

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

DELEGATED APPLICATION

Application No: 6/2021/0882/VAR
Location: 101 Brookmans Avenue Brookmans Park Hatfield AL9 7QG
Proposal: Variation of condition 10 (drawing numbers) on planning permission 6/2019/2313/FULL
Officer: Mr David Elmore

Recommendation: Granted

6/2021/0882/VAR

Context	
Site and Application description	<p>This application seeks to vary condition 10 (approved plans) of planning permission 6/2019/2313/FULL. The proposed variations include:</p> <ul style="list-style-type: none"> - Addition of gates and supporting piers to frontage of Houses 1, 3, 4, 5 & 6 and existing House 2 gates and supporting piers to be re-painted/made good. - Erection of close boarding fencing behind retained Beech hedge facing Brookmans Avenue - Addition of railings behind retained and extended Beech hedge facing Golf Club Road - Minor revisions to approved Landscape Masterplan (Native Beech Hedge extended facing Golf Club Road and additional granite surfacing at entrances to Houses 4, 5 & 6) - Visibility splays demonstrated along Golf Club Road <p>Amendments to the originally submitted plans have been received during the course of the application, at the Planning Officer's request, to reduce height and alter the design of the hard boundary treatments.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Potters Bar Parkland) - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 ROW - FOOTPATH (NORTH MYMMS 068) - Distance: 3.18 Wards - Brookmans Park & Little Heath - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2020/0551/COND Decision: Granted Decision Date: 24 April 2020 Proposal: Submission of details pursuant to condition 1 (crown roof details) 6/2019/2313/FULL</p>

	Application Number: 6/2019/2313/FULL Decision: Granted Decision Date: 18 December 2019 Proposal: Erection of six dwellings following demolition of existing buildings		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 21 April 2021 Site Notice Expiry Date: 13 May 2021 Neighbour letters sent		
Summary of neighbour responses	Objection received from No.108 Brookmans Avenue and summarised as follows: <ul style="list-style-type: none"> • The proposed gates with the brick piers and lamps are far too large and overbearing • Although there are existing gates which were the entrance for the previous property they were surrounded by a beech hedge of the same height and did not look too out of place • The new plans seem to show that although the beech hedging is to be retained where possible it is much reduced in height • A maximum height for the gates and supporting piers of 1.8 - 2m would be preferable. 		
Consultees and responses	North Mymms Parish Council - Comment as follows: <ul style="list-style-type: none"> • Existing gates not relevant as this is a new development • Disappointing amounts of enclosure from the 2019 approval • A move away from the open front garden aspect of Brookmans Avenue 		
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 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			
Main Issues			
Would the development reflect the character of the area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment: Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality, and that the design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the Supplementary Design Guidance (SDG). One of the design principles is character and Policy D2 (Character and Context) states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed and that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. This approach is broadly consistent with the NPPF. The application site is located on the junction of Brookmans Avenue and Golf Club Road. The frontage facing Brookmans Avenue features a large entrance gate with supporting piers and close			

boarded fencing behind native Beech Hedging. This Beech hedging continues around the frontage facing Golf Club Road for part of its length.

The frontages of properties in the immediate locality are well landscaped and many include hard boundary treatments. Such hard boundary treatments vary in their design, appearance and height.

The proposed gates serving Houses 1, 3, 5 and 6 would be in the form of iron railings with views through and range in height from 1.9-2.15 metres. The supporting brick piers would range in height from 1.9-2.1 metres.

The existing gates and piers fronting Brookmans Avenue would be re-painted and made good and such alterations are acceptable. The existing piers and those serving House 1 and House 3 would be infilled with new 1.8 metre tall fencing erected behind the existing retained Beech Hedging. The height of the new fencing would not be dissimilar to that to be replaced.

The piers serving Houses 4, 5 and 6 would be infilled with 1.6 metre tall iron railings and evergreen hedging would be planted in front of the railings.

Having regard to the location, height and design of the proposed hard boundary treatments, together with the proposed landscaping scheme, it is considered that the development would not appear prominent or obtrusive in the area. With precise details of the brick piers, railings and fencing being secured by condition, the development would sit comfortably within the existing street-scene and the area's character would be maintained.

The concerns raised from No.108 Brookmans Avenue and the Parish Council are noted. However, for the above reasons, it is considered that the development would represent an acceptable standard of design and there would be no conflict with Policies D1 and D2 of the District Plan, the Council's SDG or the NPPF.

Would the development reflect the character of the approved dwellings?

Yes No

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

Yes No

Other considerations

Visibility splays

Condition 4 of planning permission 6/2019/2313/FULL required visibility splays of 2.4m x 33m to be provided and permanently maintained in each direction for the accesses on Golf Club Road and that there is no obstruction to visibility between 600mm and 2m above the carriageway level.

A drawing demonstrating the visibility splays has been submitted with this application and is deemed to be acceptable following comments from Hertfordshire Highways.

Landscape and ecology

The amendments to the approved landscaping scheme are minor and no adverse impacts in terms of landscaping and ecology would result.

Re-imposition/variation/removal of conditions pursuant to 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.

Planning permission 6/2019/2313/FULL was granted subject to 10 conditions. Condition 1 has been discharged under application number

	<p>6/2020/0551/COND. The approved plan has been included in this application and the development would need to be carried out in accordance with these details.</p> <p>Condition 2 has not been discharged and therefore is required to be re-imposed with a grant of planning permission.</p> <p>Condition 3 has been satisfied under this application and would fall away with a grant of planning permission.</p> <p>In terms of condition 4, the drawing number requires updating to revision 'Rev F'.</p> <p>Condition 5 is a compliance condition and would need to be re-imposed with a grant of planning permission.</p> <p>In terms of condition 6, the revision number requires updating to 'Rev P07'.</p> <p>Conditions 7-9 would need to be re-imposed with a grant of planning permission.</p> <p>The 2019 NPPF is referenced in the reasoning for the conditions. That version of the NPPF has since been updated so that part of the conditions will need to be amended accordingly.</p> <p>Condition 10 lists the approved drawings numbers which need to be updated to reflect the proposed amendments.</p>
<p>Conclusion</p>	
<p>Subject to the above, the proposed variations to planning permission 6/2019/2313/FULL are acceptable.</p>	

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.

2. 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 F. 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.

3. 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.

4. All landscaping comprised in approved drawing number: 1903-GUA-DR-L-001 Revision P07, 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.

5. The Ecological Enhancement measures shown on submitted drawing number: 1903-GUA-DR-L-002 Rev P01, 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.

6. 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 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 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.

7. 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.

DRAWING NUMBERS

8. 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	F	Proposed Site Plan & Location Plan	22 February 2022
485018-28		Proposed Site & Gates Plan	22 February 2022
1903-GUA-DR-L-001	P07	Landscape Masterplan	22 April 2021
485018-23	G	Proposed Street Scene	5 May 2022
485018-27		Crown Roof Details	27 February 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.

Determined By:

Mr Derek Lawrence
12 May 2022