of a car park. The submitted Preliminary Ecological Appraisal (PEA) identifies that the proposed development site only supports a restricted range of features of relatively modest ecological importance and that there are no

ecological constraints to the application being determined. This is subject to several avoidance and enhancement measures, such as a Construction and Environmental Management Plan (CEMP), timing restrictions for breeding birds, and enhancement measures. Hertfordshire Ecology have been consulted and consider that these are reasonable and proportionate, and given the site's characteristics and the type/scale of the development, there will be no measurable loss of biodiversity and the need to provide a measurable net gain can be waived in this instance.

- 9.113 Bats are a protected species. The NPPF sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against. The submitted report notes that the garage building on site was inspected and assessed for its potential to support roosting bats, where it was found to have a negligible potential. Hertfordshire Ecology do not disagree with the findings of this report.
- 9.114 There is also negligible potential for reptiles in accordance with the findings of the report.
- 9.115 The Preliminary Ecological Appraisal (PEA) states that there are a number of non-native species on site. It is considered that these should be removed from the site. Therefore, a condition has been added to this effect.
- 9.116 As such, subject to the recommended conditions, there would be no conflict with the NPPF or policy SADM16 of the Local Plan.

ii) Flood risk and sustainable drainage

- 9.117 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. Policy SADM14 of the Local Plan is similar in these aims.
- 9.118 This site is located within Flood zone 1 i.e. a low probability of flooding. The proposal is supported with a Sustainable Drainage Strategy Report. The Lead Local Flood Authority (LLFA) have been consulted and have not provided full comments as the proposed development does not meet the threshold for a detailed response. The Environment Agency have also been consulted and have confirmed they have no objection to the proposed development.
- 9.119 As such, subjected to a more detailed condition on the drainage strategy, no concerns are raised on these grounds and the proposed development would be in accordance with Policy SADM14 of the Local Plan and the NPPF.

iii) Renewable Energy

- 9.120 Policy SP10 of the Local Plan explains that proposals which adopt sustainable design and construction principles, with an integrated design solution, will be supported. It is recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources. Policy SADM13 is also relevant for new dwellings.

9.121 The application is supported by an Energy and Sustainability Statement. This includes an assessment of the sustainability and energy credentials for the proposed development. The report states that the overall energy strategy capitalises on passive design measures to maximise the fabric energy efficiency and energy demand. The scheme will then look to provide space heating and domestic hot water to each dwelling via individual Air Source Heat Pumps, and it will utilise window reveals to reduce the requirement for active cooling. The report concludes that the energy strategy meets an on-site cumulative CO2 reduction of 57%. Full details of the above can be secured by condition.

iv) Landscaping

9.122 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.

9.123 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of a development.

9.124 The NPPF sets out at Paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

9.125 Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

9.126 Currently, there is very little vegetation within the site itself. There are four trees which sit on top of bank to the north of the site. These trees are a sufficient distance from the proposed building and should not be affected by the development. There are no Tree Preservation Orders (TPOs) on site, but the site is within a Conservation Area.

9.127 An Arboricultural Impact Assessment has been provided with the application. The Council's Landscapes Team have reviewed this and have confirmed the categorisation of the trees is a fair appraisal. The report recommends the removal of an ash tree (T3) for arboricultural reasons, as opposed to being required to facilitate the development. The tree protection measures are considered sufficient and appropriate to protect the retained trees, which can be secured by condition.

- 9.128 Limited information has been provided in regards to the proposed trees or hedges to be planted. A detailed landscape plan would be required to be secured by condition, which details topographical levels, hard and soft landscaping, any outbuildings, and boundary treatments.
- 9.129 Indicative information has been provided in regard to the final position of the retaining wall. It is considered that part of the retaining wall may be required to be rebuilt or relocated. It is considered that details of the retaining wall should be provided as a condition.
- 9.130 Limited details have been provided of boundary treatments, hardstanding and soft landscaping, new structures, new hedgerow and trees. Revised details of bin and shed storage will be required following limited information in regards to topography and access. These points would be conditioned.

v) Contaminated land

- 9.131 Policy SADM18 of the Local Plan states that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment. Proposals which, by their nature, risk contributing to soil and water pollution, will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level. On such sites, applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.
- 9.132 A Phase 1 contamination report accompanies the application. This assessment identifies several potential contamination pathway links. However, the Council's Public Health and Protection Officer has reviewed the proposal and considers that this raises no objection in principle, subject to the use of a contaminated land condition which requires the applicant to undertake an intrusive site investigation prior to any development commencing.
- 9.133 It is considered that the works should be undertaken in accordance with this report. An unexpected finds condition can also be imposed.
- 9.134 Accordingly, subject to the imposition of the above mentioned conditions, the proposal would not be contrary to Policy SADM18 of the Local Plan or the NPPF.

vi) Archaeology

- 9.135 Policy SADM15 of the Local Plan states that an Archaeological Assessment will be required if the scale and/or nature of the proposal are likely to have an impact on the significance of all or part of the asset. An assessment may be required in locations which are not designated, but where the potential to contain heritage assets exists or further understanding of the significance of known heritage assets is needed. The Council will therefore require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.
- 9.136 The County Historic Environment Advisor has been consulted and raises no objection to this application subject to mitigation via appropriately worded conditions for further investigative works.

9.137 Accordingly, subject to the imposition of conditions, the proposal would not unduly impact on archaeology and the development would comply with Policy SADM15 of the Local Plan and the NPPF

vii) Refuse and recycling

9.138 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:

a. Perform their role effectively without prejudicing or being prejudiced by other functions and users;

b. Maintain an attractive and coherent street scene and protect visual amenity; and

c. Avoid creating risk to human health or an environmental nuisance.

9.139 The proliferation of bins can create a considerable amount of clutter on the frontage of sites, which in turn can have a harmful impact upon the visual amenity of the streetscene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements, contrary to the NPPF.

9.140 The National Design Guide (H3) points out that “Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”

9.141 Details have been provided of suitable bin storage areas for the proposed dwellings, as well as a designated space for bin storage to the front of the site on bin collection day. It is important that the bin collection points are not used as an alternative to the dwellings’ bin stores, to prevent bins being left on the frontages in perpetuity. The collection point should also prevent bins impeding access to other bins, to enable the collection crew to remove one bin at a time and return it to its same location without having to move other bins out of the way.

9.142 Limited details regarding the bin storage and bin collection points have been submitted. The proposed ground floor plan includes the locations of the bin stores, but the application does not provide elevational details of the structures. The information submitted regarding the bin collection point to the front of does not demonstrate whether adequate space is provided and what measures would be included to prevent residents leaving their bins in that location in perpetuity. Additional details of the bin storage facilities are recommended to be secured by condition.

viii) Other matters

- 9.143 On review of the planning history, there would appear to be differences in the land ownership of the application site. However, land ownership is not a material planning consideration and an informative has been added as part of this application.
- 9.144 It is noted that the Council's Public Health and Protection Team have included hours of noise as a condition. It is considered that construction noise would fall under Public Health and Protection legislation and therefore this has been changed to an informative.

6. The planning balancing

- 9.145 Policy SP1 of the Local Plan requires that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.
- 9.146 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.
- 9.147 Whilst there is no objection in principle to development on this site, it is acknowledged that the proposal will involve the loss of the main car park to the public house and some aspects of the proposal are not fully compliant with the relevant policies of the adopted Local Plan i.e. car parking standards.
- 9.148 The proposed development would deliver 4 additional dwellings, therefore it would result in the construction of additional housing, in an existing village. This would reduce pressure on housing land take elsewhere, albeit to a limited degree and would accord with the support in the NPPF for increasing the supply of housing. Further social benefit arises from the provision of high-quality housing.
- 9.149 Economic benefits would arise from the construction of the development and future spending of residents on local facilities and services, albeit limited as this benefit would be short term. It is also within a reasonable distance of Welwyn Garden City town centre, which has the potential to benefit from increased expenditure in local shops and services, although again this would be limited.
- 9.150 Turning to the environment, the proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not cause undue harm to the amenity of neighbouring occupiers subject to the suggested conditions. These considerations weigh moderately in favour of the proposal.

9.151 In this case, it is considered that the adverse impacts of granting permission, through the aforementioned development plan conflict, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of Paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

10 Conclusion

10.1 The proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers.

10.2 There is no objection in principle to development on this site, and the proposal would provide much needed housing.

10.3 Subject to conditions, the proposal would have no significant adverse impact upon designated heritage assets, residential amenity, highways, flood risk and sustainable drainage and other relevant matters. Some conflict with the development plan has been identified in respect of the maximum standards for car parking provision, but for the reasons set out above, it is considered that these conflicts are outweighed by the benefits of the proposed development in this case.

10.4 For the reasons summarised above, together with all other material considerations, subject to the suggested conditions the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

11 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. Following the completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Method shall include details of:
 - a. Access arrangements to the site;
 - b. Traffic management requirements
 - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

- 4. A. No demolition/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 suggested 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.

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

C. 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 (A) and the provision made for analysis and publication where appropriate.

REASON: To secure the protection of and proper provision for any archaeological remains in accordance with Policy SADM15 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

- 5. No development shall take place until a Construction Environment Management Plan detailing measures to control dust deposition, pollution/spillage, noise, vibration or lighting pollution during construction to avoid potential indirect impacts on adjacent trees and associated habitats during construction shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the construction of the development shall only be carried out in accordance with the approved plan.

REASON: To protect protected species from construction in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. No development shall take place until full detailed section plans of the proposed dwellings, associated amenity space and car parking spaces have been submitted to and approved in writing by the Local Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To provide satisfactory amenity spaces and car parking provision for all proposed residential dwellings, in accordance with Policy SADM11 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. No development shall take place until full details of the revised design for the ramp access to plots 1 and 2 have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To allow for suitable access into the dwellings of plots 1 and 2 in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan and the National Planning Policy Framework.

8. No development above ground level (including demolition) shall take place until a methodology for the removal of the steps and raised patio to the front of the existing public house, and a schedule of works for the making good of the building following their removal, have been submitted to and approved in writing by the Local Planning Authority.

REASON: to ensure that the Public House is preserved within the Conservation Area in accordance with Policy SADM15 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

9. Prior to any above ground level development, full details of the model and location of 4 integrated bat boxes and 4 integrated swift boxes have been submitted to and approved in writing by the Local Planning Authority. The boxes shall be fully installed prior to the first occupation of the development hereby permitted and retained in that form thereafter.

REASON: To enhance the biodiversity of the site in accordance with Policy SADM16 of the Local Plan and the National Planning Policy Framework.

10. Prior to any above ground level development beginning, scaled plans and full details of the manufacturing information of the Air Source Heat Pumps hereby approved, including predicted levels of noise, shall be submitted to and approved in writing by the Local Authority.

REASON: to ensure that all residential units are protected in regards to noise and that the Air Source Heat Pumps promote energy sustainability in accordance with Policy SP10, SADM11, SADM13 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

11. Prior to any above ground level development beginning, an invasive non-native species management plan shall be submitted to and approved in writing to the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

REASON: To reduce the environmental impacts of the development hereby permitted, in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. Prior to any above ground level development beginning, details identifying the location and appearance of the electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric car charging points shall be installed as approved prior to the first occupation of the development hereby permitted and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policies SADM12 and SADM15 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels [earthworks to be carried out];
- (b) means of enclosure and boundary treatments (including management and maintenance details) including the flint wall and retaining wall;
- (c) relocation and plans of sheds;
- (d) planting plans including any new trees and hedgerow, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (e) management and maintenance details of the landscape bank;
- (f) water butts;
- (g) ecological enhancements;
- (i) SUDS planters; and
- (j) redesign of rear patio to avoid conflict with retaining wall;

Thereafter the development shall accord with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and

environmental impacts of the development hereby permitted, in accordance with Policy SP9, SADM15 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. No development above ground level in any phase of the development shall take place until full details of the external materials to be used in the construction of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Detailed drawings of all windows, doors, eaves, verges, cills, and porches in elevation and section, at a scale between 1:1 and 1:20 as appropriate, shall also be submitted to and approved in writing by the Local Planning Authority.

The details must include the colours, types and manufacturers of all external materials, including windows and doors. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of the appearance of the development, in accordance with Policy SP9 and SADM15 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

15. Prior to any above ground level development beginning, scaled plans of the internal layouts of the dwellings indicating the minimum gross internal storage space shall be submitted to and approved in writing by the Local Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: to ensure that all residential units meet the Nationally Described Space Standards in accordance with Policy SADM11 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. No development above ground level shall take place until revised plans and elevations of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the refuse and recycling storage shall be constructed, equipped and made available for use prior to the first occupation of the development and thereafter retained for this purpose.

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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Prior to any above ground level works beginning, full details of an odour assessment and mitigation plan for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and plans.

REASON: to ensure that any future use of the adjoining Public House does not have an adverse impact on future residents in regards to odour in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Prior to any works to the retaining wall to the rear of plot 4 beginning, a schedule of works for the repair of the retaining wall shall be submitted to and approved in

writing by the Local Planning Authority The development shall not be carried out other than in accordance with the approved details.

REASON: to ensure that the remaining wall is preserved within the Conservation Area in accordance with Policy SADM15 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

19. Prior to any above ground level development beginning, full details of a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that long term maintenance is in place for the working of the SuDS systems in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

20. Prior to any above ground level development beginning, full details of a noise mitigation scheme from the adjacent public house shall be submitted to and approved in writing by the Local Planning Authority. The proposed dwellings shall include sufficient noise mitigation measures, so that if the currently closed public house that is adjacent to the development site becomes operational again, noise emissions from this commercial unit do not cause an adverse impact (BS4142: 2014+A1:2019 – assessment rating level) to the adjacent residential receptors. The approved details shall be implemented prior to the first occupation of the development hereby permitted and retained permanently in that form thereafter.

REASON: To protect the residential receptors from noise disturbance from commercial operations. In accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION

21. Prior to the first occupation of the development hereby permitted, the proposed new highway boundary as indicated on Road Safety Audit Stage 1 drawing no 23205/P104/Rev C shall be marked out on site.

REASON: To ensure that the proposed pedestrian pathway is implemented in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. Prior to the first occupation of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown in the Road Safety Audit Stage 1 drawing number 23205/P104/Rev C in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to its first use,

appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby permitted, the proposed on-site car and cycle parking areas shall be laid out, demarcated including relevant signage, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

24. Prior to the first occupation of the development hereby permitted, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from external plant and equipment. The impact of new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019.

The noise emitted from all external plant and equipment should not exceed the background noise level (LA90), at any time, at the closest residential neighbour.

The noise level must be achieved with the plant equipment running at a typical maximum load setting.

The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are always maintained.

REASON: To protect the occupants at the nearest receptor location from noise disturbance. In accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan Local Plan and National Planning Policy Framework.

25. Prior to the first occupation of the development hereby approved, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

REASON: To ensure the provision of secure long term cycle storage for each residential unit, in accordance with Policy SADM3 and SADM12 of the Welwyn Hatfield Borough Council Local Plan, the SPG and the National Planning Policy Framework.

26. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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 Policy SP9, SADM15 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER

27. No meter boxes, alarm boxes, external lighting, chimneys, flues, extract vents or grilles, or satellite dishes shall be installed on the external elevations of the houses unless full details of their number, location and appearance are submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development and protection against odours, in accordance with Policy SP9, SADM15 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. Any flank window located in a wall or roof slope forming a side elevation of the dwellings hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above 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. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

29. The first floor window marked as obscurely glazed on the proposed rear elevation plan of plot 4 hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above 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. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. 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 Class (A, B, C, D, E, F, G, and H of Part 1 Schedule 2 and Class A of Part 2 Schedule 2 of the General Permitted Development Order (2015)) 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

31. Prior to the installation of any external lighting, a scheme of external lighting installations (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Thereafter, the development shall accord with the approved details.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with Policy SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

32. Reporting of Unexpected Contamination: If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 2.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

33. The development hereby approved shall accord with the details and recommendations within the submitted Preliminary Ecological Appraisal (CSA/6393/01) dated March 2023, contained within the report, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the ecology in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

34. The development hereby approved shall accord with the details within the submitted Energy and Sustainability Statement (March 2023), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with Policy SP10 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

35. The development hereby approved shall be carried out in accordance with the details and recommendations within the submitted Arboricultural Impact Assessment by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited (March 2023), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the trees near to the site in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
SK03	A	Visibility splay plan (Buildings not updated)	19 June 2023
P103	C	Proposed Block Plan	26 July 2023
P104	H	Proposed Ground Floor Plan	26 July 2023
P104	C	Proposed Ground Floor Plan (For highways use only)	19 June 2023
P105	D	Proposed Roof Plan	26 July 2023
P110	F	Plots 1-2 Plans	26 July 2023
P111	C	Plots 1 And 2 Elevations	26 July 2023
P113	C	Plots 3-4 Plans	23 November 2023
P114	D	Plots 3-4 Proposed Elevations	23 November 2023
E102	A	Location Plan	6 April 2023
E103	A	Existing Block Plan	6 April 2023
FIGURE 01	P01	Site location plan	6 April 2023
TPP/TLASAL CWH/010	A	Tree Protection Plan (Buildings not updated)	6 April 2023

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

INFORMATIVES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.
2. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity
3. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays

and at no time on Sundays and Bank Holidays

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

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

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

All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

All pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

Any emergency deviation from these conditions shall be notified to the Council without delay.

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

Permissible noise levels are not specified at this stage.

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

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

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

4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
5. 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://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
6. 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://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

7. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
8. The applicant is advised that all routes associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.
9. The proposed development is located within metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
10. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be found on Thames Water's website using the following link: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
11. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
12. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop

- system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
13. Excavations or piling activities are likely to generate turbidity in the chalk aquifer, especially if the activity is carried out below the groundwater table. This could travel to the abstraction point and cause disruption to the scavenging process. The developer should therefore contact Affinity Water at least 15 days in advance of any excavation or piling activities.
 14. Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due the potential presence of contaminated land and the risk for contaminants to remobilise and cause groundwater pollution.
 15. Surface water from the car park area is likely to carry on oil and hydrocarbons. It is therefore recommended that the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network.
 16. There are potentially sewage/water mains running through / near to part of proposed development site. The developer should contact Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.
 17. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact the Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk . Please note that charges may apply.
 18. Being within a water stressed area, the Developer is encouraged to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.
 19. It is advised to prevent the possible disturbance and, or destruction of nests during nesting bird season (March-August) by avoiding vegetation clearance works during this period as far as reasonably possible. If works cannot be avoided during the nesting bird season it is recommended that an ecologist supervises the removal of vegetation (trees and dense scrub) and inspect for nesting birds before works commence.
 20. In the area of the proposed development, a cautionary approach during the construction shall be undertaken in regard to the foul drain. Any damage to the foul drain shall be at the expense and responsibility of the applicant.
 21. 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 or legal interest (easements or wayleaves) which may affect the land.

22. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
23. 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.
24. 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.
25. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg – commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website:
www.gov.uk/government/publications/abnormal-load-movements-application-and-notificationforms or by telephoning 0300 1234047.
26. Telecommunications equipment: All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Equipment where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.

The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>

27. Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus

within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

28. The Environment Agency guidance for completing individual floor risk assessments should be reviewed for this application by the Local Planning Authority.
29. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. Finished ground floor levels should be a minimum of 150mm above the surrounding ground levels, sloping away from all doorways, to provide flood resilience in any exceedance flood events, The scheme shall subsequently be implemented in accordance with the approved details required by condition before the development is completed.
30. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk


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.

Louise Sahlke (Development Management)

Date: 17/10/2023



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: The Long And Short Arm, 18 Lemsford Village, AL8 7TN		Scale: 1:5000
	Development Management Committee		Date: 16-11-2023
Drawing Number: 6/2023/0775/FULL		Drawn: C.Brady	
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