

Part I

Main author: Lizzie Mugova

Executive Member: Councillor S. Boulton

Welham Green & South Hatfield

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 01 DECEMBER 2022
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/1855/FULL

LAND TO THE REAR OF 35 SKIMPANS CLOSE WELHAM GREEN HATFIELD
HERTFORDSHIRE AL9 7PA

ERECTION OF NEW DWELLING

APPLICANT: MR TOM PENROSE

1 Site Description

- 1.1 The application site comprises land that was previously the rear garden of No. 35 Skimpans Close. The site is accessed from Booths Close. The site is bounded to the south by the rear garden of No. 35 Skimpans Close. To the west is No. 20 Booths Close which is a two-storey detached property. To the east lies the rear garden of No. 37 Skimpans Close. There is an electricity substation to the north-east of the site.
- 1.2 The surrounding area is residential in character including bungalows to the south and a row of terraced two storey dwellings north of the site.
- 1.3 The application plot measures approximately 0.290 hectares in area and is currently laid to lawn, shrubs and a few trees.

2 The Proposal

- 2.1 This application seeks full permission for the erection of a detached two storey dwelling including a vehicular cross-over. This application is a resubmission following the refusal of planning application 6/2022/0685/FULL at the 28 July 2022 Development Management Committee. The previous application was refused by DMC for the following reasons:
 1. The proposed development would result in overdevelopment
 2. The site will be an unduly cramped site contrary to D1 and D2
 3. The third development did not meet the nationally described space standards
- 2.2 This application overcomes reason 3 for refusal only. The size of the third bedroom has been increased and now meets the standard bedroom size requirements set out in the NDSS.

3 Reason for Committee Consideration

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

considered to be in a sensitive location and has generated significant public concerns.

4 Relevant Planning History

4.1 None

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 Supplementary Design Guidance 2005 (SDG)

5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

6.1 The site lies within the Welham Green as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

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

Has been
Objections

- Proposal would have a detrimental effect on the surrounding area
- Overdevelopment
- Unduly cramped on its site
- Dropped kerb will result in the loss of on-street parking space
- Lack of parking along Booth Close
- loss of privacy
- Overlooking
- Loss of trees, some trees have already been lost
- Loss of light
- New pedestrian access will be required
- New cross-over will be required from Booths Close
- Too close to adjacent properties and an electricity sub-station.
- The design of the proposal is out of keeping with the neighbourhood

8 Consultations Received

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

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Parking Services
- UK Power Networks
- WHBC Landscape and Ecology

9 Town/Parish Council Representations

9.1 North Mymms Parish Council – no representations received.

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) Refuse and recycling**
 - ii) Renewable Energy**
- 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. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings and the efficient use of land.

10.3 The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- The availability of previously-developed sites and/or buildings;
- The location and accessibility of the site to services and facilities by transport modes other than the car;
- The capacity of existing and potential infrastructure to absorb further development;
- The ability to build new communities to support infrastructure and provide demand for services and facilities; and
- The physical and environmental constraints on development of land.

10.4 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but

adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

- 10.5 The application site was previously part of the rear garden of No. 35 Skimpans Close and has been sub-divided to form a separate plot. Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of land remains a policy objective.
- 10.6 The site is situated within the existing settlement of Welham Green as outlined in the Welwyn Hatfield District Plan 2005. The application site is located within an area where services and facilities are available within reasonable walking distance for example, Dellsome Lane, with local shopping facilities, is located approximately 0.5 miles from the site. In addition, Welham Green Railway station and Bulls Lane bus stop are both approximately 4 minutes from the application site. As a consequence, future occupiers would have access to public transport and would not have to be solely reliant on private car. Moreover, existing infrastructure can absorb this development and the proposal would not undermine the delivery of allocated sites in the overall strategy, nor result in disproportionate growth of the settlement. The proposed development has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 10.7 The site is located adjacent to an electricity substation, which is likely to cause noise disturbance to the future occupiers of the proposed development. The environmental constraint of the site is discussed below.

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

- 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 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. 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 NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The National Design Guide 2019 (NDG) provides further details as to what is considered as constituting good design and states the 'fundamental principles for good design are that it is fit for purpose; durable; and brings delight.' As such, there is consistency between the Council's District Plan and Draft Local Plan Proposed Submission with the NPPF and the NDG.

- 10.10 The site is accessed off Booths Close. The surrounding area has a mix of house types and varying densities. The adjoining property at No 20 Booths Close is a two-storey detached dwelling finished in beige brickwork. The row of terraced two storey dwellings directly opposite the site feature pitched roofs and red brickwork. The proposal comprises of a pitched roof dwelling consisting of brickwork and aluminium finishing for the windows and doors. Although the proposed types of external materials would be acceptable, the colours have not been specified. It is therefore reasonable and appropriate to attach a planning condition to require details of the external materials to be submitted to and approved by the Local Planning Authority.
- 10.11 The proposed dwelling would sit on a similar building line as No. 20 Booths Close. As such, it is considered that the proposal would create a harmonious relationship with the adjoining neighbouring property and would not impact on the character and appearance of part of the streetscene.
- 10.12 The proposed site area would be smaller than the site area of the adjoining bungalows and the detached two storey dwelling. However, the application site would be comparable in plot size to the terraced properties along Booths Close. It is therefore considered that the proposed dwelling would not be out of character within the streetscene and would not result in overdevelopment.
- 10.13 Overall, given the height, scale, layout, design and appearance of the proposed development, it is considered to be of a sufficient high quality and would adequately respect and relate to the overall character of the area.
- 10.14 Turning on to landscaping. District Plan Policy R17 seeks to protect existing trees whilst Policy D8 of the District Plan requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 and D2 would again be relevant. Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained.
- 10.15 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.
- 10.16 Objections have been received regarding the loss of trees as a result of the proposal. It has been reported that some trees have been removed since the submission of this application. The Landscapes and Ecology team previously advised that there was no tree protection on the trees that were removed, therefore an application would not have been required to remove them. The site would need to be cleared of the remaining trees, shrubs and grass to allow the proposed development to be implemented. However, a balance would need to be sought to ensure that the site has sufficient soft landscaping. It is therefore reasonable and appropriate to attach a planning condition to require landscaping details to be submitted to and approved in writing by the Local Planning

Authority. The proposed landscaping scheme should enhance the visual character of the area in accordance with local and national policies.

3. Residential amenity

- 10.17 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.
- 10.18 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.
- 10.19 The objections from adjoining neighbours regarding the impact of the proposed development on the residential amenity and living conditions of neighbouring properties are noted.
- 10.20 There are no first-floor windows on the west elevation, therefore there would be no overlooking or loss of privacy to No. 20 Booths Close. However, in terms of loss of lighting, the proposal could potentially impact on No. 20 Booths Close. There is a track between the application site and No. 20 and approximately 6m between the side flank wall of the proposed dwelling and the flank wall this neighbouring property. The proposed dwelling is part two storey part single storey (at the rear) therefore, the proposal would have a minimal impact on the rear of No. 20 Booths Close in terms of loss of light. It has been noted that the dwelling at No. 20 Booths Close was granted permission via application S6/1982/0195, according to the approved plans, the second ground floor window from the front (facing the application site) serves a study room (a habitable room) and it is likely to be impacted by the proposal in terms of loss light. However, given that this side elevation of No. 20 Booths is east facing it receives daylight most of the day, as such, the proposal would not significantly reduce the amount of light enjoyed by this room. On the other hand, two of the ground floor windows likely to be impacted by the proposal serve a utility and garage which are non-habitable rooms and therefore the proposal would not affect the living conditions of neighbouring occupiers. The two first floor windows facing the application property serve a bathroom (non-habitable room) and they are obscure-glazed. Whilst there would inevitably be some impact to light and outlook on this elevation, it is not considered it would be unduly detrimental to the extent to warrant a refusal of the application.
- 10.21 The proposed first floor side (east) elevation window would have an overlooking impact on occupiers of No. 37 Skimpans Close. Given that this a landing window, it is considered reasonable and appropriate to require it to be obscure glazed in order to maintain the privacy of this neighbouring property. Whilst there is potential for overlooking to parts of the rear gardens of neighbouring properties at Nos. 33, 35 Skimpans Close and the front of the terraced properties at No. 2, 3 and 4 Booths Close, the degree of overlooking would be consistent with a neighbouring relationship generally expected between residential properties. Therefore, subject to the condition regarding the obscure glazed first floor window (east elevation), there would be no undue loss of privacy to neighbouring properties.

- 10.22 The proposed dwelling would be similar in height to No. 20 Booths Close. Given the siting of the proposed dwelling, there would be acceptable separation distance between the flank walls of the new dwelling and the flank walls of No. 35 and 37 Skimpans Close. It is therefore considered that the dwelling would not be overbearing or dominate these adjoining properties.
- 10.23 Overall, the proposed dwelling has been designed, orientated and positioned in such a way to minimise overlooking, overbearing, loss of privacy and light to adjoining and future occupiers in accordance with local and national policies.
- 10.24 Policy SADM11 of the Draft Local Plan requires proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The NDSS outlines the minimum requirements for floor space and storage for new dwellings. Although this is not an adopted policy, it provides an appropriate benchmark for standards for new developments. The proposed 3-bedroom dwelling would have a Gross Internal Area (GIA) of approximately 108m². The previous application (6/2022/0685/FULL) was refused at DMC because bedroom 3 had a floor area less than the recommended size of a one bedspace. The revised scheme has been amended to increase the size of this bedroom to meet the standard requirements set out in the NDSS. As such, the GIA and the bedroom sizes of the proposed dwelling meet the minimum standards requirements set out in the NDSS.
- 10.25 Turning to the outdoor amenity the development would afford future occupiers of the proposed dwelling. Whilst the Council's Supplementary Design Guide does not provide outdoor space standards which should be met, it advises that the design and layout of the garden in relation to the built environment should ensure that the garden is functional and usable in terms of its orientation, width, depth and shape. The proposed dwelling would benefit from a considerable external amenity space. The rear garden would measure approximately 73m² and would be comparable to rear gardens at Nos 2,3 and 4 Booths Close. It is considered that the proposal would provide adequate outdoor amenity space for future occupiers.
- 10.26 Turning on to noise pollution. There is an electricity substation located adjacent to the proposed development site. It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows
- 10.27 UK Power Networks were consulted on this application, and they have no objection subject to a condition and informatives. According to UK Power Networks guidelines, the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a building one metre if the transformer is enclosed in a brick building. The proposed dwelling is approximately 6m from the brick building which houses the transformer. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. It has therefore been considered reasonable and appropriate to attach a condition requiring the applicant to obtain accurate records of the position of the underground cable before construction works begins on site.

- 10.28 The Council's Public Health and Protection Team previously advised that in order to protect the occupants of the new development from likely noise disturbance from the sub-station, a planning condition should be attached requiring noise mitigation measures to be submitted to and approved by the Local Planning Authority.
- 10.29 It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, the Council's Public Health and Protection Team have advised that noise from construction works commencing on site between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on Saturdays are unlikely to be considered a statutory nuisance covered by the Environmental Protection Act 1990.
- 10.30 The new dwellinghouse 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. Paragraph 54 of the NPPF states "planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so." In this case, given the relatively small plot size and the close proximity to 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, in order 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 dwelling (Class A) and the enlargement consisting of an addition or alteration to its roof (Class B and C).

4. Highways and parking considerations

- 10.31 In terms of parking, 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. 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.
- 10.32 The Highway Authority have been consulted and they have confirmed that their comments on the previous application remain relevant. Previously, they considered the proposal to be acceptable subject to suggested conditions and suggested informatives.
- 10.33 Booths Close is an unclassified local access road with vehicle speeds limited to 20mph. There has been one slight accident recorded in the past five years, but this was at the junction with Holloways Lane and does not appear to be relevant to this application. The site is bordered by a gated private rear access track and an electrical substation.

- 10.34 Access to the site will be via a proposed new vehicle crossing from Booths Close as shown on the block plan (drawing ELA/13 Rev.A). The proposed crossing appears to be approximately 4.2m wide, which would be suitable for the two proposed parking spaces.
- 10.35 Visibility from the driveway is somewhat restricted by the high timber fences on each side. The drawing does not show exactly what visibility is achievable, but it is unlikely to achieve the distance recommended by Manual for Streets. However, given that Booths Close is a small cul-de-sac this is unlikely to present a severe risk to highway safety. It is also noted that the existing access track and garages have the same issue. The Highway Authority suggested that a section of the western boundary fence is removed or reduced to provide better visibility and that the parking spaces and vehicle crossing are moved towards this boundary to create the best visibility possible.
- 10.36 The principle of a vehicle crossing in this location is acceptable and the exact design/position of the crossing can be determined at the S184 of the Highways Act application to County Highways stage. It is therefore considered reasonable and appropriate to attach a planning condition to require details of vehicular access to be submitted to and approved in writing by the Local Planning Authority.
- 10.37 The Council's Supplementary Parking Guidance 2004 (SPG) - now treated as guidelines - states that dwelling providing 3-bedrooms in this area should have 2.25 parking spaces per dwelling. The proposed Block Plan Drawing No. ELA/13 indicates the provision of two on site car parking spaces. Whilst this would represent a shortfall of 0.5 car parking space against the Council's parking guidance, this site is located within close proximity to public transport as well as facilities and services in Welham Green. Taking account of these factors, it is considered that the proposed parking provision is acceptable in this case. However, to ensure on-site parking is provided, it is reasonable and appropriate to attach a planning condition for details of the parking area to be submitted to and approved in writing by the Local Planning Authority.
- 10.38 Turning on to the impact of the development on parking to the surrounding area. A number of objections have been raised regarding the lack of parking around the application site. Booths Close has had previous issues with car parking evidenced by the current car parking restrictions in the area. The Council's Parking Services were consulted and they raised no objection. As discussed above, the proposal would provide adequate on-site parking. Although there would be loss of on-street parking due to the proposed dropped kerb, it is considered that the proposal for a single dwelling would not result in any significantly adverse impact on the highway to warrant a reason for refusal.
- 10.39 There is a need to reduce reliance on private vehicles and cycle parking should be provided on-site. However, the proposal does not include details of cycle storage. In order to encourage alternative modes of transport, is considered reasonable and appropriate to attach a planning condition requiring details of cycle storage to be submitted to and approved by the Local Planning Authority.
- 10.40 Subject to the planning conditions suggested above, the proposal is considered acceptable with regards to on-site car parking provision and its impact on the highway in accordance with local and national policies.

5. Other considerations

i) Refuse and recycling

10.41 The Council's Client's Services Team have raised no objection to the proposed development. They have advised that the property could be incorporated on the existing ARRC scheme and would receive a set of 2 bins for refuse & recycling FOC 1 x 180l black bin for refuse and 1 x 240l Blue lidded bin for recycling plus a food waste caddy.

ii) Renewable Energy

10.42 The NPPF is clear that sustainable development is integral in determining planning applications. Policy SD1 of the District Plan states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. In addition, Policy R3 of the District Plan requires that all development includes measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping and incorporate the best practical environmental option for energy supply. Furthermore, Policy SP10 and SADM 13 of the Council's Draft Local Plan Proposed Submission 2016 have the similar objectives.

10.43 No details have been provided regarding measures to maximise energy conservation for the proposed development. It is therefore considered necessary and reasonable to attach a planning condition requiring details of a renewable energy scheme.

iii) Other matters

10.44 Neighbour comments have been raised regarding the failure of the site plan to show clearly the relationship between the new dwelling and the properties at No. 1, 2, 3, 4 & 20 Booths Close and that it gives the impression that the development will not affect any properties to the North or West of the site. The officers' assessment has taken into account the impact of the proposal on all the immediate adjoining dwellings including the aforementioned properties.

8. The planning balance

10.45 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.

10.46 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.

10.47 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.

- 10.48 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.”*
- 10.49 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-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 significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 10.50 In this case, the tilted balance is engaged.
- 10.51 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.
- 10.52 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.
- 10.53 The proposed development would deliver one additional dwelling 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 a comfortable new home within walking distance to shops and services.
- 10.54 Apart from the potential noise disturbance from the electricity sub station, there are no conflicts with the policies that have been identified. Subject to a noise mitigation condition, the benefits of the proposal are not outweighed by any significant or demonstrable harms. As such, the proposed development is considered to accord with the relevant local and national policies and there are

no other material considerations sufficient to justify a refusal of planning permission.

11 Conclusion

- 11.1 The proposal has been found to afford benefits in all areas of sustainability and is in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and the relevant chapters of the National Planning Policy Framework.
- 11.2 For the reasons summarised above, together with all other material considerations, subject to the suggested conditions the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

12 Recommendation

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

PRIOR TO COMMENCEMENT

1. No development shall commence until accurate records of the location underground cables on the site associated with the substation which run in close proximity to the proposed development have been obtained from Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

REASON: To ensure that no development is undertaken which may disrupt the underground cables in accordance with the National Planning Policy Framework.

2. No development shall commence until a scheme for the provision of secure cycle parking on site has 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 scheme.

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 Policies M6 and M8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall commence until a scheme 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 scheme 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 of the proposed renewable energy scheme.

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

PRIOR TO ABOVE GROUND DEVELOPMENT

4. 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. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:-

- a) original levels and proposed finished levels
- b) means of enclosure and boundary treatments
- c) car parking layout and markings
- d) hard surfacing, other hard landscape features and materials
- e) 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
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- g) management and maintenance details

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

5. Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from the electricity substation that is adjacent to the development site, to ensure that there will be no adverse impact to future residents. Assessment of noise from the electricity substation must be in accordance with BS4142: 2014+A1:2019.

Indoor ambient noise levels in living rooms and bedrooms (regarding noise from the electricity substation) must be 10dB below the standards within BS 8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and LAmax levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered.

REASON – To protect the occupants of the new development from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development above ground level 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

7. Prior to the first occupation of the development hereby permitted the proposed on-site car parking area shall be implemented in accordance with drawing number ELA-13 Rev. A, must be submitted to and approved in writing by the local planning authority and retained thereafter available for that specific use.

REASON: To ensure specific flats have an allocated car parking space in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Planning Guidance Parking Standards 2004, Interim Policy for Car Parking Standards and Garage Sizes 2014 and the National Planning Policy Framework.

8. Prior to first occupation of the development hereby permitted, a scheme which shows 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved Sustainable Drainage Scheme (SuDS) strategy must be retained thereafter.

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 & 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.

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

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

OTHERS

10. All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:
- 8.00am and 6.00pm on Mondays to Fridays
 - 8.00am and 1.00pm Saturdays
 - and at no time on Sundays and Bank Holidays

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 protect residents from noise from construction works beyond reasonable time in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. 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 five 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 GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

12. 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, B and C 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.

13. DRAWING NUMBERS

- iii) 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
ELA/1	A	Existing floor plan	23 March 2022
ELA/2	A	Existing elevations	23 March 2022
ELA/3	A	Proposed floor plans	23 March 2022
ELA/6	A	Proposed elevations	23 March 2022
ELA/18	B	Site location plan	27 April 2022
ELA/13	B	Block plan	27 April 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. 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
2. 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.
3. UK Power Networks
If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.
 - The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
 - Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
 - Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation.
 - If noise attenuation methods are found to be necessary we would expect to recover our costs from the developer.
 - UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
 - The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

- No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
- All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

4. Demolition/Construction works

- The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
- All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
- All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
- All machines in intermittent use shall be shut down during intervening periods between work or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
- Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
- All pile driving shall be carried out by a recognised noise reducing system.
- Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
- In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
- 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
- Any emergency deviation from these conditions shall be notified to the Council without delay
- Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
- Permissible noise levels are not specified at this stage.

5. Dust control

- All efforts shall be made to reduce dust generation to a minimum
- Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents

or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

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

6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
7. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
9. Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto 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. Further information is available by telephoning 0300 1234047. AN)
New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's

behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

10. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

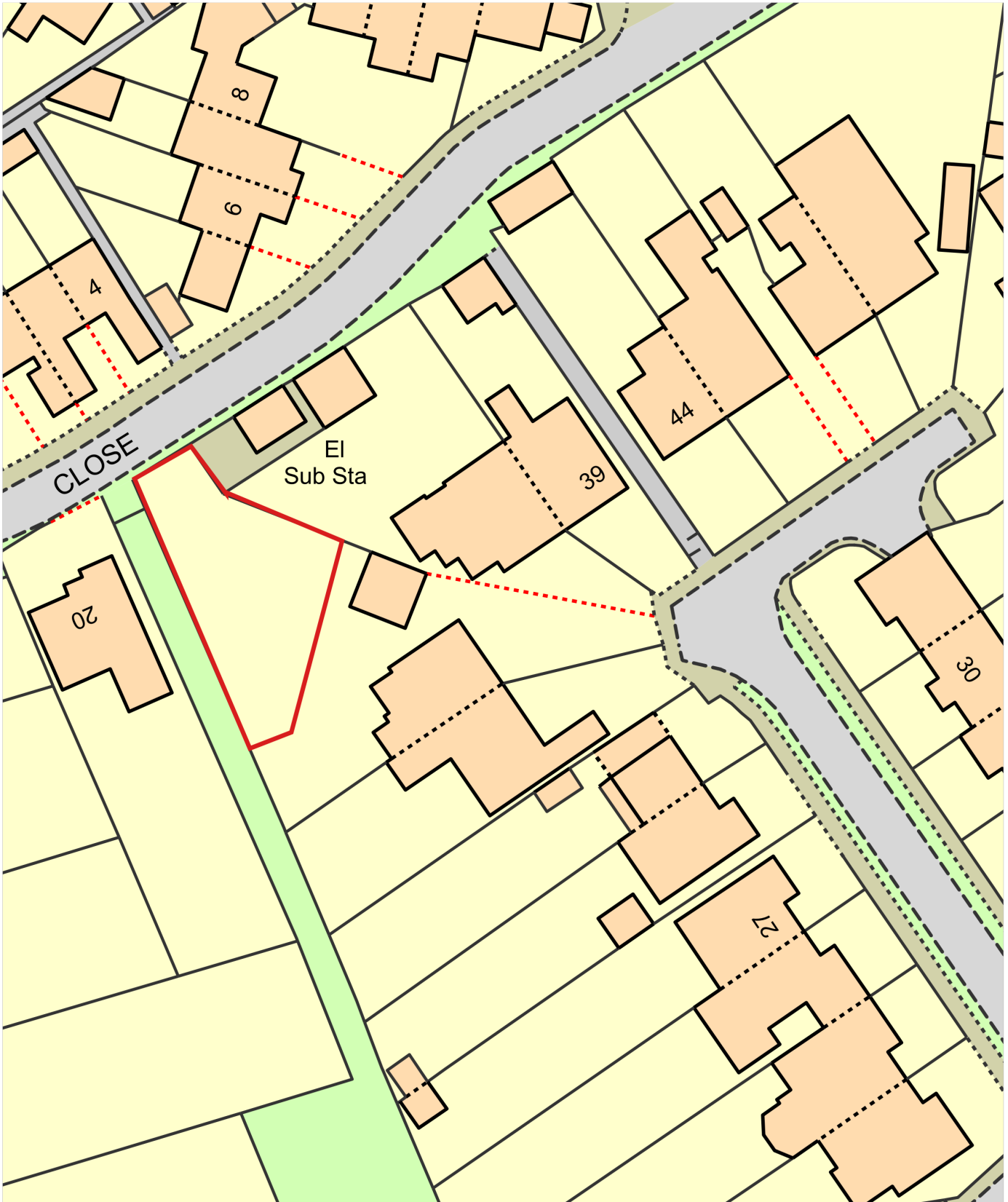
Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.


As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

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

Lizzie Mugova (Development Management)

Date: 18 November 2022



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Land to the rear of 35 Skimpans Close, Welham Green		Scale: DNS
	Development Management Committee		Date: 05-07-2022
		6/2022/0685/FULL	Drawn: C Gooding-Williams
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