

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2015/2173/FULL
Location: 37 Lambs Close, Cuffley, Potters Bar, EN6 4HD
Proposal: Erection of 2no two bedroom flats together with associated parking and retention of existing car parking spaces following demolition of existing garages
Officer: Mrs J Pagdin

Recommendation: Granted

6/2015/2173/FULL

Context	
Site and Application description	<p>The site is a rectangular shaped parcel of land at the southern end of Lambs Close, Cuffley. Lambs Close is a cul-de-sac turning off Station Road in the centre of Cuffley Town. The Close is a development of four blocks of 12 flats (48 in total) built in the 1960's. Subsequent planning permissions were granted for the addition of mansard roofs providing an additional 23 flats (71 in total) and the provision of additional parking spaces within the close.</p> <p>The original layout included two areas of lock-up garages and open areas for vehicle parking – one at the northern end of Lambs Close (33 garages), the other at the southern end adjacent to flats Nos 37-48 (24 garages). In 2001 these two areas were sold at auction. The northern area subsequently gained planning permission for demolition of 33 garages and construction of five houses with provision of eight open parking spaces. The southern area has been the subject of several planning applications for residential development and recently of a Breach of Condition Notice and Planning Appeal. The site now contains 11 garages in poor condition and an open level area with a loose gravel surface which is suitable for parking.</p> <p><u>The proposed development</u> comprises:</p> <ul style="list-style-type: none"> • Demolition of the eleven garages on the site and replacement with 11 parking spaces • Reinstatement and retention of existing parking spaces (13 on southern edge of site) • Total of 24 car parking spaces; 21 for use by Blocks A-D Lambs Close, 3 for two new flats • Erection of two x two bedroom flats above the surface level parking, accessed by stairs. • Bicycle store for the new flats in under-stair store. • Bicycle stores for Lambs Close Blocks A-D in separate storage near site access. • Bin store for the new flats in separate storage near site access.
Constraints (as	GB – Greenbelt (3m from eastern edge of site)

<p>defined within WHDP 2005)</p>	<p>LCA - Landscape Character Area (Cheshunt Common) PAR - PARISH (NORTHAW AND CUFFLEY) WARD - NORTHAW AND CUFFLEY</p>
<p>Relevant planning history</p>	<p><u>6/2015/2174/VAR</u> - Variation of condition 5 (retain car parking area) on planning permission S6/1998/0272/FP (Part cosmetic mansard and part full mansard incorporating 3 No. flats (amendments to planning permission S6/0986/90/FP)). Pending.</p> <p><u>ENF/2011/003</u> – breach of condition 5 of S6/1998/0272/FP. Upheld on appeal 28.10.2014 for the following reason:</p> <p><i>‘Given the considerable harm I have found in terms of highway safety, the character and appearance of Lambs Close, and residential amenity the appeal on ground (a) must fail and I intend to refuse planning permission on the deemed application for discharge of Condition 5.’</i></p> <p><u>S6/2013/2646/FP</u> - 1 x detached dwelling. Change of use from parking to residential. Withdrawn 20.1.2014.</p> <p><u>S6/2012/1962/FP</u> – 1 x detached dwelling. Change of use from parking to residential. Refused 8.11.2012. Appeal dismissed 23.4.2013 for the following reason:</p> <p><i>‘I find that the development of a detached house on the appeal site, involving the permanent loss of garages and car parking spaces, would have a significantly harmful effect on the amenity of residents in Lambs Close and threaten highway safety, contrary to NPPF and DP Policy D2.’</i></p> <p><u>S6/2011/0413/FP</u> – erection of 1 pair of semi-detached houses and demolition of garages. Refused 17.6.2011.</p> <p><u>S6/2010/2466/FP</u> – erection of 2 semi-detached houses. Withdrawn 8.2.2011.</p> <p><u>S6/2006/1446/FP</u> - demolish garages and erection of 3 x 2 bedroom terraced dwellings. Refused 21.11.2006. (Southern end).</p> <p><u>S6/ 2006/0297/FP</u> - demolition of 33 garages and erection of 3 x terraced houses. Refused 3.5.2006. (Northern end).</p> <p><u>S6/2005/1560/FP</u> – demolition of 33 garages and erection of 5 x terraced houses. Refused 10.2.2006. Allowed on appeal 31.7.2006. (Northern end).</p> <p><u>S6/2005/0042/FP</u> – demolish garages and erection of 4 x 2 bedroom terraced dwellings. Refused 2.11.2005. (Southern end).</p> <p><u>S6/2003/1572/FP</u> – demolish 11 garages and erection of 6 x 2 bedroom flats. Withdrawn 27.5.2004. (Southern end)</p> <p><u>S6/2002/1261/FP</u> – demolition of 11 garages and erection of 7 x 2 bedroom flats. Refused 21.10.2002. (Southern end).</p>

<p>S6/2002/1260/FP – demolition of 33 garages and erection of 13 x 2 bedroom flats. Refused 21.10.2002. (Northern end).</p> <p>S6/1998/0272/FP – mansard roofs (revs to 1990/0986). Approved 8.6.1998. Condition 5 required provision of parking in accordance with Plan No 2.</p> <p>S6/1997/0656/P – new parking layout and replacement of existing garages. Approved 26.9.1997.</p> <p>S6/1990/0986/FP – addition of mansard roof. Refused 15.3.1991.</p>			
Consultations			
Neighbour representations	Support:	Object: 2	Other:
Publicity	<p>Site Notice Display Date: 25 November 2015</p> <p>Site Notice Expiry Date: 16 December 2015</p> <p>Neighbouring properties were notified in writing.</p>		
Summary of neighbour responses	<p>Four representations have been received from the public. Two were objections, which may be summarised as:</p> <ul style="list-style-type: none"> • Overlooking of house and garden at 31 Theobalds Road: compromise privacy and security • Concerns over damage to TPO oak trees at foot of garden • Concern over stability of trees and damage to roots if garage structures are removed • The oak trees may impact on the development; dry soil and leaves/branches on the site or cause risk of subsidence. • Larger building footprint and outline than previously rejected proposals. • Similar impact on the closest flats in Lambs Close as previous applications. • Land should be retained for parking for residents of Lambs Close • Uphold parking enforcement for residents of Lambs Close should planning permission be granted. <p>The two other representations were from Lambs Close Leaseholders Association: commenting that the reduction in the number of spaces for residents of 71 flats in Lambs Close from 37 to 34 is a level of provision contrary to the Council's existing Car Parking Standards (2004). The 45 on-street space can be occupied by the general public (except for 2hrs midday) and are often fully occupied. Loss of garages would result in loss of storage for bicycles and motorcycles.</p> <p>Requested that the parking spaces be leased to the residents of Blocks A, B, C and D. Requested separate secure cycle/motorbike storage for lease to residents of Blocks A, B, C and D. Supports application subject to the two above items being secured by S106 Agreement.</p>		
Northaw and Cuffley Parish Council representations	<p>The Town/Parish Council has commented with the following: <i>"The drawings are incomplete ? side elevation not shown. The development is out of character in the location. There would be hazardous fumes from cars arriving and leaving at peak times from underneath the building."</i></p>		

Consultees and responses	<ol style="list-style-type: none"> 1. Jason Grocock, N & C PC (see above) 2. Councillor George Michaelides – no response 3. Councillor John Nicholls – no response 4. Enforcement – no response 5. Client Services – Required information about how bin store would be accessed, tracking information for refuse vehicle. Recycling bins should be provided for the new flats. Tracking information was satisfactory provided turning head kept clear. 6. Hertfordshire Transport Programmes & Strategy – no objections subject to a condition requiring the layout and retention of car and cycle parking areas. 7. Hertfordshire Ecology - no objection but recommends an informative advising steps to take prior to demolition in order to protect breeding birds. 8. Landscapes Department – a more effective landscaping scheme would be required should planning permission be granted. TPO'd oak trees should not be pruned and an Arboricultural Method Statement and Tree Protection Plan are required. 9. Network Rail - no objection but recommends conditions over drainage, demolition and construction method statement, additional 1.8m high fencing, lighting, soundproofing and landscaping with respect to Network Rail land and boundaries.
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Relevant Policies

NPPF
D1 D2 GBSP1 GBSP2 M14
Others
H2,
Supplementary Design Guidance 2005
Supplementary Planning guidance, Parking Standards 2004
Interim Policy on Car Parking and Garage Sizes 2014

Main Issues

Principle of Development	<p>The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and specified settlements and encourages the effective use of land by reusing that which has been previously developed. Local Plan Policy R1 requires development to take place on previously used or developed land and is consistent with the NPPF.</p> <p>The pre-application proposal would involve the loss of 11 derelict garages that were developed in association with the original flats and used to provide parking for residents of Lamb Close.</p> <p>The site is not an allocated housing site and so is considered to be a 'windfall site', Policy H2, therefore, applies. This policy states that all proposals for windfall housing development will be assessed against the following criteria:</p> <ol style="list-style-type: none"> (i) The availability of previously-developed sites 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
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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.

Policy SD1 aims to promote sustainable development and the 'golden thread' running through NPPF is the presumption in favour of sustainable development (para 14). The framework states that there are three aspects to sustainable development: social, economic and environmental, which are mutually dependent.

The site was previously developed and is located within Cuffley Town which is designated in Policy GBSP2 as a sustainable location to which development will be directed. It is positioned close to the facilities in Station Road. In principle there is no objection to this site being used for residential purposes in land use terms. However, the lawful use of the land is for parking in association with flats in Lambs Close further to Condition 5 of permission S6/1998/272/FP. Condition 5 required parking to be laid out and provided as per Drawing No 2 to provide on-site parking for the development. On this drawing there are 11 garages along the north boundary and 13 open parking spaces along the south boundary.

The recent enforcement appeal decision (issued on 28th October 2014) dismissed a deemed application to relax this condition and upheld the enforcement notice. The requirements of the enforcement notice are to:

- a) Remove the entrance gate to the land and ensure permanent access to the land for the purposes of parking motor cars;
- b) Remove all vegetation, earth and other materials and waste which are preventing the use of the land for the parking of cars from the hard-standings and partially derelict garages.
- c) Completely remove all resultant materials from the land.
- d) Reinstate hard-standings for the parking of motor cars, as required by Condition 5 of the planning permission granted under application no. S6/0272/98/FP.

These works had been completed at the time of site visit for this application. The amendments to the layout in Plan No 2 resulting from the proposed development are the subject of this application and concurrent application Ref No 6/2015/2174/VAR. The requirements of the current Policies of the Local Plan and the NPPF in relation to parking matters need to be satisfied. This issue is dealt with below in the section on parking.

Access, car parking and highway considerations

Saved Policy M14 of the Welwyn Hatfield District Plan 2005 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF (20112) and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing

maximum standards within the SPG should be taken as guidance only.

The Enforcement Appeal decision was issued in 2014 and in accordance with the NPPF. The level of parking provision in Drawing No 2 (Condition 5 of S6/0272/98/FP) can be considered necessary for the existing flats (71 units) on this site. Consequently, any reduction in the provision of spaces within the site would be considered an exception to the adopted policy approach and would need to be justified. Clearly this should not result in a significant increase in the demand for on-street parking within the immediate vicinity.

The previous vacancy of the garages was considered by the earlier Appeal Inspector to have arisen from concerns expressed by the residents of the flats over the high rents, lack of security and continual vandalism and not from an actual lack of demand for parking.

In practice, modern garages need to be wider than previously built in order to accommodate a car. This issue is recognised in the Council's interim policy on garage sizes. Given the restrictions of the site size and layout it is likely that providing new garages for parking may result in a reduction in the number of spaces. Providing garages for more general storage would not be in accordance with the spirit of Condition 5. Consequently, it is acknowledged that in order to provide useable garage parking on the site the number of spaces would be reduced.

The submitted scheme shows removal of the garages and provision of open parking spaces together with retention of 24 car parking spaces provided on the site.

The scheme also introduces two residential units above the ground level parking spaces. These residential units would themselves generate a demand for additional car parking. The required car parking provision (Supplementary Planning Guidance Parking 2004) for a two bedroom flat is 1.5 parking spaces. The proposed development would create 2 x 2-bedroom flats and so give rise to a demand for 3 additional parking spaces. The submitted layout would provide three spaces for the proposed flats in accordance with the adopted standards but this would result in the loss of 3 spaces reserved for existing flats.

Pre-application advice required such a shortfall to be justified and the impact minimised through car-free agreements for the proposed units and provisions for (or contributions to) alternative transport modes.

In response, the proposal includes cycle storage for the two proposed flats in an under-stair storage unit. Details of this facility shall be required by condition on any planning decision.

In addition, the loss of three parking spaces would be partly compensated for by the allocation of space within the site for three storage facilities for two wheeled vehicles. Details of these have not been submitted but shall be required by condition. Conditions shall also require the approved details be implemented and maintained as available for residents of Blocks A, B, C and D Lambs Close.

Securing the parking spaces for the use of residents of Lambs Close needs to be achieved and maintained for the long term. This shall be achieved by a condition reinforced by a S106 Agreement ensuring the parking is managed

	<p>and allocated by the Lambs Close Leaseholders Association (or its successor should it cease to exist in its current form). The applicant has indicated their willingness to enter into such a S106 agreement.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The flats in Lambs Close date from the 1960's. The external walls are finished in red brick and the roofs were flat but have 1980's mansard roof additions. The submitted scheme for a flat-roofed development would not necessarily be out of character but this would depend upon the materials used. Matching or complementary materials would be required on this site. This can be secured by condition requiring submission of samples of materials prior to development commencing.</p> <p>The garage court is visible from the flats in Block D of Lambs Close and from Theobalds Rd it could be glimpsed between the existing semi-detached houses. Any development above ground level would be seen from the street in Theobalds Road but would be over 50m away, on lower land and in sympathetic materials to the surrounding area. The proposed flats would not therefore, be unduly prominent in the street scene or out of keeping with the appearance and character of the area. It is considered to comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.</p>
<p>Impact on Living Conditions of Future and Neighbouring Residents</p>	<p><u>Future occupants</u> Policies of the District Plan and Supplementary Guidance Documents aim to ensure a good quality of environment for new residential units including the amenity of the dwellings themselves. This includes adequate day and sun light, amenity space and, for flats, drying areas. The proposed units in the submitted scheme would gain sun and daylight from the east and west elevations and the generous proportion of windows in these elevations would be acceptable provided they did not give rise to overlooking of the surrounding properties.</p> <p>Each flat is required to have its own private drying area, and to have access to amenity space in the form of either a balcony or communal open area. A 7sqm balcony is provided for each flat, which is at the lower end of the range of sufficient size of amenity space but would provide a drying space and a sitting area for each flat. This particular site, with car parking at ground level, does not lend itself to provision of communal open areas.</p> <p>Overall the proposed development is considered to comply with Council Policy in these respects.</p> <p><u>Neighbouring Residents</u> The nearest properties are Block D Lambs Close, No's 29-33 Theobalds Road and No's 1-3 Theobalds Close.</p> <p>With regard to Block D Lambs Close, the nearest corner would be 11m from the north elevation of the proposed flats. The windows in the south elevation of Block D would be between 11m and 17m from the proposed flats, which would be 5.7m high. The proposed building would not intrude upon a line 30 degrees above the horizontal taken from window sill height (the angle of winter sun light). Consequently, the proposed block would not adversely affect sun or daylight to the windows in Block D and given the distance from these windows would not result in an overbearing impact upon the flats.</p>

	<p>The windows in the north elevation of the proposed development would serve the entrance hall, stairs and first floor landing. The glass panels at first floor would require obscure glazing to prevent overlooking/loss of privacy to the ground and first floor windows in the south elevation of Block D. This can be secured by a condition on any planning decision.</p> <p>With regard to houses in Theobalds Road an objection was received. The distance between the rear of houses in Theobalds Road and the site boundary is 33.5m. The proposed building would be set in 11m from the site boundary so that the west elevation would be 45m from the east elevation of No 31 Theoblads Road. The Supplementary Design guidance requires a new development to be positioned to prevent overlooking. The balcony and windows in the east facing elevation of the new flats would face the garden of No 31. However, these would be set back the same distance so the previous scheme (S6/2012/1962/FP) for a house. The Inspector who determined the appeal for that application considered that the residents of the new house would have an oblique view of adjoining gardens from rear windows this would not unreasonably threaten privacy, bearing in mind that overlooking is a common feature of suburban environments.</p> <p>The distance between the boundary and the windows in the east elevation was 12m and was considered adequate to prevent the new development unreasonably dominating the outlook from the gardens of surrounding properties.</p> <p>With regard to the houses in Theobalds Close, the building would be no taller or closer to the boundary (set in by 2m) than the previous scheme. It would be wider (16m compared to 12m) but having a flat roof and being located further to the east end of the site, would not present significantly more bulk to the rear garden of No 1 Theobalds Close. The garden at No 3 Theobalds Close is currently screened by conifer trees and the roots and canopies of these trees would need to be maintained and protected to ensure adequate screening. These shall be secured by condition</p>
<p>Landscaping Issues</p>	<p>Saved Policy D8 of the Welwyn Hatfield District Plan 2005 requires all developments to include landscaping as an integral part of the overall design. The retention an enhancement of existing key landscape features such as trees and shrubs is expected. Landscaped areas should be designed so that maintenance is straightforward.</p> <p>The site itself does not contain any vegetation since it was cleared when the garage buildings were removed. However, the sites around contain trees close to the boundary. There are two TPO oak trees close to the north west corner of the site set within the gardens of houses in Theobalds Road. There are mature conifer trees just outside the southern boundary in the garden of No 3 Theobalds Close and a row of new conifer trees along this boundary in the garden of No 1 Theobalds Close.</p> <p>The Landscape Department has commented that the oak trees are protected and have very high amenity value. Should the application be approved, a condition should be imposed preventing pruning of the oak trees without LPA approval.</p> <p>The method of construction of the proposed flats would use pile driving rather than foundations and may cause less disturbance of the ground around the boundaries of the site. However, the storage of materials around the roots can</p>

	<p>affect the health of trees and the canopies of the neighbouring trees provided valuable screening and should be retained for that reason. A condition shall be imposed preventing lopping and topping of these trees and requiring protection of the root protection zones.</p> <p>The proposed landscaping scheme is indicative and a more detailed and substantial scheme has been requested by the Landscape Department. This can be secured by a condition on any planning decision.</p>
Biodiversity	<p>Policy R11 of the Welwyn Hatfield District Plan 2005 requires developments to contribute to biodiversity and to preserve existing features. Herts Ecology have commented that the site does not have a high ecological value but recommend a cautious approach to development with regard to the bird nesting season. An informative shall be added to any decision regarding seasonal demolition.</p>
Any other considerations	<p>Network Rail were consulted as the site abuts the railway land at its eastern end. They responded with a requirement for the provision and maintenance of an additional 1.8m high fence adjacent to the railway land. This can be secured through a condition. They also requested conditions over drainage, a method statement, soundproofing of the flats from railway noise, lighting and careful choice of plant species in landscaping.</p> <p>Regarding sound proofing a condition can be imposed requiring noise levels in the internal spaces of the flats to be an acceptable level. The drainage can be covered by an informative and the other matters can be the subject of conditions.</p>
Conclusion	
<p>The proposed development would make use of previously developed land and provide housing in a sustainable location in accordance with Policies GBSP1, GBSP2, R1 and H2 of the Welwyn Hatfield District Plan 2005. The design of the scheme is considered acceptable in terms of planning policies of the Council subject to</p> <ul style="list-style-type: none"> • A S106 agreement ensuring the parking is managed and allocated by the Lambs Close Leaseholders Association (or its successor should it cease to exist in its current form) and • conditions over the following: <p>Materials to be submitted for approval (Prior to commencement)</p> <p>Marking out of car parking spaces three for use of future residents and 21 for residents of Blocks A, B, C and D (prior to the occupation of the development)</p> <p>Bike store for future occupants and for Lambs Close A-D - details prior to commencement and install and made available to use prior to occupation of development</p> <p>Bin store and bin collection point - details prior to commencement and install and made available to use prior to occupation of development</p> <p>External lighting - details prior to commencement and install and made available to use prior to occupation of development</p> <p>Landscaping Scheme – details and implementation</p> <p>Tree Protection for trees on land adjacent to the site</p> <p>Obscure glazing to stair well</p> <p>Sound insulation for indoor noise levels</p> <p>Construction method statement.</p>	

Conditions:

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

1139-302 & 1139-303 & 1139-306 & 1139-307 received and dated 19.11.2015 and 1139-301a/revA received and dated 21.1.2016 and 1139-300/revB & 1139-301/revB & 1139-301b/revB received and dated 8.2.2016.

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. The area set aside for 24 car parking spaces shall be laid out, surfaced and marked out, in accordance with Drawing No 1139-301/revB, before the buildings hereby permitted are first occupied. Three spaces shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development hereby permitted and 21 spaces shall be permanently retained for residents of Blocks A, B, C and D Lambs Close and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

4. No development shall commence until details of the proposed secure cycle parking (including powered two wheel vehicle parking where applicable) for residents of the development hereby approved and three freestanding cycle stores for the residents of Blocks A, B, C and D of Lambs Close have been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be provided and made available for use prior to the first occupation of the development hereby approved. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle (powered two wheeler) accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

5. Details of the location, design and specification of the refuse bin and recycling materials storage bins and bin collection areas to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 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.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

7. No 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 including a 1.8m high fence along the eastern boundary of the site where it adjoins Network Rail land;
- (b) vehicle and pedestrian access and circulation areas;
- (c) hard surfacing, other hard landscape features (including the bin collection point) and materials;
- (d) 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) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (f) location of service runs and
- (g) management and maintenance details.

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

8. All agreed landscaping comprised in the approved 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 GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

9. (a) No retained tree or shrub within the site or on adjacent land shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with plans and particulars submitted to and approved in writing by the Local Planning Authority prior to being undertaken. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).
- (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

10. The windows to the stairs and first floor landing of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above the internal floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

11. 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. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety and to not interfere with the adjacent railway land in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

12. No construction above ground shall commence until a scheme to protect the development (two residential flats) from railway noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before any part of the accommodation hereby approved is occupied and maintained thereafter. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. Any associated mechanical ventilation shall meet the requirements of the Noise Regulations 1975 (amended 1988).

REASON: To protect the occupants of the development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

1. REASON FOR APPROVAL

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 viewed on the Council's website or inspected at these offices).

Informatives:

1. This decision notice should be read in conjunction with the S106 Agreement dated 9 August 2016.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and

enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.

4. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992 is discovered, all construction or other site work affecting the species shall cease until a suitable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and a license has been obtained from DEFRA (Department for Environment, Food and Rural Affairs).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

5. Your attention is drawn to the requirements of Thames Water and Network Rail in regard to drainage and public sewers on the site. Please contact Thames Water in relation to the public sewer that runs across the site on Tel: 0800 009 3921 and Network Rail regarding drainage at www.networkrail.co.uk/property.

Determined By:

Mr A Mangham
9 August 2016