

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2014
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2014/1696/FP

LAND TO THE REAR OF 19 KINGSMEAD, HILL RISE AND PLOUGH HILL,
CUFFLEY, EN6 4AN

ERECTION OF 4 DETACHED DWELLINGS WITH ACCESS FROM KINGSMEAD
FOLLOWING DEMOLITION OF 19 KINGSMEAD

APPLICANT: RBC Property Developments Ltd

(Northaw and Cuffley)

1. Background

- 1.1 This application was previously presented to the Development Management Committee on 6th November 2014 where the application was deferred for a site visit. This took place on Sunday 23rd November 2014, with the outcomes and issues to be discussed and reported before the determination of the application.
- 1.2 At the earlier Committee meeting the Principal Development Management Officer (PDMO) recommended to the Committee that planning permission be granted subject to the imposition of a number of planning conditions. At this Committee meeting a number of residents expressed concerns relating to the proposal and the agent for the applicant spoke in support.
- 1.3 The content of this report is the same as the previous report presented to Committee on 6th November 2014.

2. Site Description

- 2.1 The application site comprise the lower sections of the existing rear gardens of the dwellings at Nos. 54, 56 & 58 Plough Hill, No.2 Hill Rise and also the whole plot of No.19 Kingsmead. The existing dwelling at No.19 Kingsmead will be demolished to allow the provision of a new access driveway to serve the development.
- 2.2 The ground levels of the application fall steeply from the existing dwellings in Hill Rise and Plough Hill towards the other residential properties in Kingsmead and Orchard Close. The application site will adjoin other residential rear

gardens of No.4 Hill Rise, No.6 Orchard Close and Nos. 3, 5, 7, 17 & 19 Kingsmead.

- 2.3 The application site contains a number of small trees, which are predominately fruit trees, and well maintained lawns, with the exception of the rear part of the garden to No.56 which is partly overgrown. There are a number of mature trees on the boundaries of the application site, including the common boundary with No.4 Plough Hill. The rear boundary of No.19 Kingsmead which adjoins the application site is relatively open and the rear garden of this property rises gradually to the rear of this existing property which also has an elevated open terraced area.

3. The Proposal

- 3.1 The application proposes the demolition of no. 19 Kingsmead to create a new vehicular access road adjacent to the existing south eastern side boundary of No.21 Kingsmead and the existing north western side boundary of No.17 Kingsmead. This new vehicular access from Kingsmead would then lead to an area of land for the erection of four new detached dwellings.
- 3.2 These detached dwellings would be chalet bungalows and are split into two designs, one labelled 'Grylls' and the other labelled 'Baden', as shown on submitted drawings. Plots 1,2 and 3, as shown on drawing no. 3pl 01, are to be 'Baden' in design, with a maximum height of approximately 7m, an eaves height of 2.7m and maximum width, if viewed from the front, of approximately 15m. Plot 4 would be 'Grylls' in design, with a maximum height of approximately 7m, an eaves height of 2.7m and a width, as viewed front the front, of approximately 14.8m.

4. Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee as Officers consider it prudent to exercise delegated authority due to the nature of the development and the responses received from local residents.

5. Relevant Planning History

- 5.1 S6/2014/0226/FP - Erection of 4 detached dwellings with access from Kingsmead following demolition of 19 Kingsmead. Refused 24/03/2014 on grounds of the proposed development being incongruous with surrounding properties in design and harming to the spacious character of the area. There is currently a planning appeal against this decision via the Planning Inspectorate.
- 5.2 S6/2013/2025//PA - Erection of 6 detached dwellings and associated access following demolition of existing buildings – advice given 22/11/13. This was for the same site area as proposed in this application, however the number of proposed dwellings was for 6 and the site layout is different from the current proposal. The conclusion given in this previous scheme was:

'The findings of the previous Planning Inspector are a material consideration for this pre-application assessment as the principle issues considered at that time remain applicable to this proposal, even with the changes to the size of the application site and new design proposals now presented. The character assessment of the surrounding area forms the starting point for the evaluation needs to assess whether the new development would be at least maintained. This character is summarised as being as 'green' and 'spacious'.

The second key issue raised by the Inspector was the harm to the residential amenity that would result from the development. This proposal runs into the same types of difficulty due to issues relating to the visual harm of the development appearing over dominant and with some loss of sunlight to the rear garden of No.21 Kingsmead. There may also be some potential for loss of privacy to the rear of No.21 Kingsmead and No,6 Orchard Close, but this is difficult to fully assess at this stage.

The issue of the new entrance driveway to the scheme also is still unresolved. The harm from this was identified as a separate key issue previously. The impact of this would now be on the rear garden of No.21 Kingsmead instead of No. 4 Hill Rise. Whilst the context of these neighbours is different, the close proximity of this new driveway on the side boundary of No.21 would be the same and due to its taking up the full length of this neighbour's garden potentially more serious.

Other new issues arise from this development which were not present in the last scheme in regards to the quality of the site layout with respect to the chalet bungalows and also the design of these buildings being not of the same architectural standard of the split level houses.

Whilst it would be inappropriate for the Local Planning Authority to state that this area of land has no potential for future residential development, the physical constraints and surrounding context of the area must significantly reduce the potential for any development of the scale so far proposed in these two schemes. The ground level changes and the very low existing density of existing housing, along with the difficulties of find an acceptable location of a new access driveway must severely restrict the potential for an acceptable form of development.

It should also be noted that this land is no longer designated as previously developed land (PDL) as it was at the time of the 2007 application following the publication of the National Planning Policy Framework March 2012 (NPPF). Whilst this does not preclude this site from coming forward for new residential development, it would be reasonable to expect that these sites are likely to be evaluated even more closely in their potential to cause harm to the local area in the future, and as supported by paragraph 53 of the NPPF.

This pre-application for this site has been the correct approach as it has allowed these fundamental issues to be examined without the commitment of a full planning application. The quality of the pre-application information has also been well judged and sufficiently detailed without going into final design

drawing stage to make this assessment as detailed as it needs to be. It is however unfortunate that such an unfavourable informal opinion has to be given, but this site as stated already has significant constraints which will be challenging to overcome in terms of meeting planning policy requirements. Key planning policies remain D1, D2, R19 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan and National Planning Policy with particular regard to flooding. ‘

5.3 S6/2007/1466/FP - Erection of four detached dwellings – refused 27/11/07 and dismissed at appeal on 17/11/08

5.4 S6/2007/852/FP – Erection 5 detached dwellings - withdrawn

6. Planning Policy

6.1 National Planning Policy Framework (NPPF)

6.2 Welwyn Hatfield District Plan 2005

6.3 Supplementary Design Guidance, February 2005

6.4 Supplementary Planning Guidance, Parking Standards, January 2004

7. Site Designation

7.1 The site lies within the settlement of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

8. Representations Received

8.1 The application was advertised by means of neighbour notification. A site notice was also displayed. 29 letters of objection have been received from residents of Kingsmead, Hill Rise, Orchard Close and Plough Hill. Comments are summarised as:

- Adverse impact on drainage and flooding in the area.
- The design, materials to be used in construction and scale of the development is out of character with properties in the immediate area and would harm the spacious character of the area.
- The development would harm neighbouring amenity in terms of overbearing, overlooking (of both properties and private amenity space), noise and disturbance (including light disturbance) and would result in significant levels of noise and disturbance during construction.
- The development would adversely impact upon the security of existing neighbouring properties.
- Wildlife and biodiversity would be detrimentally impacted upon.
- The proposal would be unacceptable in terms of refuse collection.
- The development would be unacceptable in terms of highway safety.
- Parking provision within the area would be adversely affected.

- The proposal would result in a loss of vegetation and would represent an over intensification of residential built form. This has not overcome the previous reasons for refusal and the development is still contrary to policies D1 and D2.
- The proposal would result in air pollution and light pollution.
- The development would result in a lack of amenity for future occupants as the dwellings do not provide sufficient outdoor amenity space
- This type of development does not contribute sufficiently to the shortfall in housing supply to outweigh the above mentioned harm.

8.2 Two comments were received by residents of Plough Hill and Kingsmead. Comments reiterate the above concerns. It is also noted that a letter has been sent to the appeal Inspector from a local resident for the previously refused scheme ref. S6/2014/0226/FP regarding the on-going appeal.

8.3 Several objections also included concerns regarding non-material planning considerations. These included the impacts on the surface of existing roads and properties values. Furthermore, concerns were also raised regarding the timing of the submission of the application and the consultation period.

8.4 Northaw and Cuffley Residents Association have also raised concerns with the timing of the application and the consultation period and agree that residents have valid concerns. If the application is to be approved the Residents Association request that materials are consistent with surrounding dwellings and that mature screening trees are planted to maintain privacy.

8.5 Furthermore, it is noted that there has been correspondence between Welwyn Hatfield Access Group and the applicant on issues of the design of the proposed units with regards to disability access.

9. Consultations Received

9.1 **Welwyn Hatfield Client Services and Thames Water:** No objections

9.2 **Welwyn Hatfield Borough Council Landscape and Ecology, Welwyn Hatfield Borough Council Environmental Health and Hertfordshire County Council Transport Programs and Strategy:** No objections subject to relevant conditions.

10. Town/Parish Council Representations

10.1 Northaw and Cuffley Parish Council have commented:

“PC feel that this development is still an overdevelopment of this site. If planning is granted however please take into account the following observations:

1. *There should be acoustic fences to shield both 17 & 21.*
2. *The acoustic fences should follow the line of the kerbs.*

3. *There should be mature planting between the acoustic fences and the property boundaries.*
4. *Residents allege that significant volume of mature planting on a number of site boundaries has recently been cut down. Mature planting should be insisted upon on all boundaries where overlooking into neighbouring properties is acute.*
5. *Residents allege there is an existing groundwater flooding problem and this should be investigated and mitigated.*
6. *Residents allege that bats roost in the local trees. This should be investigated and measures should be imposed to protect bat roosts.”*

11. Analysis

11.1 The main planning issues in the determination of this application are:

- 1. Principle of development (SD1, GBSP2, R1, H1, H2, NPPF)**
- 2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & D8, SDG & NPPF)**
- 3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, R20, SDG and NPPF)**
- 4. Other Material Planning Considerations**

- (i) Highway and Parking (M14 and SPG)**
- (ii) Energy Efficiency (R3)**
- (iii) Refuse and Recycling Storage (D1 & IM2 & M4)**
- (iv) Protected Species (NPPF)**
- (v) Contaminated Land (R2)**
- (vi) Flooding and Drainage (R7)**
- (vii) Other Matters**

1. The Principle of development

11.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Local Plan Policy R1 which requires development to take place on previously used or developed land is consistent with the NPPF. Furthermore, Policy GBSP2 directs new development towards existing towns and settlements.

11.3 The site is not an allocated housing site and so is considered to be a 'windfall site' and Policy H2 applies. Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

- i. The availability of previously-developed sites and/or buildings;
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
- iii. The capacity of existing and potential infrastructure to absorb further development;

- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
 - v. The physical and environmental constraints on development of land.
- 11.4 Whilst the Council have a 5 year housing supply, as outlined in the AMR, the national situation has changed to the extent that it is considered that the country is not building sufficient housing to meet its needs. It is therefore considered that the windfall residential development proposed at this particular site potentially could make a small but valuable contribution to both local and national housing land supply.
- 11.5 The application site is situated within the existing settlement of Cuffley as outlined in the Welwyn Hatfield District Plan 2005. Part of the site has previously been developed and currently comprises a detached, single storey dwelling. The remainder of the application site is comprised of residential garden land. Additionally, as the application site is located within the settlement of Cuffley the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Furthermore, there are no known physical or environmental constraints at this site. The proposal would, therefore not be in contradiction with policies H2, GBSP2, SD1 and R1 and is considered to represent sustainable development in accordance with the NPPF.
- 11.6 Having regard to the above, the proposal would not be in contradiction with policies H1, H2, GBSP2, SD1 and R1 and there is no compelling objection to the principle of this site for residential purposes in purely land use terms.

2. The quality of the design and the impact on the character and appearance of the area

- 11.7 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) 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 buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Furthermore, paragraph 53 of the NPPF seeks to resist inappropriate development of residential gardens.
- 11.8 The application site is accessed from Kingsmead. There is a mixture of forms, types, styles and sizes of dwelling in the immediate area and there is a variety of layouts around the various road configurations surrounding the application site. The overall impression of the locality is that of a wide variety of dwelling

types at different levels within the sloping topography, largely fronting either onto the main road network or arranged around cul-de-sacs of different lengths. The area has a distinct spacious feel.

- 11.9 It is noted that the previous application for dwellings at this site, ref. S6/2014/0226/FP, was refused on grounds that the proposed development would result in an unduly prominent form of development that would harm the character and appearance of the area.
- 11.10 The scale of the buildings in this application has been significantly reduced in terms of the overall size, bulk and mass compared to the previously refused scheme. The space between the new dwellings has also been increased so that there is a minimum gap between proposed properties of at least 4m and all dwellings have rear garden areas of over 150m².
- 11.11 Having regard to the above, it is considered that the units would be of an appropriate footprint for their respective plots so that sufficient space would be left about the dwellings and that rear gardens would be commensurate with the size and scale of the proposed units. As a result, the proposed units would not appear cramped upon their plots, respecting the spacious character of the area. In addition, the rear gardens of neighbouring properties which adjoin the site aid in retaining the spacious feel of the area.
- 11.12 It is noted that, through there is no protected vegetation within the application site, several trees will be lost on the application site to accommodate the proposed development. On discussion with WHBC Landscape and Ecology, it is considered that existing vegetation is not of significant amenity value to protect. It is, however, considered reasonable to impose a condition requesting the submission of a detailed Landscape Plan, including a Landscape Method Statement and details of hardsurfacing, prior to the works commencing. This will ensure that the development is of a high standard and that there will be appropriate mitigation for the vegetation lost.
- 11.13 Though newly formed backland development of this nature is not particularly prevalent within the immediate area, it is considered that the overall density of built form across the existing plot would not be significantly dissimilar to the built residential development in the immediate area. Taking all of the above into account, it is considered that the layout and density of the proposed dwellings would not, on balance, result in significant harm to the overall spatial pattern of development within the wider surrounding area to the extent that would warrant a refusal of permission, with particular regard to paragraph 53 of the NPPF
- 11.14 In respect of the design and appearance of the dwellings, it is noted that the previous application was refused on the grounds that the overall design of the proposed units was excessive in terms of bulk, scale and mass and would disrupt the rhythm of surrounding properties. This current application proposes four detached dormer bungalows, substantially reduced in bulk, scale and mass to those previously proposed. It is considered that the proposed units, which, though containing more contemporary architectural

features than surrounding dwellings, are more consistent with the design of properties in the immediate and wider surrounding area.

11.15 Having regard to the above, it is considered that the overall design of the proposed units would not result in visually dominant or incongruous features within the immediate and wider surrounding area to the extent that would warrant a refusal of permission. The proposal is therefore, on balance, considered to be visually acceptable. Notwithstanding the above, it is considered reasonable to attach a condition requesting samples of materials to be used for the actual construction of the units to be submitted to ensure that the build of the proposed residential units is of a high standard and harmonises with the surrounding built form.

11.16 Though elements of the proposed development would be visible from certain vantage points within the public domain, it is considered that the proposal, subject to the attachment of relevant conditions, has addressed concerns raised in previously refused schemes and would not, on balance, result in significant and demonstrable harm to the character of the immediate and wider surrounding area to the extent that would warrant a refusal of permission. The development is, therefore, not contrary to saved policies D1, D2 and D8 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF.

3. The potential impact on the residential amenity of adjoining neighbours

11.17 Policies D1, R19, R20 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

11.18 It is noted that the most recent application for four dwellings at this site, ref. S6/2014/0226/FP, was refused on the grounds that it would significantly impact upon the residential amenity of adjoining neighbours at Nos. 21 Kingsmead, Nos. 5 & 7 Kingsmead, No.2 Hill Rise and No.58 Plough Hill, in terms of overbearing, overlooking, light pollution and noise and disturbance.

11.19 This current application proposes units that are significantly reduced in terms of size, bulk and mass compared to the previous scheme. There would also be a minimum separation distance of approximately 25m from the rear elevations of properties on Kingsmead, Hill Rise and Plough Hill to the proposed units. Having regard to the above, and taking into account the existing topography of the land, it is considered that the build, form, scale and positioning of proposed units would not result in significant harm to neighbouring properties or the primary external amenity space which benefits them, in terms of overbearing and loss of light.

11.20 Furthermore, again with regard to the separation distances between surrounding neighbouring properties and first floor dormer windows within

proposed units, it is considered that neighbouring privacy would not be significantly harmed to the extent that would warrant a refusal of permission.

- 11.21 It is noted that concerns have been raised by residents in terms of noise and disturbance resulting from the proposed units and new access road. The proposed new access will have the greatest impact upon properties nos. 17 & 21 Kingsmead, which have habitable windows within close proximity of the proposed new access road. However, the proposed access road has been reduced in width when compared to that previously proposed, which would increase the distance of passing traffic from the side elevations of both of nos. 17 & 21 Kingsmead. Furthermore, vegetation (details of which would be requested through the above mentioned landscape condition) and sound attenuating fencing, installed on the boundary of the site adjacent to the above mentioned neighbouring dwellings, would dampen the noise from passing traffic. On this basis, it is considered that the proposed access would not significantly and demonstrably harm the amenity of neighbouring properties, in terms of noise and disturbance (including vibration and light from vehicle headlights), to the extent that would warrant a refusal of permission.
- 11.22 It is also noted that concerns have also been raised regarding potential noise and disturbance during the construction of the proposed units. However, it is considered that any potential noise and disturbance during the construction phase can be adequately managed by the use of a condition requesting the submission of a Construction Method Statement, to be approved prior to work commencing.
- 11.23 Furthermore, though not shown on plans, there is the potential for street lighting to be introduced to this development in the future. In order to adequately manage the impacts any future lighting may have on neighbouring amenity, it is considered reasonable to attach a condition in this regard.
- 11.24 Turning to the amenity the development would provide for future occupiers of the proposed dwellings, each unit is of a high standard of design and would provide in excess of 150m² of usable amenity space for future occupiers. The design, layout and positioning of proposed units would also ensure that the amenity of future occupants would not be harmed, in terms of overbearing, overlooking and loss of light. However, to ensure that the development remains acceptable in this regard, it is considered reasonable to remove permitted development rights for extensions and alterations to the units and for the erection of outbuildings (Schedule 2, Part 1, Classes A and E).
- 11.25 Though the proposed new dwellings would be visible when viewed from the rear of neighbouring properties on Hill Rise, Plough Hill and Kingsmead, it is considered that, on balance, the development would not detrimentally impact upon neighbouring amenity, in terms of overbearing, loss of light and overlooking and in terms of noise and disturbance, to the extent that would warrant a refusal of permission. Furthermore, the proposal would provide adequate amenity for future occupiers of the dwellings. The proposal is, therefore, not contrary to saved policies D1, R19 and R20, the Supplementary Design Guidance or the relevant paragraphs of the NPPF.

4. Other Material Planning Considerations

11.26 (i) Highway and Parking (M14 and SPG)

Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework 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.

11.27 The proposed development would provide a garage for each unit and ample hardstanding to the front of each dwelling. It is therefore considered that there is sufficient parking provision for the proposed units. Furthermore, it is considered that, due to the scale and nature of the proposal and as there exist parking restrictions within the entirety of Kingsmead preventing parking between the hours of 11am and 1pm, it is unlikely that the development would significantly impact upon parking provision within the wider locality to the extent that would warrant a refusal of permission. Accordingly, the proposal is not contrary to paragraph 39 of the NPPF in this regard.

11.28 It is noted that concerns have been raised regarding highway safety. The proposed development layout plan (3pl 01 Rev A) shows that the housing development would be served by a shared surface road 4.1m wide, with localised narrowing to 3m width at points. The first such narrowing occurs approximately 11m within the site. The narrowing serves to restrict flow to one vehicle at a time, and the arrangement would serve to restrict vehicle speeds through the shared space.

11.29 Additionally, due to the nature of Kingsmead at this point, which results in pedestrian and vehicle flows and speed being low, the access arrangements provide adequate visibility. Having regard to all of the above, and as Hertfordshire County Council Transport, Programs and Strategy are not in objection to the scheme, subject to the attachment of relevant conditions, it is considered that the proposal would not have an adverse impact upon the public highway network and the safety of motorists and pedestrians.

11.30 (ii) Energy Efficiency (R3)

All new development is to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The applicant has confirmed that the proposed units would utilise passive solar gain and a sustainable drainage system and would incorporate a high standard of insulation.

11.31 This demonstrates compliance with Policy R3 of the Welwyn Hatfield District Plan 2005.

11.32 (iii) Refuse and Recycling Storage (D1 & IM2 & M4)

The Council has adopted a Supplementary Planning Document 'Planning Obligations' which may require a development to provide financial contributions for new bins and recycling facilities. The Council's Client Services Department has been consulted and on this occasion has not requested a financial contribution, stating only that bins may be presented to the junction of Kingsmead for collection. Given that it may be difficult for a refuse freighter to enter and exit the site, it is considered that this is the preferred method for refuse collection and no objection is raised in this regard.

11.33 (iv) Protected Species (NPPF)

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05.

11.34 The application site does not have any protected trees or hedgerows. Although the site may attract wildlife there are not any records of protected or endangered species. Furthermore, Hertfordshire Biological records did not raise an objection during pre-application consultations for previous applications at this site, subject to birds' habitats not being disturbed during breeding times. Having regard to the above, it is considered that the proposal would not have an adverse impact upon the biodiversity of the area.

11.35 (v) Contaminated Land (R2)

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

11.36 It is noted that Environmental Health have requested that an 'unexpected finds' condition be attached in the event of an approval. This condition would involve the developer ceasing work in the event contaminated land was found and submitting an appropriate remediation strategy. The National Planning Policy Guidance (NPPG) outlines that conditions must only be imposed if they are:

- Necessary
- Relevant to planning and to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other aspects.

11.37 The application site is comprised of residential gardens and there are no known constraints at the site with regard to contamination. On this basis, it is considered extremely unlikely that, during the course of development, contaminated land would be discovered. It is, therefore, considered that the requested condition fails the tests within the NPPG and that it would be

unreasonable to burden the developer with the possible implications of this requested condition.

11.38 Having regard to the above, it is considered that the proposal is acceptable, in terms of land contamination, without the attachment of this requested condition and is in accordance with policy R2.

11.39 (vi) Flooding and Drainage (R7)

This site is identified in the Strategic Flood Risk Assessment (May 2009) by Scott Wilson for Welwyn Hatfield Borough Council as being in an area of potential overland flow. Policy R7 seeks to ensure that developments do not have detrimental impacts upon ground and surface water.

11.40 It is noted that the previous application, ref. S6/2014/0226/FP, was refused as no drainage strategy was submitted to demonstrate that surface water flow will not be exacerbated onto adjoining land. This current application contains a drawing (drawing no. 3pl 01 Rev. A) and a Surface Water Drainage scheme that demonstrate that a soakaway system will be used throughout the proposed development. Reference to drainage is also made within the submitted Design and Access Statement.

11.41 Additionally, the proposal will be subject to thorough testing (the satisfactory completion of a percolation test as an example) in this regard during an application made to comply with building regulations and, furthermore, a condition will be imposed ensuring that all hardsurfacing is porous.

11.42 Having regard to the above, and also as the application site does not lie within Flood Zones 2 or 3 and Thames Water are not in objection to the proposed development, it is considered that the applicant has fully considered the impacts the proposal may have in terms of surface water flow and that the development would not result in significant detrimental harm, in terms of flooding and drainage, to the extent that would warrant a refusal of permission.

11.43 (vii) Other Matters

It is noted that concerns have been raised regarding the removal of vegetation at the application site. As the application site is not located within a Conservation Area and there is no protected vegetation on the site, the owner of the land may remove the vegetation without approval from the Local Planning Authority. Furthermore, due to the size of the proposed development, it is considered that the proposal would not result in significant levels of air or light pollution to the extent that would warrant a refusal of permission.

12. Conclusion

12.1 There is no compelling objection to the principle of this site for residential purposes in purely land use terms, with regard to Policies H1, H2, GBSP2, SD1 and R1.

12.2 The impacts of the proposal have been considered on the visual amenity of the area, on the amenity of neighbouring dwellings, on highway safety and parking provision and on other relevant material considerations. It has been concluded that the proposal is, on balance, acceptable in terms of the above and would not, subject to relevant conditions, cause levels of harm to the extent that would warrant a refusal of permission. As such, the development is in accordance with saved policies, D1, D2, D8, GBSP2, IM2, M4, M14, R2, R3, R7, R19, R20 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with Sections 7 and 10 of the NPPF.

13. Recommendation

13.1 It is recommended that planning permission be granted subject to the following conditions:

1. C.2.1 - Time limit for commencement of development
2. C.13.1 - Development in accordance with approved plans and details: 3pl 05 & 3pl 06 & 3pl 08 & 3pl 09 & 11 & 3pl 10 & 3pl 07 & 3pl 03 & 3pl 04 & 3pl 01 Rev. A & 3pl 02 received and dated 28 July 2014
3. C.5.1 – Samples of materials
4. No development shall take place until further 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. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) means of enclosure and boundary treatments;
 - b) existing and proposed finished levels and finished floor levels of the dwelling;
 - c) a detailed Landscape Method Statement referring to planting plans, including specifications of species, sizes, planting centres, number and percentage mix;
 - d) an Arboricultural Method Statement referring to 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
 - e) details for all external hard surfacing

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, as well as reduce the proposals impact in terms of flooding, in accordance with Policies D8 and R7 of the Welwyn Hatfield District Plan 2005.

5. All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any

trees or 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, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.

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

6. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of neighbouring amenity in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

7. Before first occupation of the development access junction arrangement as shown in principle drawing no 3pl01 Rev A serving the development shall be constructed and completed to the specification of the highway authority and to the satisfaction of the planning authority.

REASON: To ensure that the access is constructed to the approved standard and in the interest of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

8. Before the construction of the access works detailed plans should be submitted to and approved in writing by the planning authority in consultation with the highway authority.

REASON: To ensure that the access details are designed to approved standards in the interest of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

9. Before premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits.

REASON: in order to minimise danger, obstruction and inconvenience to users of the highway and of the premises, in the interest of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), before any demolition,

clearance, building or other works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the parts of the site to be used for the stationing of site huts, storage of materials, and plant and parking of employees cars during the construction period, and any proposal for fencing of a site compound. Thereafter the compound and fencing shall be retained until building and clearance work has been completed.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A and E of Part 1 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of neighbouring amenity in accordance with Policy D1 of the Welwyn Hatfield District Plan

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 inspected at these offices).

INFORMATIVES:

1. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. No development should commence until a wheel cleaning facility has been provided at site exit of the site. The wheel cleaner should be removed from the site once the necessary road works for the construction of the development have been completed.

Matthew Heron, (Strategy and Development)
Date 20/11/2014

