

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 20 JULY 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2020/2818/FULL

61 NEW ROAD, DIGSWELL, WELWYN AL6 0AL

DEMOLITION OF EXISTING DWELLING AND ERECTION OF A DETACHED TWO
STOREY BUILDING WITH ACCOMODATION IN ROOFSPACE COMPRISING 9
APARTMENTS

APPLICANT: KINGSWEST PROPERTIES LTD

1 Site Description

- 1.1 The application site comprises a large 6 bedroom detached dwelling with attached garage measuring approximately 210sqm in a large deep plot on the north western side of New Road. The site is located within the Digswell settlement area and is not within a Conservation Area or the Green Belt. The size of the plot measures approximately 2915sqm. The site slopes from Northeast to Southwest and is well screen from all sides by mature trees and vegetation at the boundaries. The trees on the site are protected by Tree Preservation Order (TPO) 1020/2020 'Woodland Tree Belts to the front of 61-65 and 58-60 New Road, Welwyn, AL6 0AL'.
- 1.2 The dwellings along New Road are large and generally set well back from the road in spacious deep plots. The area is wooded in character with many properties well screened along their frontages with mature trees, though a number of properties on the opposite side of the road to the application site have more open frontages.

2 The Proposal

- 2.1 Planning permission is sought for the erection of nine flats following the demolition of the existing dwelling on the site. The flats would be incorporated in one larger building, centrally sited in the plot, set back from the front of the plot by approximately 40m. The proposed building would measure approximately 25.8m in width by 22m in depth and 9.7m in height. The building is designed with the hipped main roof and central front gable projection with hipped roof projections to the sides. There would be two flat roof dormer window features to the front, first floor balconies to both the front and rear elevations and a rear facing roof terrace.

- 2.2 There would be four flats each at ground and first floor levels around a central lobby and one within in the roof space. They would be served by a staircase and a passenger lift.
- 2.3 The development would be served by a parking and turning area to the front of the building incorporating 15 parking spaces. Access to the highway will be taken from the existing driveway from New Road which is to be widened to accommodate two way traffic.
- 2.4 Further to the Committee meeting held on the 17th June 2021, the applicant has undertaken a further ecological survey of the site to address the concerns raised with regards to the potential impact of the development upon badgers.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Welwyn Parish Council have submitted a Major Objection.

4 Relevant Planning History

- 4.1 Application Number: N6/2000/0235/FP
Decision: Granted
Decision Date: 10 April 2000
Proposal: Two storey rear and first floor side extension

Permissions for apartments have also been granted at 63 -65 New Road;

Application Number: 6/2019/1569/FULL
Decision: Granted
Decision Date: 28 February 2020
Proposal: Erection of 9 x dwellings following demolition of existing dwellings and outbuilding

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Digswell Character Appraisal 2004 (SPG)
- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters and a site notice. In total of 20 representations have been received, all of which object to the development. All representations received are published in full on the Council's website and are summarised below:

- Development is detrimental to the character of Digswell and alter the semi-rural character of this part of the village
- Converting a single occupation dwelling into multiple dwellings would change the character of the road
- The plans contradict the Digswell Character Appraisal; which clearly states that the properties in this part of Digswell should be single dwellings
- Development is not sympathetic to existing properties and recent new builds such as 60-66 New Road
- The proposal is too large for the plot and would be harmful to visual amenity
- Accommodation in the roof space would result in the development being three storeys
- The building is oversized in relation to plot size
- The proposed development is sited much closer to the road boundary relative to the existing single dwelling and therefore will be much more prominent given the scale of construction
- The three bed apartment on the ground floor has the same footprint as the two bed apartments, allowing the developer to later change the number of bedrooms without changes to elevations
- No drawings or photographs showing the height/bulk and mass, scale and character of the existing property in the application
- The proposal is neither domestic in scale or appearance and will sit as close as two metres from the property boundary
- The proposal represents overdevelopment of the site
- Insufficient parking for such a rural location
- Development would result in increased traffic generation along New Road which is already a dangerous and busy road prone to accidents
- Development for 9 flats already approved for No. 63-65, the development to flats will change the character of the area
- The development along with others already approved would cumulatively make a significantly impact on the existing character, scale and appearance in Digswell village
- Concerns of further loss of trees at the site
- Concerns about the impact on waste disposal, water supply and wildlife habitat
- Increase in hardstanding at the site to accommodate parking
- Road safety would also be compromised by the extensive heavy vehicle traffic movements associated with the major demolition and construction works proposed
- Residents will be dependent on cars to drive to/from shops, schools
- Development will place extra pressure on existing services

- The development would lead to an increase in noise and disturbance for the local area
- The residents of the development will unlikely cycle to work, shopping etc. due to New Road being a on steep hill
- The loss of trees would harm the character of the area
- The site is not within walking distance of local services and facilities
- The public transport is very limited with the bus service reduced to 3 per week
- Vehicles already regularly park on the verges, destroying the ground
- Parking on street already an issue in the surrounding area, particularly during term time
- Development is located near a dangerous slope
- Site adjoins sensitive wildlife site and due consideration should have been given to the placing of buildings and boundary fences on those possible development sites

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal in principal, subject to conditions;

- Hertfordshire County Council - Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Trees and Landscapes
- WHBC Parking Services
- WHBC Client Services
- Hertfordshire Ecology
- Herts & Middlesex Wildlife Trust
- RSPB

8.2 No responses have been received from Cadent Gas and consultation ended on 02 December 2020.

9 Town/Parish Council Representations

9.1 Welwyn Parish Council **have made a Major objection and** state that;

‘ This application is contrary to the District Plan, Strategy and Objectives 15.4 to safeguard the distinctiveness of the districts variety of landscape, to protect wildlife, trees and hedgerows and encourage biodiversity, and to restrict development which introduces noise and visual intrusion into rural areas. Please also see Policy RA10 - Landscape Regions and Character Areas, this application contradicts this policy. Welwyn Parish Council is concerned about the number of parking spaces allocated for these large, multi bedroom apartments which result in on road parking and excessive traffic. A number of trees have already been removed and the Council is mindful about further loss incurred during the development changing the street and tree scape from rural to suburban.’

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
2. Residential amenity
3. Highways and parking considerations
4. Other considerations
 - i) Ecology and biodiversity
 - ii) Flood risk and sustainable drainage
 - iii) Renewable energy
 - iv) Landscaping
 - v) Refuse and recycling
 - vi) Neighbour representation
5. The planning balance

1. Principle of the development

- 10.2 District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan; Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).
- 10.3 Policy GBSP2 of the adopted District Plan directs new development to existing towns and settlements including Welwyn where new development may be considered to be more sustainable. Though the site is not within very easy reach of a range of local facilities, it is served by public transport making it accessible for means of transport other than the car – there is a bus stop on either side of the road, within walking distance of the site. There are also no known infrastructure constraints to the development and accordingly, considering the site on its own, the principle of redevelopment with a greater number of dwellings optimising the potential of the site would accord with policies GBSP2 and SD1 of the Welwyn Hatfield District Plan 2005 provided it accords with other policies of the Development Plan.
- 10.4 The site is not allocated as a Housing Site in the emerging Local Plan. It therefore must be considered as a windfall site. As a windfall site, the development must be considered against Policies R1 and H2 of the District Plan. Policy R1 refers to maximising the use of previously developed land and requires that development take place on previously developed land. Whilst residential garden land does not constitute previously developed land, within established settlement boundary areas a comprehensive redevelopment of the house and its plot would be considered on its own individual merits. Policy H2 of the District Plan and Policy SADM1 of the Emerging Local Plan refer to windfall development and permit applications for such development subject to a number of criteria.
- 10.5 Given the site's location within an established residential area, the proposed development is considered, on balance, to comply with the criteria in that it is accessible by means of transport other than the private car given that there is a

bus route, albeit infrequent, that runs past the site and Welwyn North Station is approximately a 11-minute walk away. The site is within reasonable walking distance of a very limited range of local facilities which is within 1.3 km and can be accessed along footpaths. The capacity of existing infrastructure is sufficient to be able to accommodate the development, the development would not undermine the delivery of allocated sites as a consequence of its limited nature and there are no known physical or environmental constraints on the site. The proposal is below the threshold for affordable housing in current District Plan (25 dwellings) and below the threshold set in Policy SP7 of the Emerging Local Plan – Type and Mix of Housing (11 and more). Therefore there is no policy requirement for affordable housing in the scheme.

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

- 10.6 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.7 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well- designed places. These include context, identity and built form and should include an analysis of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character, the street pattern, their proportions and landscape features, the proportions of buildings framing spaces and streets, and the local vernacular, other architecture and architectural features that contribute to local character.
- 10.8 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's own Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area and also with the Digswell Character Appraisal. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

- 10.9 Policy H6 of the District Plan requires all residential development of five or more dwellings to be built at densities of 30 to 50 dwellings per hectare provided that the development would not have an adverse impact upon the character of the area.
- 10.10 The Digswell Character Appraisal states 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 set-backs and being only fleetingly visible behind well-screened green boundaries.
- 10.11 The dwellings along New Road are predominantly large single dwelling houses with individual character and are generally sited within generous plots in an informal manner. The proposed development of flats at 61 New Road would represent a different form of development to the area however it is important to note that planning permission has recently been approved at No. 63-65 New Road for a similar development for 9 flats that directly adjoins the site. Furthermore, flatted developments have been granted in the recent past (2015) at No's 2 and 40 New Road. As such the principle of flatted development is established in the area and the proposal would be compatible with the surrounding residential area.
- 10.12 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 New Road. The development would be centrally sited within the plot and would be set well back within the plot by approximately 40 metres and approximately 16 metres from the rear boundary to follow the existing grain of development. Whilst due to the contours of the site, a small part of the building will be around 2.5m from the Northeast side boundary, the majority of the building would be set in from the flank boundaries of the site by approximately 5.5-7.5 metres which is a comparable distance to that of No. 63-65 New Road and therefore will retain a reasonable degree of spaciousness within the plot. The proposed setback distance from the site frontage and the gaps to boundaries would be reflective of the siting of a number of the dwellings in the vicinity of the site.
- 10.13 In terms of the scale of development proposed, the building would be approximately 2.65 metre taller at the ridge than the existing dwelling on the site and would have a larger footprint (531sqm compared to 210sqm). It is acknowledged that the proposed block of flats would undoubtedly increase in the bulk and massing of the over and above the existing two storey building currently on the site. However at approximately 25.7m in width, the proposed block of flats would appear similar in width to the existing building currently on the site (23.2m) when viewed from the street. It would also not be disproportionately or incongruously large in the context of some of the other dwellings and flatted schemes in the surrounding area, where there are examples of part two storey, part three storey in height. The proposed ridge height is considered to sit comfortably within its plot with sufficient spacing between the adjacent properties (No. 59 and No. 63-65) 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 proposed would sufficiently screen the development in a manner not dissimilar to many of the neighbouring and surrounding dwellings. Moreover, the built form to plot ratio is only around 18% and therefore the site would comfortably accommodate the

proposed scale of development. As such the proposed development would not appear incongruous or significantly harm the character of the street scene in terms of its form and scale.

- 10.14 In terms of the detailed character of the development, the proposed design would be reflective of the architectural style of the nearby and surrounding dwellings and subject to a condition being imposed requiring further details of the proposed red brick and clay roof tiles be submitted and approved by the Council, these would also ensure that the development would be in keeping with the surrounding dwellings. The front central gable projection and prominent crown roof design of the building would also be sympathetic to the overall character of the area.
- 10.15 The proposed layout of the development would result in the provision of a quite significant amount of hardstanding in the front garden of the site to accommodate the parking area. However, the extent of the hardstanding would be comparable with that approved for No. 63-65 and also the levels of hardstanding present at a number of the surrounding properties particularly those to 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 is 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.
- 10.16 In terms of density of the proposed residential development, it is acknowledged that the proposed density on the site would be much greater than the densities of the surrounding plots given that they mostly consist of single dwellings. However, at approximately 30 dwellings per hectare, the development would be slightly less than the approved scheme for 9 flats at No's 63-65 New Road due to the larger plot size of the application site. As such, for the reasons already discussed above, it is judged that this development would not harm the character of the area and would not result in a cramped form of development as the site would be able to accommodate the development without any adverse impacts. In addition, the density would be at the lower end of the density range that is permitted by Policy H6 of the District Plan.
- 10.17 Overall, it is considered that the proposed development would on balance be in keeping with the overall form, layout and character of the area. The spacious, set back nature of the dwellings along this part of New Road would be maintained by the proposal, in compliance with the Digswell Character Appraisal. The design of the proposal would be of a sufficient high quality and would adequately respect and relate to the special character of the area and the surrounding dwellings and would not detract from or be at variance to the local character. The development would accord with Policies D1 and D2 of the District Plan, SP9 of the Emerging Local Plan 2016 the National Design Guidance and the NPPF.

3. Residential amenity

- 10.18 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.

10.19 Policies D1 and R19 of the District Plan seek good design and 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.

10.20 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

10.21 The neighbours that would most likely be affected by the proposals would be those directly adjoining the application site at No. 59 to the Southwest and No. 63-65 to the Northeast.

10.22 In terms of the impact to the existing detached dwelling at No. 63-65 New Road, it is noted that there are currently ground and first floor windows on the side elevation of this property that faces the application building. The proposal would not have any first floor windows that would overlook this property and views from the ground floor openings would be obscured by the boundary treatments. Whilst views could be attained from the first floor balconies, these would be approximately 12 metres away from the neighbouring property and more importantly, due to the substantial difference in ground levels between the two sites, there would not be any detrimental overlooking of the neighbours. Similarly, as the proposed building will sit approximately 4 metres below No.63-65 (which results in a lower ridge height) and given that the majority of the building will be screened by mature trees on the boundary, it is not considered that there would be any significant harm in terms of light and outlook.

10.23 In assessing the impact of the proposals to the apartment block at 63-65 New Road should that development be carried out, it is noted that there will be primary windows serving bedrooms and kitchens on the side elevation of that building at ground and first floor level that would face the proposed development and the proposal would be sited around 3-7 metres from the common boundary. However there would be a separation distance of approximately 16 metres between the two properties. Furthermore, the proposal would be located approximately 5 metres behind the front building line of the permitted apartment block and be roughly in line with this building at the rear. In addition, there are mature trees at No. 63-65 being retained that would sit on the boundary between the two properties and act as a buffer and provide effective screening of the development.

10.24 Moreover, as previously noted, the proposal is located at a ground level that is approximately 4 metres lower than the approved apartment block at No. 63-65. The significant difference in ground levels is reflected on the ridge height of the two buildings. This would ensure that the proposed development would have an acceptable impact upon the amenities of the occupiers of that property in terms of light and outlook.

10.25 The proposed apartment block would not contain any first floor windows in the north eastern flank elevation facing No.63-65. Due to the relationship of the two dwellings being roughly in line, the proposed front and rear openings would not generate any direct views that would be detrimental to the adjoining occupants. Moreover, due to the difference in ground levels, the first floor level of the

proposed building would only be roughly ground floor height at the neighbouring site. Given existing and proposed landscaping along the boundary between the two properties, this would not lead to any adverse impact on the privacy of the adjoining occupiers.

- 10.26 With regards to the impact to No. 59 New Road, the proposed block of flats, whilst positioned on higher ground, would be largely screened from this dwelling by the extensive trees and vegetation on the boundary between the properties. Although the proposal would undeniably appear much bulkier and is located closer than the existing dwelling, it is important to note that the proposed apartment block would still be set behind No. 59's rear building line towards the north. Although the dwelling at No. 59 New Road is set at a ground level that is approximately 2-3 metres lower than that of application site, this building will be approximately 10 metres from the common boundary and there will be a separation distance of around 17 metres between the two properties. In addition, the proposal will incorporate a crown roof design which means roof slope on this side elevation would slope away from the boundary which would further reduce the impact upon the neighbour's outlook. Given these factors, it is considered that the development would not appear unduly dominant or overbearing to No. 59 and a reasonable relationship would be maintained.
- 10.27 In terms of impact upon the daylight/sunlight levels received by this neighbour, given that the proposed building would be situated effectively due north and located beyond No. 59's rear building line, there will not be any significant loss of light to their property. In terms of privacy, no side facing primary windows are proposed that would directly face this neighbour and there would only be, at most, oblique views that would be had from the first floor balconies and upper floor windows (albeit to a lesser extent). It is therefore considered that the development would not result in any detrimental overlooking or loss of privacy due to the relationship between the two buildings and the presence of intervening mature vegetation at the common boundary.
- 10.28 The row of properties located on the opposite side of New Road to the development (No's 58-62) would not be adversely affected by the proposed development by virtue of the distance between them which has been measured to be approximately 80 metres and the intervening tree line at the front of the application site.
- 10.29 Policy R19 of the District Plan 2005 requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential. While the development would result in a potential increase in the level of noise arising from the site, it is not considered that this proposed development would have a significantly adverse impact upon the amenities of the neighbouring properties given the well-spaced nature of the dwellings and boundary treatments of the properties. The increase in the use of New Road would similarly not have a harmful impact upon neighbour amenity given the existing level of use of the road and the well set-back nature of the dwellings from the road.
- 10.30 The amenities of the neighbouring properties and the wider area would be maintained to an acceptable level during the construction of the development

through the use of a Construction Traffic Management Plan. This may be reasonably and appropriately secured via condition.

- 10.31 No details have been provided in terms of external lighting. It may be that lighting would be installed within the car parking area. Therefore, in order to protect the residential amenity of neighbouring properties, it is reasonable to condition any details of lighting to be submitted and agreed in writing with the Local Planning Authority in the future.
- 10.32 The Council's Public Health and Protection team raise no objection about impact that the proposed development would have on existing residents which surround the application site.
- 10.33 Overall the proposal will maintain the amenity of occupiers of neighbouring dwellings consistent with District Plan policies including Policies D1 and R19.

Living Conditions of Future Occupiers

- 10.34 The floor area of the flats would comply with the Nationally Described Space Standard (NDSS). The habitable rooms of the property would be of adequate size and served with sufficient access to natural light, presenting quality accommodation for the future occupiers. The proposed flats and their individual rooms would be served by adequately sized windows to ensure that they would be sufficiently well lit and would not harm the amenities of the future occupiers of those rooms and flats.
- 10.35 In terms of amenity space, the SDG requires all new residential developments to provide adequate space for residents in a form that is functional and usable in its orientation, width, depth, and shape and an adequate size for the number of residents for whom the building is designed. The proposed first floor apartments would each have access to private balcony that measures approximately 5sqm and the second floor apartment benefits from a 7sqm terrace. A communal garden is also being proposed in addition to this for which would be available for the occupants of the ground floor flats. Whilst this would be an adequate level of provision for the scheme, it would be considered reasonable and appropriate to secure via condition details of hedge screening to ensure occupiers of the ground floor flats to the rear have a suitable level of privacy space given that the proximity of the garden to their rear primary windows. This is because the National Design Guide advises the separation of shared communal space from semi-private space by incorporating planting where possible to ensure a reasonable degree of privacy is achieved. As for the quality of the proposed amenity space with respect to the proximity of the adjoining properties, by virtue of the mature vegetative screening at the boundaries and separation distances involved, it is not considered that the amenities of the future occupiers would be significantly affected in terms of light and outlook. There would also be no openings on the neighbouring buildings that would result in detrimental loss of privacy for the future inhabitants of the application building. Subject to the aforementioned condition, the scheme is considered to provide a sufficient amount of private and communal amenity space for the residential units.
- 10.36 With regards to noise impacts, the Council's Public Health and Protection team raise no objection to the proposal in terms of the internal noise levels for future occupants.

4. Highways and Parking Considerations

- 10.37 Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 10.38 Hertfordshire Transport Programmes and Strategy initially raised an objection with respect to the width of the shared access drive for both pedestrians and vehicles, following the receipt of amended layout, they are satisfied with the impact of the proposed development upon highway safety, subject to conditions regarding the provision of safety bollards at the proposed car parking area for pedestrian protection, the submission of a Construction Traffic Management Plan and a widened vehicular access prior to occupation. It was stated that the level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity therefore; subject to the conditions the proposal is not considered to have an unacceptable impact upon highway safety.
- 10.39 In terms of the access, the existing dropped kerb serving the site is to be widened. There are no concerns raised with visibility and the width of the access and car parking area are adequate. The Highway's Authority consider that it is likely that a fire tender can access the site and turn around and exit in a forward gear, therefore no concerns are raised.
- 10.40 In terms of parking, the development comprises of 8 two bed apartments and 1 three bed apartment. The Council's parking guidance SPG (2014) recommends that in this area a total of 14.25 spaces are provided for the proposed development (1.5 spaces per two bed dwelling and 2.25 space per three bed dwelling).
- 10.41 Following the comments made by the Council's Parking Services team regarding the development only meeting the lower end of the parking standards, the applicant has submitted revised plans to increase parking provision on site from 13 to 15 spaces to accord with the maximum standards for the area. Although the submitted plans does not show how the spaces will be allocated, it does indicate that 3 out of the 15 spaces would be reserved for electric vehicles. The spaces are of adequate size and the layout allows vehicles to manoeuvre in and out of the bays and turn within the site. The revised layout of the parking spaces is therefore considered to be suitable and would not result in conflict with the guideline parking standards contained with the SPG for the proposed development.

- 10.42 A number of concerns have been raised by the local residents in respect to the impact upon parking in the surrounding area. The street is in part subject to on-street parking restrictions through the imposition of double yellow lines. Although there are some on-street parking available in the area, this is very limited and being 100 metres away it is not in the immediate vicinity of the application site. Based on observations on site and evidence from Streetview, there is no substantive evidence to demonstrate that there that the level of on-street parking is currently causing harm to highway safety. Given that the maximum onsite parking requirement is met, there is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. It is important to note that the County Highways Authority has not objected to the scheme.
- 10.43 In terms of sustainable transport methods, whilst the bus services close to the site are infrequent with buses running 3 times a week AM only, Welwyn North Rail Station is approximately 750 metres away or 11-minute walk with trains to Cambridge and London Kings Cross and therefore would be a viable option for commuters given that there is access via a footpath between the site and the station.
- 10.44 The nearest off-road cycle route is 1m away at the junction of Hertford Road and Bessemer Road. Considering the gradient along New Road, it would be unlikely that the occupiers would choose to cycle to access most amenities and services. However a secure cycle store has been proposed to the side of the proposed development serving each of the flats to give the occupiers the option to do so and it would be reasonable to condition this is secured by condition to ensure implementation prior to occupation of the dwellings.
- 10.45 Having regard to all of the above, the proposal would provide an acceptable level of on-site car parking and therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 10.46 Paragraph 170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Paragraph 175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*".
- 10.47 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 10.48 Policy R16 refers to Protection of Species and outlines that planning permission will not be granted for any development or use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.

- 10.49 Bats are a protected species. The Framework sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against.
- 10.50 An Ecological Impact Assessment by Green Environmental Consultants was submitted with the application. Hertfordshire Ecology was consulted and have raised no concerns with regards to impact upon wildlife. It was considered that assessment provides appropriate mitigation measures for the impacts upon bats and birds arising from the development and the proposed ecological enhancements including the installation of the four bat boxes and a minimum of four Swift boxes. The RSPB have commented on the scheme as the adjacent landowner and have raised no objections subject to condition and informative.
- 10.51 Following the neighbour concerns raised with regards to badger sightings at the application site and the Committee's decision to defer the determination of the application until additional ecology work has been undertaken, the applicant has submitted a supplemental ecological assessment. The badger survey within the report outlines that there is no evidence to suggest that there are badger setts near or within the application site. Whilst it was suggested that a two-way badger gate be installed in the rear boundary fence in the event that badgers move through the site, given there would be open access from the road and there were existing gaps in this site and other boundary fencing, this is unlikely to be required. Therefore the proposed development would not have a material impact on the local ecology of badgers. No objections were raised to the submitted details by the Herts and Middlesex Wildlife Trust or Hertfordshire Ecology.
- 10.52 Subject to a condition ensuring that the development complies with the submitted Ecological Impact Assessment and the inclusion of an informative regarding works to vegetation being done outside of the bird nesting season, there would be no conflict with the NPPF, Policies R11 and R16 of the District Plan and relevant emerging policy SADM16.

ii) Flood risk and sustainable drainage

- 10.53 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 Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1.
- 10.54 This site is located within Flood zone 1 i.e. a low probability of flooding. The proposed development would not be at undue risk of flooding therefore and no objections are raised to the development on these grounds. The Drainage Strategy by Stomor Civil Engineering Consultants submitted with the application proposes all foul water from the development to discharge into the existing public foul water sewer while a system of SuDS and attenuation features would provide storage to accommodate surface water runoff within the site. Given the scale of the development proposed, it is considered appropriate in this instance to ensure the drainage strategy is complied with via condition.

iii) Renewable energy

10.55 Renewable Energy: Policy R3 of the District Plan states that '*The Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...*' Policy SD1 of the District Plan states that '*Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied*'.

10.56 The applicant has not submitted an Energy Statement in line with this policy to demonstrate how the proposal will maximise energy conservation through means such a renewable energy or low carbon sources. It would be reasonable to condition an Energy and Sustainability Statement to be submitted and approved in writing by the local Planning Authority prior to above ground development.

iv) Landscaping

10.57 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.

10.58 An Arboricultural report, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, includes an assessment of the trees in accordance with BS:5837:2012. The categorisation of the trees is considered a fair appraisal and in accordance with guidance within the British Standard.

10.59 The report concludes that the majority of the trees on site are to be retained. There is the removal of one tree being proposed as it is in poor condition however a small group of low quality trees close to the existing houses is also being proposed. More importantly the higher quality and more significant trees are shown as being retained. As such the development would remain suitably screened, in keeping with the frontages of the neighbouring and surrounding properties.

10.60 The Landscaping team are satisfied with the survey and did not raise any objections subject to a tree protection condition and a landscaping scheme to be submitted to ensure that the materials and planting used within these landscaping features are acceptable. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a landscaping plan be submitted and approved by the Council.

v) Refuse and Recycling

10.61 The submitted plans show that two 1100 litre refuse bins and two 300 litre recycling bins would be provided for the development. A further 240 litre bin is also proposed for food waste. The Council's Client Services Team raise no objection to the principal of the proposed development or the proposed number and size of bins proposed but stated that the store should be no more than the recommended maximum pull distance for refuse operatives. In this case, the refuse storage is provided in a communal storage area just within the site access. It is proposed that refuse vehicles would wait on New Road as the bin storage area is within 15m from the road. Submitted drawing 20-J3296-01 demonstrates residents would not have to carry waste more than 30m to the refuse storage and this is in accordance with MfS 6.8.9. No concerns have been

raised by the Highways Authority in this regard and the development would therefore be acceptable.

vi) Representations

- 10.62 A number of concerns were raised by the occupiers of the neighbouring and surrounding dwellings.
- 10.63 In respect to the concerns that the construction traffic arising from the development would cause disruption to the surrounding properties, given the scale of the development, it is not considered to result in significant vehicle movements to and from the site that would be detrimental to road safety in the area. Nevertheless, such details can be controlled by a Construction Traffic Management Plan secured by condition.
- 10.64 With regard to the issue raised regarding the lack of existing details, the applicant has subsequently submitted existing elevation and floor plans which have been placed on the Council's system and website.

6. The planning balancing

- 10.65 Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and 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. Para.8 of the NPPF outlines 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 environmental role which includes protecting and enhancing the environment; 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.
- 10.66 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.
- 10.67 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 flats. However, the economic benefits in terms of construction of the building would be short-term and therefore limited. These considerations therefore carry limited weight in favour of the proposal.
- 10.68 The proposal would provide a social benefit through the provision of nine additional windfall dwellings which would make a considerable contribution towards the identified housing need within the Borough. Further social benefit arises from the provision of high quality housing. These considerations weigh significantly in favour of the proposal.
- 10.69 Turning to the environment, 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. The proposal makes efficient use of land which reduces pressure on housing land take elsewhere in

the Green Belt, and would accord with the support in the NPPF for increasing the supply of housing. These considerations weigh moderately in favour of the proposal.

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

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

10.72 The Council do not have a five year housing supply, a position acknowledged by the Council in the recently published Annual Monitoring Report (AMR). In addition, the Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284 which equates to 63% of its delivery. As a consequence, because supply has fallen below 75%, the Council must to apply the presumption in favour of sustainable development in accordance with Paragraph 11 of the NPPF when determining planning applications which for decision taking means:

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

10.73 When assessed against the policies in the NPPF taken as a whole, there are no significant disadvantages that would demonstrably outweigh the benefits of the scheme. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

10.68 Further to the above and subject to the suggested conditions, it is considered that the proposed development would amount to a sustainable form of development and that there no other material considerations sufficient to justify a refusal of planning permission.

11 Conclusion

11.1 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity, nature

conservation interests or highway safety. Accordingly and for the reasons given, the proposal is recommended for approval.

12 Recommendation

- 12.1 It is recommended that PLANNING PERMISSION BE GRANTED subject to the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. No development shall commence on site until a Construction 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 shall include details of:
 - a. Construction and storage compounds (including areas designated for car parking)
 - b. Siting and details of wheel washing facilities;
 - c. Cleaning of site entrances, site tracks and the adjacent public highway;
 - d. Provision of sufficient on-site parking prior to commencement of construction activities

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy SADM2 of the Emerging Welwyn Hatfield Local Plan 2016.

2. No development shall commence on site until a full site survey showing the datum used to calibrate the site levels along all site boundaries, levels as across the site, floor levels of adjoining buildings and full details of the proposed finished floor levels of all buildings and hard surfaces has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. The development hereby approved shall be carried out in accordance with the mitigation measures in Section 7.2 of the submitted Ecological Impact Assessment by Green Environmental Consultants (dated October 2020) and the ecological enhancements in Section 7.2.2.6 of the assessment must be implemented and retained permanently thereafter within the constraints of any relevant EPS licence.

REASON: In order that the development achieves a net gain for biodiversity on the site in accordance with the Policy R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. The development hereby approved shall only be carried out in accordance with the submitted Drainage Strategy Technical Note by Stomor Civil Engineering Consultants.

REASON: To protect the surrounding environment from pollution and flooding in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

5. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Report and the Tree Protection Plan by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited.

REASON: To protect the existing trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

PRIOR TO ABOVE GROUND DEVELOPMENT

6. No above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development 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 details of private amenity areas for ground floor flats to the rear
 - (c) car parking layout and markings including locations of safety bollards
 - (d) vehicle and pedestrian access and circulation areas
 - (e) hard surfacing, other hard landscape features and materials
 - (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
 - (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

7. Notwithstanding the approved plans, prior to any above ground development, a scheme for the provision of refuse and recycling bins to be provided in accordance with the standards specified in Welwyn and Hatfields' Recycling and Refuse Separation and Storage Planning Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate details of the number, volume and specification of each bin and all shall be installed and ready for use prior to the first occupation of any flat. No flat shall be occupied until the bin store has been constructed and the bin store shall thereafter be maintained and made available for residents to store refuse and recycling materials.

REASON: To ensure that the development is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policy D1 of the Welwyn Hatfield District Plan 2005.

8. No above ground development shall take place until details relating to any external lighting scheme (including vertical lux diagrams which show potential

light trespass into windows of nearby residential properties) have been submitted to and agreed 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. The agreed lighting shall subsequently be implemented.

REASON: To protect the amenity of existing residential properties in the near vicinity to the development in accordance with Policies D1 and R18 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

9. Prior to above ground development an Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details 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 Policy R3 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

10. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

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

REASON: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

12. Prior to occupation of the development hereby permitted, the cycle store must be provided and made available for use. The cycle parking must be retained in that form thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policy M6 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in respect of the bell-mouth radii and widened to a minimum width of 4.8 metres.

REASON: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. 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.

REASON: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and the National Planning Policy Framework.

POST DEVELOPMENT

15. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

16. 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
20-J3296-LP		Location Plan	28/10/20
20-J3296-01	D	Proposed Site Layout	15/02/21
20-J3296-02		Proposed Floor Plans	28/10/20
20-J3296-03		Proposed Elevations	28/10/20
20-J3296-04	D	Existing Floor Plans	15/02/21
20-J3296-05	B	Proposed Bin and Cycle Stores	15/02/21
20-J3296-06		Proposed Site sections	28/10/20
20-J3296-BP		Block Plan	28/10/20
20-J3296-CO1	D	Coloured Site Layout	15/02/21

20-J3296-07		Photomontage	18/12/20
20-J3296-03		Tree Protection Plan	05/02/21
LMP/61NRDH/020	C	Landscape Master Plan	15/02/21
20-J3296-09	C	Existing Elevation Plans	04/02//21

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

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.

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
3. Road Deposits: 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-roadsand-pavements/highways-roads-and-pavements.aspx>
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery 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.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx)

[pavements/business-anddeveloper- information/development-management/highways-developmentmanagement. aspx](http://www.hertsdirect.org/services/transtreets/highways/) or by telephoning 0300 1234047.

5. Obstruction of public highway land: 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: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. 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
7. 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
8. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
9. 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.
10. 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.
11. 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.
12. Any pile driving shall be carried out by a recognised noise reducing system.
13. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
14. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
15. '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.

16. Any emergency deviation from these conditions shall be notified to the Council without delay.
17. All efforts shall be made to reduce dust generation to a minimum.
18. 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.
19. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
20. Any vegetation clearance should be undertaken outside the nesting bird season (March to end of July inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Raymond Lee (Development Management)
Date: 08 July 2021



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	61 New Road, Digswell, Welwyn AL6 0AL		Scale: DNS
			Date: 27-05-2021
	Development Management Committee	6/2020/2818/FULL	Drawn: C Gooding-Williams
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