

Part I
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(Welwyn East)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0907/FULL

59 NEW ROAD DIGSWELL WELWYN AL6 0AL

ERECTION OF A DETACHED TWO STOREY BUILDING WITH
ACCOMMODATION AT LOWER GROUND LEVEL COMPRISING 9 APARTMENTS
FOLLOWING DEMOLITION OF EXISTING PROPERTY WITH ASSOCIATED BIN
AND CYCLE STORAGE AND CAR PARKING PROVISION

APPLICANT: ACRE DIGSWELL 3 LTD

1 Site Description

- 1.1 The application site lies within the specified settlement of Digswell. Digswell sits to the north of Welwyn Garden City.
- 1.2 The application site, known as 59 New Road, is located on a substantial plot and has a steep incline of approximately 3.8 metres from the southern corner to the northern corner over a distance of 100 metres in topographical levels.
- 1.3 The application site fronts onto New Road, 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 Although it is located on the main through road, the application site is well screened within a landscaped setting and sits behind a band of trees protected by a Tree Preservation Order (TPO 260 WI).
- 1.5 Located to the north eastern part of the site sits the existing two storey detached chalet bungalow and a separate single storey detached garage. The bungalow was constructed in the 1950's and has been extended, in the 1970's.
- 1.6 The bungalow is set within a large, landscaped plot which includes a number of mature trees and planting.
- 1.7 Both vehicular and pedestrian access is to the front of the New Road, which leads to a long access road and driveway.
- 1.8 In terms of the boundary treatments, the application site is bound by various types of vegetation.

1.9 New Road is predominantly residential in character. The application site is enclosed by adjacent residential properties on its eastern and western boundaries, ranging in age. 61 New Road to the east is currently being built out as part of a new residential development. The dwellings are varied in their setting, mainly linear development, in size and architectural appearance.

2 The Proposal

2.1 This application seeks full planning permission for the erection of a two-storey block of flats with a lower ground level (8 x 2 bedroom and 1 x 3 bedroom). The proposed building would be positioned further back into the application site than the original dwelling, in a more central location. The proposed layout plan demonstrates a linear style of development which would front onto New Road. The proposed design approach is modern, with a mixed pallet of materials.

2.2 Each dwelling would have circa 1.5 car parking spaces, accessed from a widened vehicular access from New Road. Each dwelling would have an electronic vehicle (EV) charging point.

2.3 Each dwelling would also benefit from private and communal amenity space. A shed would be provided for bicycle storage and bin storage would be located to the front of the site.

2.4 The proposal seeks to incorporate a landscaping scheme.

2.5 The proposed dwellings are intended to be sold on the open market.

2.6 Amendments have been made during the course of the planning application. These relate to the widening of the vehicular access point. These amendments will be discussed throughout this report.

3 Reason for Committee Consideration

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

3.2 The reasons for the Call In are:

- 1) The proposal represents over-development of the site.
- 2) (The development) is too dense, (and) it is out of character with the area.
- 3) Insufficient parking, (and) increased traffic will have an adverse impact on New Road.
- 4) New Road is an iconic landmark area of Digswell and the entire borough. Its character has been irreversibly damaged by ongoing and previously allowed developments. From my understanding there are applications for around 43 dwellings on sites which currently contain just 6 units. The cumulative impact on this part of Digswell is clearly unacceptable.

3.3 A major objection has also been received from Welwyn Parish Council. This is summarised in the section below.

4 Relevant Planning History

- 4.1 Application Number: N6/1974/0334
Decision: Granted
Decision Date: 1/8/1973
Proposal: Ground floor extension and alterations

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 Digswell Character Appraisal (2004)

6 Site Designation

- 6.1 The site lies within the settlement boundary of Digswell 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 a site notice. In total, 25 representations have been received, comprising 20 objections and 5 letters of support. Two additional letters have been discounted, one anonymous and one from the applicant, both in support. All representations received are published in full on the Council's website and are summarised below:

Objections

- Accumulation of dwellings/overdevelopment;
- Noise and disturbance;
- Size of plot too small;
- Insufficient space for large vehicles;
- Lack of car parking;
- Impact on safety and operation of public highway;
- Impact of access and its location opposite Mornington;
- Out of character;
- Bulk, size, design of proposal;

- Impact on Digswell Character Appraisal;
- Neighbour consultation/site notice;
- Impact of flooding;
- Impact on local wildlife, the trees and landscape;
- Impact on (lack of) local amenities;
- Impact on existing residents;
- Car dependent;
- New Road is not conducive to cycling;
- TRIC's survey/ CGI's are not misleading/inaccurate;
- Support letters not from local area;
- Applications are not assessed on own merits;
- Air pollution;
- No pedestrian access;
- Impact on infrastructure;
- No requirements for flats;
- Impact on Soper Wildlife Sanctuary.

Support

- Compliments area;
- Modern design;
- Lack of property to buy;
- Not overdevelopment;
- Considered Ecology;
- Considered neighbours.

8 Consultations Received

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

- HCC Transport Programmes and Strategy
- Hertfordshire Ecology
- WHBC Public Health and Protection
- WHBC Landscape and Ecology

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

- WHBC Client Services
- Thames Water

8.3 No response was received from the following consultees:

- Affinity Water
- HCC Water Officer
- WHBC Parking Services

- HCC Lead Local Flood Authority (LLFA)
- HCC Growth Team
- Herts and Middlesex Wildlife Trust
- Herts and Middlesex Badger Group
- RSPB

9 Town/Parish Council Representation

9.1 Welwyn Parish Council have submitted a major objection which states that:

“We believe that it’s a very development of the site – Overdominated design completely out of street scene - The provision parking is inefficient for the large apartment - Safety concerns with the proposed site access with the Mornington Road which is directly opposite. We note this design for 3 storeys out of the scene keeping. Concerns with the number of trees removed we would require good tree protection orders to be placed.”

10 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character 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) Refuse and recycling**
 - vii) Other matters**
- 6. The planning balance**

1. Principle of the development

10.2 The National Planning Policy Framework (NPPF) states planning policies ‘should promote and support the development of under-utilised land and buildings’ (Para.124 (d)) and ‘support development that makes efficient use of land’ (Para.128).

10.3 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).

10.4 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.”*

10.5 From the planning history, it is understood that the site has an established use as residential land. Therefore, the land use would not appear to conflict with the definition of previously developed land in the NPPF.

10.6 The application site is not allocated in the Local Plan for housing and therefore has come forward as a windfall residential site.

10.7 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’.

- 10.8 Criterion (i) of Policy SADM1 is discussed above. In terms of criterion (ii), the site is located within the village of Digswell, which is situated to the north of Welwyn Garden City. With regards to the sustainability of the development, it is noted that Digswell is classified in Local Plan Policy SP3: Settlement Hierarchy, as a ‘small excluded village or settlement’ that is ‘not washed-over’ by the Green Belt designation with more limited range of employment opportunities and services than large excluded villages. Digswell is directly served by rail services and accessibility to the main road network is good. As such, these areas are considered suitable for a limited amount of new development where this is compatible with the scale and character of the village.
- 10.9 The village of Digswell contains a very limited range of local facilities, which are all within reasonable walking distance from the application site and are accessible via a footway. The facilities are identified in Policy SP5 of the Local Plan as small neighbourhood/village centres, which generally only provide for day-to-day needs. The closest large neighbourhood/village centres are in Haldens and Knightsfield in Welwyn Garden City to the south of the Hertford Road, approximately 2 miles away, which can be accessed on foot.
- 10.10 The application site is also around 2.9 miles from Welwyn Garden City town centre and approximately 0.5 miles to Welwyn North Railway station. The site is around a 5-minute walk from two bus stops on a route providing a limited bus service to Welwyn Garden City and Watton on Stone 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. 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 to be acceptable.
- 10.11 The application site is located within 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.
- 10.12 The proposal would not undermine the delivery of allocated sites or the overall strategy of the Local 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.

- 10.13 For the above reasons, the proposal would not conflict with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.
- 10.14 Policy SADM9 of the Local Plan explains that proposals which result in the loss of one or more dwellings will only be permitted where:
- i. The resultant development would result in a net gain in the overall number of dwellings on the application site; or
 - ii. It can be demonstrated that the existing dwelling is significantly affected by adverse environmental conditions and there is no reasonable prospect that the impacts can be adequately mitigated against to create a healthy living environment for existing or future occupants; or
 - iii. The social, economic or environmental benefits of doing so are demonstrated to significantly outweigh the need to minimise net losses to the borough's housing stock.
- 10.15 The proposal for 9 dwellings would result in a net gain in the overall number of dwellings on the application site.
- 10.16 Paragraph 19.2 of the Local Plan also sets out the planning objectives for Digswell. It notes that when considering development proposals in Digswell, the Council will take the following local objectives into account, alongside the borough-wide objectives:
- Review and continue to use the Digswell Character Appraisal in decision making.
 - Maintain the character and widen the choice of housing available in Digswell.
 - Preserve the setting of the Grade II* listed Digswell Viaduct.
- 10.17 The above objectives will be discussed in the subsequent sections of the report, where relevant.

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

- 10.18 Paragraph 131 of the NPPF clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place.
- 10.19 Paragraph 139 of the NPPF states that significant weight should be given to:

a) development which reflects 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; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 10.20 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).
- 10.21 Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 10.22 The Digswell Character Appraisal (2004) is also relevant, which includes information about the locally distinctive character and context of Digswell in the borough.
- 10.23 The Digswell Character Appraisal states that Digswell's sloping site and enclosed nature form the basis of its character. It is the dominance of the wooded landscape, the topographical setting and its sense of containment or separateness which give Digswell its attraction. The character of New Road is provided by the houses having deep setbacks and being only fleetingly visible behind well screened green boundaries.
- 10.24 The dwellings along New Road are predominantly large single dwellinghouses with individual character and are generally sited within generous plots in an informal manner.
- 10.25 The proposed development of flats at 59 New Road would represent a different form of development to the original character of the area. However, it is important to note that planning permission has been approved in more recent years at No. 61 and 63-65 New Road for similar developments of flats. Furthermore, flatted developments have been granted in the past (2015) at No's 2 and 40 New Road. An application at 40 New Road was allowed on appeal in June 2012 (N6/2011/1833/FP) and within the appeal decision the Planning Inspector noted the following points:

“Although not explicitly referred to in the refusal reason or the Council's evidence, Welwyn Parish Council, the Residents Association (RA) and individual residents have expressed concern about the development of apartments on this site. However, I have seen no development plan policy basis or any indication in the DCA that smaller units of accommodation are

unacceptable in principle in this area and in my view, there is no justification for the refusal of development for this reason.”

“Whilst the building would accommodate four apartments it would have the appearance of a single detached dwelling and I consider that a building of the scale and design proposed would not appear out of place within this part of Digswell.”

- 10.26 As such the principle of a flatted development of this density is established in the area and the proposal would be compatible with the surrounding residential area, as long as it is not out of character in terms of the siting, set back and design of the building. The proposed building has been designed to have the appearance of a large residential dwelling with a single central entrance and therefore would not appear as a block of flats when viewed from the limited public vantage points on New Road. The development would be centrally sited within the plot and would be set well back within the plot by approximately 32 metres and approximately 25.7 metres from the rear boundary, to follow the existing grain of development. The building would be set in from the flank boundaries of the site by approximately 7.4 and 10.4 metres, which is a comparable distance to that of No. 61 New Road, and therefore would retain a reasonable degree of spaciousness within the plot. The proposed setback distance from the site frontage and the gaps to the boundaries would be reflective of the siting of a number of the dwellings in the vicinity of the site.
- 10.27 In terms of the scale of development proposed, the proposed building would be taller than the existing dwelling on the site and would have a larger footprint. It is acknowledged that the proposed block of flats would undoubtedly result in an increase in bulk and massing which would be over and above that of the existing two storey building currently on the site. However, the proposed block of flats would appear similar in width to the existing building (albeit rotated to a different orientation) when viewed from the street. It would not be disproportionately or incongruously large in the context of some of the other dwellings and flatted schemes in the surrounding area either, where there are examples of part two storey, part three storey high buildings. It is considered that the proposed ridge height would sit comfortably within its plot, with sufficient spacing between the adjacent properties (No. 55 and No. 61) and would be in keeping with the drop in the ground levels along New Road. Furthermore, the dense vegetation on the site's front boundary (which is to be retained) and the substantial set back would sufficiently screen the development in a manner not dissimilar to many of the neighbouring and surrounding dwellings. It is considered that the site would comfortably accommodate the proposed scale of development. As such, the proposed development would not appear incongruous in its context, nor would it significantly harm the character of the street scene in terms of its form and scale.
- 10.28 It is considered that the existing mix of flatted schemes and dwellings in the area has resulted in a mixed character within New Road to which a modern design would not be considered out of character with other developments. The design approach of the proposed building has been planned to appear as

a large family dwelling. The built form has been broken up and the design utilises the topography of the land levels to assimilate it into the application site.

- 10.29 The proposed building would be sympathetic in scale, height, spacing, design and materiality. Further details of the external materials can be reserved by condition, but it is considered that buff brickwork and hardwood timber cladding as proposed would be an appropriate response to the locality in principle.
- 10.30 The proposed layout of the development would result in the provision of a relatively significant amount of hardstanding in the front part of the site to accommodate the parking area. However, the extent of the hardstanding would be comparable with that approved for 61 New Road (6/2020/2818/FULL) and the levels of hardstanding present at a number of the surrounding properties, particularly those towards the top of New Road. It is therefore considered that the development would be in keeping with the overall visual character of the area. Consideration has been given to the fact that the majority of the proposed hardstanding would be screened by the mature trees and bushes on the front boundary of the site. The amount of hardstanding would be proportionate to the size of the plot and the retention of soft landscaped areas to the front and rear of the site would ensure that the proposals would not represent overdevelopment of the site.
- 10.31 Accordingly, the proposed development would be of a good standard of design and would be in accordance with Policies SADM11 and SP9 of the Local Plan, the Digswell Character Appraisal, the Supplementary Design Guidance and the National Planning Policy Framework.

3. Residential amenity

- 10.32 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.
- 10.33 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.
- 10.34 The proposed development has the potential to impact 55 and 61 New Road, as these are the nearest buildings to the proposal. The proposed development, due to the existing single dwelling occupancy 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 mature landscaping, the proposal is unlikely to result in significant harm to the outlook from these existing properties.

- 10.35 Furthermore, due to the distance of the existing dwellings from the proposed dwellings (at its closest the proposed building would be approximately 7.4 metres from the boundary with the nearest existing residential property), the proposal is unlikely to result in significant harm in terms of loss of light, privacy or overbearing impact.
- 10.36 The relationship of the proposed dwellings and the level of face to face overlooking and loss of privacy would be mitigated by the change in the topographical levels, the position of the proposed building and the retention of the tree screening.
- 10.37 Finally, whilst it is acknowledged that there is potential for additional noise and disturbance through the comings and goings of vehicles associated with the new dwellings and additional occupants, noise within the proposed dwelling's amenity spaces would be considered acceptable within a residential setting.
- 10.38 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.
- 10.39 Each dwelling would have access to a communal or private amenity space. This is considered usable and functional. This is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space.
- 10.40 Daylight/sunlight/outlook of new occupiers is considered acceptable. Due to the topographical levels on the lower ground level, which are lower to the southern part of the building, all habitable rooms have windows and doors which allow in good levels of light. These habitable rooms also have good outlook as this level has been designed with direct access to a private garden. The staircase to the lower level has an acid etched opaque glass roof which allows natural light into this area. All other dwellings on the ground and first floor levels have sufficient daylight, sunlight and outlook for main habitable rooms.
- 10.41 Privacy of new occupiers is also considered acceptable. There is no relationship between dwellings within the proposed building which would result in a loss of privacy between them.
- 10.42 The lower level flat has access to a private garden space, it is not clear whether this would be enclosed by boundary treatment. Therefore, it is considered that this should be conditioned as part of the landscape plan.
- 10.43 Policy SP7 of the Local Plan states that at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended) the delivery of which should be distributed across market and affordable tenures. This proportion may be varied where dwellings are proposed to meet Part M4(3) standards for 'wheelchair user dwellings' (or as subsequently amended). The planning statement confirms that the proposal would provide nine apartments all of which provide step free access

compliant with M4(3) of the Building Regulations, providing all nine homes adaptable for M4(3) and later living. This can be secured by condition.

- 10.44 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.
- 10.45 Subject to the suggested conditions, the proposal would be in accordance with the NPPF and Policies SP9, SADM11 and SADM18 of the Local Plan.

4. Highways and parking considerations

- 10.46 In terms of parking, Paragraph 111 of the NPPF states that if setting local parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 10.47 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.
- 10.48 Policy 115 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.
- 10.49 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.

- 10.50 The application is supported by a Transport Statement, Stage 1 Road Safety Audit and supporting plans and documents.
- 10.51 Digswell 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 two-bedroom dwelling would require 1.5 spaces and a three bedroom dwelling would require 2.25 spaces in line with the maximum standards. There would be a shortfall of two car parking spaces (1 car parking space if the visitor parking space was reutilised) with limited explanation to why there is a shortage in the total number of car parking spaces. However, as set out above, the existing maximum parking standards within the SPG should be taken as guidance only, and is a maximum rather than a minimum. The Case Officer noted that on undertaking a site visit, there is some limited car parking provision on New Road. Whilst it is acknowledged that there would be a shortfall in the total number of car parking spaces proposed using the maximum standards, as this would only be for one parking space, and there are other modes of transport available within walking distance, it is not considered that car parking provision would justify a reason for refusal.
- 10.52 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. The site is situated in a reasonably sustainable location in close proximity to bus stops which link to wider transport links.
- 10.53 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, but the proposed plans suggest the majority of the parking spaces would have EV points. It is recommended that further details of the EV points are secured by condition.
- 10.54 Concerns have been raised by neighbouring properties in regards to both highway and pedestrian safety.
- 10.55 Hertfordshire County Council Highways team have been consulted and have raised no objection to highway or pedestrian safety subject to the suggested conditions and informatives.
- 10.56 Hertfordshire County Council Highways requested S106 contributions as part of this proposal. However the proposal would fall under the threshold (the proposal is under 10 units and the site area is under 0.5 hectares) for S106 contributions. The Case Officer has discussed this matter further with the Highways Team and the requirement for S106 contributions has now been withdrawn in writing.
- 10.57 It should be noted that the Highway Authority have considered the cumulative impact of developments in the vicinity of the application site as part of this application, due to the cumulative increase in vehicle trips, plus the nature and volume of vehicle movements. A Stage 1 Road Safety Audit (RSA) was completed by the applicant to assist with this assessment and the Highway Authority do not object to the proposal on these grounds.

- 10.58 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 recommended conditions at the end of this report.
- 10.59 In summary, subject to the suggested conditions, the proposal would provide an acceptable level of on-site car parking and would have an acceptable impact on highway and pedestrian safety. 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 or the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 10.60 Paragraph 180 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 1786(a) of the NPPF that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”. It is stated within Paragraph 186(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*”.
- 10.61 The Environment Act 2021 gives greater emphases 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.
- 10.62 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity.
- 10.63 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. Despite this, the applicant has submitted a Biodiversity Metric report with the application.

- 10.64 The application is also supported by an Ecological Impact Assessment which outlines mitigation measures. The submitted report identifies that, given the character of the site and management of the lawn there is no reason to consider the grassland to be ecologically significant in this case.
- 10.65 Hertfordshire Ecology have been consulted and suggest that there is no objection to the proposed development, subject to the suggested conditions. This includes a Landscape and Ecological Management Plan (LEMP) and several avoidance, mitigation and enhancement measures... In addition, the biodiversity metric which has been submitted shows an overall biodiversity net gain in excess of 10% for area and hedgerow habits achieved within the trading rules for the metric. Consequently, the application would enhance the biodiversity of the site and provide net gains.
- 10.66 Other Ecological Groups have also been consulted and not responded. The RSPB have commented verbally that they do not consider that the application site would impact on their site. It is considered that, based on the comments from 61 New Road next door and the comments from Hertfordshire Ecology, that the mitigation measures are reasonable and proportionate, and given the site's characteristics and the type/scale of the development, the impact on this site would be acceptable.
- 10.67 Bats are a protected species. The submitted report notes that the application site was inspected and assessed for its potential to support roosting bats, where it was found to have a negligible potential. The potential for nesting birds, the suitability of surrounding connecting habitats for hedgehogs and the potential for reptiles is not considered sufficient to justify further surveys, which Hertfordshire Ecology agree with. No concerns are raised regarding badgers either. Subject to safeguarding and mitigation measures being secured by condition, the proposal will be considered acceptable.
- 10.68 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

- 10.69 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.
- 10.70 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 any comments on the report.
- 10.71 As such, subject to a more detailed condition on management and maintenance of any proposed drainage system, 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

10.72 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, which states that all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply.

10.73 The application is supported by a Sustainability Statement in the Design and Access Statement (page 50). The planning statement also notes that the proposal adopts a fabric-first approach, as the building is to be super insulated and airtight to provide high thermal performance well beyond current Building Regulation Requirements. It also notes that careful consideration has been given from the outset to overall building form, orientation and fenestration to minimise thermal bridging, optimise solar gain and mitigate overheating with apartment layouts allowing dual aspect and cross ventilation and fenestration.

10.74 The details within the Design and Access Statement also state that the proposal will look to integrate on-site renewable energy sources such as PV cells and air/ground source heat pumps to reduce the energy usage for the residents. Limited information is provided about the specifics of this. However, it is considered that additional details of the above could be provided by condition.

iv) Landscaping

10.75 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.

10.76 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.

- 10.77 The NPPF sets out at Paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 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.
- 10.78 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.
- 10.79 Currently, there is significant vegetation within the site itself. There are numerous trees which sit to the south of the site. These trees are a sufficient distance from the proposed building and should not be affected by the development. There are Tree Preservation Orders (TPOs) on some trees on site.
- 10.80 An Arboricultural Impact Assessment and Tree Protection Plan 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 9 trees to facilitate the development and 1 tree for reasons of sound management. Three of the trees required to be removed are B category trees (good quality) the others are C category (moderate quality) or U category (low/poor quality). A small yew tree to the front of the site is to be removed as part of the entrance widening but this tree has little amenity value and there are no objections to its removal. The loss of the trees are considered to have little impact on the amenity of the area. However, tree planting to mitigate the losses should be undertaken.
- 10.81 The tree protection measures are considered sufficient and appropriate to protect the retained trees, which can be secured by condition.
- 10.82 A detailed planting plan has been submitted with the application, which provides details of the proposed planting schedule. These details are considered sufficient. However, additional details would be required to be secured by condition, which detail topographical levels, additional hard and soft landscaping and boundary treatments.
- 10.83 Limited details have been provided of boundary treatments, hardstanding and new structures. Revised details of bin storage will also be required due to the limited information in regards to topography and access. This is to demonstrate that satisfactory refuse access to the bins can occur. These points would be conditioned.

v) *Contaminated land*

10.84 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.

10.85 The Council's Public Health and Protection Officer has reviewed the proposal and considers that the application site is not located within area known to be contaminated. No objection in principle has been raised subject to an unexpected finds condition.

10.86 Accordingly, subject to the imposition of the above-mentioned condition, the proposal would not be contrary to Policy SADM18 of the Local Plan or the NPPF.

vii) Refuse and recycling

10.87 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.

10.88 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.

10.89 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."

- 10.90 Details have been provided of a suitable bin storage area 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.
- 10.91 Notwithstanding the submitted plans and documentation, the Council's Client Services require amended plans of the bin storage and bin collection points. The proposed site plan includes the locations of the bin store, and a plan has been included which demonstrates the elevational details of the structure. The information submitted regarding the bin collection point to the front of does not demonstrate adequate space has been 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

- 10.92 It is noted that the Council's Public Health and Protection Team have included hours of noise as a recommended condition. It is considered that construction noise would fall under Public Health and Protection legislation and therefore this has been changed to an informative.
- 10.93 It is noted the Council's Public Health and Protection Team have included a condition for a Green Travel Plan. However, the application already includes information regarding cycle storage and electric vehicle charging points and further details will be secured by condition. Therefore, it is not considered that this is required.
- 10.94 Neighbouring properties have raised comments in regard to the site notice. This was displayed on the 18 May 2023 for a minimum of 21 days. Neighbouring properties were also notified.
- 10.95 The Local Planning Authority is not able to take into consideration a cumulative number of developments within an area unless there is reason for the LPA to believe this development would conflict with the relevant policies for this reason (e.g. pollution, flooding). The cumulative impacts on the highway have been assessed as part of this application as discussed above, in consultation with the Highway Authority.

6. The planning balance

- 10.96 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.

- 10.97 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.
- 10.98 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 8 outlines that it includes, amongst other things, 'for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 77).
- 10.99 The Council's Local Plan was adopted on the 12th of October 2023 and the NPPF has been recently updated (19th December 2023) which now removes the requirement to maintain a 5-year housing land supply if the Local Plan is under 5 years old. However, this new provision is only applicable to applications submitted from the date of publication and therefore does not apply to this application.
- 10.100 As a result of the above, it is still the position that the Council cannot demonstrate a 5-year housing land supply, therefore this triggers the circumstances in paragraph 11d) of the NPPF.
- 10.101 The proposed development would deliver 8 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.
- 10.102 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.
- 10.103 Turning to the environment, the proposal would be located in an existing village, where there are possibilities for limited development. The proposal would make effective and efficient use of existing residential land on an established residential road.

- 10.104 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.
- 10.105 In addition, the applicant's submitted details refer to various ways of ensuring the property would be of a sustainable design and construction. These include measures to enhance the energy efficiency of the building, such as the use of Electric Vehicle (EV) charging points, and the addition of Air Source Heat Pumps (ASHP) and PV panels. A condition is also recommended for the submission of an energy statement prior to above ground level work beginning on site, to ensure the new dwellings would be energy efficient in line with further detail regarding the above measures, as well as any other renewable energy measures or approaches to the fabric of the building which may be appropriate. Such environmental benefits enhance the sustainability credentials of the development which are attributed moderate weight.
- 10.106 In this case, it is considered that the benefits of the development would outweigh any negatives, taken as a whole. The proposal would therefore 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.

11 Conclusion

- 11.1 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.
- 11.2 There is no objection in principle to development on this site, and the proposal would provide much needed housing.
- 11.3 Subject to conditions, the proposal would have no significant adverse impact upon residential amenity, highways, flood risk and sustainable drainage and other relevant matters.
- 11.4 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.

12 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. No development shall commence until detailed technical plans have been submitted to and approved in writing by the Local Planning Authority, in

consultation with the Highway Authority, which show the forward visibility splays, railings, detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the access road with New Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before the commencement of any other development on the site following the completion of the highway works.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a 'Construction Traffic Management Plan' has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, At each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 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 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.

3. Prior to the demolition of the buildings detailed in the Preliminary Ecological Appraisal, a Landscape Ecological Management Plan (including but not limited to the recommendations in the report for ecological enhancements (for bat and bird boxes, native planting, species of benefit for biodiversity, rain garden, green walls/fences) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan (LEMP) shall ensure the ecological and habitat enhancements are achieved and sustained as part of the development.

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

REASON: To ensure the ecological and habitat enhancements will be achieved and sustained in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. No development shall commence (including vegetation clearance) until a badger walk-over survey of the site has been carried out by a suitably qualified and experienced ecologist to check for badger activity.

If badgers will be impacted by the development, appropriate mitigation to safeguard them must be submitted to and approved in writing by the Local Planning Authority before commencement of the development (including vegetation clearance). The development must be carried out in accordance with the approved mitigation measures.

REASON: To ensure badgers are protected from harm during the construction of the development in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

5. Prior to any above ground level development beginning, details identifying the location and appearance of the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle 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 Policy SADM3 and SADM12 of the Local Plan and the National Planning Policy Framework.

6. No above ground development in any phase of the development shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the proposed development would be designed and constructed to achieve a reduction in carbon emissions (dwelling emission rates) which would exceed Part L Building Regulations baselines, in addition to any renewable energy sources to be installed or other measures to secure the sustainability credentials of the development. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. 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);
- c. Relocation and plans of cycle shed;
- d. Additional planting plans;
- e. Ecological enhancements, including badger gates; and
- f. SUDS planters

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 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. 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.

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

9. 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. The details shall include a larger bin store; the gradient of the path from the bin store to freighter; bins stores to have double doors opening outwards and a coded lock. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to 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.

10. Prior to any above ground level development beginning, full details of a management and maintenance plan for the SuDS features and drainage network must 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.

PRIOR TO OCCUPATION

11. Prior to the first occupation/use of the development hereby permitted, the vehicular access, forward and pedestrian visibility splays shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage 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 Local Plan and the National Planning Policy Framework.

12. 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.

13. Notwithstanding the submitted details, the site shall not be occupied until a schedule of units, together with appropriate plans and drawings, has been submitted to and approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard. The person carrying out the building work must inform the Building Control body which requirements apply and written verification of the completion of all dwellings in accordance with the above will be supplied to the local planning authority within 30 days of the practical completion of the building it forms part of.

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policy SP7 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. 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 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER

15. Reporting of Unexpected Contamination:

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

2. 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 preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) 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.

iii) The site investigation results and the detailed risk assessment (ii) 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.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

3. Following 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 Local Plan and the National Planning Policy Framework.

16. 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

17. The development hereby approved shall be carried out in accordance with the details and recommendations within the submitted Arboricultural Impact Assessment and Tree Protection Plan Patrick Stileman Limited (April 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.

18. The development hereby approved shall accord with the working practices, mitigation measures and recommendations within the submitted Preliminary Ecological Appraisal April 2023, unless otherwise agreed in writing by the Local Planning Authority.

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

DRAWING NUMBERS

19. 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
CLPD 128 P01d Sheet 1 of 2	D	Landscape Strategy Plan	27 April 2023
DS031122 01.05-A	A	Tree Protection Plan	27 April 2023
829-00- 120-		Existing Roof Plan	27 April 2023
829-00- 121-		Existing Floor Plans	27 April 2023
829-00- 200-		Existing Site Section AA	27 April 2023
829-00- 310-		Existing Front Elevation	27 April 2023
829-00- 311-		Existing Side Elevation A	27 April 2023
829-00- 312-		Existing Rear Elevation	27 April 2023
829-00- 313-		Existing Side Elevation B	27 April 2023
829-10- 100-		Proposed Lower Ground Plan	27 April 2023
829-10- 102-		Proposed First Floor Plan	27 April 2023
829-10- 103-		Proposed Roof Plan	27 April 2023
829-10- 110-		Proposed Site Layout Plan	27 April 2023
829-10- 210-		Proposed Section AA	27 April 2023
829-10-		Proposed Section BB	27 April 2023

211-			
829-10-212-		Proposed Site Section AA	27 April 2023
829-10-300-		Proposed Front Elevation	27 April 2023
829-10-301-		Proposed Side Elevation A	27 April 2023
829-10-302-		Proposed Rear Elevation	27 April 2023
829-10-303-		Proposed Side Elevation B	27 April 2023
829-10-400-		Proposed Cyclestore	27 April 2023
829-00-001-		Existing Site Plan	28 April 2023
829-10-001-		Proposed Site Plan	28 April 2023
829-10-401-R1		Proposed Refuse & Recycling Store	2 June 2023
829-10-101-R1		Proposed Ground Floor Plan	2 June 2023
SK15	.	Proposed Access Design, Visibility Splay and Service Vehicle Swept Path Analysis	27 June 2023
SK16	.	Proposed Access Design, Area Subject to Widening	27 June 2023
CLPD 128 P02b	B	Detailed Planting Plan	29 June 2023

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

INFORMATIVES

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

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.

2. 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.
3. 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.
4. 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/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
5. 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-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
6. 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.

7. 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-yourdevelopment/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
8. 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>
9. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
10. As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7C%7Cf63ec65a0dbf4ce3812008db4d4af8cf%7C2e31fb9b220b49bdba10f6e3dd7307ea%7C0%7C0%7C638188756614150991%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luM>

zliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1qnnAeq1umiLPQOzGqGzaql3e87E098z1ydv0EkrEPE%3D&reserved=0.

11. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via:
<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7C%7Cf63ec65a0dbf4ce3812008db4d4af8cf%7C2e31fb9b220b49bdba10f6e3dd7307ea%7C0%7C0%7C638188756614150991%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1qnnAeq1umiLPQOzGqGzaql3e87E098z1ydv0EkrEPE%3D&reserved=0>.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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 supervise the removal of vegetation (trees and dense scrub) and inspect for nesting birds before works commence.
17. In the area of the proposed development, a cautionary approach during the construction shall be undertaken in regard to any infrastructure. Any damage to any infrastructure shall be at the expense and responsibility of the applicant.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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>

24. 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.

25. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
26. The applicant is advised that all new highway routes within the development site are likely to 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

27. 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.

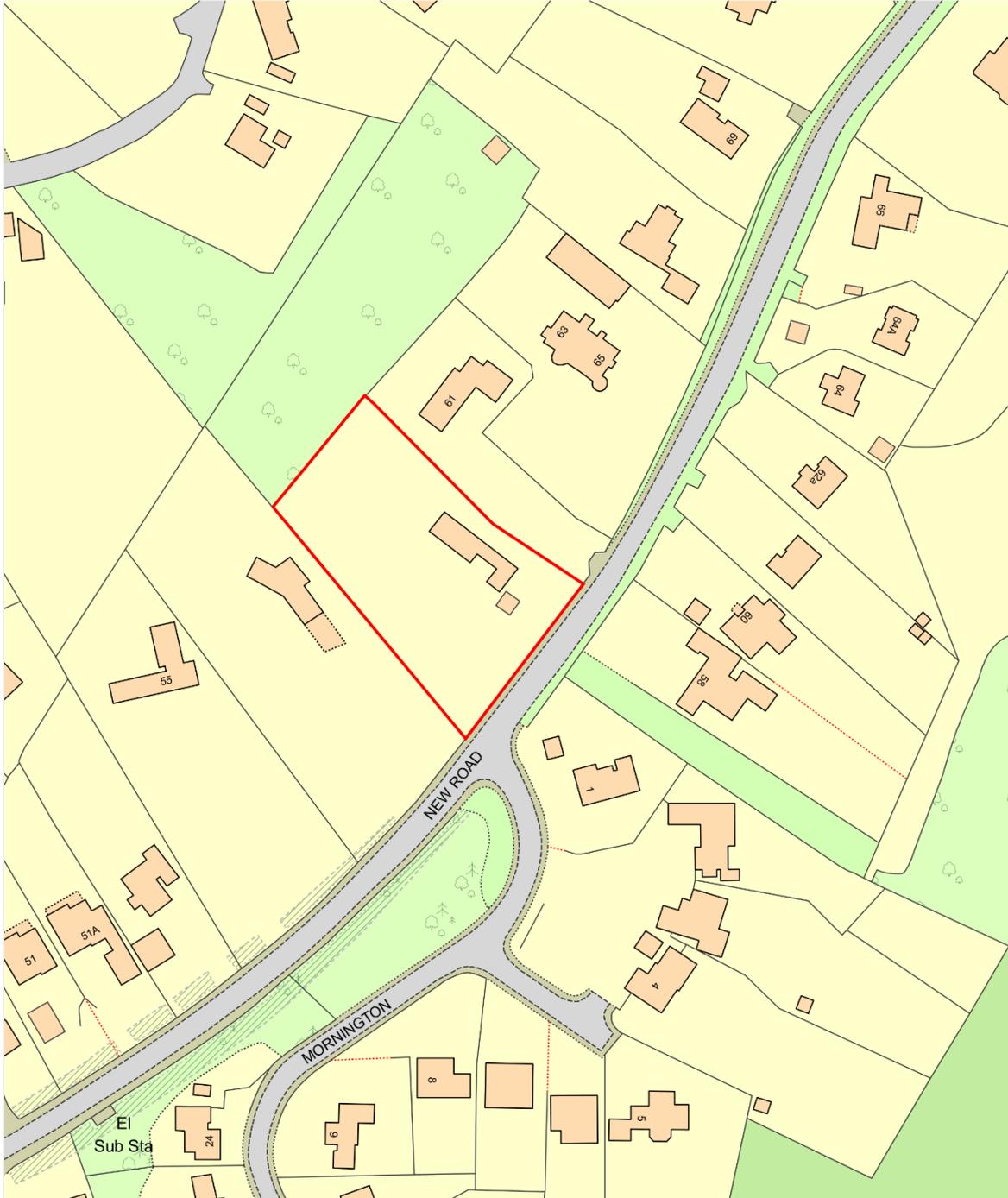
Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer 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: 20/11/2023



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: <p>59 New Road Digswell Welwyn AL6 0AL</p>		Scale: <p>1:5000</p>
	Project: Development Management Committee		Date: <p>02-01-2024</p>
	Drawing Number: <p>6/2023/0907/FULL</p>	Drawn: <p>N McIver</p>	
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