

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2020/0592/VAR
Location: 101 Brookmans Avenue, Brookmans Park, AL9 7QG
Proposal: Variation of condition 10 (approved plans) on planning permission 6/2019/2313/FULL
Officer: Mr David Elmore

Recommendation: Granted

6/2020/0592/VAR

Context	
Site and Application description	<p>This is an application under section 73 of the Town and Country Planning Act to vary condition 10 (approved plans) of planning permission 6/2019/2313/FULL.</p> <p>The proposed variations are stated on the submitted application form as:</p> <p><i>'Drawing for houses 1-3 along Brookmans Avenue to have living room replaced with an internal garage, amendments to external parking to account for garages and to elevations to accommodate a garage door'.</i></p> <p>The submitted drawings also include longer dormers and the installation of a rooflight on the flat roof dormer and main roof of houses 1-3. The application is to be assessed accordingly.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0</p> <p>LCA - Landscape Character Area (Potters Bar Parkland) - Distance: 0</p> <p>PAR - PARISH (NORTH MYMMS) - Distance: 0</p> <p>ROW - FOOTPATH (NORTH MYMMS 068) - Distance: 1.79</p> <p>Wards - Brookmans Park & Little Heath - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7620757) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7620901) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2020/0551/COND Decision: Granted Decision Date: 23 April 2020 Proposal: Submission of details pursuant to condition 1 (crown roof details) 6/2019/2313/FULL</p> <p>Application Number: 6/2019/2313/FULL Decision: Granted Decision Date: 18 December 2019</p>

Proposal: Erection of six dwellings following demolition of existing buildings			
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 18 March 2020 Site Notice Expiry Date: 8 April 2020		
Summary of neighbour responses	Objection received from Mannawell House and summarised as follows: <ul style="list-style-type: none"> • Unobscured glass in stairwell of side elevation of House 1 overlooking No.99 • Large glass panel will overlook our glass roofed conservatory • Unneighbourly and intrusive on our privacy 		
Consultees and responses	North Mymms Parish Council - No comment. WHBC Parking Services – Comment: <ul style="list-style-type: none"> • All proposed properties have provision for at least three parking spaces which complies with the current Parking Standards 		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others			
Main Issues			
Would the development reflect the character of the area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment (if applicable):			
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment: The proposed dwellings would be spacious and well-appointed. Each dwelling would benefit from their own private rear gardens. These gardens are of good size and proportionate to the footprint and scale of each dwelling. The proposed dwellings would not be unduly dominant or result in any adverse loss of sunlight and daylight between each other or from neighbouring properties, considering length of projection, height, orientation and proximity to boundaries. In terms of privacy, the proposed dwellings would include windows at first floor level and above facing each other or neighbouring properties. Rooms and spaces serving these windows include: bedrooms, en-suites, bathrooms, staircases/landings and dressing rooms. All of these flank windows, in terms of their location and rooms they serve, have the potential to present harmful privacy and overlooking; however, measures including obscure-glazing and a restriction on opening level would satisfactorily address any negative impact in this respect. A planning condition to this effect can be imposed with a grant of planning permission. This view also includes consideration of the glazed roof conservatory of 99 Brookmans Avenue – an element of this neighbouring property which was missed on the submitted drawings for the parent planning permission (6/2019/2313/FULL) and is also missing on the now submitted variation application.			
Would the development provide / retain sufficient parking?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

Other considerations

Re-imposition of planning conditions for planning permission 6/2019/2313/FULL

A successful application to amend condition 10 would result in the issue of what would be in effect a new planning permission, sitting alongside the original permission. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

The crown roof details reserved under condition 1 have been approved under reference 6/2020/0551/COND. It is therefore necessary for the approved crown roof drawing to be added as an approved plan with a grant of planning permission.

Condition 2 states: *'Notwithstanding submitted drawing number: 1903-GUA-DR-L-002 Rev P01, relating to Ecological Enhancements, prior to first occupation of the development hereby approved an amended external lighting scheme must be submitted to and approved in writing by the Local Planning Authority to demonstrate that impact on wildlife and habitats would be minimised. The external lighting scheme must include: the quantity, type and nature of lighting; the extent to which the lights will illuminate hedges, bushes, flowerbeds, and trees, and impact on such vegetation. The development must be carried out in accordance with the approved external lighting scheme'*.

Drawing number: 1903-GUA-DR-L-002 Rev P01 has not been submitted with this Section 73 application. Therefore this condition would need to omit reference to this drawing.

Condition 4 requires the vehicular access to be provided and thereafter retained at the positions shown on drawing number 485018-16 Rev B. This Section 73 application includes minor changes to internal site layout and therefore the aforementioned drawing number has been superseded with drawing number 485018-23 Rev B. The vehicular access positions remain unchanged. This condition would be re-imposed with the new drawing number.

Condition 6 requires all landscaping comprised in approved drawing number: 1903-GUA-DR-L-001 Revision P04 to be carried out. Whilst the landscaping details remain unchanged under this Section 73 application, this drawing has been updated to Revision P05 given the minor internal layout changes. This condition would be re-imposed with the new drawing number.

Condition 7 requires ecological enhancement measures comprised in drawing number 1903-GUA-DR-L-002 Rev P01 to be installed and retained. This drawing has been updated to Revision P02 given the minor layout changes. This condition would be re-imposed with the new drawing number.

All other conditions (2, 3, 5, 8 & 9) remain relevant and would be re-imposed with a grant of planning permission.

Conclusion

The proposed variations to planning permission 6/2019/2313/FULL accord with all relevant local and national planning policies.

Conditions:

1. Notwithstanding submitted drawing number: 1903-GUA-DR-L-002 Rev P01, relating to Ecological Enhancements, prior to first occupation of the development hereby approved an amended external lighting scheme must be submitted to and approved in writing by the Local Planning Authority to demonstrate that impact on wildlife and habitats would be minimised.

The external lighting scheme must include: the quantity, type and nature of lighting; the extent to which the lights will illuminate hedges, bushes, flowerbeds, and trees, and impact on such vegetation.

The development must be carried out in accordance with the approved external lighting scheme.

REASON: To minimise impact on biodiversity in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

2. Prior to first occupation of the development hereby approved, visibility splays of 2.4m x 33m must be provided and permanently maintained in each direction for the accesses on Golf Club Road. There must be no obstruction to visibility between 600mm and 2m above the carriageway level.

REASON: In the interest of highways safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

3. Prior to first occupation of the development hereby approved, vehicular access must be provided and thereafter retained at the positions shown on drawing number 485018-16 Rev C. Arrangements must be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: In the interest of highways safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

4. The development hereby approved must be carried out in accordance with the Tree Protection Plan, Arboricultural Method Statement and Tree Protection Barrier Specification contained within the submitted Phase II Arboricultural Impact Assessment (by Arbol EuroConsulting, 22/02/2019).

REASON: To ensure existing trees are protected and in the interest of visual amenity in accordance with Policies D1, D2 and R17 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

5. All landscaping comprised in approved drawing number: 1903-GUA-DR-L-001 Revision P05, must 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 must be replaced in the next planting season with others of similar size and species. All landscape works must 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; Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

6. The Ecological Enhancement measures shown on submitted drawing number: 1903-GUA-DR-L-002 Revision P02, including: Summer bat roost boxes, bat/swift box combined, swift boxes, sparrow terraces, and hedgehog 'highways', must be installed prior to first occupation of the development hereby approved and retained permanently thereafter.

REASON: To enhance and secure measurable net gains for biodiversity in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

7. Any upper floor window located in a wall, dormer or roof slope forming a side elevation of the dwellings hereby approved must be obscure-glazed and nonopening 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 living conditions of future occupiers and neighbouring occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

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

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of high quality design and visual amenity of the area in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

DRAWING NUMBERS

9. 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
485018-16	C	Proposed Site Plan	2 March 2020
485018-17	E	House 1 Plans and Elevations	2 March 2020
485018-23	C	Proposed Street Scenes	2 March 2020
485018-19	D	House 3 Plans and Elevations	2 March 2020
485018-18	D	House 2 Plans and Elevations	2 March 2020
1903-GUA-DR-L-001	P05	Landscape Masterplan	2 March 2020
485018-27		Crown Roof Details	27 February 2020
485018-25	A	Location Plan	11 November 2019

485018-13	A	Existing Site Plan	11 November 2019
485018-15		Existing Floor Plans	19 September 2019
485018-20		House 4 Plans and Elevations	19 September 2019
485018-21		House 5 Plans and Elevations	19 September 2019
485018-22		House 6 Plans and Elevations	19 September 2019
485018-27	A	Existing Elevations	16 October 2019

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 development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are

required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.
Email: plantprotection@cadentgas.com Tel: 0800 688 588

Determined By:

Ms Gill Claxton
29 April 2020