

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

DELEGATED APPLICATION

Application No: 6/2021/1649/VAR
Location: 36 The Ridgeway Cuffley Potters Bar EN6 4AX
Proposal: Variation of condition 10 (Site Vehicular Areas) and 20 (Approved Drawings), on planning permission 6/2018/2863/FULL
Officer: Ms Emily Stainer

Recommendation: Granted

6/2021/1649/VAR

Context	
Site and Application description	<p>The application site is located to the north of The Ridgeway and previously accommodated a detached dwelling in a large, wide and deep plot. Planning permission was granted on 28th March 2019 for the erection of 6 residential units following demolition of existing dwelling, supporting structures and associated ancillary buildings (6/2018/2863/FULL). Demolition and ground works appear to have commenced on site.</p> <p>Planning permission is now sought for the variation of condition 10 (site vehicular areas) and condition 20 (approved drawings) of permission 6/2018/2863/FULL. The main alterations to the approved scheme include the following:</p> <ul style="list-style-type: none"> • Alterations to the design of the proposed elevations and the internal layouts of the new dwellings • Amendments to the approved site plan <p>Section 73 allows applicants to apply to vary or remove one or more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed and it would sit alongside the original permission, which remains intact and un-amended. In determining an application under this section, officers have to have regard to the development plan and all other material considerations but the principle of development should not be re-assessed since that is not an issue in relation to the removal of the conditions.</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 FM10 - Flood Zone Surface Water 100mm (499) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744495) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744539) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744621) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18100) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7625967) - Distance: 0</p>

	<p>FM00 - Flood Zone Surface Water 1000mm (7626377) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626154) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626704) - Distance: 0 WILD - Home Wood (Cuffley) - Distance: 0 HEN - No known habitat present (high priority for habitat creation) - Distance: 0 HEN - Existing S41 NERC Act habitat - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 BLR - Brownfield Land Registry(Cuffley - 36 The Ridgeway) - Distance: 0</p>		
Relevant planning history	<p>Application Number: 6/2018/2863/FULL Decision: Granted Decision Date: 04 April 2019 Proposal: Erection of 6 residential units following demolition of existing dwelling, supporting structures and associated ancillary buildings</p> <p>Application Number: 6/2021/1143/COND Decision: Part Discharged Decision Date: 27 May 2021 Proposal: Submission of details pursuant to condition 1 (internal noise levels), 2 (noise levels in external amenity areas), 3 (construction management plan), on planning permission 6/2018/2863/FULL</p> <p>Application Number: 6/2021/1357/COND Decision: Granted Decision Date: 22 June 2021 Proposal: Submission of details pursuant to condition number 4 (surface water drainage) on planning permission 6/2018/2863/FULL.</p> <p>Application Number: 6/2021/1673/COND Decision: Granted Decision Date: 15 July 2021 Proposal: Submission of details pursuant to condition 6 (Hard & Soft Landscaping) and 7 (Site Levels), on planning permission 6/2018/2863/FULL</p> <p>Application Number: 6/2021/1760/COND Decision: Granted Decision Date: 15 July 2021 Proposal: Submission of details pursuant to condition 8 (external lighting), on planning permission 6/2018/2863/FULL</p> <p>Application Number: 6/2021/1841/COND Decision: Granted Decision Date: 15 July 2021 Proposal: Submission of details pursuant to condition 2 (noise levels in external amenity areas), on planning permission 6/2018/2863/FULL</p> <p>Application Number: 6/2021/1888/COND Decision: Granted Decision Date: 19 July 2021 Proposal: Submission of details pursuant to condition 1 (internal noise), on planning application 6/2018/2863/FULL</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 1

Publicity	Site Notice Display Date: 16 June 2021 Site Notice Expiry Date: 7 July 2021
Summary of neighbour responses	38 The Ridgeway - The proposed amendments are far more in keeping with the style and nature of the houses on The Ridgeway. It is my sincere hope that the amendments are allowed as modern structures stick out like a sore thumb which ruin the character of the neighbourhood. However, I would strongly suggest a condition that there be sufficient landscaping in addition to that in the original application as the sizes of the windows seem to have increased significantly. This will diminish my households privacy, in particular plots 2 and 3 will be directly looking into garden and overlook my swimming pool. A significant number of trees have been removed during this development and a condition that a significant number of trees be planted to provide screening will help compensate the loss of privacy and help create an environment suitable for the setting.
Consultees and responses	<p>Lead Local Flood Authority - Following a review of the information submitted with this application, we note that proposed changes do not impact on the external layout proposal and should not impact on surface water drainage scheme. Therefore, in relation to variation of conditions 10 and 20, as the LLFA, we have no comment to make, as it does not relate to flood risk or surface water management.</p> <p>HCC Transport Programmes & Strategy - The Highway Authority have reviewed the supporting details and are satisfied the proposals would not result in a severe impact to the operation or safety of the local highway and footway networks and therefore does not wish to raise an objection.</p> <p>Herts Ecology - I am not aware of any ecological matters arising from the proposed variations and the application can be determined accordingly.</p>
Relevant Policies	
<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 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 <u>Others:</u> R1 Maximising the Use of Previously Developed Land R2 Contaminated Land R3 Energy Conservation R5 Waste Management SD1 Sustainable Development R11 Biodiversity and Development R19 Noise and Vibration Pollution D8 Landscaping H2 Location of Windfall Residential Development RA10 Landscape Regions and Character Areas <u>Draft Local Plan Proposed Submission August 2016:</u> SP1 Delivering Sustainable Development SP4 Travel and Transport SP9 Place Making and High Quality Design SADM2 Highway Network and Safety SADM11 Amenity and Layout	

SADM12 Parking, Servicing and Refuse
SADM16 Ecology and Landscape
SADM18 Environmental Pollution

Main Issues

Principle of the proposed development

Sustainability

As the proposed variation in the drawings would not result in an increase in the number of residential units within the site, and as material policies in this area have not changed since the time of the original decision, it is considered that the principle of the development would still be considered acceptable.

Design

The design of the scheme has been amended overall to a more traditional architectural style compared to the approved scheme which featured dwellings of a more contemporary design. As the dwellings along The Ridgeway exhibit a wide range of styles, designs and materials, these alterations are not objectionable in principle.

All of the properties now benefit from metal balustrades at the front which are above stone portico's that form first floor balconies and more traditional dormers, doors and windows. Some rooflights and the majority of the solar PV panels and solar hot water panels have also been removed. On plot 1, two of the twin gable projections (one at the front and one at the rear) now extend up to the ridge height whereas on plot 5, the gables are now set down from the ridge height.

The materials and overall finish have also been altered. A materials schedule has been submitted alongside the application. Follow up emails were also submitted on 3rd and 4th August 2021 with further details of the balustrade railings, stone portico, timber detailing, the front doors and the sedum/garage roofs. These materials are considered to be appropriate and are set out below for clarity:

Plots 1, 3 and 5 = TBS Red brick (Fine Handmade Texture Red Blend)

Plots 2, 4 and 6 = TBS Yellow buff brick (Hammersmith London Stock)

All dwellings = Spanish grey slate roof tiles, sedum roofs to single storey flat roofs, Portland colour stone porticos, black timber painted front doors, white timber sliding sash windows, black painted balustrades, white painted timber detail, black aluminium PPC gutters and surface water hopper heads, 1.8m timber boundary fences and side access gates in a natural light wood stain

Garages - Sarnafil dark grey fleece backed rubber roofs on flat roofs, Spanish grey slate roof tiles on pitched roofs, matching brickwork to the dwelling it is incidental to

Pedestrian paving = Marshalls Natural Saxon Range pavers

Vehicle hardstanding = Marshalls Block Paviors in Brindle

A condition will be implemented to ensure the new dwellings are carried out in accordance with the materials in the schedule and the follow up emails.

Taking the proposed amendments and the wider context in consideration, it is considered that the proposed variations would respect the design and character of the approved development and maintain the area's character.

Impact on adjoining neighbours and future occupiers

One neighbour comment has been received. Whilst it is noted that some of the openings may be slightly larger under the revised design or of a different appearance, the door and window positions remain very similar to the approved scheme. As such, it is not considered the proposal would result in a significant amount of increased overlooking compared to the previously approved scheme. The proposed portico at the front of each property would benefit from a balustrade above it, forming a small balcony with a platform. Although this would provide an additional space at first floor for future occupants to sit or stand on, the views towards neighbouring properties are unlikely to result in a significantly different relationship to what has already been approved as sufficient separation distances would be retained to modern standards. The proposed site plan also demonstrates that the trees along the boundary would be retained which will help preserve amenity.

The applicant's agent has confirmed that side windows in the new dwellings above ground floor level will be obscure glazed, which follows the original approval. As this detail is not shown on the submitted plans it is considered necessary to impose a condition which secures this detail, along with the windows being fixed below a height of 1.7m.

The internal layout would also be acceptable for future occupiers of the new dwellings.

Parking and highways arrangements

Material considerations are the same as those within the application already approved with the result that it is considered reasonable and appropriate to come to the same conclusion within this application. Furthermore, the County Highway Authority have been consulted and raise no objection to the revised site plan that has been submitted. Condition 10 will be updated to reflect the newer plan.

Energy Efficiency and Sustainability

Policy R3 of the District Plan 2005 states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings.' Policy SD1 of the District Plan 2005 states 'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.

The previously approved solar panels and solar water heaters have now been removed from the scheme due to the design changes. The applicant's agent has submitted a revised energy statement which sets out that through the adoption of energy saving measures such as good fabric performance, heat recovery ventilation and air source heat pumps, the development achieves a 30% reduction over the baseline Part L 2013 compliant development. This is an improvement compared to the previously approved scheme which reported a 12% saving. Air source heat pumps have been identified as the most appropriate for the development to provide heating and domestic hot water. A condition will be added to the decision notice to ensure the proposed development is constructed in accordance with the recommendations in the amended energy report.

As a result of the above, it is considered that, on balance, the removal of the previously approved renewable energy measures are considered acceptable and no objections are raised in regards to the provisions of Policies SD1 and R3 of the District Plan 2005; Policies SP10 and SADM13 of the Draft Local Plan Proposed Submission 2016; and the NPPF.

Any other issues

Conditions

As a section 73 application effectively creates a new permission which can be implemented on its own, it is important that an assessment is made to any material changes that the proposed

development would have when compared to the application that it seeks to vary. In relation to conditions, case law outlines that when issuing a permission after a condition had been removed or amended, that permission should refer to all the terms of the original permission to avoid the possibility of the permission being interpreted as having no conditions or only those that were amended. As a consequence, each condition from the previous permission has been discussed below.

Conditions 1 and 2 (internal and external noise levels) – this information has been approved under applications 6/2021/1888/COND and 6/2021/1841/COND therefore replacement conditions will be implemented which require the development to be carried out in accordance with those details.

Condition 3 (construction management plan) – this information has been approved under application 6/2021/1143/COND therefore a replacement condition will be implemented which requires the development to be carried out in accordance with those details.

Condition 4 (surface water drainage scheme) - this information has been approved under application 6/2021/1357/COND therefore a replacement condition will be implemented which requires the development to be carried out in accordance with those details.

Condition 6 (hard and soft landscaping) - this information has been approved under application 6/2021/1673/COND therefore a replacement condition will be implemented which requires the development to be carried out in accordance with those details.

Condition 7 (site levels) - this information has been approved under application 6/2021/1673/COND therefore a replacement condition will be implemented which requires the development to be carried out in accordance with those details.

Condition 8 (external lighting) – this information has been approved under application 6/2021/1760/COND therefore a replacement condition will be implemented which requires the development to be carried out in accordance with those details.

Condition 10 (site vehicular areas) – this condition will be amended to be in line with the amended plan submitted with this application.

Condition 20 (approved drawings) – this condition will be amended to list the plans approved under this application.

Conditions 5, 9, 11-16 and 18-19 – these conditions will be repeated and edited where necessary to relate to the previously approved documents in order to ensure that the same controls and benefits are achieved by the development.

Additional conditions will also be implemented which require the proposal to be carried out in accordance with the submitted energy statement and the side windows in the flank walls or roof slopes of the approved dwellings will be obscure glazed and fixed below a height of 1.7m above ground floor level.

Conclusion

Subject to the suggested conditions, the proposed amendment to application 6/2018/2863/FULL would be in accordance with the relevant national and local planning policies.

Conditions:

1. The development shall be carried out in accordance with the approved plans and details:

Environmental Noise Assessment, dated 7 April 2021 (prepared by SES)
Letter dated 18 June 2021 from SES clarifying outstanding matters of the EHO
Mechanical Ventilation Layouts Plots 1-6 (Drawing numbers 210445-SVM-ZZMs
ZZ-DR-M-1505 Rev P1, 210445-SVM-ZZ-ZZ-DR-M-1504 Rev P1, 210445-SVM-
ZZ-ZZ-DR-M-1503 Rev P1, 210445-SVM-ZZ-ZZ-DR-M-1502 Rev P1, 210445-
SVM-ZZ-ZZ-DR-M-1501 Rev P1, 210445-SVM-ZZ-ZZ-DR-M-1500 Rev P1).

As approved by Welwyn Hatfield Council 19 July 2021 under application
6/2021/1888/COND.

REASON: To protect the amenity of the future residents of the development in
accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005 and the
NPPF.

2. The development shall be carried out in accordance with the approved plans and details:

Environmental Noise Assessment, dated 7 April 2021 (prepared by SES)
Letter dated 14 June 2021 from SES

As approved by Welwyn Hatfield Council 15 July 2021 under application
6/2021/1841/COND.

REASON: To protect the amenity of the future residents of the development in
accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005 and the
NPPF.

3. Works on site shall be carried out in accordance with the Construction
Management Plan by Cavendo Holdings Ltd dated 6 April 2021 and approved by
Welwyn Hatfield Council 27 May 2021 under application 6/2021/1143/COND.

REASON: In order to protect highway safety and the amenity of other users of the
public highway and rights of way in accordance with the District Plan 2005, the
Emerging Welwyn Hatfield Local Plan 2016 and the NPPF.

4. The development shall be carried out in accordance with the approved surface
water drainage statement carried out by Frith Blake Consulting Ltd, dated 23rd
April 2021 and approved by Welwyn Hatfield Council 22 June 2021 under
application 6/2021/1357/COND.

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of
surface water from the site and to reduce the risk of flooding to the proposed
development and future occupants in accordance with policies R9 of the Welwyn
Hatfield District Plan 2005 and the NPPF.

5. In the event that contamination is found at any time when carrying out the approved
development that was not previously identified it must be reported in writing
immediately to the Local Planning Authority. An investigation and risk assessment
must be undertaken in accordance and where remediation is necessary a
remediation scheme must be prepared which shall be subject to the approval in

writing of the Local Planning Authority before any work above ground level is begun. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005 and the NPPF.

6. All hard and soft landscaping shall be carried out in accordance with the approved plans and details:

Drawing LLD2306-LAN-DWG-100/Rev 01 - Hard and Soft Landscape General Arrangement Plan

Drawing LLD2306-LAN-DWG-200 - Detailed Planting Plans

Drawing LLD2306-LAN-DWG-201- Detailed Planting Plans

Drawing LLD2306-LAN-DWG-202- Detailed Planting Plans

Drawing LLD2306-LAN-DWG-203- Detailed Planting Plans

Detailed Plant Schedule and Specification

Hard and Soft Landscape Specification

Email dated 14th July 2021 clarifying the rear decking at each property will be 150mm below the internal finished floor level

As approved by Welwyn Hatfield Council 15 July 2021 under application 6/2020/1673/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 Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the NPPF.

7. Site levels shall be carried out and maintained in accordance with the approved plans:

Drawing GA102/B - Topo Plan & Site Plan

Drawings 12831 Topo-001/ Rev 1 - Topographical Survey (Including Sheet 1; Sheet 2 and Sheet 3)

As approved by Welwyn Hatfield Council on 15 July 2021 under application 6/2021/1673/COND.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the NPPF.

8. External lighting on site shall be carried out in accordance with the approved plans and details:

Drawings 188-01-NAD-210508-CD-LI-A – (Non-Adoptable Lighting and Lighting Equipment Specification, Design Notes, Risk and Environmental Considerations)

Non-Adoptable Lighting Report - All Luminaires

Non-Adoptable Lighting Report - Road Lighting

Non-Adoptable Lighting Report - Road Dimmed

As approved by Welwyn Hatfield Council on 15 July 2021 under application 6/2021/1760/COND.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with the District Plan 2005, the Emerging Welwyn Hatfield Local Plan 2016 and the NPPF.

PRIOR TO OCCUPATION

9. Prior to the first occupation of the development hereby approved, additional plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show the detailed engineering design and construction of all works within the public highway. These works shall be constructed and completed before first occupation of the development.

REASON: To ensure the provision of an access and footway appropriate for the development in the interests of highway safety and convenience.

10. Before the development hereby approved is first occupied, all on site vehicular areas shown on plan PD100 Rev B shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

11. Prior to the first occupation of the development hereby approved, a Maintenance and Adoption Plan for the underground surface water attenuation features shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be adhered to for the lifetime of the development.

REASON: In the interests of preventing the development from flooding.

12. Prior to the first occupation of the development hereby permitted (or prior to commencement of the use hereby permitted) any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6m (may be reduced to 5.5) metres from the near channel edge of the adjacent carriageway.

REASON: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.

13. Any upper floor window located in a wall 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 residential amenity and living conditions of adjoining and future occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the NPPF.

POST DEVELOPMENT COMMENCING

14. The gradient of both site accesses shall not be steeper than 1:10 for the first 5 metres from the edge of the carriageway.

REASON: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

15. Concurrent with the construction of both accesses, a visibility splay of 2.4 metres x 90 metres shall be provided in both directions. These splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

REASON: To provide adequate visibility for drivers entering or leaving the site.

16. All agreed landscaping comprised in the above 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 and the NPPF.

17. The Arboricultural Method Statement and the Tree Protection Plan submitted with application 6/2018/2863/FULL shall be adhered to in their entirety.

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 and the NPPF.

18. The development hereby approved shall be constructed in the materials specified in the materials schedule dated July 2021, submitted 30 July 2021 and the follow up emails dated 3 and 4 August 2021.

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 and the NPPF.

19. The development hereby approved shall be carried out in accordance with the approved surface water drainage assessment carried out by Ambiental, reference 4143 SWDS, version Final v2, dated 11 February 2019 as submitted and approved with planning application 6/2018/2863/FULL and the following mitigation measures detailed within the Flood Risk Assessment:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.5 l/s during the 1 in 1 year rainfall

event, 6.7 l/s during the 1 in 30 year rainfall event and 9.5 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 245 m³ (or such storage volume agreed with the LLFA) of total storage volume in permeable paved area and attenuation tank feature.

3. Discharge of surface water from the private drain into the existing ordinary watercourse running along the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

20. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Habitat Survey and Bat Roost Assessment (Southern Ecological Solutions, October 2017) as submitted and approved with planning application 6/2018/2863/FULL and agreed in principle with the local planning authority prior to determination. In addition, hedgehog and reptile friendly fencing shall be installed throughout the development.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the NPPF.

21. Works on site shall be carried out in accordance with the details set out in the submitted Energy Statement by Scotch Partners LLP dated 2 August 2021.

REASON: In the interest of tackling climate change and creating sustainable development in accordance with the objectives of Policy SD1 of the Welwyn Hatfield District Plan 2005 and the NPPF.

DRAWING NUMBERS

22. 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
PD100	B	Site Plan	29 July 2021
PD107	B	Long Sections 1 And 2	29 July 2021
PD108	B	Cross Sections 3 And 4	29 July 2021
PD110		Garage Types Plots 1, 2, 4 and 6	6 August 2021

PD101	E	Plot 1 Proposed Plans & Elevations	24 May 2021
PD102	B	Plot 2 Proposed Plans & Elevations	24 May 2021
PD105	B	Plot 5 Proposed Plans & Elevations	24 May 2021
PD104	B	Plot 4 Proposed Plans & Elevations	24 May 2021
PD103	B	Plot 3 Proposed Plans & Elevations	24 May 2021
PD106	B	Plot 6 Proposed Plans & Elevations	24 May 2021
PD111		Approved & Proposed Site Plans	24 May 2021
PD110		Approved & Proposed Sections 2	24 May 2021
PD112		Plot 1 Front Street Elevation	24 May 2021
PD109		Existing & Proposed Sections 1	24 May 2021
PD113		Proposed Block Plan	24 May 2021
P000	D	Location Plan	24 May 2021

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 which may affect the land.
2. 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 357000.

3. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
4. The applicant is advised that the storage 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://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
5. 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: <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. 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://hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
7. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide 126 (2011)". Before works commence, the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
8. The applicant is advised that all new highways marked on the plan within the site will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of

their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. The removal or severe pruning of any trees or mature bushes should be avoided during the bird breeding season (March to August inclusive) to protect breeding birds, their eggs, nests and young. If this is not practicable, a wide search of the area should be made no more than three days in advance of the tree/ shrub works and if any active nests are found, works should stop until the birds have left the nest.
10. If bats or evidence for them is discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from Bat Conservation Trust - tel: 0345 1300 228 or an appropriately qualified and experienced ecologist.
11. To avoid killing or injuring hedgehogs it is best practice for any brush piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site. For further information on why we should protect and conserve hedgehogs please read 'The State of Britain's Hedgehogs (2015)' by the People's Trust of Endangered Species.
12. Any external lighting scheme should 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 directing light away from potential roost/ nesting sites.
13. All efforts shall be made to reduce dust generation to a minimum.
14. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
15. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
16. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
And at no time on Sundays and Bank Holidays
17. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
18. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
19. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in

use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

20. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
21. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
22. All pile driving shall be carried out by a recognised noise reducing system.
23. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
24. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
25. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
26. Any emergency deviation from these conditions shall be notified to the Council without delay.
27. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
28. Permissible noise levels are not specified at this stage.

Determined By:

Mr Mark Peacock
6 August 2021