

Part I

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(Ward: Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 8 SEPTEMBER 2022
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2021/2754/FULL

22A CHURCH LANE NORTHAW POTTERS BAR EN6 4NX

ERECTION OF A 5-BEDROOM DETACHED DWELLING

APPLICANT: MR M SMEATON

1 Site Description

- 1.1 The application site is a vacant piece of land on the east side of Church Lane in Northaw. The site was formerly part of the residential land associated with 22 Church Lane. 22 Church Lane has since been subdivided and the application site was sold as a separate parcel of land which is now described as 22A Church Lane. The land is located to the south of 22 Church Lane.
- 1.2 The application plot comprises land which is still residential in appearance and features a mixture of soft landscaping and hard surfacing. The topography of the site slopes downwards towards the south and the east and the site currently benefits from a raised terrace/patio area with steps to accommodate the changes in land levels. An established boundary hedge separates the frontage of the site from Church Lane. A temporary fence has also been erected recently between the application site and 22 Church Lane which demarcates the new boundary between the sites.
- 1.3 To the north, west and south of the site are residential plots forming 21, 22, 26 and 28 Church Lane. The sizes of these plots vary in size and shape, with No.28 being accessible via a private driveway which is adjacent to the southern boundary of the application site. No.22 and No.26 have frontages which face onto Church Lane. No.21 is set much further back into the site in comparison and has its private garden positioned to the front, closer to Church Lane. The rear of the application site backs onto part of the residential land associated with 22 Church Lane, which wraps around the application site. Beyond this part of the neighbours garden lies Northaw Playing Fields with a recreational ground and a tennis court.

2 The Proposal

- 2.1 This application seeks full planning permission for the erection of a detached dwelling and associated vehicular access. The proposed dwelling would effectively infill the gap between the existing line of built form that has been established by the dwellings at 22 and 26 Church Lane. The driveway which currently leads to 28 Church Lane would remain as it is. The new dwelling would benefit from a driveway accessed via a new crossover from Church Lane. It

would provide off-street parking spaces for at least 3 vehicles and a storage area for bins. Cycle parking spaces would also be provided in a secure storage facility in the rear garden.

- 2.2 This application follows the refusal of application reference 6/2021/0314/FULL on 14th June 2021 for the erection of a 5 bedroom detached house. The application was refused for the following reason:

“Inadequate information has been submitted to ensure that the proposed development would allow a safe and suitable means of access to the proposed dwelling. It is therefore judged that the proposed development fails to demonstrate that a safe and suitable access to the site can be achieved for all users contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework.”

3 Relevant Planning History

- 3.1 Application Number: 6/2020/2989/FULL
Decision: Withdrawn
Decision Date: Withdrawn on 22 January 2021
Proposal: Erection of detached five-bedroom dwellinghouse on land adjacent to no.22 Church Lane to include associated hard and soft landscaping, proposed vehicle crossover and ground floor rear terrace
- 3.2 Application Number: 6/2021/0314/FULL
Decision: Refused
Decision Date: 14 June 2021
Proposal: Erection of a 5 bedroom detached house

4 Relevant Planning Policy

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 4.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 4.4 Supplementary Design Guidance 2005 (SDG)
- 4.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 4.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

5 Site Designation

- 5.1 The site lies within the Metropolitan Green Belt, an Area of Archaeological Significance, a Landscape Character Area (Northaw Common Parkland) and the Village of Northaw as designated in the Welwyn Hatfield District Plan.

6 Representations Received

6.1 The application was advertised by means of neighbour notification letters and site notices. Objections have been received from 10 properties. All representations received are published in full on the Council's website and are summarised below:

Objections

- There are misrepresentations in the submitted information including land ownership, the size of the site, inaccurate boundaries, incorrect address on the original application form (22 Church Lane instead of 22A) and the original description which included reference to the demolition of an existing detached dwelling.
- The neighbours were not consulted prior to the submission of the application.
- The use of the existing land is vacant and not residential as there is no residential property on the land.
- Northaw has a limited number of resources (e.g. church, hall) without any shops meaning the proposed development is limited in terms of access to services and facilities by means other than the private motor car.
- The site is not infill development in the Green Belt and is new development within the Green Belt which will compromise openness.
- There would be a loss of natural vegetation screening which will alter the nature of the site and increase its visual impact in a Green Belt setting.
- A five bedroom dwelling would result in overdevelopment of the site.
- The proposed house would be cramped and would not be commensurate with the size of the narrow plot.
- The dwelling design would be out of character with the streetscape on Church Lane.
- The distance of 1 metre to the boundary would not be typical of others in the area.
- The bedroom would be a three storey dwelling, not two storey.
- The existing side windows of 22 Church Lane are not all obscure glazed and secondary.
- There are highway safety concerns due to the restricted width of the carriageway on Church Lane, a blind bend, an unsafe vehicular access and insufficient space to adequately manoeuvre in and out of the proposed parking spaces.
- It remains impossible for all vehicles to exit the driveway without reversing uphill onto the lane and obscured driver visibility.
- There are optimistic assumptions and misrepresentations in the submitted transport note including those related to visibility, the reference point for visual field and the movement of vehicles in and out of the property and their orientation.
- Regard has not been given to pedestrian safety and other vulnerable road users due to the existing lack of footways and reduced visibility.
- There would be additional parking pressures on an already congested road.
- There would be increased traffic levels.
- There are no safe cycling routes in and out of the village.
- Emergency services may experience difficulties obtaining access to the dwelling.

- There would be disruption during construction from deliveries, vehicles parking on the road and noise.
- A viable traffic management plan is unlikely to be achieved.
- Loss of light and overshadowing.
- Loss of privacy and increased overlooking.
- Overbearing impact.
- Loss of soft landscaping including the removal of hedges and flora.
- A failure to address the natural watercourse, drainage issues and flooding.

7 Consultations Received

7.1 The following consultees have responded advising that they have no objections to the proposal in principle, some of which would be subject to conditions or informatives being applied:

- HCC Transport Programmes and Strategy
- HCC Historic Environment Advisor
- Hertfordshire Ecology
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Landscape and Ecology

8 Town/Parish Council Representations

8.1 Northaw and Cuffley Parish Council initially raised a major objection to the proposed development on the 27th October 2021 for the reasons set out below:

“The Parish Council are submitting a major objection on the basis that access arrangements and car parking are unrealistic for the size of the development, the application is out of character within the area. The Parish Council consider the application to be overdevelopment of the current plot and would urge officers to consider that the area within the application is at the time of application not under the sole ownership of the applicant.”

8.2 Following a re-consultation exercise regarding the amended information to alter the parking layout which was submitted on 1st August 2022 and the submission of a revised Transport Note (dated 26/07/2022), Northaw and Cuffley Parish Council confirmed on 5 August 2022 the major objection should be reinstated for the reasons set out below:

“The Council reviewed the amendments made to the application and wish to reconfirm their wish to submit a Major Objection on the basis that they remain concerned about access arrangements for emergency, refuse and delivery vehicles. Councillors would like to see a viable traffic management plan for the proposed site.”

9 Analysis

9.1 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. **Access, car parking and highways considerations**
5. **Other considerations**
 - i) **Ecology and biodiversity**
 - ii) **Flood risk and sustainable drainage**
 - iii) **Archaeology**
 - iv) **Refuse and recycling**
 - v) **Landscaping**
 - vi) **Other matters**
6. **The planning balance**

1. Principle of the development

- 9.2 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. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (paragraph 120) and the efficient use of land (paragraph 124).
- 9.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development.
- 9.4 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:
- 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; and*
 - v. The physical and environmental constraints on development of land.*
- 9.5 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.
- 9.6 The application site initially formed part of the residential land associated with 22 Church Lane which has now been subdivided into two plots. 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.
- 9.7 Due to the application site being located in an established residential area, there is no reason to believe that the existing infrastructure would not be able to absorb

the development for a single dwelling. There would also be a benefit (albeit very limited) on nearby services and facilities as the new dwelling has the potential to support and provide demand for nearby services and facilities.

- 9.8 In terms of accessibility, the site is located in Northaw village centre. Northaw has only limited services including a pub, restaurant, church, primary school, nursery and a village hall. As a result, future occupiers of the development would be unable to access the majority of their day-to-day service requirements from the village. Potters Bar and Cuffley are both located approximately 3km away from the site, both of which provide a wide range of facilities and services as well as education and employment opportunities and a railway station. Whilst there are some pedestrian walkways between the site and Cuffley and Potters Bar, street lighting is infrequent and the journeys would involve some roads (including Church Lane itself) without a footpath. It is thus considered the routes are less likely to be used by pedestrians or cyclists due to the distances involved and especially considered together with inclement weather and darkness at night.
- 9.9 Paragraph 105 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. In this regard it is important to note that there are bus stops on Northaw Road West which provide links to Potters Bar and Cuffley. As a consequence future occupiers would have access to some public transport options and would not have to be solely reliant on a private car. However, given the distances involved and the limited bus services from these stops, it is still considered highly likely that future occupiers would be primarily reliant on the use of a car to access day to day facilities and services.
- 9.10 It is therefore acknowledged that there would be a degree of conflict with Policies SD1 and H2. However, a realistic approach is necessary where sites are in rural areas and where residents are generally more likely to be reliant upon private transport to travel to work, shops or services. This is discussed in more detail later in this report.
- 9.11 The physical and environmental constraints of the development of the land in the manner proposed are assessed within the section below.

Green Belt

- 9.12 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.13 Within that context the main issues to consider in terms of Green Belt policy are:
- the appropriateness of the development in Green Belt;
 - the effect on the openness and purposes of the Green Belt; and

- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

- 9.14 Paragraph 149 of the NPPF outlines that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt, unless they meet specific exceptions. Paragraph 149(e) of the NPPF states that new buildings are not inappropriate if they are considered to constitute the limited infilling of a village. The NPPF does not provide any guidance as to what constitutes a village or what constitutes limited infilling.
- 9.15 Northaw is defined as a 'Rural Village' in the District Plan. It is also identified as a 'Green Belt village' within the settlement hierarchy of Emerging Policy SP3. In addition, this policy states that further development of these settlements should be considered against other Green Belt policies to assess the acceptability of the proposed development.
- 9.16 Emerging Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that the proposal should be considered against the requirements and restrictions of infill development. Policy SADM34 states as follows:

Limited infill development will be permitted in villages within the Green Belt provided:

- i. It is within a continuous built up frontage*
- ii. It does not extend the existing 'built up' area of the village into the open countryside;*
- iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and*
- iv. It is small scale and would not result in the provision of more than four dwellings (net)*

- 9.17 Church Lane is a residential road with properties on both sides of the highway. It can be accessed off Vineyards Road which is one of the main routes in and out of Northaw. Church Lane has a sharp bend in it which re-routes the road towards the south to where it meets its second access point off Northaw Road West (B156). The houses on Church Lane have not been built in a uniform manner as there are variations in plot size, the scale of the dwellings and their architectural style. However, whilst the properties on the road diverge in design, the majority of the houses are oriented with their principal elevation and frontages facing the road and are set back from the public highway. The proposed dwelling would replicate this arrangement and would maintain a similar building line at the front to the dwellings either side of it (22 Church Lane and 26 Church Lane). The positioning of the new dwelling would not disrupt the existing pattern of development on the east side of Church Lane and as such it would be located within a continuous built up frontage.
- 9.18 The application site was formerly residential land associated with 22 Church Lane and is bound to the north, west and south by other residential development. The presence of a community play area, recreation ground and tennis court to the east of the site additionally creates the perception that these elements form an extension to an existing part of the village. As a result it is not considered the

proposed dwelling would extend the existing 'built up' area of the village into the open countryside.

- 9.19 Whilst the dwelling would infill a space in the road which would prevent views being obtained of the recreation ground to the rear and the wider countryside beyond, in the context of the existing properties on the east side of Church Lane this is not considered to result in a loss of a view or vista which makes a significant contribution to the character of Northaw.
- 9.20 The proposed development would consist of a single detached dwelling, which would not provide more than four dwellings.
- 9.21 For the above reasons, it is judged that the proposed dwelling would constitute limited infilling development within an existing village, therefore it is deemed appropriate development in the Green Belt.

Openness and Purposes of Including Land in the Green Belt

- 9.22 The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently no discussion of this has been made in respect of the new dwelling.

Conclusion on the Green Belt

- 9.23 Taking account of the above, it is considered that the proposal would fall within the limitations of paragraph 149(e) of the NPPF and SADM34 of the Council's Emerging Local Plan and is not inappropriate development within the Green Belt. It is therefore not necessary to demonstrate very special circumstances to justify the development.

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

- 9.24 District Plan Policies D1 and D2 aim to secure a high quality of design and 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.
- 9.25 Church Lane is a residential road. A small part of the road lies within the Northaw Conservation Area. However, the application site falls outside of the part of the road which is designated within the Conservation Area. The road is varied in character due to the differences in plot size, dwelling size and architectural finish. There are also a mixture of semi-detached and detached dwellings.
- 9.26 Some of the plots on the road are irregular in shape and others are more linear and narrow in form. The east side of the road where the proposed dwelling would be located has a pattern which is generally formed of detached dwellings within plots of various sizes. The property and residential land to which the application site originally belonged to (22 Church Lane) was one of the largest plots on the road before it was subdivided. Due to the different land levels on the road and

variation in architectural styles and designs, the building heights fluctuate, but all respect the sloped nature of the road.

- 9.27 The proposed dwelling would have two main storeys with additional bedroom accommodation in the roof space. The property would extend rearwards into the plot which is not dissimilar to the style of other properties in the vicinity which are located in narrower plots. The dwelling would be finished with a simple gable pitched roof design and a pitched roof front porch. Two porthole style round windows would be located on the front and rear elevation of the dwelling, as well as three side facing rooflights which would serve the bedroom, landing and en-suite in the roof space. Due to the differences in land levels, a terrace with steps leading to the garden would also be provided at the rear of the property, in a similar manner to existing. A secure cycle storage structure would also be positioned in the rear garden as well as a bin store on the frontage.
- 9.28 The Council's SDG states that a minimum distance of 1m between the flank wall of a property and the adjoining flank boundary must be maintained. Although the Council's SDG does not make specific reference to distances between new dwellings, it provides an indication that a minimum distance of 1 metre between the flank wall of a property and the adjoining side boundary is viewed to be acceptable. There are examples on the road of properties that appear to be located a similar distance (or less) to the common boundaries between dwellings, including the relationship between 6 and 8, 32 and 34 and 35 and 37 Church Lane. The spacing distances between the proposed dwelling and the shared boundaries with neighbours would therefore accord with the Council's SDG as the dwelling would retain at least a 1m separation distance between the common boundary with 22 Church Lane and the boundary which is adjacent to the access road to No.28.
- 9.29 The built development to plot ratio would be acceptable in the absence of a uniform style or planned arrangement of the dwellings on Church Lane. The proposed detached dwelling would also be comparable in size to the footprint of other dwellings along the road and would not appear excessively large or undersized.
- 9.30 The proposed elevations indicate the position of No.22 and the levels of the land in order to show the resultant siting of the dwelling in comparison to the neighbouring property. Due to the topography of the land on Church Lane, the ridge height of the proposed dwelling would sit below the ridgeline of No.22 by approximately 500mm. It is considered that the scale of the dwelling would maintain and respect the building heights of the immediate neighbouring properties. The new dwelling would not project any further forward in the plot than the dwellings at 22 or 26 Church Lane on either side. The set back would ensure the dwelling does not appear overly prominent in the street scene compared to other dwellings nearby.
- 9.31 The windows and doors would be of a simple design which would be appropriate in the street scene. The dwelling would be finished with part brickwork, part render and roof tiles. As the submitted information is limited in regards to the specific type, manufacturer and colour of the external materials, precise details can be secured by way of a planning condition. In principle the use of brickwork and render would be acceptable.

9.32 For the above reasons, it is considered that the proposed design, scale, massing and layout of the proposed dwelling would respect and relate to the character and context of the area. The high quality design of the proposal is such that it would be in keeping with the character of the area and the surrounding dwellings and would not detract from or be at variance to the local character. The development would therefore accord with the aims and objectives of Policies D1 and D2 of the District Plan 2005, the SDG 2005, SP9 of the Emerging Local Plan 2016 and the NPPF.

3. Residential amenity

9.33 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.

9.34 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. SADM11 of the Emerging Local Plan is similar in these aims.

Living Conditions of Future Occupiers

9.35 The proposed dwelling would have a spacious internal layout with reasonably sized rooms and would benefit from a large private garden which would be functional and useable in size. The positioning of the dwelling, separation distances, boundary treatments and use of obscure glazed windows at the side at first floor level which would be fixed shut below a certain height would ensure that future occupiers would experience acceptable outlook, appropriate levels of sunlight and daylight and levels of privacy. The use of obscure glazed and fixed windows and rooflights can be secured by planning condition in the interest of preserving privacy. This is acceptable as the windows on the sides are either serving non-habitable rooms or are secondary windows to habitable rooms. Further details of the exact style of the proposed boundary treatments can also be secured by way of condition.

9.36 Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan. The Council's Public Health and Protection Officer has been consulted on the proposal and has not raised any concerns regarding noise at this site. Informatives regarding noise and dust during construction are recommended.

9.37 The proposal would therefore provide satisfactory accommodation for its future occupiers.

Amenity of Adjoining Occupiers

9.38 As a consequence of the proposed position and layout of the new dwelling and the application site's relationship with neighbouring properties, it is judged that the neighbours which have the potential to be impacted by the proposed development are 22 Church Lane to the north, 26 and 28 Church Lane to the South and 21 Church Lane to the west.

- 9.39 The front building line of the proposed house would not project further forward than either of the dwellings to the side. To the rear, the back wall of the proposed building would project approximately 2.8m further into the garden at first floor than the neighbouring property at 22 Church Lane. At ground floor, the existing single storey addition at 22 Church Lane would project further than the rear wall of the proposed property. Whilst on its own it is not conclusive, a 45 degree angle is a commonly used indicator of an acceptable relationship between properties. A 45 degree angle has been marked on one of the proposed plans which suggests the closest first floor window of No.22 would not intersect with this line. The additional built form at first floor which would be created would be visible from the rear of the neighbours' dwelling. Despite this, it would be distanced by a sufficient separation distance and would be of a depth which would prevent it from appearing unduly dominant, overbearing or resulting in a significant loss of light to the rear windows of 22 Church Lane.
- 9.40 The south facing elevation of No.22 would be located approximately 2m away from the flank wall of the proposed dwelling. The existing drawings of No.22 which were submitted under the previous application and during the initial stages of this application demonstrate that the side windows which faced in a southerly direction serve either non-habitable spaces (to stairways and bathrooms) or are secondary windows to habitable rooms (bedroom 4, lounge and open plan living/dining/kitchen area). Further clarification has been sought from the applicant's agent and it is now understood that the ground floor windows on this elevation and the side window to bedroom 4 are clear glazed but the larger central windows serving the stairs/landing are obscure glazed. The approved details and drawings of the original planning consent for the property at No.22 confirm that all of the side windows facing the south were designed with the intention of being secondary windows or for non-habitable rooms. Therefore, whilst there would inevitably be some impact to light and outlook in this elevation, it is not considered it would be unduly detrimental to the extent to warrant a refusal of the application as the main habitable rooms of the property would still be afforded a sufficient outlook and amount of light from the existing front and rear facing windows/doors.
- 9.41 The development would not appear overbearing or result in a detrimental loss of light to 26 Church Lane by virtue of its orientation and separation distance of approximately 7.5m from the flank wall of that dwelling, in addition to the existing and proposed boundary treatments. 28 Church Lane would also be distanced by an acceptable amount to prevent the new dwelling from appearing over dominant.
- 9.42 The property located to the west of the application site (21 Church Lane) is on the opposite side of the road and the dwelling itself is set back some distance from the highway. This would result in a significant separation distance between the two dwellings which would prevent any direct overlooking to the dwelling from occurring from the windows at the new property. Similarly, the significant separation distances would prevent the dwelling from appearing unduly overbearing or resulting in an unacceptable level of sunlight or daylight.
- 9.43 In terms of privacy, views from windows within the rear elevation of the dwelling would be predominantly to the rear garden of the application site. A boundary fence measuring approximately 2m in height is marked on the proposed plans and this would help to ensure there is limited overlooking from the raised patio at the rear of the property towards 22 Church Lane. It is accepted that the new

dwelling also has the potential to introduce additional levels of overlooking to the private garden of No.21 opposite. As there is not a property with a window above first floor in this location at present it is difficult to ascertain the exact levels of overlooking which may be achieved from this window. However, as the porthole style window on the front of the new dwelling would serve a dressing room, this can be conditioned to be obscure glazed and fixed in order to avoid direct views to the private garden space of No.21. In regards to the other properties nearby, due to the proposed obscure glazed side windows on the new dwelling and the suggested conditions, the proposal is unlikely to result in a more significant level of overlooking to those which can already be achieved from existing neighbouring dwellings that surround the site.

- 9.44 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 narrow plot size and the close proximity of some of the 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).
- 9.45 Overall, it is therefore considered that the proposed development would provide reasonable living conditions, for both neighbours and future occupiers. It is not considered that the proposal would result in harm that would be detrimental to the living conditions of neighbouring occupiers.

4. Access, car parking and highways considerations

- 9.46 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, availability of and opportunities for public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Paragraph 111 of the NPPF also sets out 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.
- 9.47 Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.

- 9.48 Church Lane is an unclassified road which provides a local access function in the road hierarchy. The vehicle speeds past this site are limited to 30mph. There has been one recorded 'slight' accident near to the site in the past five years. The existing application site does not benefit from a vehicular crossover or a driveway and currently features a mature boundary hedge along the frontage with Church Lane. There is a lamppost located within the existing hedge.
- 9.49 The proposal would involve the creation of a new vehicular access from Church Lane and a driveway. The existing boundary hedge along the front of the site would be removed and replaced with grass in order to improve visibility for vehicles exiting the site.
- 9.50 The previous application for a detached dwelling on this site (reference 6/2021/0314/FULL) was refused due to concerns raised by the County Highway Authority about the proposed access to the dwelling. This was on the basis of insufficient information being submitted to ensure the proposed development would allow a safe and suitable access for all users. The submitted plans were not considered to provide the level of detail required to make an adequate assessment and the required information was described as a detailed vehicle crossover drawing (drawn to scale) and visibility splays.
- 9.51 This application is supported with a transport note (dated 26 July 2022) by Patrick Parsons and detailed drawings including a tracking diagram. The proposed drawings were updated to reflect the details shown within the transport note. The Highway Authority have assessed this information and have concluded the new access would be of an appropriate size and the swept path analysis on the submitted tracking diagram also confirms vehicles would be able to adequately access the site to park. It is acknowledged that vehicles may be required to enter or leave the site in reverse, but this is viewed to be acceptable due to being a minor, unclassified access road. A visibility splay has been marked on the drawings and this demonstrates a 2m x 17m sightline to the centre of the carriageway looking north and 2m x 29m looking south. The Highway Authority have also reviewed this document and suggest that the visibility splay to the north which would be entirely within the applicant's boundary is deemed acceptable and would result in visibility which would be as good as, or better, than the visibility from several of the existing properties on the road. A condition can be imposed in order to ensure the visibility splays are provided in accordance with the details indicated on the drawings and retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 9.52 Due to the narrow width of the carriageway and limited availability for off-site parking, the Highway Authority have recommended a condition for further details of vehicle access arrangements and movements during construction. This is to ensure the impact of vehicles on the local road network is minimised during the construction period. The suggested construction management plan would be a pre-commencement condition to be submitted prior to any development commencing on site. The proposed dwelling would also be within 45m of the public highway, therefore no concerns have been raised regarding emergency access.
- 9.53 The street lighting column will need to be repositioned to enable the access to be constructed and to ensure the access is fully accessible by vehicles. An informative is recommended which advises the applicant of this.

- 9.54 The Council's parking guidance SPG recommends that 3 parking spaces are provided for the proposed development with 5 bedrooms. 3 spaces would be provided on the proposed driveway. The rectangular parking spaces would be in accordance with the recommended dimensions for off-street parking bays (at least 2.4m x 4.8m). A condition can be imposed to ensure the vehicular areas on site are surfaced in a manner which is acceptable and that arrangements shall be made to ensure surface water from the site would be intercepted and disposed of separately so it doesn't discharge into the highway. As such, the proposal would meet the guideline parking standards contained with the SPG.
- 9.55 In terms of incorporating measures which will encourage sustainable modes of travel, in addition to the parking spaces which would be provided, a cycle storage building would be located in the rear garden. The building would measure approximately 1.7m in height and would be waterproof and secured centrally with a British standard mortice lock. It would be finished with cedar cladding and triple hinged front opening doors. The cycle store would accommodate at least one bicycle for the occupiers of the proposed dwelling. However, it is also acknowledged that the property would benefit from a reasonably sized garden where other bicycles could be stored if required. An Electric Vehicle (EV) charging point can also be secured by way of a planning condition in order to provide the infrastructure required to support the uptake of ultra-low emission vehicles locally.
- 9.56 In summary, the proposal would provide an acceptable level of on-site car parking and cycle parking and therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Other considerations

i) Ecology and Biodiversity

- 9.57 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Paragraph 180 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of the NPPF that "*opportunities to improve biodiversity in and around developments should be integrated as part of their design*".
- 9.58 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. Policies SP10 and SADM16 of the Draft Local Plan Submission 2016 are similar in these aims.
- 9.59 Hertfordshire Ecology have been consulted for this application and present no objections given the location and character of the site. However, since shrubs and hedges will need to be removed to accommodate the new building, a precautionary informative has been suggested to protect nesting birds. In addition, as the planning system should now aim to deliver overall net gains for biodiversity where possible, biodiversity enhancements such as bat/bird/insect boxes are recommended. This can be conditioned as part of a condition in the event of permission being granted. Subject to the suggested conditions, it is

considered that the proposal satisfies the requirements of the District Plan and the NPPF in respect of Ecology.

ii) Flood risk and sustainable drainage

9.60 A comment has been raised by a neighbour regarding a failure to address the natural watercourse and drainage issues on site. The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach.

9.61 The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood Zone 1 i.e. a low probability of flooding. The location of the proposed dwelling is therefore in an area which is not prone to flooding and due to the limited scale of the proposal which is for a single dwelling, the impacts on flooding and drainage would be limited. Further details regarding the materials of the proposed hard surfacing can be secured as part of a planning condition.

iii) Archaeology

9.62 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.

9.63 The Historic Environment Advisor was consulted on this proposal and has confirmed the development is unlikely to have a significant impact on heritage assets with archaeological interest. Accordingly, as this proposal is also for a single dwelling, it would not unduly impact on archaeology and complies with Policy R29.

iv) Refuse and recycling

9.64 The Council's Client Services team have been consulted on the proposal and have confirmed the property could be incorporated on the existing ARRC scheme. The proposals for recycling bin storage would also comply with the requirement for residents to not have to carry waste more than 30m and be within 25m of the kerbside/bin collection point.

9.65 Furthermore, a bin storage facility would be provided on the proposed driveway which would measure approximately 1.2m in height and be finished with cedar cladding. This would ensure the bins stored on the frontage would not be unsightly in appearance.

v) Landscaping

9.66 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.

9.67 The site is within Northaw Common Parkland Landscape Character Area where Policy RA10 applies. The strategy for managing change to this Landscape

Character Area (LCA) is to conserve and strengthen. By virtue of the limited scale of the proposed development in an established residential area, it is considered that although the proposal would not contribute to the Landscape Character Area, it is not considered it would conflict with its aims as it would not have an adverse impact upon the LCA.

- 9.68 Other than the grass at the front of the site and the proposed boundary fence elevations, details of hard and soft landscaping are limited at this stage. The amended layout on the frontage additionally includes an area which would be designated as a 'landscape zone'. Further information would be required in the event of permission being granted to ensure that the materials and planting used are acceptable and the details of any other boundary treatments proposed. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a detailed landscaping plan be submitted and approved by the Council.

vi) *Other matters*

- 9.69 A neighbour comment has referred to the applicant not consulting neighbours prior to the application being submitted. Whilst it is recommended that any proposals are discussed with neighbours before submitting an application, it should be noted that there is no requirement within The Development Management Procedure Order 2015 (as amended) to do so prior to an application being received. The adjoining neighbours were notified of the development by letter and a site notice was also displayed with a 21 days consultation period. It is considered that this notification procedure is in accordance with the requirements within Part 3, Article 15 of The Development Management Procedure Order 2015 (as amended). Further consultations have also been issued in order to advise neighbours and interested parties of amendments to the proposal.
- 9.70 Several neighbours have also suggested there are misrepresentations in the submitted information including land ownership, the size of the site, inaccurate boundaries, an incorrect address on original application form (22 Church Lane instead of 22A) and the original description which included reference to the demolition of an existing detached dwelling. The application form and site address has been amended and various alterations to the submitted plans have been undertaken to amend the boundaries to respond to the comments raised. However, it is worth noting that land ownership is not a material planning consideration and is a civil matter which must be resolved between the relevant parties. An informative is recommended which advises the applicant that the granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

6. The planning balance

- 9.71 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 8 outlines that it includes, amongst other things, '*for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).*'
- 9.72 The Council does not have a five year housing supply, a position acknowledged by the Council in the Annual Monitoring Report (AMR) and therefore the NPPF at

Paragraph 11 notes the presumption in favour of sustainable development which for decision taking means:

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

9.73 Furthermore, paragraph 79 outlines that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

9.74 In this case, there would be conflict with District Plan Policy H2 in terms of the location and accessibility of the site to services and facilities by transport modes other than the car. Moderate rather than significant weight is attached to this harm considering the possibility of the use of bus services in Northaw and the routes via public footway between the site and Cuffley and Potters Bar for walking.

9.75 District Plan Policy SD1 and the NPPF advocate sustainable development. 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.

9.76 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwelling. However, the economic benefits in terms of construction of the building would be short-term and therefore limited. Local businesses would also derive some long term economic benefit from the future occupiers spending on goods and services, but this would be limited in scale. These considerations therefore carry limited weight in favour of the proposal.

9.77 The proposal would provide one additional dwelling which would contribute to housing stock in the Borough. This reduces pressure on housing land take elsewhere, albeit to a limited degree, and would accord with the support in the NPPF for increasing the supply of housing. Further social benefit arises from the provision of high quality housing.

9.78 Turning to the environment, the proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal

would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not cause undue harm to the amenity of neighbouring occupiers. These considerations weigh moderately in favour of the proposal.

- 9.79 The proposal makes effective and efficient use of former residential land in an established residential area. In addition, the applicant's Design and Access Statement (DAS) suggested securing further details about a 20% reduction in CO2 carbon emissions. Following further discussions the applicant has now set out that a 30% reduction in CO2 emissions would be achievable against the Part L 2013 baselines of the Building Regulations. This would be based off a notional property in order to take a fabric first approach to improve and increase insulation levels to optimise fabric efficiency. A condition is recommended for the submission of an energy statement to be submitted prior to above ground level work beginning on site, to ensure the new dwelling would be energy efficient in line with the above measures, as well as any other renewable energy measures which may be appropriate. The use of an Electric Vehicle (EV) charging point can also be secured by way of planning condition. Such environmental benefits enhance the sustainability credentials of the development which are attributed moderate weight.
- 9.80 In this case, it is considered that the adverse impacts of granting permission, through the aforementioned development plan conflict, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

10 Conclusion

- 10.1 The proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers.
- 10.2 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.
- 10.3 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.

Conditions:

PRIOR TO COMMENCEMENT

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing,

by the Local Planning Authority. Thereafter the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- a) construction vehicle numbers, type, routing;
- b) access arrangements to the site
- c) construction and storage areas (including areas designated for car parking, loading/unloading and turning areas);
- d) siting and detail of wheel washing facilities;
- e) cleaning of site entrances, site tracks and the adjacent public highway;
- f) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g) provision of sufficient on-site parking prior to commencement of construction activities; and
- h) 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, the amenity of neighbouring properties and the other users of the public highway and rights of way in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; Hertfordshire County Council's Local Transport Plan 4 (2018); and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

2. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.

3. No above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments;
- b) hard surfacing, other hard landscape features and materials;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- e) original levels and proposed finished levels (earthworks to be carried out)

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

4. No development above ground level shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement must include details of how the proposed development would be designed and constructed to achieve at least a 30% reduction regulated emissions DER (dwelling emission rate) when compared to Part L 2013 baselines, in addition to any renewable energy sources to be installed. Following the completion of measures identified in the approved energy statement, a verification report which demonstrates the effectiveness of the measures installed must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

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; Policies SP1, SP10 & SADM13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

5. No development above ground level shall take place until full details of EV charging parking facilities 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 electric vehicle charging points in order to meet the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with 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.

6. No development above ground level shall take place until full details of bat, bird and insect nesting boxes/tubes/tiles, including the exact location, specification and design, have been submitted to and approved in writing by the Local Planning Authority. The structures shall be positioned away from bright lights and disturbance and constructed in accordance with the approved details prior to the occupation of the dwelling, and retained in that state thereafter.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; Policies SP10 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

PRIOR TO OCCUPATION

7. Prior to the first occupation of the development hereby permitted, a triangular vision splay shall be provided in full accordance with the details indicated on the approved drawing number CLN-PPC-XX-XX-DR-C-201 Rev.P2. The vision splays so described and on land under the applicant's control shall be retained free of any obstruction to visibility 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 Hertfordshire County Council's Local Transport Plan 4 (2018), Policy D1 and D5 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby permitted, all on site vehicular areas set aside for car parking and turning areas shall be laid out and surfaced, in accordance with the approved drawings and shall be retained permanently thereafter for that specific use. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To ensure satisfactory access into the site and the permanent availability of the parking and manoeuvring areas in the interests of highway safety in accordance with Hertfordshire County Council's Local Transport Plan 4 (2018), Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby permitted the approved details of the cycle and refuse/recycling storage facilities shall be fully implemented and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking and refuse/recycling storage in order to meet the needs of the residential units, in the interests of encouraging the use of sustainable modes of transport and in the interests of visual amenity in accordance with policy D1 and M6 of the District Plan 2005, Supplementary Planning Guidance Parking Standards 2004 and the National Planning Policy Framework.

10. Any upper floor window or rooflight located in a wall or roof slope forming a side elevation of the building hereby approved, and the porthole style window on the front (west) side of the 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 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1,

D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

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.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
2019/1327/3	1	Proposed Floor Plans & Elevations	23 March 2022
2019/1327/5	3A	Proposed Roof/Site Plan	23 August 2022
CLN-PPC-XX-XX-DR-C-201	P2	Proposed Access Arrangements, Sightlines and Swept Paths	29 July 2022

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

1. 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 (see Officer's report which can be viewed on the Council's website or inspected at these offices).

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 granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
5. 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

6. 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. lamp columns, 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/droppedkerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

7. 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-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. 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-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

9. 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.

10. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

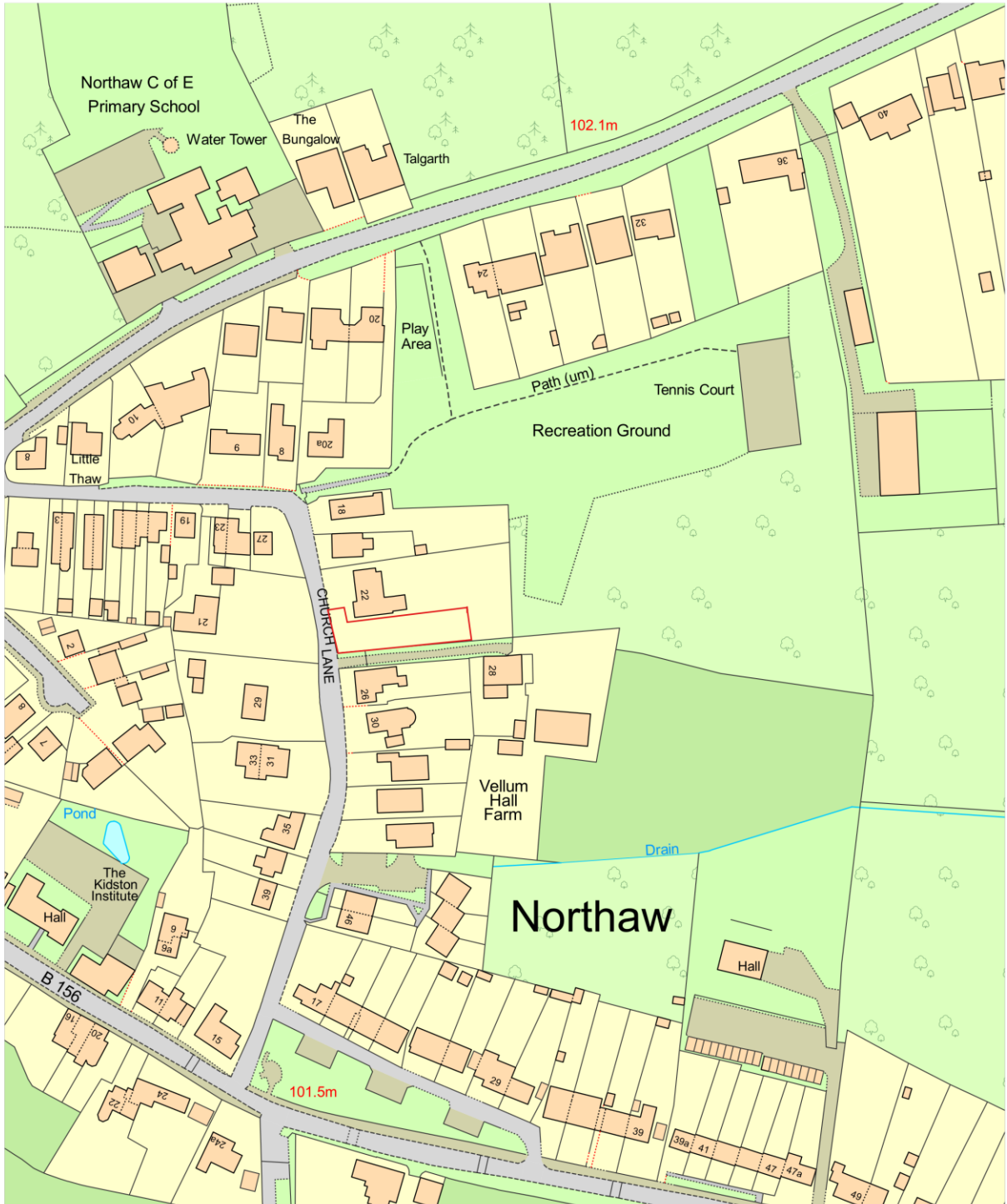
11. Noise control


1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays

and at no time on Sundays and Bank Holidays

2. 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
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
4. 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.
5. 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.
6. 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.
7. Any pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. '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 subcontractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay.
12. 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.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles
13. Any significant tree/shrub works, or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	22A Church Lane Northaw Potters Bar EN6 4NX		Scale: DNS
	Development Management Committee		Date: 18-08-2022
	6/2021/2754/FULL	Drawn: T Walker	
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