

Part I

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Northaw and Cuffley

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –13 MARCH 2025
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2024/1608/FULL

45 HILL RISE CUFFLEY POTTERS BAR EN6 4EH

ERECTION OF TWO DETACHED DWELLINGS FOLLOWING THE SUBDIVISION
OF THE EXISTING PLOT

APPLICANT: GKBROOK

1 Site Description

- 1.1 The application site lies within the settlement of Cuffley, which is in the south of the borough. Hill Rise is a residential road which largely comprises of detached dwellings. Housing styles and plot sizes vary in the surrounding area.
- 1.2 The application site formerly comprised of a detached two storey dwelling with an asymmetric roof, front and rear gardens and a driveway. The land levels rise gently up towards the application site from the road. In 2020, a planning application was approved for extensions and alterations to the existing house. However, the original house was demolished, and a subsequent application was submitted for a replacement dwelling, which was approved in 2023.

2 The Proposal

- 2.1 This application seeks full planning permission for the erection of two detached two storey houses with accommodation in the roof space, following the demolition of the existing detached property and the subdivision of the existing plot. The original house has already been demolished.
- 2.2 The proposed layout plan demonstrates a linear style of development which would front onto Hill Rise. One dwelling would be set slightly further back into the site than the front building line of the approved dwelling, which would result in a natural transition between the new properties and the existing houses nearby. The properties would be traditional in finish, with modest crown roofs and hipped roof features.
- 2.3 The two houses would be served by a permeable parking area to the front, with electric vehicle charging points and refuse/recycling stores. A new access would also be created. Each dwelling would benefit from private amenity space to the rear and a cycle storage building.

- 2.4 Amendments have been made to the proposal during the application process. These include the removal of the proposed side dormer windows, a reduction in the size of the crown roofs, the submission of a landscape report and alterations to the internal layout to amend two bedrooms from double beds to single beds. Additional technical information has also been provided to address comments raised by Hertfordshire Ecology.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have raised a major objection to the application on the following grounds:

- 1) The two detached properties constitute an overdevelopment of the plot.
- 2) The size and design of the properties is out of character for the neighbourhood.
- 3) Councillors took note of the various concerns regarding privacy and overlooking raised by the neighbouring properties.

4 Relevant Planning History

- 4.1 Application Number: 6/2020/2513/HOUSE
Decision: Granted
Decision Date: 25 November 2020
Proposal: Erection of part single storey, part two storey rear extension with rear balcony, erection of two storey front extension and raising of roof ridge line. Insertion of side dormer and external alterations
- 4.2 Application Number: 6/2023/1939/FULL
Decision: Granted
Decision Date: 27 November 2023
Proposal: Erection of a dwelling following the demolition of existing dwelling
- 4.3 Application Number: 6/2023/2431/COND
Decision: Granted
Decision Date: 20 December 2023
Proposal: Submission of details pursuant to condition 1 (materials) on planning permission 6/2023/1939/FULL

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 Northaw and Cuffley Neighbourhood Plan (2022-2036)

6 Representations Received

- 6.1 The application was advertised by means of neighbour consultation letters. In total, 7 objections have been received. All representations received are published in full on the Council's website and are summarised below:

Objections

- Overdevelopment of the site;
- Cramped appearance;
- Materials would not be in keeping with the existing house;
- Design of houses out of keeping with the surrounding area;
- Previous application was refused on design grounds, and this is worse;
- Increase in on-street parking through a new dropped kerb and the additional need for parking spaces for the construction phase and once the new dwellings are occupied;
- Additional traffic/congestion;
- Potential loss of landscaping;
- Loss of privacy to private gardens and windows;
- Increased pressure on sewage and drainage systems;
- Strain on existing infrastructure;
- It would set a precedent for similar developments;
- Unacceptable proximity to adjoining boundaries including the need for Party Wall Agreements;
- No requirements for this type of housing due to nearby developments; and
- Neighbours were not notified by the developer about the application.

7 Consultations Received

- 7.1 The following consultees have responded advising that they have no objections to the proposal in principle, subject to conditions being applied:
- HCC Transport Programmes and Strategy
 - Hertfordshire Ecology
 - WHBC Public Health and Protection
 - WHBC Landscape and Ecology
 - WHBC Client Services
 - WHBC Private Sector Housing and Estates teams

8 Analysis

- 8.1 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) Renewable energy
 - iii) Landscaping
 - iv) Refuse and recycling
 - v) Other matters
6. The planning balance

1. Principle of the development

- 8.2 The National Planning Policy Framework (NPPF) states planning policies 'should promote an effective use of land in meeting the need for homes and other uses' (Para.124).
- 8.3 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).
- 8.4 The site has an established use as residential land and is therefore previously developed. It is not allocated in the Local Plan for housing and has come

forward as a windfall residential site in a large, excluded village, as defined in Policy SP3 of the Local Plan.

8.5 Policy SADM1 (Windfall Development) 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'.

- 8.6 Criterion (i) of Policy SADM1 is discussed above. In terms of criterion (ii), the site is located within the village of Cuffley. With regards to the sustainability of the development, it is noted that Cuffley is classified in Local Plan Policy SP3: Settlement Hierarchy, as a large, excluded village. These villages have large service centres, but a more limited range of employment opportunities and services than the two towns. Shops and facilities mainly serve the community needs of these villages and those living in surrounding rural areas. Accessibility to the main road network is good and these areas are served by rail and/or bus networks. These areas are a secondary focus for new development where this is compatible with the scale and character of the village, and the maintenance of Green Belt boundaries.
- 8.7 Cuffley has various local services, which are all within reasonable walking distance from the application site. The facilities are identified in Policy SP5 of the Local Plan as large neighbourhood/village centres. The centres provide a range of facilities and are the heart of their neighbourhoods. Large convenience stores or small supermarkets are supplemented by other shops which typically include pharmacies, hairdressers, bakeries and newsagents, as well as independent comparison goods retailers. Services include community centres, GP surgeries and pubs - some centres also have post offices.
- 8.8 The application site is also around 0.8 miles from Cuffley Railway station and there are some bus stops within walking distance which provide connections elsewhere. 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. It would also result in a net increase of one new dwelling compared to the existing situation. The location and accessibility of the site is therefore considered to be acceptable.

- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 Policy SADM9 of the Local Plan sets out 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.
- 8.13 The proposal would result in a net gain in the number of dwellings on the application site as it would involve the erection of two properties on a site which formerly comprised of a single dwelling.
- 8.14 For the above reasons, it is considered that the proposed development would not conflict with the sustainability requirements of the National Planning Policy Framework or Policies SADM1 and SP1 of the Local Plan.

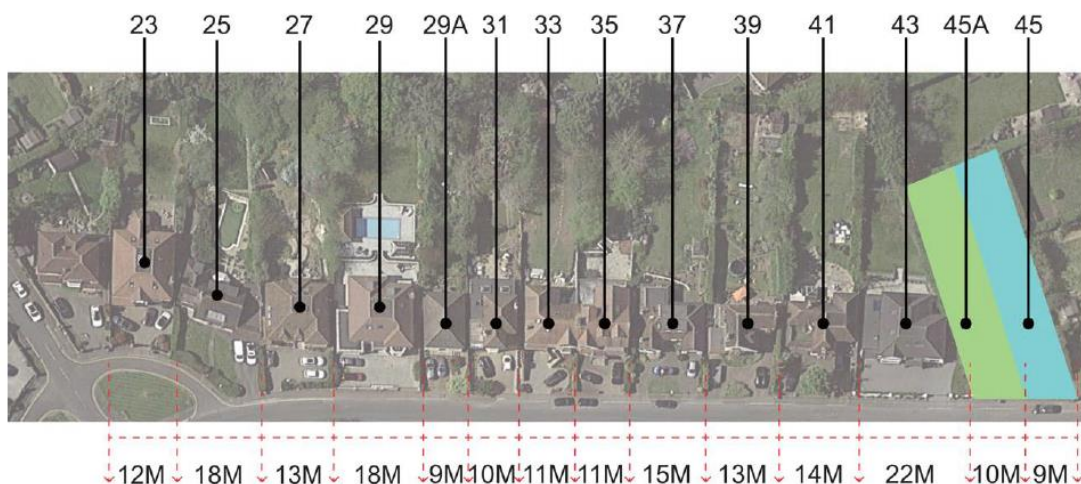
2. Quality of design and impact on the character of the area

- 8.15 Paragraph 131 of the National Planning Policy Framework (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
- 8.16 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.

- 8.17 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). 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.
- 8.18 The Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan), adopted May 2023, is also a material consideration. Policy D1 of the Northaw and Cuffley Neighbourhood Plan regards residential design and amenity, with Policy D2 referring to the local character. Appendix 2 provides further guidance in support of policies D1 and D2, with extracts from previous local character assessments that should be used to inform all development proposals.
- 8.19 Policy D1 of the NCNP notes that, as appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the listed issues and design features.
- 8.20 The dwellings on Hill Rise are predominantly large single dwellinghouses with individual character and are generally sited within generous plots. The dwellings maintain a similar set back from the front boundaries. However, the variation in scale and appearance of the properties in the immediate surrounding area has resulted in a mixed character within the streetscene. Consequently, there is a greater degree of flexibility in the design and finish of new dwellings, provided it is of good quality design and does not appear unduly prominent.
- 8.21 The ridge heights of the proposed new dwellings would be marginally taller than the existing dwelling to the south (No.43). However, the drawings demonstrate that this would be no higher than the approved property at the application site. The submitted site section drawings also show that the new dwellings would provide a gradual transition between this property and the ridgeline of No.47, which follows the topographical changes in levels on this part of the road.

- 8.22 In terms of separation distances, the dwellings would retain a minimum of 1m between one another and the side boundaries with the adjacent properties. Property B would retain a separation distance of approximately 21m between the north facing side elevation and the rear of No.24 Hanyards Lane. Other dwellings on Hanyards Lane would result in a similar, or greater, distance than this. The separation distance between No.43 and Property A would be approximately 2m at its closest point on the south facing flank wall. These separation distances would not appear cramped in appearance and would accord with similar separation distances between houses elsewhere on the road.
- 8.23 Regarding density and plot sizes, the applicant has provided a diagram (Figure 7) in the submitted Design and Access Statement (DAS), which outlines some of the properties on this side of the road and their approximate plot widths. The diagram demonstrates that there is some variation between plot widths and lengths on Hill Rise, with some existing sites (e.g. 29A Hill Rise) that are comparable to the plot sizes proposed as part of this application. This is therefore viewed to be acceptable. The sites would also follow a similar linear pattern of development with lengthy, rectangular shaped plots. It is therefore considered that the site would not appear overdeveloped in comparison to the surrounding density and character of this area.



(fig 7- showing proposed plot widths)

- 8.24 In terms of the appearance of the dwellings proposed, it is considered that the proposed hipped and pitched roofs (with small sections of flat roof in the centre) would reflect the existing dwellings nearby, several of which also have crown roofs. There are also examples of similar canopies at the entrance to the dwellings, such as at No.46 opposite. A condition can ensure the flat roof sections are set down and concealed well behind the hipped roofs. The windows and doors in the principal elevations would be proportionate to the size of the dwellings. In addition, following the removal of the dormers at the side, the dwellings would appear aesthetically pleasing in terms of their symmetry. It is acknowledged that the properties would appear smaller than the houses either side, due to their design. However, as demonstrated in Figure 7 above, there is no established house size or type on this road, therefore there is scope for some variation.

- 8.25 In terms of materials, the buildings would be constructed using red bricks for the walls and Spanish slate tiles for the roof. The windows would have a black UPVC timber effect, and the doors would also be a combination of black composite and crittal style aluminium materials. The proposed front porch canopy and cills would be finished with Portland stone. These materials are acceptable, taking into consideration the varied character of the street scene which comprises of a mixture of render, brickwork, cladding and various colours of roof tiles.
- 8.26 In terms of the proposed layout, whilst there would be a fair amount of hardstanding on the frontages of the proposed dwellings to accommodate the proposed parking area, some soft landscaping would remain. However, the extent of the hardstanding would be comparable with other frontages nearby. The submitted site plan suggests there would be a 1.8m high fence separating the two frontages of the properties. Boundary treatments in the surrounding area appear to largely comprise of low boundary walls and/or hedges/shrubs. A 1.8m high fence may therefore appear uncharacteristic in this setting. Notwithstanding this, it is considered that there is scope for it to be amended through the proposed hard/soft landscaping condition, which includes further details of boundary treatments or means of enclosure. The applicant has agreed to this approach.
- 8.27 It is therefore considered that the development would be in keeping with the overall visual character of the area. The amount of hardstanding would be proportionate to the size of the plot and the style and design of the dwellings would ensure that the proposals would not represent overdevelopment of the site.
- 8.28 Accordingly, subject to conditions, it is considered that 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 Northaw and Cuffley Neighbourhood Plan, the Supplementary Design Guidance and the National Planning Policy Framework.

3. Residential amenity

- 8.29 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 (Para.135). 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.
- 8.30 With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.

Impact on Neighbours

- 8.31 Objections have been received from the occupiers of No.22 Hanyards Lane, 41, 42, 43, 44, 47 Hill Rise and the Northaw and Cuffley Residents Association.
- 8.32 In terms of the impact on No.43 Hill Rise that is situated to the south of the site, it is noted that this property has very few window or door openings in its flank elevation, limiting direct views from key side openings. The flank elevation of the original property at the application site was also located in a similar position to the side elevation of the proposed dwelling (Unit A), therefore the impact is likely to be similar in this regard. According to historic planning records for No.43, the closest first floor window to the rear serves a bathroom, therefore the proximity of this window to the proposed dwelling would not unduly impact any primary habitable rooms. At ground floor level, due to the orientation and position of the proposed dwelling and its part single storey, part two storey stepped design at the rear, it would not appear unduly dominant from this property, nor would it result in any detrimental loss of daylight or sunlight.
- 8.33 In terms of the impacts on No.47 Hill Rise and 22 and 24 Hanyards Lane, the proposal would retain a minimum separation distance of around 21m between the flank wall of Unit B and the rear walls of these dwellings. Whilst Unit B may be more visible to the occupier of these sites compared to the pre-existing and approved dwellings due to the increased ridge height, these properties sit at a higher land level than the application site, therefore they would not appear overbearing or overly dominant or result in a significant loss of light. Furthermore, the intervening vegetative screening along the shared boundary with No.47 would also provide some natural separation.
- 8.34 The proposal does include upper floor side facing windows and rooflights. However, the layouts have been designed to ensure side windows serve non-habitable rooms and spaces (such as bathrooms, stairwells) or secondary windows to rooms which also have front or rear facing openings (e.g. study rooms and dressing areas in bedrooms). A condition is recommended to ensure the side windows and rooflights are obscure glazed and fixed closed below 1.7m above ground floor level, to preserve the amenity of the private windows and gardens of the properties nearby. With respect to the impact upon the privacy of the adjoining neighbours to the rear of the site, whilst the development would involve a greater number of upper floor openings on the rear elevation, along with rooflights, the development would not result in any detrimental overlooking or loss of privacy and would be consistent with the degree of overlooking which would be expected in an established residential area.
- 8.35 Due to the physical separation distances between other buildings, it is not considered that there would be any significant harm to amenity to any other adjoining or nearby occupiers.
- 8.36 The Council's Public Health and Protection Team have recommended a construction noise condition. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does

not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, due to the scale of the development, together with the temporary nature of the noise impact, it is not necessary to restrict the hours of construction by imposing a planning condition and this information can instead be added as an informative if permission is granted.

Living Conditions of the Future Occupiers

- 8.37 Policy SADM11 of the Local Plan requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.
- 8.38 The floorspace is shown to exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards document for the new dwellings. The bedroom sizes would also comply with the standards in the national documents. Furthermore, the development would provide suitable views/outlook for the future occupiers from the proposed windows/openings of the habitable rooms. All habitable rooms would have windows and doors which allow adequate levels of natural light to enter.
- 8.39 Each new house would have access to private amenity space at the rear which would be usable and functional, and adequate for the size of dwellings proposed. The proposed plans suggest the gardens would be largely grass lawns, with fences dividing the two spaces and rear terraces with steps, to accommodate the land level changes. The submitted section drawings indicate the land level changes on site. It is not considered the private gardens would be too steep to be used for the desired purposes.
- 8.40 Subject to the suggested condition, the proposal is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space, in accordance with the NPPF and Policies SP9, SADM11 and SADM18 of the Local Plan.

4. Highways and parking considerations

- 8.41 In terms of parking, Paragraph 112 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. Paragraph 116 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.
- 8.42 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
- 8.43 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.
- 8.44 The application is accompanied by a Transport Statement, which includes details about the location of the site, the proposed access and parking spaces, visibility splays and drawings demonstrating the swept path analysis.
- 8.45 The application site is located within Parking Zone 4, where higher parking standards apply. A dwelling with 4 or more bedrooms would require 3 spaces to be in line with the maximum standards, which equates to a total of 6 spaces. However, as set out above, there is some flexibility in the number of spaces. In this case, the proposed site plan demonstrates that both properties would be served by private driveways at the front, which would be in accordance with Welwyn Hatfield Council's parking standards for 4-bed properties.
- 8.46 Each house would benefit from two Electric Vehicle (EV) charging points and cycle storage buildings in the rear gardens, too. However limited information has been provided of the final design of these features, therefore it is recommended that further details are secured by condition.
- 8.47 In terms of access, the application proposes to install an additional vehicle crossover. Hertfordshire County Council Highways have been consulted and in their initial comments expressed a strong preference for the original access to be closed up and a new central vehicle crossover provided to serve both properties. However, they have raised no objection to highway or pedestrian safety for the proposed design, subject to the suggested conditions and informatives. This includes the submission of a Construction Management Plan for the construction period, and to control the gradient and arrangements for surface water drainage on the frontage.
- 8.48 No concerns have been raised regarding bin collection vehicles or emergency access.
- 8.49 The hardstanding at the front of the site would be formed of permeable paving, which would assist with the drainage of surface water.

8.50 Overall, subject to conditions, the development would have a minimal impact on the operation of the wider highways network and the level of parking on site would be acceptable. No objections are therefore raised in regard to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2, SADM3 or SADM12 of the Local Plan or the NPPF.

5. Other considerations

i) Ecology and biodiversity

8.51 Paragraph 187 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 193 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 193(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 193(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*".

8.52 The Environment Act 2021 gives greater emphases to measurable Biodiversity Net Gain (BNG) and advocates using the current version of the Biodiversity Metric.

8.53 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity. 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 applies 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.

8.54 Policy D3 of the NCNP additionally states that, appropriate to their scale, nature and location, development proposals should achieve statutory Biodiversity Net Gain targets.

8.55 The application is supported by an Ecological Assessment (December 2024), including a Preliminary Ecological Appraisal (PEA), to assess the sites potential for protected species and habitats. Following initial comments raised, the BNG Metric baseline was amended to reflect the pre-degradation condition of the site.

- 8.56 Hertfordshire Ecology have been consulted and note that the proposed post-development habitats in the submitted metric include tree and hedgerow planting to provide an on-site net gain. However, the Statutory Metric guidance states that as the private garden has no public access, and biodiversity net gains cannot be legally secured post-development, created private gardens should be recorded as either 'urban – vegetated garden'; or 'urban - unvegetated garden'. Therefore, the creation or enhancement of any other new habitats within private gardens should not be included in the Metric calculations.
- 8.57 Whilst the biodiversity gain condition is a post determination matter, as the proposed post-development value does not comply with the above, it does not currently result in a 10% net gain. There is no identified off-site location either, therefore there is insufficient information for the Local Planning Authority to be confident that the general Biodiversity Condition can be discharged.
- 8.58 Notwithstanding this, in line with government guidance, it would generally be inappropriate for concerns about the ability to discharge the condition to be a reason to refuse an application. Instead, the applicant has been advised that the general biodiversity condition is a pre-commencement condition, and these matters will need to be addressed at the post determination stage. This may require a legal agreement and/or Habitat Management and Monitoring Plan (HMMP) if a site is identified outside of the red line on the site location plan, or the purchase of statutory credits. A Landscape and Ecological Management Plan (LEMP) is also recommended as a planning condition, to ensure any habitat enhancement and/or creation on-site will be created, enhanced and monitored following the completion of the capital works required to create them.
- 8.59 In terms of the impacts upon protected species, the Ecological Appraisal includes precautionary methods of working to mitigate any risks to species on site. The measures included should be followed in full and this can be secured by condition.
- 8.60 In addition, the revised NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, incorporating features which support such as priority or threatened species swifts, bats and hedgehog. Therefore, it is considered reasonable and necessary to secure a biodiversity enhancement plan, to ensure the ecological and habitat enhancements are achieved and sustained as part of the development.
- 8.61 As such, subject to the recommended conditions and informatives, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.
- ii) Renewable Energy*
- 8.62 The NPPF, at paragraph 161, sets out the broad objectives that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should help to: shape places in ways that contribute

to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 8.63 Paragraph 166 of the NPPF states that ‘In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption’.
- 8.64 Local Plan Policies SP10 and SADM13 seek to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 8.65 The submitted information is limited in this regard. However, it is considered that additional details of the above could be secured by condition, via the submission of an energy statement.

iii) Landscaping

- 8.66 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.
- 8.67 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.
- 8.68 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.

- 8.69 There is little vegetation remaining within the site itself. However, there are a number of trees protected by Tree Preservation Orders (TPOs) along the adjoining boundary of 47 Hill Rise.
- 8.70 A Landscape Specification Report by Coyne Environmental Ltd (dated September 2024) has been supplied with the application. The report includes details of proposed new planting and the protection of retained trees and hedges.
- 8.71 The Council's Landscapes Team have reviewed the above documents and consider that the submitted Landscape Report is not in accordance with the BS5837 guidance, therefore an updated tree protection plan and method statement should be conditioned. It is considered that there is sufficient information available to determine the application but further detail is required before work commences.
- 8.72 Whilst the above report includes some detail about the proposed landscaping, no formal landscape plans have been submitted with the application. It is therefore recommended that a detailed landscape plan which includes a plan showing the location of the trees/plants, tree/plant species, planting sizes, planting densities (where appropriate), planting methods and aftercare is secured via condition upon approval.

vi) Refuse and recycling

- 8.73 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.
- 8.74 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.
- 8.75 Details have been provided of a bin storage area for the proposed dwellings. The Council's Client Services Team have commented on the application and have noted that the properties can be incorporated into the existing collection scheme. Full details of the design of the bin storage can be secured via condition. No concerns are therefore raised in this regard.

viii) Other matters

- 8.76 Concerns have been raised regarding the need for the new dwellings due to a number of housing developments occurring within the surrounding area. However, the Local Planning Authority is unable to take this into consideration unless there is reason for the LPA to believe this development would conflict with the relevant policies regarding cumulative impact (e.g. Highways impacts). No concerns are raised in this regard. It is not considered that this development would set a precedent as each application is determined on its own merits.
- 8.77 In addition, comments have been made about the increased pressure on sewage and drainage systems. However, due to the size of the development proposed, these matters would be dealt with under Building Regulations, which is separate to planning. Similarly, comments about Party Wall Agreements and shared boundaries are not material planning considerations.

6. The planning balance

- 8.78 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.
- 8.79 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.
- 8.80 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 benefits and adverse effects to be achieved across those three areas.
- 8.81 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means (paragraph 11c) approving development proposals that accord with an up-to-date development plan without delay.
- 8.82 Taken together, paragraph 11(d) and footnote 8 of the NPPF set out the circumstances in which housing delivery should be considered as a material consideration when dealing with applications.
- 8.83 The most recent 23/24 Annual Monitoring Report sets out the Council's latest five-year housing land supply position of 2.5 years for the period 2024/25-2028/29. As such, the Council cannot currently demonstrate a five-year housing land supply.

- 8.84 In addition, the latest Government published Housing Delivery Test data (December 2024), which related to the period running from 1st April 2020 to 31st March 2023, showed that Welwyn Hatfield delivered 52% of homes against its target, falling below the 75% threshold.
- 8.85 Therefore, in accordance with footnote 8, the ‘tilted balance’ set out in paragraph 11(d) of the NPPF is in effect. As such, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 8.86 It is also noted that Paragraph 125(c) of the revised NPPF states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 8.87 In terms of social benefits, the proposed development would deliver a net increase of one dwelling, therefore it would make a limited but positive contribution to delivering housing, in an existing village. This would reduce pressure on housing land take elsewhere, albeit to a very limited degree. The proposed development would therefore contribute towards the identified shortfall in housing supply. Further social benefit arises from the provision of high-quality housing, albeit limited in scale. Moderate weight is therefore attached to the benefits this would bring.
- 8.88 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the two dwellings. However, this benefit would be in the short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area and would be limited in effect.
- 8.89 Turning to the environment, the proposal would be in an existing village, where there are possibilities for some new development. It would make effective and efficient use of existing residential land on an established residential road. In addition, the proposal would not harm the visual amenity or the character and appearance of the area, nor would it cause undue harm to the amenity of neighbouring occupiers, subject to the suggested conditions. The development includes the use of Electric Vehicle (EV) charging points and cycle storage facilities on site, to encourage alternative modes of travel to the private motor vehicle. These factors are afforded moderate weight in favour of the proposal.
- 8.1 As set out above, it has been identified that the proposed post-development habitats have not considered the guidance within the Statutory Metric User Guide in respect of private gardens, therefore there is some uncertainty about the possibility of the statutory Biodiversity Condition being discharged. The application does not therefore demonstrate at this stage that the development would deliver a measurable biodiversity net gain of at least 10%, as required

by Policy SADM16. However, it is considered that there is further scope for this to be addressed through the statutory Biodiversity Gain Plan condition.

- 8.2 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.

9 Conclusion

- 9.1 Further to the above and subject to the suggested conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining or future occupiers living conditions, nature conservation interests, highway safety, flood risk and sustainable drainage or other relevant matters. Accordingly, the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

10 Recommendation

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

1. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Strategy has been submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures, in accordance with BS5837 guidance. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following the completion of all construction works.

REASON: To ensure the construction of the development protects trees and hedges, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Herts Ecology. The LEMP shall be carried out as approved. The LEMP shall include details of measures to protect and enhance existing habitats, as well as a plan to show species enhancements on-site reflecting proposals within the Biodiversity Gain Plan, to demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site, will be created, enhanced and monitored following the completion of the capital works required to create them, to demonstrate that at least 10% Biodiversity Net Gain on-site will be created, enhanced and monitored.

REASON: The landscaping of this site is required in the interests of enhancing the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. No development above ground level shall commence until details of the proposed crown roofs have been submitted to and approved in writing by the Local Planning Authority. The detail shall include sections, at an appropriate scale, to clearly show that the flat roof would be stepped down and concealed behind the surrounding hipped roof. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: In the interests of quality of design and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Notwithstanding the submitted plans, no development above ground level shall commence until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- a. Existing and proposed land levels;
- b. Means of enclosure and boundary treatments;
- c. Hard surfacing, other hard landscape features and materials;
- d. Existing trees, hedges or other soft features to be retained;
- e. Planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- f. Methods of maintenance and aftercare of soft landscaping; and
- g. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. No development above ground level shall commence until full details of features to enhance on-site biodiversity have been submitted to and approved by the Local Planning Authority in writing. The structures shall be positioned away from bright lights and disturbance and constructed in accordance with the approved details prior to the first occupation of the dwellings and retained in that form thereafter. As a minimum the following information should be provided:

- a) Habitat/feature creation measures proposed;

- b) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- c) Location (on a suitably scaled plan) of retained ecological features and the type/location of any habitat boxes/structures to be installed.

REASON: To provide ecological and biodiversity benefits, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. No development above ground level shall commence until an energy statement, including measures for long term energy and water efficient use of the building, has been submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. No development above ground level shall commence until full details of refuse and recycling storage and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently the storage facilities shall be constructed, equipped and made available for use prior to the first occupation of the dwellings and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and secure cycle storage space, and in the interests of visual amenity, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to their first installation, full details of the design of the proposed EV charging parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is first occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate electric vehicle charging points in order to meet the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway. 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 construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. The development hereby approved shall be carried out on-site in line with the recommendations of the Ecological Appraisal v2 (Coyne Environmental, January 2024).

REASON: In the interests of local biodiversity to mitigate against any residual risk to species, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. The upper floor side elevation windows and rooflights of the buildings hereby approved must be obscure glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

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

12. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interests of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

13. 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 |
|--------------------|------------------------|----------------|----------------------|
|--------------------|------------------------|----------------|----------------------|

| | | | | | |
|-------|---|------|----------------------------|----|----------------|
| | | | Location Plan | 18 | September 2024 |
| 53092 | B | 4-4 | Proposed Site Plan | 29 | November 2024 |
| 53092 | C | 4-5 | Proposed Site Layout | 29 | November 2024 |
| 53092 | C | 4-10 | Proposed Site Sections | 29 | November 2024 |
| 53092 | C | 4-7 | Proposed Unit A Elevations | 29 | November 2024 |
| 53092 | C | 4-9 | Proposed Unit B Elevations | 29 | November 2024 |
| 53092 | C | 4-6 | Proposed Unit A Plans | 21 | February 2025 |
| 53092 | C | 4-8 | Proposed Unit B Plans | 21 | February 2025 |

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

Biodiversity Net Gain Condition

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

REASON: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Biodiversity Net Gain Informative Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the Biodiversity Gain Condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition (as set out above at the end of this decision notice) is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by Welwyn Hatfield Borough Council (the local planning authority) before commencement of the development. There are exemptions, transitional arrangements and requirements relating to irreplaceable habitat which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

In the opinion of the Local Planning Authority, the approved development is engaged by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, is subject to the statutory Biodiversity Gain Condition and none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Advice on information required to discharge Biodiversity Gain Condition

A Biodiversity Gain Plan to secure at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat as per the statutory condition as set out on this Decision Notice must be submitted to the Local Planning Authority and approved before the development can commence. In order to discharge the condition, the following information will be required:

-details of purchase and monitoring of the offsite biodiversity units, a biodiversity metric for the site, costings and evidence of appropriate legal

agreements to guarantee delivery of ongoing habitat management requirements specifically:

- i. Identification of receptor site or sites with associated plans;
- ii. Details of the offsetting requirements of the development in accordance with current DEFRA biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A Management and Monitoring Plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme and itself to include:
 - a) Description of all habitat(s) to be created / restored / enhanced within the scheme including expected management condition and total area;
 - b) Review of Ecological constraints;
 - c) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
 - d) Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
 - e) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - f) Identification of persons responsible for implementing the works;
 - g) A timetable of ecological monitoring to assess the success of all habitats creation/enhancement.
 - h) The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods / management prescriptions, should the monitoring deem it necessary.
 - i) Evidence that appropriate arrangements are in place to ensure the Council is funded to monitor the proposed biodiversity gain from the site(s) proposed over a period of 30 years. This would normally be in the form of a freestanding S106 agreement with a biodiversity provider which has already secured on-going monitoring contributions for the Council.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in your development becoming subject to enforcement action.

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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

6. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a predevelopment (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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

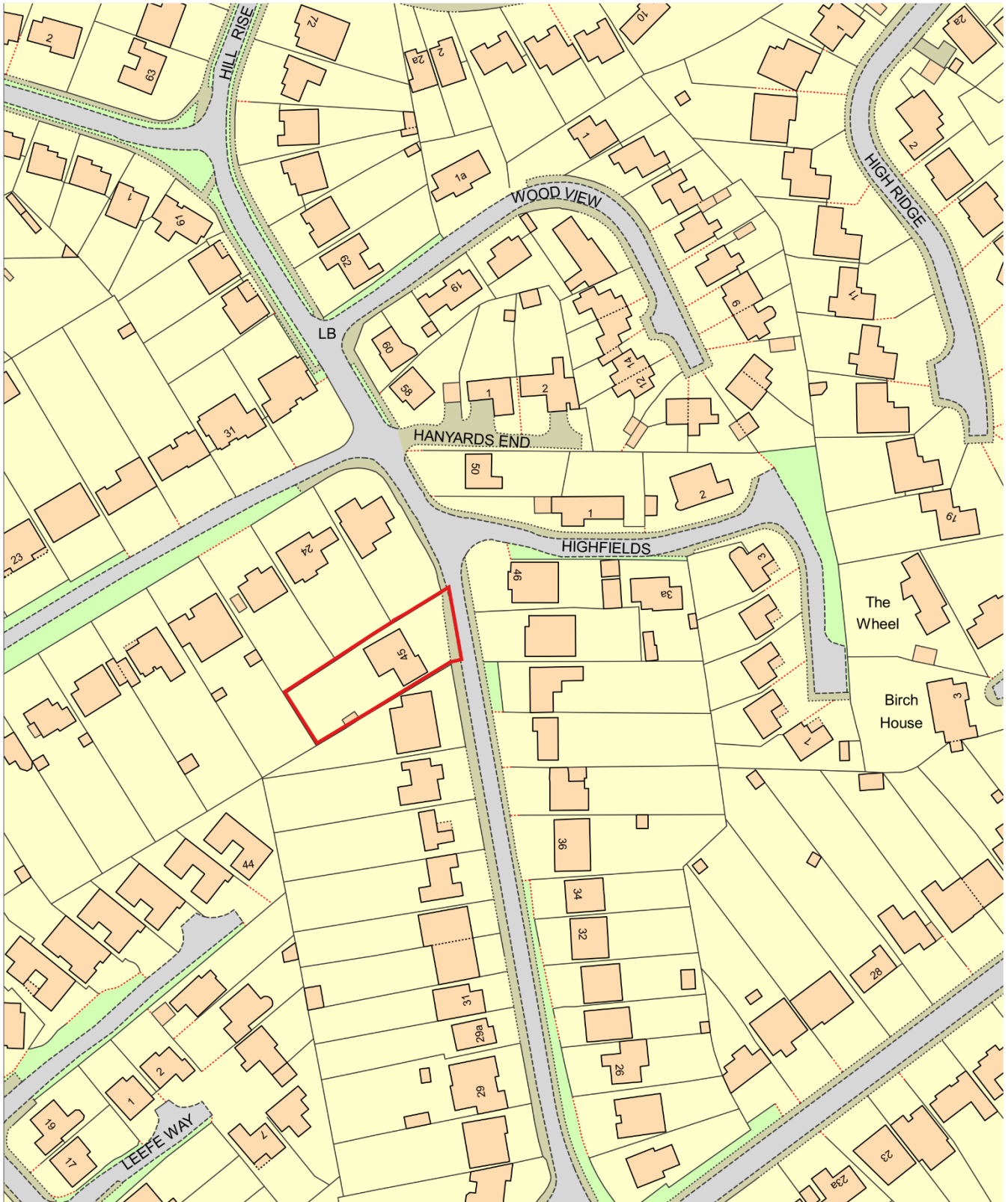
to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.


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 39 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

Emily Stainer (Development Management)
Date: 27 February 2025



| | | | |
|---|--|---------------------------|------------------|
|  WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE | 45 Hill Rise, Cuffley, Potters Bar EN6 4EH | | Scale: 1:5000 |
| | Development Management Committee | | Date: 27-02-2025 |
| | 6/2024/1608/FULL | Drawn: C.Gooding-Williams | |
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