

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

DELEGATED APPLICATION

Application No: 6/2020/1325/FULL
Location: Land Adjacent to 48 The Ridgeway, Cuffley, Potters Bar, EN6 4BA
Proposal: Erection of detached dwelling and new vehicular access
Officer: Mr David Elmore

Recommendation: Granted

6/2020/1325/FULL

Context	
Site and Application description	<p>The application site is located on the northern side of The Ridgeway, Cuffley, and comprises part of the residential garden of number 48. The site is washed over by the Metropolitan Green Belt and forms part of a Local Wildlife Site known as Home Wood (Cuffley).</p> <p>Planning permission is sought for the erection of a dwelling and new vehicular access. This is a resubmission following application 6/2020/0576/FULL which was refused due to a lack of information to demonstrate that the proposal would not result in harm to biodiversity and the loss of protected species. The same development is proposed but this application has been supported by a Preliminary Ecological Appraisal.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Great Wood) - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18100) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626292) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626304) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626343) - Distance: 0 WILD - Home Wood (Cuffley) - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - Existing S41 NERC Act habitat - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2020/0576/FULL Decision: Refused Decision Date: 24 April 2020 Proposal: Erection of dwelling</p> <p><u>Reason for refusal:</u></p> <p><i>The application has failed to demonstrate that the proposed development would not result in harm to biodiversity and the loss of protected species. Without such assurance the proposal conflicts with Policy R11 of the Welwyn Hatfield District Plan 2005; the National Planning Policy Framework; and the Conservation of Habitats and Species Regulations 2018.</i></p>

Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 26 June 2020 Site Notice Expiry Date: 17 July 2020 Neighbour letters sent		
Summary of neighbour responses	No representations received		
Consultees and responses	WHBC Client Services – No objection HCC Highways – Conditions recommended HCC Ecology – Conditions recommended Cadent Gas – Informative recommended		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" 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: Policies SD1, R1, R11, R15, R17, R20, D8, H2 & RA10 of the District Plan; Policy SADM34 of the Emerging Local Plan; Conservation of Habitats and Species Regulations 2018.			
Main Issues			
Would the development reflect the character of the area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment: District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Policy D8 of the District Plan requires this type of development to include landscaping as an integral part of the overall design. Policy R17 also explains that the Council will seek the retention of existing trees by condition where applicable. This approach is broadly consistent with the NPPF This part of The Ridgeway contains generally large dwellings set back from the road and within generously sized plots. The street-scene is wide and the boundaries of properties are well landscaped with trees and hedging. There is an eclectic mix of dwelling styles. The application site is located on the northern side of The Ridgeway. On this side of the road dwellings are sited well below the road level due to the steep downward slope of the land. The land on this side of the road also slopes across and downwards to the south-east. The site currently forms part of the residential garden of 48 The Ridgeway and the area where the dwelling would be sited includes a tennis court, pond and trees. The site is very well landscaped with trees and hedging both within and to its boundaries - so much so, that views from the road are very limited. The proposed dwelling would be sited between 44 and 48 The Ridgeway and on a similar building line. It would have three-storeys (inclusive of basement accommodation) with a main crown roof and a one and a half storey front projecting half-hip roof. Ground level of the dwelling would run flush with the existing tennis court and the basement accommodation would be set into the downward slope of the land. The dwelling would be greater in height than 44 The Ridgeway but lower than 48 The Ridgeway - mainly due to the gradients of the site and neighbouring sites. As a result, the proposal would			

respect the building heights of its immediate neighbours.

The submitted Design & Access Statement indicates that the proposal would not require the removal of any significant trees from the site and that a new scheme of soft landscaping could be planted. Limited details however have provided. It appears from the proposed site plan that only three existing trees would be removed to facilitate the development – one to provide vehicular access from The Ridgeway and the other two to erect the dwelling. In this case therefore almost all of the boundary landscaping would be retained and this is important to soften the presence of built development and maintain the landscape setting. Precise details of all retained trees and additional planting can be secured through planning condition.

No details of hard landscaping have been submitted. It is reasonable that a driveway would be provided to the front of the property and the proposed site plan gives indication to this. Details of hard landscaping can be secured through planning condition. This will ensure that an appropriate balance of soft to hard landscaping is achieved in keeping with the area.

The dwelling would be faced in a mix of timber boarding and brickwork below a natural slate tile roof. Having regard to the variety of materials used on dwellings in the area, the principle of the proposed materials are acceptable. The use of timber boarding in the background behind retained boundary landscaping would further make the dwelling and its size less apparent.

It is considered that the size and visual presence of the proposed dwelling would be limited from the street-scene through a number of factors, including its positioning with the site, partial screening of its flank walls from the neighbouring dwellings on either side, height relative to these neighbouring dwellings, use of traditional materials and significant retention of the existing boundary landscaping.

Subject to planning conditions requiring details of the external materials and soft and hard landscaping, it is considered that the development would represent an acceptable standard of design in this respect.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No

Comment: Policy D1 of the District Plan and the NPPF require high quality design and this includes development ensuring that the residential amenity and living conditions of users and neighbours are protected.

The Council's SDG only provides specific guidance requiring extensions to not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension. It is considered that such principles are transferable to new developments such as dwellings.

Having regard to the positioning, height, depth and form of the proposed dwelling, it is considered that it would not appear unduly dominant from neighbouring properties or result in any adverse loss of sunlight or daylight.

Upper floor side facing windows (serving bedroom, dressing room, en-suites) would face flank windows of the two neighbouring properties on either side. All these windows (save for the dormer windows) give rise to potential for overlooking and loss of privacy. To prevent such adverse effects, it is considered necessary and reasonable for these windows should obscure glazed with a restricted level of opening. This measure can be secured through planning condition.

The proposal would also involve sub-division and delineation of the existing plot. Suitable hard boundary treatments can be secured through planning condition to ensure the privacy of 48 The Ridgeway is maintained.

Subject to the suggested condition, the development would be acceptable in this respect.

Would the development provide / retain sufficient parking?

Yes No

Other considerations

Principle of development

The principle of the development was deemed acceptable under application number 6/2020/0576/FULL. Planning policies and material planning considerations remain unchanged.

Green Belt

Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough as defined on the proposals map.

Paragraph 145 of the NPPF outlines that local planning authorities should regard the construction of new buildings as inappropriate development, apart from a limited number of exceptions. The applicant contends that the development would comply with exception (e) 'limited infilling in villages'.

Does the site lie in the village of Cuffley?

Cuffley is a large village and the site is outside of its settlement boundary as designated in both the District and Emerging Local Plan. However case law set out in Julian Wood v SoS and Gravesham Borough Council [2015] found that the term "village" is not necessarily the same as a settlement boundary, and that there is a need to consider the facts on the ground.

The defined settlement boundary in the development plan ends approximately 137 metres to the south-east along The Ridgeway (beyond 36 The Ridgeway). Ribbon development however continues out of the settlement on both sides of the road and includes 48 The Ridgeway. The spacing between dwellings along the northern side of the road are similar and the street-scene remains verdant and open when passing the site into and out of the defined settlement. The character and appearance of the area between the outer limits of the defined settlement along The Ridgeway and the site is considered to be unchanged. Accordingly, on the ground in this case the site is considered to lie within a village for planning policy purposes.

Would the development represent limited infilling?

Limited infilling is not defined in the NPPF or District Plan. Policy SADM34 of the Council's Emerging Local Plan however outlines that limited infill development will be permitted in villages within the Green Belt provided:

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

Whilst the hearing session including Policy SADM34 has taken place in February 2018 and there are no unresolved objections concerning this policy, the Emerging Local Plan has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration. However, in the absence of any other local standards, it provides a suitable benchmark for assessing the development.

The proposal would result in the provision of one dwelling sited in a gap within continuous built-up frontage. Also, it would not extend the existing 'built up' area of the village into open countryside nor result in the loss of the view or vista. Accordingly, it is considered that the proposal would represent limited infilling.

Taking account of the above, the proposal would be limited infilling in a village and therefore be appropriate development in the Green Belt. As appropriate development in the Green Belt, an assessment of Green Belt openness and the purposes of including land within it is not required.

Landscaping

Limited landscaping information has been provided with the application. The Council's Landscaping Officer has been consulted and requests further details regarding the existing trees, what trees will be retained, new planting and tree protection measures. These matters can be secured through planning condition having regard to Policies D1, D2, D8 and R17 of the District Plan and NPPF.

Highways

The Highways Authority have been consulted for this application and present no objection subject to three conditions. Two conditions require the access to be provided and retained in the position proposed and for its gradient to not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway. These requirements are considered necessary and reasonable in the interest of highway safety.

The final condition requires the dwelling to incorporate an electric vehicle ready domestic charging point in the interest of promoting sustainable transport. It is however noted that the development is for a single dwelling and would be located within an adequately sustainable location for residential development. Moreover, a home charging point could be conveniently installed on the dwelling should future occupiers use an electric vehicle or vehicles. It is therefore considered that such a requirement would not be necessary or reasonable in this case.

Ecology

The application site is located within Home Wood (Cuffley) Local Wildlife Site (LWS), which is described as very old scrub and plantation that has developed into semi-natural woodland. Local Wildlife Sites are an important ecological resource at the county level and should be protected if possible.

Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site.

The NPPF outlines that planning decisions should protect and enhance biodiversity and, when determining planning applications, local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated against, or, as a last resort, compensated for, then permission should be refused.

The application is supported by a Preliminary Ecological Appraisal (PEA) by T4 Ecology (report date June 2020). Hertfordshire Ecology have been consulted for this application and do not object the development within a LWS subject to the mitigation measures set out in the PEA being adhered to.

Hertfordshire Ecology have highlighted that the site is located within close proximity to the woodland edge of the LWS where bats may be present and, therefore, any external lighting scheme should be designed to minimise light spill.

The NPPF requires planning decisions to provide net gains for biodiversity. A number of enhancements are recommended within the PEA alongside the planting of three trees. Hertfordshire Ecology consider that the enhancements relating to bat and bird boxes, provision for wildlife permeable boundaries and tree planting would together allow the development to deliver a biodiversity net gain.

The mitigation measures and specific enhancement recommendations in the PEA and details of an external lighting scheme can be secured through planning conditions.

Conclusion

Subject to the suggested conditions, the proposed development would accord with all relevant local and national planning policies.

Conditions:

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

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

2. No development above ground level in any phase of the 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) A BS:5837:2012 survey of the trees on site, to include an assessment of their health and condition.

(b) 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

(c) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

(d) Hard surfacing, other hard landscape features and materials

(e) Means of enclosure and boundary treatments

REASON: The application contains insufficient information with regard to existing trees and landscaping. 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 D1, D2, D8, R11 and R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

3. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

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

4. External lighting must not be installed unless otherwise agreed in writing by the local planning authority. Any external lighting scheme must be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

REASON: To minimise impact on bats and wildlife in accordance with Policy R11 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

5. The upper floor side windows of the dwelling hereby approved (excluding dormer windows and rooflights) must be obscure glazed; and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed), and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby permitted the vehicular access must be provided and thereafter retained at the position shown on drawing number 1395-P002-A. Arrangement 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 highway safety in accordance with the National Planning Policy Framework.

7. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

REASON: In the interest of highway safety in accordance with the National Planning Policy Framework.

8. Prior to first occupation of the development hereby approved, the ecological enhancements on page 23 of the Preliminary Ecological Appraisal by T4 Ecology (report date June 2020) relating to bat and bird boxes and provisions for wildlife permeable boundaries should be implemented in full and retained permanently thereafter.

REASON: To provide net gains for biodiversity in accordance with Policy R11 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

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
13935-P002-A		Location Plan, Proposed Site Plan, Proposed Front Elevation & Proposed Street Elevation	11 June 2020

13935-P003-A	Proposed Plans & Elevations	11 June 2020
13935-S001-A	Location Plan, Existing Site Plan & Existing Street Scene	11 June 2020

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 Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

3. 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.
4. Due to the presence of Cadent and/or National Grid apparatus in proximity to the development, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: +44 (0)800 688588.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
7. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical

means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

9. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
10. To protect any mammals commuting through or foraging within the site, any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

Determined By:

Mr Mark Peacock
13 August 2020