

Part I

Main author: Ashley Ransome

Executive Member: Councillor S. Boulton
(Welham Green & South Hatfield)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 28TH JULY 2022
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2021/2492/FULL

DERELICT GARAGES, HOLLYFIELD, HATFIELD, AL10 8LW

ERECTION OF 8 DWELLINGHOUSES (5 X 3 BED & 3 X 4 BED) WITH ASSOCIATED
VEHICULAR ACCESS, PARKING AND LANDSCAPING FOLLOWING DEMOLITION
OF EXISTING GARAGES

APPLICANT: LOVELL PARTNERSHIPS LTD

1 Background

- 1.1 Initial pre-application advice on the development of the application site was provided by the Council in March 2021 which offered a favourable response.
- 1.2 This current Full Planning Application was submitted at the end of August 2021, with a Prior Approval Demolition Application (reference 6/2022/0826/PN14) having been granted at the end of April 2022.
- 1.3 The prior approval application for the demolition of the garages, which are the subject of this application, was applied for to enable the derelict garages to be demolished prior to the determination of the Full application. To date, at the time of preparation of this planning report, (June 2022), the garages remained in situ.

2 Site Description

- 2.1 The site is located in South Hatfield to the south of Hollyfield and is occupied by two rows of disused domestic garages. It has an area of approximately 0.24 hectares, although the site is bounded by a dense tree belt to the east and southern boundaries of the site so it is considered that only approximately 0.17 hectares is developable due to the constraints of the site.
- 2.2 There is a current vehicular access to the north of the site, from Hollyfield and the site is surrounded by residential dwellings to the east, south and west, with a place of worship and playing field located to the north of the site.
- 2.3 The site was promoted to the Council and submitted as part of the emerging Draft Local Plan 2016 for 14 dwellings and its suitability was assessed in the Housing and Employment Land Availability Assessment 2016 as site HS10. The assessment identified that a capacity of 14 dwellings would be suitable and achievable on this site.

- 2.4 This site was assessed by the Inspector at the examination as a site that had been considered suitable for allocation. The Inspector stated that the principle of development on this site has been found to be sound.
- 2.5 Upon further evidence, the capacity on this site was reduced to 12 dwellings due to on-site ecological restraints.
- 2.6 At a meeting of full council on 27 January 27 2022, Councillors voted through plans to submit a revised version of the site allocation, which will see the Council plan for 13,279 homes – rather than the inspector-set target of 15,200. This option contained HS10 for allocation.

3 The Proposal

- 3.1 The application seeks planning permission for the erection of eight dwellinghouses, following the demolition of the existing garages.
- 3.2 The proposal would provide eight detached dwellings, with one four-bedroom dwelling, five three-bedroom dwellings and two two-bedroom dwellings.
- 3.3 Each of the dwellings will benefit from two off-street parking spaces and a rear garden. A further two on-street visitor spaces are to be provided to the front of plots numbered 1 and 2.
- 3.4 The scale of the new dwellings would be of two storeys with gabled roofs, measuring an approximate height of 7 metres. The dwellings would be constructed of a mix of red facing brick and buff facing brick for the walls and dark grey concrete roof tiles.
- 3.5 Access to the site would be provided by a single entry point off of Hollyfield to the north of the site. This would be a raised shared surface access with priority given to pedestrians.
- 3.6 The existing tree belt running around the east and south of the site is to remain, with additional landscaping proposed within the new housing site.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because the application is an allocated site and the Borough Council has an interest in the land/property which is the subject of the application.

5 Relevant Planning History

- 5.1 Application Number: 6/2021/0428/PA
Decision: Granted
Decision Date: 26th March 2021
Proposal: Pre-application advice for residential redevelopment with associated parking, vehicular access and landscaping
- 5.2 Application Number: 6/2022/0826/PN14
Decision: Prior Approval Required and Granted
Decision Date: 28th April 2022
Proposal: To enable commencement of the development of the site ref: 6/2021/2492/FULL

6 Relevant Planning Policy

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

7 Site Designation

- 7.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005 and is an allocated site.

8 Representations Received

- 8.1 The application was advertised by means of neighbour notification letters and site notices. In total eight representations have been received, comprising three objections together with one in support of the proposal and four comments. All representations received are published in full on the Council's website and are summarised below:

Objections

- Planning application appears rushed- there has not been a notification posted in the area.
- Concerned about the safe removal of the asbestos garage roofs.
- Possible damage to trees during works.
- Old Leys boundary will have a loss of habitat, original plants, home to birds and feeding area. The woods are a vital dense screen for privacy and a noise barrier.
- House 5 has a large garden which means loss of vegetation and the boundary appears too close to the Old Leys kerb line.
- Object to how close plot 3 is to our fence- added noise disturbance.
- 8 houses are squeezed into an area big enough for 6-7 houses.
- Want to be assured that existing trees and shrubs will be retained and enhanced.
- Unrealistic to suggest that residents will sue their bicycles and public transport. Increase in traffic in recent years and irresponsible parking which will only get worse will more houses in the area.
- Will secure fencing be put in place during the demolition of the garages to secure the gardens that back onto it.
- There are too many properties for such a small area.
- The property proposed for the bottom of our garden is far too close. There would be a brick wall at the end of the garden.

Support

- Pleased that the site is being developed.
- Ridding the area of what has become an eyesore.

9 Consultations Received

9.1 The following have responded with an objection to the application:

9.2 WHBC Policy – Objection summarised as follows:

- The principle of development on this site is supported, however, it is considered that this proposal does not make efficient use of land.
- Given the site is located within a central area with good accessibility by modes of transport other than the car and the identified need for 2 bedroom houses from the SHMAA it is considered that this proposal for 8 dwellings at 30dph, does not make efficient use of land and is not compliant with policies H6, SP7 and SP9.
- The proposal is expected to be closer to 50dph with a broader tenure mix providing smaller housing types to make efficient use of the land.

9.3 The following have responded with a comment on the application:

9.4 Councillor Paul Zukowskyj – Comment summarised as follows:

- The idea of developing family homes with decent gardens and not all squashed in is very welcome indeed.
- However, the site was intended to be allocated in the local plan for 14 dwellings, meaning there would be a shortfall that would need to be made up elsewhere.
- Encourage the developer to reconsider the format and layouts of these dwellings to see if an additional six dwellings could be accommodated on the site. A development which included terraced townhouses, for example, may well be acceptable and would mean more efficient use of the site.

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

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- Thames Water
- LLFA
- Environment Agency
- WHBC Landscape and Ecology
- WHBC Parking Services

9.6 No response was received from the following consultees:

- HCC Rights of Way (South)
- Hatfield Town Council
- The Ramblers' Association
- Hertfordshire Ecology

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. Living conditions of future occupiers and neighbouring residential amenity**
- 4. Highways and parking considerations**
- 5. Landscape and trees**
- 6. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Contaminated land**
 - iv) Renewable energy**
 - v) Accessible and adaptable dwellings**
 - vi) Houses in Multiple Occupation**
 - vii) Noise**
- 7. The planning balance**

1. Principle of the development

10.2 Policy SD1 of the District Plan advocates sustainable development and this is broadly consistent with the NPPF. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.

10.3 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.

10.1 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.

10.2 These objectives are consistent with the National Planning Policy Framework (NPPF) 2021 which supports the development of under-utilised land and buildings (para.120) and the efficient use of Previously Developed Land (PDL) (para.124).

10.3 Policy GBSP2 of the adopted District Plan directs new development to existing towns and settlements, including Hatfield, where new development may be considered to be more sustainable. The site is not allocated as a Housing Site in the currently adopted District Plan. It therefore must be considered as a windfall site.

10.4 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 (PDL) and requires that development take place on PDL. 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 Policy H2 states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
 - iii. The capacity of existing and potential infrastructure to absorb further development;
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
 - v. The physical and environmental constraints on development of land.
- 10.6 In this instance, the principle of development has been established as the development would be undertaken on land which is occupied by permanent structures (disused residential garages) and thus forms previously developed land.
- 10.7 The site is within easy reach of a range of local services/facilities being located in walking distance (10 minutes) to the amenities that were existing/ are currently undergoing refurbishment at High View Neighbourhood Centre. It is also located on a public transport route with bus stops located on roads surrounding Hollyfield, with the closest being along Bishops Rise which is an approximate 5 minute walk. This provides access to amenities that are further afield such as Hatfield Town Centre which is approximately a 15 minute bus ride away. The application site would therefore have good accessibility to other modes of transport other than the car and also is within a walkable distance to services and amenities. There are also no known infrastructure constraints to the development and the development would not undermine the delivery of allocated sites as a consequence of its limited nature.
- 10.8 Accordingly, considering the site on its own, the principle of redevelopment that would create an additional eight dwellings within the area would accord with policies GBSP2 and SD1 of the Welwyn Hatfield District Plan 2005 provided it accords with other policies of the Development Plan. The physical and environmental constraints of development of the land in the manner proposed are assessed below.
- 10.9 Notwithstanding the above, it should be acknowledged that the site has been allocated in the Emerging District Plan for additional housing supply. This falls under Policy SADM26 for new dwellings in Hatfield.
- 10.10 The proposal is below the threshold for affordable housing in the 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

- 10.11 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 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.

- 10.12 These objectives are broadly consistent with the Council's Emerging Local Plan, with Policy SP9 of the draft Local Plan dealing with place making and high quality design and Policy SADM11 amenity and layout.
- 10.13 The revised NPPF 2021 has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. As such, there is also consistency between the Council's Saved and Emerging Local Plan with the NPPF.
- 10.14 The submitted Design and Access Statement explores the design and layout in more detail, but in essence, the proposed layout consists of a small mix of two, three and four bed housing that is arranged in a T-shape, forming a close. This is considered to be in keeping with the surrounding area and is therefore acceptable.
- 10.15 The size and scale of the dwellings proposed is also considered to be in keeping with the character of the area which is predominantly two storey dwellings.
- 10.16 The materials of the surrounding area vary, and therefore the proposed mix of red facing brick and buff facing brick for the walls and dark grey concrete roof tiles are considered appropriate to maintain the character and appearance of the surrounding area.
- 10.17 The existing mature trees and landscaping to the east and southern boundaries is retained and enhanced as appropriate to screen the site from the surrounding area.
- 10.18 There is an emphasis on shared surfaces for vehicular and pedestrian access with materials selected to determine the areas of parking on the shared surface.
- 10.19 In summary, 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 SDG and the NPPF.

3. Living conditions of future occupiers and neighbouring residential amenity

- 10.20 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.

- 10.21 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.22 Draft Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development.
- 10.23 The existing dwellings to the east and south of the site are not considered to suffer significant impacts to amenity as a result of the proposed development. This is due to the dense tree belt to the east and southern boundaries of the site, acting as a natural screen to the development.
- 10.24 Moreover, as there are no immediate neighbouring dwellings to the north of the site, the proposal is not considered to pose impact to residential amenity. The place of worship that is located to the north of the site would not be a habitable building and thus the proposed development would not pose an impact.
- 10.25 The existing built form to the west of the site is comprised of terraced housing with gardens backing onto the proposed site. Through a considered design approach in terms of orientation and window positioning, overlooking is minimised. One of the houses to the east of the existing terraced houses, plot 3, presents a flank elevation to the dwellings which are proposed nearest to the western boundary. Whilst the concerns raised by neighbouring occupants are acknowledged, it is however considered that there is a suitable separation distance, and thus the proposal would not result in an unacceptable relationship between neighbouring properties.
- 10.26 Whilst it is accepted that the outlook from neighbouring properties would change fairly significantly this is not in itself a reason to withhold planning permission. Objections have been received with regard to a loss of a view, however, planning exists within the public interest and not the private interest and therefore this is not a consideration that holds weigh such as to be a material planning consideration.
- 10.27 In terms of noise, the proposed residential use is not likely to cause any adverse impacts which would approach a level where it could be concluded to be material.
- 10.28 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during construction. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site specific Construction Environment Management Plan (CEMP), which can be required by condition.
- 10.29 Given the above, it is considered unlikely that the proposed development would have any adverse impacts on the residential amenity of neighbouring occupiers.

- 10.30 Turning to future occupiers, all proposed dwellings would be compliant with the Nationally Described Space Standards and as stated within the submitted Design and Access Statement, would meet the accessible and adaptable standards (Building Regulations Part M4(2)), exceeding emerging policy requirements.
- 10.31 Policies H4 and D1 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. Each new house would have a private garden which is appropriately sized for the dwelling, which can be accessed externally from the front of the property.
- 10.32 The new dwellinghouses would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupiers.
- 10.33 NPPF paragraph 54 states *“planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”* The Planning Practice Guidance (PPG) advises that *“Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”*. In this case, given the relatively small plot sizes and the close proximity of neighbouring properties, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact, loss of light and loss of privacy. Therefore, to protect the amenity of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwellings (Class A) and the enlargement consisting of an addition or alteration to its roof (Classes B and C).
- 10.34 In light of the above observations, it is considered that the proposed development would respect and sufficiently retain the amenity of surrounding residential properties and ensure an acceptable level of amenity for future occupants in accordance with District Plan Policies, the Supplementary Design Guidance and the relevant paragraphs of the NPPF in this regard.

4. Highways and parking considerations

- 10.35 The Highway Authority issued their initial response to the amended scheme on the 30th June 2022 which recommended refusal due to insufficient information in relation to the following:
- a) Size and design of the proposed vehicle access. This should be a vehicle crossing rather than a bell-mouth to give priority to pedestrians.
 - b) Access for refuse freighter. The swept path analysis uses a freighter which is too small.
 - c) There is no provision for cycle storage shown on the plan.
- 10.36 The applicant worked positively towards addressing the issues of concern and in response submitted a Technical Note, dated 6th July 2022, and amended plans in relation to the proposed access, following discussions with Hertfordshire Highways.

Following re-consultation, the Highway Authority has confirmed that it does not wish to restrict the grant of permission subject to suggested conditions.

Access:

- 10.37 Whilst a vehicle access to the site already exists, a new improved vehicle access to the site will be taken from Hollyfield from the north of the site.
- 10.38 The Highway Authority acknowledge that further to the previous request that the proposed access should be a vehicle crossing rather than a bell-mouth, this would not be feasible. The narrow width of Hollyfield would mean that the vehicle crossing would have to be wider than the internal shared surface and that in this case a bell-mouth may be more suitable.
- 10.39 The amended bell-mouth consists of a small radius kerb, which is welcomed and allows passing pedestrians to continue along their desire line. The small area of paving outside plot 1 would allow pedestrians to enter the shared surface from a safe position rather than having to walk into the bell-mouth.
- 10.40 The small area of paving outside plot 1 would allow pedestrians to enter the shared surface from a safe position rather than having to walk into the bell-mouth.
- 10.41 The construction of the proposed access (as well as any temporary access that may be required) would require the applicant to enter into a S278 agreement with HCC and will therefore be subject to further detailed design reviews.

Visibility:

- 10.42 The applicant has submitted visibility splay drawing (HOL-WSP-CE-XX-SK-C-002 P06) in the appendix of the Technical Note. This drawing has demonstrated a visibility splay of 2.4m x 25m from the access which is considered acceptable.
- 10.43 Maintenance of the visibility splays can be secured by condition.

Highway Safety:

- 10.44 The applicant has provided a desktop review of Personal Injury Accidents (PIAs) within the vicinity of the site for the past five years (2016-2021) and it concluded no collisions along the site frontage have occurred and only one within the vicinity of the area (Old Leys), with none being fatal. There is no obvious correlation in PIAs over the past five years and the number of PIAs is at a level where further intensification of the local road network would not result in any major highway safety concerns.

Construction:

- 10.45 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Environment Management Plan (CEMP) will be required. A CEMP can be appropriately secured by condition.

Refuse Strategy:

- 10.46 The highway authority would generally request that access be possible for a 12.1m refuse freighter to protect against changes in vehicles used by the LPA. However, the swept path analysis provided shows that this would require significant changes to the layout of the site and access.
- 10.47 The applicant has submitted several drawings within the Technical Note appendices showing the swept path analysis of a vehicle of 12.2m refuse vehicle vs a 10.6m refuse vehicle entering and exiting the site access junction. The plans show that it is not possible for a 12.2m refuse vehicle to negotiate the site, and it is also not possible for the desired vehicle crossing to be incorporated into the design as even a 10.6m refuse vehicle that is currently used would not be able to access the site. The provision of a bin store to reduce the need for freighter access is also not desirable.
- 10.48 The Highway Authority are therefore satisfied for a bellmouth access which allows a 10.6m refuse vehicle to enter and exit the site without the body of the vehicle encroaching on the footway.
- 10.49 The Drawing have shown that the maximum dragging distance for a bin collection is 25m and is in line with the standards set out in Roads in Hertfordshire: Highways Design Guide.
- 10.50 Details of refuse storage can be secured by condition.

Parking Provision:

- 10.51 Paragraph 107 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; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 111 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 10.52 Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which 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.
- 10.53 Based on the development mix for the scheme set out below, 17.25 parking spaces is the guideline figure for the proposed development:
- 2 x 2 bedroom house (2 x 1.5 = 3 spaces)
 - 5 x 3 bedroom house (5 x 2.25 = 11.25 spaces)
 - 1 x 4 bedroom house (1 x 3 = 3 spaces)
- 10.54 The proposals include the provision of two parking spaces per dwelling, spread across garage, driveways/carports, and allocated on-street parking spaces, thus totalling 16 spaces. A further two on-street visitor spaces are provided, bringing the total number of spaces to 18. The Highway Authority and Welwyn Hatfield Borough Council Parking are satisfied with this level of parking provision.

- 10.55 All homes will benefit from secure cycle storage as shown on the site plan. Full details and implementation of cycle parking and EV charging facilities can be controlled by condition.
- 10.56 There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking outside of the application site, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. In summary, 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. On this basis, there is no objection in relation to parking provision.

Sustainable travel & Accessibility:

- 10.57 The site is within easy reach of a range of local services/facilities being located in walking distance (10 minutes) to the amenities that were existing/ are currently undergoing refurbishment at High View Neighbourhood Centre. It is also located on a public transport route with bus stops located on roads surrounding Hollyfield, with the closest being along Bishops Rise which is an approximate 5 minute walk. This provides access to amenities that are further afield such as Hatfield Town Centre which is approximately a 15 minute bus ride away.
- 10.58 The application site would therefore have good accessibility to other modes of transport other than the car and also is within a walkable distance to services and amenities.

5. Landscape and trees

- 10.59 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.
- 10.60 The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 10.61 The proposal retains the majority of the trees on site, including the mature trees and landscaping along the eastern and southern boundary which form a natural boundary and screen to the site. The proposal would also introduce a scheme of landscaping within the site to include various plants, shrubs, bushes and trees.
- 10.62 The application documents have been considered by the Council's Landscape Officer and the proposed scheme is considered appropriate for the site. If approved, details of tree protection measures, an Arboricultural Method Statement and aftercare would need to be secured via condition.

10.63 In summary, the development would retain and protect the mature trees and hedges wherever possible and appropriate, whilst also introducing new planting which would help assimilate the site into the wider landscape. Detailed landscaping proposals and tree protection measures can be adequately secured through condition. In this respect, no objections are raised with regard to the objectives of the District Plan, draft Local Plan or the NPPF.

6. Other considerations

i) Ecology and biodiversity

10.64 District Plan Policy R11 seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity.

10.65 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

10.66 The Environment Act 2021 gives greater emphasis to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.0). However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023.

10.67 The submitted Planning Statement states that an ecological assessment of the site was undertaken, together with a bat survey. These found little, if any, ecological significance on the site and it was concluded that there is no evidence that the development would result in any harm to designated habitats or to protected species.

10.68 The landscaping proposals, including tree, plants and shrub planting, will contribute towards this compensation and Biodiversity Gain, although it is acknowledged that management of private gardens cannot ever be controlled and can be given little or no genuine weight.

10.69 Bird and bat boxes are also proposed, with the types, locations and numbers specified on the submitted planting plan (L001 A).

10.70 Whilst there is increasing expectation for developments to deliver biodiversity net gain, use of a biodiversity metric is not yet mandatory (NPPF Paragraph 180(d)) and is not expected to become planning law until 2023. In this case, measures for biodiversity compensation can instead be delivered through a Landscape and Ecology Management Plan (LEMP) setting out measures for the coherent management and maintenance of landscape and ecology at the site to secure the net gain for biodiversity – this can be secured via condition.

10.71 Overall, given the nature of the existing site, there is no in principle ecological objection to the development of the site. No significant ecological constraints

have been identified that would prevent permission being granted, subject to appropriate mitigation and enhancement measures being implemented. Further detail will be required to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. In view of this, conditions securing these measures have been suggested.

ii) Flood risk and sustainable drainage

10.72 Emerging policy SADM14 requires Flood Risk Assessments and a sustainable drainage system to manage surface water run-off and surface water flood risk for all major developments. 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 from any source. Flood zones are the starting point for this approach. The Environment Agency (EA) identifies Flood Zones 2 & 3, and all land outside those zones is in flood Zone 1. The application site is located entirely within Flood Zone 1 and therefore represents a very low probability of flooding.

10.73 The application is not supported by a Flood Risk Assessment as the Environment Agency guidance states that there is no requirement to undertake one where a site is located within Flood Zone 1.

10.74 The surface water drainage strategy incorporates the use of attenuation permeable paving within the carriageway., before being gradually discharged not the Thames Water sewer network The scheme will seek to utilise permeable surfacing materials (subject to detailed design) for vehicular and pedestrian access.

10.75 Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application and confirmed no objection. Thames Water have advised that they have no objection to the planning application with regard to waste water network and waste water process infrastructure capacity. Subject to an appropriately worded conditions to secure implementation of the drainage strategy, there is no objection in this regard.

iii) Contaminated land

10.76 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

10.77 The Council's Environmental Health Officer has reviewed the submission and recommended that a condition for contaminated land is imposed upon any grant of permission. Accordingly, subject to the imposition of the above-mentioned condition, the proposal would not be contrary to Policy R2.

iv) Renewable Energy

10.78 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.

10.79 The NPPF, at Paragraph 152, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in

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

- 10.80 In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.81 District Plan R3 states that the Council will expect all development to: (i) Include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping; and (ii) Incorporate the best practical environmental option for energy supply. Emerging Local Plan Policy SP10 seeks to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.
- 10.82 In this case, 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 as renewable energy or low carbon sources. It would therefore 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.

v) Accessible and adaptable dwellings

- 10.83 Policy H10 of the District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards.
- 10.84 As stated above, draft Local Plan Policy SP7 was subject to discussion at the Stage 3 Hearings in February 2018. In response to objections a modification was proposed requiring that on all qualifying sites, at least 30% of all new dwellings on sites involving five or more dwellings be required to meet Building Regulations Part M4(2) standards for accessible and adaptable dwellings. Also, 1.5% of all new dwellings on sites involving 50 or more new dwellings will be required to meet Part M4(3) standards for wheelchair user dwellings. This modification is set out in the schedule of Main Modifications (Examination Document EX235) and will form part of a future Main Modification consultation.
- 10.85 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance. A planning condition is suggested to ensure that at least 20% of new dwellings within the development adhere to this part of the Building Regulations.

vi) Houses in Multiple Occupation

- 10.86 Since January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the

Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, 2012.

- 10.87 As a result of the Direction, it is considered appropriate and reasonable to include on new housing developments within Hatfield details to inform developers that there is an Article 4 Direction, by virtue of an informative, but also include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that a condition is attached.

vii) Noise

- 10.88 It is acknowledged that Table 10 of Policy SADM26 of the Draft Local Plan notes that there is the potential for noise pollution from South Way. A Noise Impact Assessment has been submitted in support of this application. The assessment concludes that internal and external noise levels in amenity areas are within the recommended guideline values in line with the Governments Noise PPG (July 2019).
- 10.89 The Council's Environmental Health Officer has reviewed the submission and does however comment that in relation to L_{Amax} levels, the recommended levels are exceeded more than ten times a night, which during warm summer nights would likely mean disturbance of sleep. A condition for an overheating assessment is therefore to be conditioned.

7. The Planning Balance

- 10.90 In decision-taking, if an authority cannot demonstrate a five year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in Paragraph 11(d) of the NPPF.
- 10.91 The recent Annual Monitoring Report (2020) indicates the current position of the five-year housing land supply in the Borough. The housing land supply of 2.58 years was identified.
- 10.92 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.
- 10.93 In accordance with paragraph 11(d) of the NPPF, this means that the policies which are most important for determining the application are to be considered to be out-of-date as Footnote 8 clarifies that:

“This includes, 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 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

- 10.94 For decision taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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 proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.95 In this case, the tilted balance is engaged.

10.96 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. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

10.97 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.

10.98 The proposed development would deliver eight additional dwellings in a Borough where a shortfall in housing has been identified. Short term economic benefits would also arise from the construction of the development. Social and environmental benefits arising from the development would include the provision of comfortable and energy efficient new homes within walking distance to shops and services.

10.99 It is acknowledged that there is a degree of conflict with the Emerging District Policy of SADM 26 in terms of site capacity. Policy SADM 26 identifies a dwelling capacity of 14 for this site at Hollyfield. Planning Policy have however advised that upon further evidence, the capacity on this site was reduced to 12 dwellings due to on-site ecological restraints. Whilst it is acknowledged that the proposed eight dwellings would still represent an undersupply for this allocated site, options to seek to increase the density of the site have been explored. However, due to the constraints of the site (the historic tree belt which limits the development of the site in terms of housing and access), it has been evidenced that it is not possible to increase the density of this site whilst maintaining the character of the area and providing the appropriate services and facilities, and therefore eight dwellings is the maximum provision that can realistically be provided on this allocated site.

10.100 No other significant adverse harm or conflicts with policies that affords protection have been identified. In view of the above, the benefits of the proposal are not outweighed by significant or demonstrable harms. As such, the proposed development is considered to accord with the relevant policies of the District Plan 2005, the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework and there are no other material considerations sufficient to justify a refusal of planning permission.

11 Conclusion

- 11.1 The proposed erection of 8 dwellinghouses (1 x 4 bed, 5 x 3 bed & 2 x 2 bed) with associated vehicular access, parking and landscaping, following the demolition of the existing garages is considered to be acceptable.
- 11.2 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

12 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. Construction Traffic Management Plan
No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:
 - a) Construction vehicle numbers, type, routing;
 - b) access arrangements to the site;
 - c) traffic management requirements;
 - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) siting and details of wheel washing facilities;
 - f) cleaning of site entrances, site tracks and the adjacent public highway;
 - g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) provision of sufficient on-site parking prior to commencement of construction activities;
 - i) post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
 - j) 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: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local

Transport Plan (adopted 2018); Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

2. Tree Protection

No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must not be carried out other than in accordance with the approved statement. The Arboricultural Method Statement must include:

- a) A specification for the pruning of trees to be retained in order to prevent accidental damage by construction activities;
- b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection;
- c) The specification of the routing and mean of installation of drainage or any underground services within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- d) The details and method of construction of any other structures such as boundary walls within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- e) The details of any proposed alterations to existing ground levels within the Root Protection Area (RPA) and/or canopy spread of retained trees; and
- f) Provision for the supervision, by an appropriately qualified arboricultural consultant, of any works within the root protection areas of trees to be retained.

REASON: To ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policy D1, D2, D8, R17 & RA10 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM11 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

3. Landscape and Ecological Management Plan

No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved by the local planning authority in writing. Thereafter, the development must not be carried out other than in accordance with the approved LEMP. The content of the LEMP must give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including, but not be limited to, those listed within Preliminary Ecological Appraisal by BABEC Ecological Consultants and the bat, great crested newt and reptile species survey reports by Jones & Sons Environmental Sciences. As a minimum the following specific information should be provided:

- a) Purpose and conservation objectives for the proposed works;

- b) habitat/feature creation measures proposed;
- c) details of the number type and location of native-species planting, and/or fruit/nut tree planting;
- d) the areas to be sown or planted with specific seed mixes or specific species for biodiversity value;
- e) location of retained ecological features, location and type of any habitat boxes/structures to be installed;
- f) timetable for implementation;
- g) maintenance of habitat/feature creation measures in the long term and those responsible for delivery; and
- h) monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP must also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan must also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP must cover all landscape areas within the site, other than small privately owned domestic gardens, together with any adjoining land within the control of the applicant which is required to deliver mitigation measures.

REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

4. Landscaping Scheme

No development above ground level 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. Thereafter, the development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments
- b) car parking layout and markings
- c) vehicle and pedestrian access and circulation areas
- d) hard surfacing, other hard landscape features and materials
- e) existing trees, hedges or other soft features to be retained
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- h) details of siting and timing of all construction activities to avoid harm to all nature conservation features

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 D1, D2, D8 & RA10 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM11 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

5. Landscape Management Plan

No development above ground level shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include a description of the features to be managed; aims and objectives; preparation of an annual work schedule; details of the body or organisation responsible for implementation and on-going monitoring and remedial measures. The landscape management plan shall be carried out as approved.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies D8, R11 & RA10 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

6. Sound Insulation (including ventilation)

No development above ground level shall take place until the applicant has submitted to, for approval in writing by the Local Planning Authority, a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority such as a TM59 assessment) conducted with windows closed at all times, showing the required ventilation rates to ensure that overheating will not occur in warmer temperatures. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment.

REASON: To protect the residential amenity and living conditions of future occupiers in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

7. Materials

No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, 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; Policies SP1 & SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

8. Refuse and Recycling

No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse and recycling storage must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: In order that the Local Planning Authority may be satisfied with the provisions for refuse and recycling storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general in accordance with Policy D1 of the Welwyn and Hatfield District Plan 2005; Policy SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

9. Cycle Storage

No development above ground level shall take place until full details of secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M6 & M14 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

10. Energy and Sustainability

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

11. EV Charging Facilities

No development above ground level shall take place until full details of EV charging facilities parking have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1 of Hertfordshire's Local Transport Plan (adopted 2018); Policies SP10, SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

12. Renewable Energy

No development above ground level shall take place until full details of Solar Photovoltaic (PV) panels Air Source Heat Pumps (ASHPs) (or a suitable alternative measures to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply) have been submitted and approved in writing by the Local Planning Authority. Subsequently the PV panels and ASHPs (or a suitable alternative to be agreed in writing) must be fully installed in accordance with the approved details, made fully operational prior to the occupation of the building and maintained as such for their operational lifetime. The details to be submitted shall include, on a suitably scaled plan and written statement, the design and total number of PV panels which will maximise the full potential of solar photovoltaics on site (or full details of a suitable alternatives).

REASON: To maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development whilst also ensuring a satisfactory standard of development in the interests of visual amenity and maintaining the character of the area in accordance with the Policies SD1, R3, R4, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

13. Accessible and Adaptable Homes

No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing within that phase has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must not be carried out other than in accordance with the approved statement. The scheme must include the following:

- a) A schedule of units, together with appropriate plans and drawings, shall be submitted to and be approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010;
- b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures;
- c) All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- d) The person carrying out the building work must inform the Building Control body which requirements apply; and
- e) Written verification of the completion of all dwellings in accord with b) and c) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1 & H10 of the Welwyn Hatfield District Plan 2005; Policy SP7 of the draft Local Plan Proposed Submission; and the National Planning Policy Framework.

14. Fire Hydrant

No development above ground level shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme must be fully implemented in accordance with the approved details before the development is occupied and thereafter retained for this purpose.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties in accordance with the National Planning Policy Framework.

PRIOR TO OCCUPATION

15. New Access

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number HOH-RTA-ZZ-RF-DR-A-00100 Rev.PL02 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

REASON: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Closure of Existing Access

Prior to the first occupation of the development hereby permitted the vehicular access to the adjoining public highway shall be limited to the access shown on drawing number HOH-RTA-ZZ-RF-DR-A-00100 Rev.PL02 only. Any other access shall be permanently closed, and the footway and kerb shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Provision of onsite hard standing

Prior to the first occupation of the development hereby permitted the proposed onsite access, turning and car parking areas shall be implemented in accordance with the approved Site Plan (Drawing HOH-RTA-ZZ-RF-DR-A-00100 Rev.PL02) and retained thereafter available for that specific use. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and parking provision for the development in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policy M14 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

18. Visibility Splays

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 25 metres shall be provided to each side of the access where it

meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policies SP4, SADM2 & SADM3 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

19. External Lighting

Prior to first occupation of the development, details of external lighting must be submitted to an approved in writing by the Local Planning Authority.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting, and should be designed to minimise light spill, in particular directing light away from any boundary vegetation / trees to enable dark corridors to be used by wildlife as well as directing lighting away from potential roost / nesting sites.

The approved external lighting scheme must be installed prior to occupation of the development and maintained in good working order in perpetuity with the development.

REASON: To help create a safe place and assist with the reduction of the fear of crime; to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with Policies D1, D7, R11 & R20 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM16 & SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

OTHERS

20. Construction Times

Construction deliveries, demolition and construction works, which shall include use of any plant or machinery, cleaning and maintenance of plant or machinery, deliveries to the site and movement of vehicles within the curtilage of the site, must not take place other than between 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with Policy R18, R19 & R20 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

21. Asbestos

Any asbestos containing materials that have been identified on the development site, must be dealt with, and removed by an appropriately qualified contractor. The removal process must adhere to relevant health and safety legislation and regulations. A verification report must be provided to demonstrate that appropriate removal measures have been followed, along with the supply of any waste transfer notes.

REASON: To protect site workers and future occupiers of the site from risk of exposure to asbestos fibres.

22. Previously Unidentified Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Investigation and risk assessment: The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- a) A survey of the extent, scale and nature of contamination.
- b) An assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings;
 - crops;
 - livestock;
 - pets;
 - woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters; and
 - ecological systems;
- c) An appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Remediation Scheme: Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

23. Landscape Implementation

All agreed landscaping comprised in the approved landscaping scheme 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, D8 & RA10, of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

24. Drainage Management and Maintenance

Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include:

- a) Provision of complete set of as built drawings for site drainage;
- b) Maintenance and operational activities; and
- c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site; and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

25. Fixed and obscure glazing

Any upper floor window located in a wall or roof slope forming a side elevation of a building hereby approved 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 of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005; Policies SP9 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

26. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A and B of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

27. Houses in Multiple Occupation

The development hereby permitted shall be used for Class C3 dwellinghouse[s] only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: The Article 4 Direction covering Hatfield removes the Class L permitted development rights to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

1. 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
51659_02	A	Topographic Survey	25 August 2021
L001	B	Revised Planting Plan	11 July 2022
1975:P500	A	Location Plan	25 August 2021
HOH-RTA-ZZ-RF-DR-A-00100	PL02	Proposed Site Plan	11 July 2022
HOH-RTA-XX-00-DR-A-00120	PL01	Proposed Site Elevations	13 June 2022
HOH-RTA-ZZ-ZZ-DR-A-C-00201	PL01	GA Plans House Type 2B4P - C	13 June 2022

HOH-RTA- ZZ-ZZ-DR- A-C-00401	PL01	GA Elevations House Type 2B4P - C	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-E-00201	PL01	GA Plans House Type 3B5P - E	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-E-00401	PL01	GA Elevations House Type 3B5P - E	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-G-00201	PL01	GA Plans House Type 3B5P - G	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-G-00401	PL01	GA Elevations House Type 3B5P - G	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-K-00201	PL01	GA Plans House Type 4B6P - K	13 June 2022
HOH-RTA- ZZ-ZZ-DR- A-K-00401	PL01	GA Elevations House Type 4B6P - K	13 June 2022
HFD-ISS- XX-XX-DR- C-4000	P01	Existing Drainage Layout	13 June 2022
HFD-ISS- XX-XX-DR- C-3000	P03	Proposed Site Wide Drainage Strategy	13 June 2022
HFD-ISS- XX-XX-DR- C-3005	P01	Proposed Drainage Strategy	13 June 2022
L010		Revised Tree Planting Plan	13 June 2022

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 or legal interest (easements or wayleaves) which may affect the land.
2. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907
3. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
4. Demolition/construction works
 1. 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
 2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
 3. 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.
 4. 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.
 5. 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.
 6. All pile driving shall be carried out by a recognised noise reducing system.
 7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
 8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
 9. '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.

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

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

12. Permissible noise levels are not specified at this stage.

5. Dust control

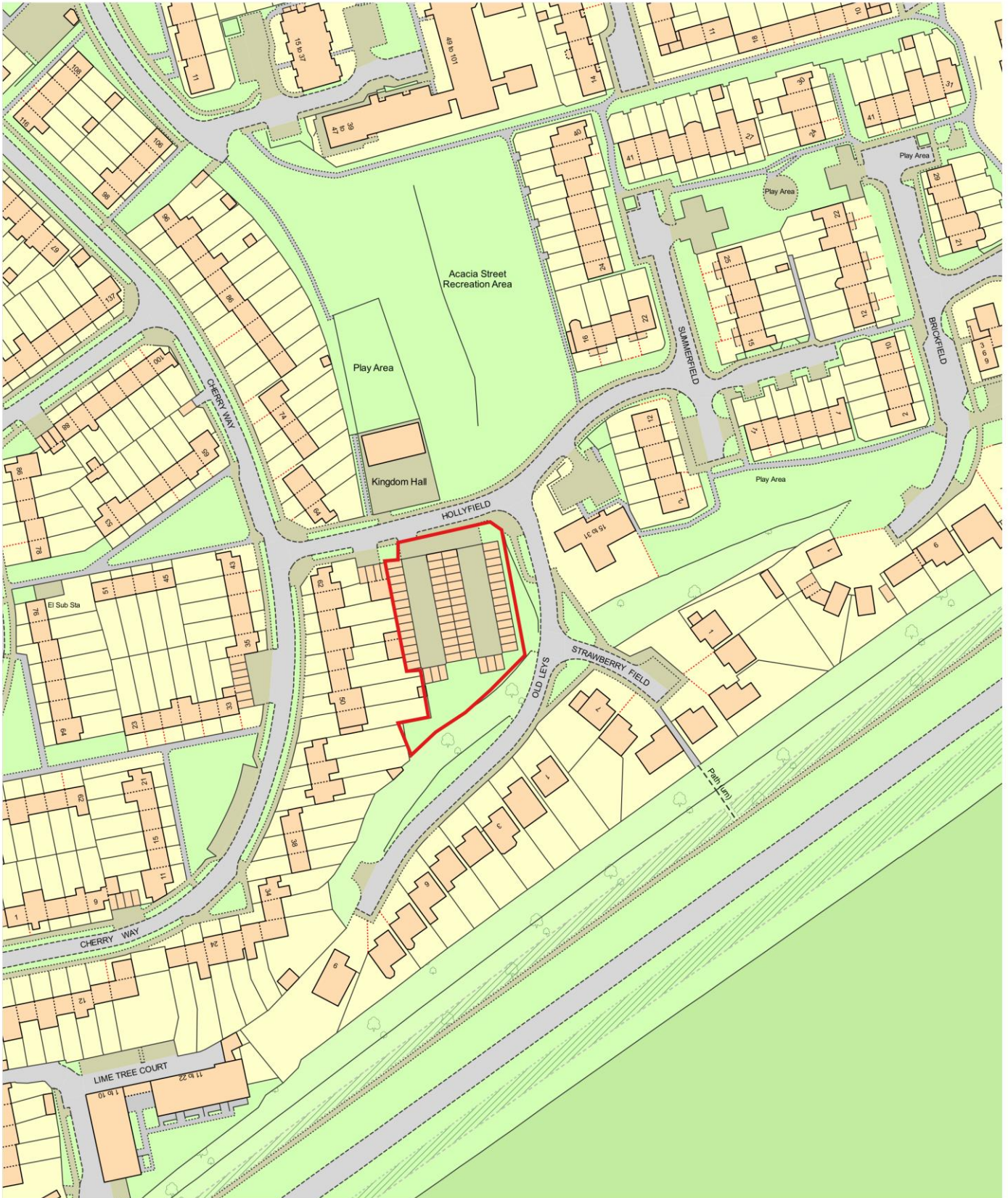
1. All efforts shall be made to reduce dust generation to a minimum.


2. 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.

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

Ashley Ransome (Development Management)

Date: 1st July 2022



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Derelict Garages Hollyfield Hatfield AL10 8LW		Scale: DNS
	Project: Development Management Committee		Date: 08-07-2022
Development Management Committee		6/2021/2492/FULL	Drawn: Teresa Walker
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