

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/0831/VAR  
**Location:** 17A Kingsmead Cuffley Potters Bar EN6 4AN  
**Proposal:** Variation of condition 5 (hard and soft landscaping plan) on planning permission 6/2016/0291/FULL (APP/C1950/W/16/3151697)  
**Officer:** Ms Lucy Hale

**Recommendation:** Granted

6/2020/0831/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises a detached dwellinghouse which is currently under construction (17A Kingsmead) located to the rear of 17 Kingsmead which was allowed at appeal following refusal of application reference 6/2016/0291/FULL.</p> <p>Conditions, 3, 4 and 7 of this permission have been discharged under application reference 6/2018/3084/COND, however insufficient information was submitted in respect of condition 5. This application seeks to vary condition 5 (landscaping scheme) of planning permission 6/2016/0291/FULL as the works have started. A Landscape Maintenance Plan and drawings have been submitted.</p> <p>All other aspects of the proposal would remain the same as previously permitted.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>PAR - PARISH (NORTHAW AND CUFFLEY)  Wards - Northaw &amp; Cuffley</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2016/0291/FULL  Decision: Refused  Decision Date: 27 May 2016  Proposal: Erection of 1no detached single storey dwellinghouse  Appeal: Allowed</p> <p>Application Number: 6/2018/3084/COND  Decision: Part Approved / Part Refused  Decision Date: 29 January 2019  Proposal: Submission of details pursuant to condition 3 (area for parking, storage and delivery of materials associated with construction), 4 (tree protection plan and arboricultural method statement), 5 (hard and soft landscaping) and 7 (samples of materials for construction of external surfaces) on planning permission 6/2016/0291/FULL</p>

<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 9 June 2020 Site Notice Expiry Date: 30 June 2020 Press Advert Display Date: 29 April 2020 Press Advert Expiry Date: 14 May 2020		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	Hertfordshire County Council Transport Programmes & Strategy - No objection Welwyn Hatfield Borough Council Landscapes Department - No objection		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: D8			
<b>Main Issues</b>			
<p><i>Landscaping details</i></p> <p>This application follows application reference 6/2018/3084/COND which was partly refused as a result of insufficient information submitted to discharge condition 5 (landscaping details) in respect of points (b), (e) and (f). This condition required details to be submitted prior to commencement of the development. However, works commenced on site before these details were agreed. As a result, these details have been submitted under a Section 73 application. A Landscape Maintenance Plan and drawings have been submitted. The Landscaping Team have been consulted and are satisfied with the additional information submitted pursuant to the requirements of condition 5 of 6/2016/0291/FULL. As a result, it is considered appropriate to vary the wording of the condition to ensure that the development is built in accordance with these details.</p> <p>In addition, a Section 73 application grants a new standalone permission. Either it or the original permission on the site may, therefore, be implemented. It is therefore necessary to impose all the conditions from the original approval upon the new permission or if those conditions have been discharged, to require the approved details to be adhered to in the new development.</p>			
<b>Conclusion</b>			
Subject to conditions, the proposed development is considered to comply with all relevant local and national planning policy.			

**Conditions:**

1. The areas set aside for parking, storage and delivery of materials associated with the construction of the development must be implemented in accordance with Drawing Site Plan- Storage/Delivery submitted to the Local Planning Authority and approved under application reference 6/2018/3084/COND.

REASON: In the interest of highway safety and free and safe flow of traffic, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

2. The development hereby approved must not be implemented other than in accordance with the Tree Protection Plan, Arboricultural Method Statement and

Landscaping Plan Drawing number 3014-18A2-04 Rev A submitted to the Local Planning Authority and approved under application reference 6/2018/3084/COND.

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

3. The development hereby approved must not be implemented other than in accordance with the Landscape Maintenance Plan dated March 2020 and Drawing numbers 3014-18A1-02, 3014-18A2-105, 3014-18A2-04, 3014-18A1-01 Rev B.

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 Policy D8 of the Welwyn Hatfield District Plan 2005.

4. 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 the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or 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 in accordance with the approved landscape maintenance plan. All hard landscaping and means of enclosure and boundary treatments, other than those consisting of planting, are to be implemented before the first occupation of the building. All means of enclosure and boundary treatments are to be retained for the lifetime of the development.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. The development must not be carried out other than in accordance with the materials detailed on Drawing number 3014-18A2-03 approved under application reference 6/2018/3084/COND.

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

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

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

7. That part of the first floor dormer window on the north eastern side elevation of the dwelling shown as obscured and the associated 'privacy screen', as detailed on drawing numbers PL 03 and PL 04, shall be installed prior to the first occupation of

the dwelling hereby permitted and shall be retained for the lifetime of the development.

REASON: In the interests of the privacy of the occupants of surrounding neighbouring properties, namely No. 17 Kingsmead, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
3014-18A1-02		Proposed Site Plan	3 April 2020
3014-18A2-105		Existing Levels	3 April 2020
3014-18A2-04		Proposed Landscaping	3 April 2020
3014-18A1-01	B	Proposed Section Elevation with Levels	3 April 2020
PL01	A	Site Location Plan	23 February 2016
PL02	A1	Block Plan	23 February 2016
PL04		Proposed Elevation	23 February 2016
PL03		Proposed Floor Plan	23 February 2016
PL05		Site Section	23 February 2016

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

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

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

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

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including (insert Council name) District / Borough Council (insert link). Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

**Determined By:**

Ms Gill Claxton  
7 July 2020