

Part I

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Welwyn East

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

6/2021/0417/FULL

12 FIRWAY WELWYN AL6 0RD

ERECTION OF 2 NO. FOUR BEDROOM DETACHED CHALET BUNGALOWS WITH  
GARAGES FOLLOWING THE DEMOLITION OF THE EXISTING PROPERTY

APPLICANT: G P HOMES LTD

**1 Site Description**

- 1.1 The application site comprises a 3 bedroom detached dwelling with attached garage measuring approximately 150sqm in a deep plot of approximately 0.19 hectares on the western side of Firway. The site itself is screened from all sides by trees, vegetation and boundary fences at the boundaries. It features a sunken swimming pool in the rear garden.
- 1.2 The dwellings along Firway are generally detached and set back from the road in deep plots.
- 1.3 The site is located within the Welwyn/ Digswell settlement area and is not within a conservation area or the Green Belt.

**2 The Proposal**

- 2.1 Planning permission is sought for the erection of 2 dwellings following the demolition of the existing dwelling on the site. Plot 1 would be located in what would be the front garden of the existing dwelling, approximately 3.0m back from the highway on a plot of approximately 440 sqm. Plot 2 would be located deep into what is presently the back garden and between two existing properties (14 Firway and a newly constructed dwelling to the north) on a plot of approximately 555m in size. Between the two dwellings would be a shared vehicle parking and garaging area serviced by a driveway that runs along the southern site boundary following the route of the existing driveway and utilising the existing highway access point.
- 2.2 The development would be served by a parking and turning area in the central section to include 6 car parking spaces and 4 bicycle spaces.

**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 6/2020/2699/FULL- Demolition of the existing property and construction of 2 no. four bedroom detached houses with double garages. Withdrawn by agent.

## **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 is 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 3 representations have been received, comprising of 1 objection from 14 Firway, 1 objection from 16 Firway and 1 letter of objection from Planning Consultants raising an objection on behalf of the occupiers of 14 Firway. The representations received are published in full on the Council's website and are summarised below:

- Plot 2 is too close to number 14 Firway and would be overly dominant
- Plot 2 would cause noise and disturbance and increased overlooking to number 14 Firway
- Insufficient parking
- Development would result in increased traffic generation in the central section of the site to the detriment of neighbours' living conditions.
- Development would result in loss of trees at the site
- The impact on trees would harm the character of the area
- The houses are too large or too numerous on the plot

- 7.2 Following a review of the objections, and at the request of your officers, the applicants have amended their plans to include.

- The amount of trees, proposed for removal, has been reduced so that more remain along the boundary with number 14.
- The house of Plot 2 has been moved to create a larger gap (4.4m) between the house and the boundary with number 14 to the south.

- The house of Plot 2 has been brought forward by 1650mm to be more aligned with the front of number 14.

## **8 Consultations Received**

8.1 The following have responded advising that they have no objections to the proposal;

- Hertfordshire County Council Transport Programmes and Strategy
- Welwyn Hatfield Borough Council Parking Services
- Welwyn Hatfield Borough Council Client Services
- Welwyn Hatfield Borough Council Public Health and Protection

8.2 The following have responded advising that they have no objections to the proposal in principle, subject to conditions being imposed;

- Welwyn Hatfield Borough Council Trees and Landscapes

## **9 Town/Parish Council Representations**

9.1 Welwyn Parish Council have submitted a Major Objection *as follows: 'Welwyn Parish Council Welwyn Parish Council at its Planning and Licensing committee meeting of the 16th February 2021 resolved to submit: MAJOR OBJECTION The submitted proposal does not appear dissimilar to the previous application, the design appears to be disproportionate and cramped.'*

## **10 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
  - i. Flood risk**
  - ii. Landscaping**
  - iii. Refuse and recycling**
  - iv. Affordable Housing**
  - v. Neighbour representation**
- 6. 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. The site is within a 500m walking distance of the local parade of shops at Oaklands, which include a butchers and a post office and there are bus stops along Great North 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 need to 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 range of criteria being met.
- 10.5 Given the site's location within an established residential area, the proposed development would 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 approximately a 500m walk away. The site is within reasonable walking distance of a small range of local convenience shops that can be reached along footpaths. The capacity of existing infrastructure is sufficient to be able to accommodate the development (+1 dwelling), 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.

## **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 The dwellings along Firway are predominantly large single dwelling houses with individual character and are generally sited within generous plots in an informal manner. As such the principle of single dwellings is well established in the area and the proposal would be compatible with the surrounding residential area.
- 10.10 The existing plot is of a substantial size with a considerable amount of amenity space towards the rear and front. A number of plots in the vicinity to the north and south have been subdivided in the past. This application would result in the demolition of the existing dwelling and two new dwellings on the site. Although the introduction of another property would reduce spacing on site, the proportion of amenity space to the size of properties would still be generous and would not result in a cramped development on the site. Each dwelling is positioned so that the overall feeling of openness is maintained and both would be served by a garden with planting or hedging being incorporated around the site to enhance its visual appearance. The spatial pattern would not be disrupted to such an extent that would appear out of keeping with the character of the surrounding area with amenity space which would not be dissimilar to that of other plots in the immediate area.
- 10.11 The density of the development of two dwellings could reasonably be accommodated within the site. Plot 1 would be positioned closer to the road than the existing dwelling and would feature a single storey front porch that would be set back approximately 3.0m from the road. The main elevation of the house would be set back 6.2m from the road. This form of development is not dissimilar to the houses immediately to the south at number 16 and 18 Firway which are set back approximately 6.0m back from the road.
- 10.12 Neighbours at number 14 and number 16 have objected to the density and overly dominant form of development. Whilst the proposed development would inevitably result in an increased amount of built form within the application site, the spacing between the two plots, of approximately 30m, acts to limit the impact

of the increased number in dwellings and the visual scale of the development. Furthermore, the proposal has been amended since its initial submission, with the gap between Plot 2 and number 14 to the south, now being increased. This separation gap would be approximately 4.4m. To the north, the separation gap from Plot 1 to the northern boundary would be approximately 1.2m and Plot 2 would be setback considerably from the site frontage. These separation gaps would ensure that the development would not appear visually over dominant or cramped to the detriment of the appearance of the street scene, indeed Plot 2 is set a considerable distance from the street and is essentially behind the frontage of Plot 1.

- 10.13 In addition to the density of development, the two proposed dwellings would be of a 1.5 storey design which reflects the character of the area. This together with the spacing around and between the built form, helps maintain a degree of subservience to the trees, hedges and garden areas that form their surroundings. Each property has been designed to be in keeping with the predominant style of properties along Firway. The windows would be sash type with stone heads and cills. The entrance to each dwelling would be arranged centrally to the front elevation with symmetrical window arrangements. A condition is suggested to require further details of the proposed materials to also ensure that the development would be in keeping with the surrounding dwellings.
- 10.14 The proposed layout of the development would result in the provision of an area of hardstanding in the centre of the site to accommodate the parking area. However, this central location within the site would also ensure that it would be well screened by the proposed planting and bushes around the boundary of the site.
- 10.15 Overall, the proposed development would be in keeping with the form, layout and character of the area. The design of the proposal would be of a good quality and would respect and relate to the general character of the area and the surrounding dwellings. The development is considered on balance to accord with Policies D1 and D2 of the District Plan, the NDG and the NPPF.

### **3. Residential amenity**

- 10.16 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.
- 10.17 Policy D1 of the District Plan seeks 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.
- 10.18 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**

- 10.19 The neighbours that would most likely be affected by the proposals would be those directly adjoining the application site at No. 14 Firway to the south and the occupiers of the new house to the north of the site.

- 10.20 In terms of the impact to number 14, Plot 2 would be sited around 4.4 metres from the common boundary between the two properties. Number 14 is located to the south of the application site and comprises a two storey detached dwelling. In terms of impact upon the daylight/sunlight levels received by this neighbour, given that the proposed building would be situated due north and located in line with number 14, there will not be any significant loss of light to their property. Given these factors, the development would also not appear unduly dominant or overbearing. As a result of the position of Plot 2, the two storey house would be in line with the rear elevation of number 14, and would not result in a detrimental overlooking impact to this neighbouring occupier. The projecting rear extension would extend further beyond the rear of number 14 and would feature bi-folding door openings. However, these openings would be a ground floor level and the existing and proposed new landscaping along the boundary between the two properties would ensure that the privacy of the adjoining occupiers would be maintained. Plot 1 would have little impact on number 14, given its separation of approximately 30m, and given the fact that it would also be positioned further away than the existing dwelling on the site.
- 10.21 In terms of the impact to the occupiers of the newly constructed dwelling to the north of the site, this property is sited north between the proposed new dwellings on Plot 1 and 2). Plot 1 would be sited around 1.2 metres from the common boundary between the two properties and would be largely screened from this dwelling by the proposed landscaping and existing 2m timber boundary fence between the properties. Plot 2 would have a separation distance of around 3.0m and would have a side elevation with only 1 window that would look towards this newly constructed dwelling. This window would serve a bathroom, and this can be conditioned to be non-opening and obscure glazed to maintain privacy. Given these factors, the development would not appear unduly dominant or overbearing and would not adversely impact the levels of privacy of this dwelling.
- 10.22 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.
- 10.23 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.
- 10.24 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. This level of development by providing 1 net additional dwelling would not cause any undue noise or disturbance. Impacts of construction noise would be temporary.
- 10.25 In summary, giving consideration to the size of the site and the separation distance of neighbouring properties the proposal would not have an unreasonable impact on the amenity of neighbouring occupiers and would not appear visually overbearing by virtue of design. Overall it is considered that the living conditions of the adjoining occupiers would be maintained to an acceptable level in accordance with Policy D1 and R19 of the District Plan 2005, the

#### Living Conditions of Future Occupiers

- 10.26 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 separation distance of approximately 30m from the rear elevation of Plot 1 and the front elevation of Plot 2 would ensure there is no potential for overlooking from the internal living spaces into each property. 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. Both plot 1 and Plot 2 would each access to a private garden. On this basis, the proposal would provide a good amount of private amenity space for the residential units.

#### **4. Highways and Parking Considerations**

- 10.27 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.
- 10.28 Objections have been received from number 14 and 16 Firway in terms of the insufficient parking or increased traffic. Hertfordshire Transport Programmes and Strategy have been consulted on the application and raise no objection. 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 it is considered that the proposal would not have an unacceptable impact upon highway safety.
- 10.29 In terms of the access, the existing access position will continue to be used. There are no concerns raised with visibility and the width of the access and car parking area are adequate.
- 10.30 In terms of parking, the development comprises of 2 x 4 bedroom dwellings. The Council's parking guidance SPG (2014) recommends that in this area a total of 2.25 space per 4 bed dwelling. The parking spaces are suitable and would not result in conflict with the guideline parking standards contained with the SPG for the proposed development.



- 10.31 The site is within a 500m walking distance of the local parade of shops at Oaklands, which include a butchers and a post office and there are bus stops along Great North Road, within walking distance of the site.
- 10.32 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) Flood risk and sustainable drainage*

- 10.33 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.
- 10.34 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.

### *ii) Landscaping*

- 10.35 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.
- 10.36 An Arboricultural report, by Andrew Belson Arboricultural Consultant dated 22 February 2021, 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.
- 10.37 The report concludes that trees on site could be removed. The application has however been amended since its initial submission, with Pot 2 being moved away from number 14 to form a gap of approximately 4.4m and with this, 7 trees that were originally planned to be removed on the boundary with number 14 to the south, will be kept. Some new planting and landscaping can be provided, a hedge to the front is also proposed to provide some screening, in keeping with the frontages of the neighbouring and surrounding properties.
- 10.38 The Landscaping team are satisfied with the survey. They do not consider that any of the trees are worthy of tree preservation and did not raise any objections. The retention of tree along the boundary with number 14 is welcome. A landscaping scheme should be submitted to ensure that the materials and planting used within these landscaping features are acceptable. As such, it is reasonable and appropriate to impose a condition on any approval requiring that a landscaping plan be submitted and approved by the Council.

### *iii) Refuse and Recycling*

- 10.39 The Council's Client Services Team raise no objection to the principal of the proposed development.

iv) *affordable* housing

10.40 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 this scheme.

v) *Representations*

10.41 A number of objections were raised by the occupiers of the neighbouring dwellings at number 14 and 16 Firway. The impact on living conditions, the loss of trees on site, the impact on traffic generation and the suitability of parking provision are the main objections. These are addressed above in each section and have been given due regard in the assessment.

## **6. The planning balancing**

10.42 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 that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. 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.

10.43 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.

10.44 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.

10.45 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.

10.46 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).'*

10.47 The Council does 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 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 be significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.48 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, the proposed development would amount to a sustainable form of development and that there are 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 occupiers living conditions, 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:

### **PRIOR TO COMMENCEMENT**

1. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
  - Access arrangements to the site;
  - Construction and storage compounds (including areas designated for car parking,
  - loading / unloading and turning areas);
  - Cleaning of site entrances, site tracks and the adjacent public highway;

- Provision of sufficient site parking facilities which does not remove existing resident parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and the NPPF.

#### PRIOR TO ABOVE GROUND DEVELOPMENT

2. 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:

- original levels and proposed finished levels [earthworks to be carried out]
- means of enclosure and boundary treatments including details of private amenity areas for ground floor flats to the rear
- car parking layout and markings including locations of safety bollards vehicle and pedestrian access and circulation areas
- hard surfacing, other hard landscape features and materials
- 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
- 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.

3. 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.

4. 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

5. 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.

6. Prior to occupation of the development hereby permitted, the window located on the side elevation of Plot 2, and that serves an en-suite bathroom at first floor level, must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. Thereafter the window shall be retained in that form

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Prior to occupation of the development hereby permitted, the bicycle 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.

8. No dwelling 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 a satisfactory standard of development in accordance with National Planning Policy Framework.

#### POST DEVELOPMENT

9. 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

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
04	A	Site Plan	11 February 2021
05	A	Existing Plans	11 February 2021
02	B	Plans And Elevations Plot 1	1 June 2021
		Topographic Plan	10 February 2021
01	G	Location and Block Plan	18 June 2021
06	A	Site Sections	18 June 2021
03	C	Plans And Elevations Plot 2	18 June 2021

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.

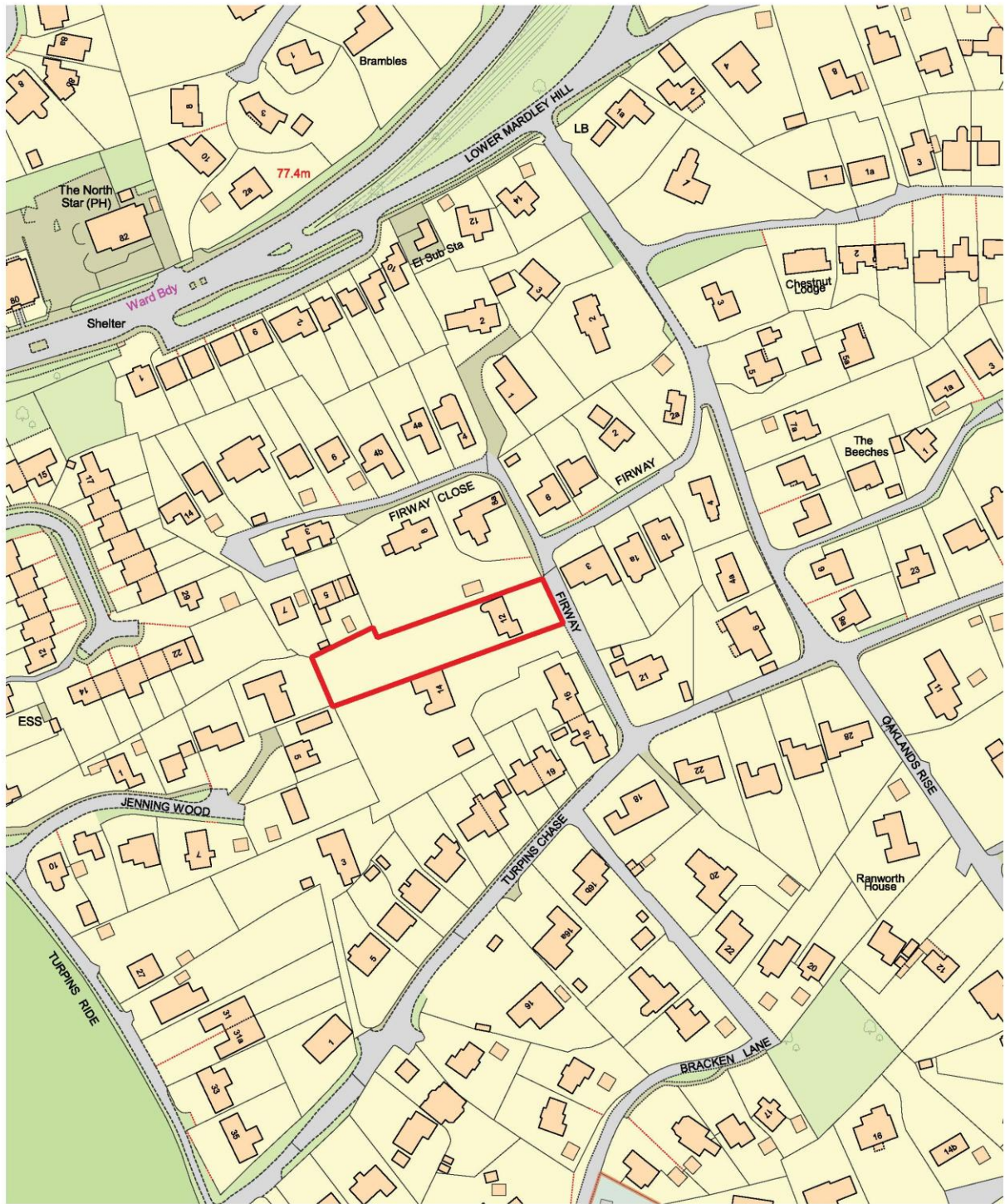
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall 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/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> 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, should 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 works, 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 August 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.

Sarah Madyausiku (Development Management)

Date: 25 June 2021





 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	12 Firway, Welwyn AL6 0RD		Scale: DNS
			Date: 27-05-2021
	Development Management Committee	6/2021/0417/FULL	Drawn: C Gooding-Williams
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