

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2022/1444/FULL
Location: 12 Harpsfield Broadway Hatfield AL10 9TF
Proposal: Erection of part two, part three storey rear extension with mansard roof and conversion to 8 flats comprising 6 x 2-bed and 2 x studio
Officer: Ms Elizabeth Mugova

Recommendation: Granted

6/2022/1444/FULL

Context	
Site and Application description	<p>The application site is located on a corner plot on the north west side of Harpsfield Broadway and comprises a three storey building in a small parade of commercial uses. The former Parkhouse Bus Station lies to the rear of the application site and the Galleria outlet centre is located to the south. Comet Way (A1001) which is a classified A-road separates Harpsfield Broadway from the Galleria.</p> <p>The existing site comprises a restaurant at ground floor and two HMO units above. Planning permission is sought for the extension of the existing building towards the western boundary of the site at ground, first and second floor level and mansard roof. The extended building will contain a bar at ground floor and 8 residential apartments above. The apartments will comprise two studio units and six 2-bedroom units.</p> <p>With regards to the proposed change of use of the ground floor of the building from a restaurant to a bar, as changes within the Use Class Order 1987 (as amended), which came into effect on the 1st September 2020, mean that these two uses now fall within Class E of this Order, it is not considered that this change constitutes development.</p>
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 8.61 FM00 - Flood Zone Surface Water 1000mm (70631) - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HHAA - Hatfield Heritage Assessment Area (Hatfield Business Park) - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/2013/0603/FP Decision: Granted Decision Date: 14 May 2013 Proposal: Erection of new mansard roof</p>

	<p>Application Number: 6/2017/0746/PN11 Decision: Prior Approval Required and Refused Decision Date: 23 May 2017 Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.</p> <p>Application Number: 6/2017/2288/FULL Decision: Withdrawn Decision Date: 11 December 2017 Proposal: Change of use from Office (B1 (a) to a Dwellinghouse (C3) to include the creation of 4 dwellings.</p> <p>Application Number: 6/2018/0233/PN11 Decision: Prior Approval Required and Granted Decision Date: 04 April 2018 Proposal: Prior approval for the change of use from office (B1) (a)) to dwellinghouse to include the creation of 4 dwellings</p> <p>Application Number: 6/2018/3182/FULL Decision: Refused Decision Date: 03 April 2019 Proposal: Mixed-use development comprising of 8 student residential units (incorporating 21 study bedrooms), 169 sq.m of a4 commercial space(existing) with the associated on-site parking, pedestrian access, refuse and cycle storage</p> <p>Application Number: 6/2020/1177/FULL Decision: Refused Decision Date: 14 August 2020 Proposal: Retention of the use of the first and second floor levels from Retail (A1) to 2 small HMO units (with no more than four occupants each).</p> <p>Application Number: 6/2020/1660/FULL Decision: Refused Decision Date: 04 September 2020 Proposal: Erection of part four, part single storey rear extension and erection of a mansard roof extension to facilitate the creation of six new residential dwellings formed of 2 x studio and 4 x 2b4p units. Ground floor to be changed from a A3 restaurant to a A4 drink establishment, three vehicle parking spaces and cycle and refuse storage internally</p> <p>Application Number: 6/2021/1186/PA Decision: Refused Decision Date: 12 November 2021 Proposal: Pre-application advice for the addition of two storeys and conversion to flats</p>		
Consultations			
Neighbour representations	Support: 0	Object: 2	Other: 0
Publicity	Site Notice Display Date: 3 August 2022 Site Notice Expiry Date: 24 August 2022 Neighbour letters		

<p>Summary of neighbour responses</p>	<p>Summary of objections</p> <ul style="list-style-type: none"> • Poorly managed waste from the restaurant and existing flats, rodent issue in the area, caused by No. 12 Harpsfield Road • Loss of Natural Light Unit 11 and 11a. • Lack of parking • Current occupiers on the flats are extremely noisy.
<p>Consultees and responses</p>	<p>Hatfield Town Council – Objection</p> <ul style="list-style-type: none"> • Concerned with the fire exits and escape routes • Disappointed with the lack of outdoor space and a lack of sufficient dedicated parking for future residents. • Concerned about access to and from the development, given it is proposed to be onto a 50 MPH dual carriageway. • Properties are unlikely to appeal to families, and it is family dwellings which are in short supply in this area. <p>WHBC Client Services – Comments</p> <ul style="list-style-type: none"> • The flats would require 1 x 1100l + 1 x 240l refuse bins, 1 x Mini recycling Centre and 1 x 140l food waste bin. • The bins need to be kept separated from the commercial waste services. • Suggest an enclosed bin store area with a coded lock for residents bins to avoid flytipping and cross use by commercial premises and vice versa. <p>WHBC Parking Services – Objection</p> <ul style="list-style-type: none"> • Lack of on site parking. • Lack of suitable long term on street parking nearby. <p>WHBC Public Health and Protection – No objection subject to conditions</p> <p>HCC Highway Authority – No objection subject to a condition</p>
<p>Relevant Policies</p>	
<p><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 Others: SD1 Sustainable Development R3 Energy Conservation R5 Waste Management R19 Noise and Vibration Pollution</p> <p>The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan): SP1 Delivering Sustainable Development SP4 Travel and Transport SP9 Place Making and High Quality Design SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM18 Environmental Pollution</p>	

Main Issues	
<p>Principle of Development</p>	<p>Policy SD1 of the Council’s District Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Plan. Policy R1 states that in order to make the best use of land, the Council will require development to take place on land which has been previously used or developed. Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the NPPF which encourages the provision of more housing and the effective use of land by reusing land that has been previously developed.</p> <p>The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site of which Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:</p> <ul style="list-style-type: none"> i. The availability of previously-developed sites and/or buildings; ii. The location and accessibility of the site to services and facilities by transport modes other than the car; iii. The capacity of existing and potential infrastructure to absorb further development; iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; v. The physical and environmental constraints on development of land. <p>Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.</p> <p>The application site lies within the town of Hatfield as designated within GBSP2 of the Welwyn Hatfield District Plan. The site is located within close proximity of a number of shops, restaurants and bus stops. In addition, The Galleria shopping centre, Hatfield Town Centre, Hatfield Business Park and the University of Hertfordshire are all within walking distance of the site with the result that it is within close proximity to a wide range of services and facilities.</p> <p>The development would not conflict with criteria i-iv of Policy H2 or Policy SADM1 of the Emerging Local Plan and could be acceptable in principle subject to its impact upon the existing environment. The physical and environmental constraints on the development and land have been assessed below.</p> <p>The ground floor use will remain as Class E use.</p>
<p>Design (form, size, scale, siting) and</p>	<p>Policy GBSP2 of the adopted Welwyn Hatfield District Plan (2005) requires that ‘within specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character’. Policies</p>

<p>Character (appearance within the streetscene)</p>	<p>D1 and D2 relevance and seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The Council's Supplementary Design Guidance 2005 (SDG) expands on Policies D1 and D2 of the District Plan and outlines, amongst other things, that new development should be sensitive to the historic features which exist in the area. The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Emerging Local Plan 2016 and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.</p> <p>Planning permission is sought for the erection of a rear extension and mansard roof. The existing ground floor commercial space will be retained with the two existing flats above being combined with the extension to create two studio flats and six 2-bedroom flats.</p> <p>The proposed additions to the existing building would substantially increase the size of the building, particularly in terms of its depth and bulk. This increase in bulk would be most noticeable from the north of the site because the depth of the building from this perspective would effectively double at above ground floor level. While these increases would be substantial, there are buildings of a similar size, height and bulk in the surrounding area. It is therefore considered that the proposed increase in the size of the building would be acceptable and would not be out of character with the buildings within the immediate area.</p> <p>The proposed mansard roof reflects the adjoining terrace and is sympathetic in scale to its environment and to the original property. The roof extension would project approximately 2m above the existing parapet and would be set back approximately 800mm from the outside wall of the building on all sides. It is relevant that the visible bulk from public vantage points at ground level would be limited due to the height of the building and the set back. The limited increase in height and bulk would be proportionate to the spacing within the street scene and not appear out of character with other large buildings within the immediate vicinity.</p> <p>With regards to the proposed fenestration it is considered that the proposed pattern and detailing would be acceptable. In addition, the proposed external materials for the proposal would match the existing building.</p> <p>Subject to a planning condition regarding matching materials, it is considered that the design of the proposal would adequately respect and relate to the existing dwelling and the character of the area in accordance with local and national policies.</p>
<p>Impact on neighbours</p>	<p>Policy D1 and the Supplementary Design Guidance (SDG 2005) provide the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties. This is assessed in terms of day and sun light, overbearing impact and overlooking/loss of privacy. Policy SADM11 of the Draft Local Plan is similar in these aims.</p> <p>Existing residents</p> <p>The properties most likely to be affected by the proposed development are those which adjoin the site to the south, 11 and 11A Harpsfield Broadway.</p>

With regards to the proposed bulk, scale and design of the extended building, it is judged that the setting back of the southern flank wall from the southern boundary by appropriately 3m at first floor level would limit the impact of the proposed extension on residents to the south of the site. This design feature would mean that the proposed extension would not be unacceptably overbearing on the neighbouring properties to the south. In addition, due to the fact that the extensions would be to the north of dwellings to the south, it is judged that the proposed additions would not result in a material loss of light to the residents to the south of the application site.

With regards to privacy, although it is noted that some of the windows within the southern elevation of the building would be obscure glazed except for the large sliding doors within this elevation which would serve habitable rooms. However, these windows would not look directly towards the rear windows of No. 11 and 11a Harpsfield. It is therefore considered that the proposal would not result in an unacceptable loss to the privacy to the rear windows of neighbouring occupiers.

Future Occupiers

Policy SADM11 of the Emerging Local Plan 2016, requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.

The proposal seeks permission for two studio flats and six 2- bedroom flats. It is considered that all the proposed flats would be sufficient in size to meet the minimum space standards set out with the NDSS. While it is noted that most of the windows within the southern elevation of the extended building would be obscured glazed and the majority of these windows would serve habitable rooms, these rooms would also be served by other windows which would not be obscured glazed. It is therefore, considered that this arrangement would be acceptable. In addition, whilst these obscured windows within the southern elevation would not provide an outlook they would provide the rooms they serve with access to a good level of natural light.

Amenity Space

Policy SADM11 of the Emerging Local Plan, Policies H4 and D1 and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape.

Whilst there is no outdoor amenity space provided on site, each flat will be served by an external balcony of an acceptable size. Although there is no public amenity space in the immediate vicinity of the site, it is recognised that both Ellenbrook Fields and Birchwood Playing Fields are within a 1 mile distance and can be accessed on foot and by bicycle. This is considered satisfactory as future occupants of the proposed flats would be aware of the surrounding environment and the urban character of the locality. Having regard to the proposed external balconies and the presence of public spaces and walking/cycling routes in the locality, it is considered, on balance, that future occupiers would have access to adequate public amenity space.

	<p>Noise</p> <p>Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan.</p> <p>The planning application has been accompanied by a Noise Impact Assessment by Deane Austin Ltd dated 3rd April 2022. The Council's Public Health and Protection team have reviewed the noise report and they have advised that the noise report fails to address noise related to existing commercial operations, for which there a number close to the development site. The noise assessment that has been submitted, refers to BS8233 and ProPG. Although this is acceptable for assessing the impact of road traffic noise, it is neither a suitable nor an accurate method of assessing commercial noise. Also, it has been noted that the proposal does not incorporate good acoustic design. It has therefore been considered reasonable and necessary to attach conditions in relation to road traffic noise and noise from commercial operations.</p> <p>It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, the Council's Public Health and Protection Team have advised that noise from construction works commencing on site between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on Saturdays are unlikely to be considered a statutory nuisance covered by the Environmental Protection Act 1990.</p> <p>Air Quality</p> <p>Policy R18 of the District Plan states the Council will have regard to the potential effects of a development on local air quality when determining planning applications. Consideration will be given to both the operational characteristics of the development and to the traffic generated by it. This approach is reflected in Policy SADM18 of the Emerging Local Plan.</p> <p>The Council's Public Health and Protection Team have assessed the submitted Air Quality Assessment and consider the assessment acceptable.</p> <p>Subject to the suggested planning conditions, it is considered that the proposal would be acceptable in terms of living conditions of the occupants of neighbouring properties and future occupiers and would comply with local and national policies.</p>
<p>Access, car parking and highway considerations</p>	<p>Harpsfield Broadway is an unclassified local access road. It is a one-way system with vehicles entering at the southern end from Comet Way (a classified main distributor road, the A1001) and re-joining Comet Way at the northern end via Jetliner Way. Vehicle speeds are restricted to 30mph. Vehicle access to the rear of the other properties on Harpsfield Broadway is via the southern access from Comet Way but the site covered by this application does not benefit from vehicle access.</p> <p>The site is located in a sustainable location near the centre of Hatfield. Most day-to-day needs will be within walking distance of the site which is well connected by an extensive network of footways and cycleways in the surrounding area. Multiple bus services can be accessed from Mosquito Way</p>

just over 400m away and there is a major retail centre directly opposite the site. Hatfield train station is approximately 1.6km away.

The application has been accompanied by a Transport Assessment and Travel Plan by TTP Consulting Ltd dated May 2022 and December 2022 respectively. The Highway Authority have been consulted and find the proposal acceptable subject to a construction management plan condition.

The objections from the Council's Parking Services team, Hatfield Town Council and neighbours regarding lack of parking and access are noted.

There is no off-street vehicle parking for the existing restaurant or flats and the proposed development will be car free. It has been noted that Harpsfield Broadway provides on-street parking spaces which are restricted to 30 minutes and the rest of the road is controlled by double yellow lines. Furthermore, the surrounding area is controlled by parking restrictions, with the nearest free parking space approximately 1.5km away. Future occupiers would not be eligible to apply or have parking permits for the neighbouring streets, giving no opportunity for on-street parking within a convenient distance. It is considered that this would act as a disincentive for future occupiers to own a car. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Council therefore welcomes the proposed car free development in this location which will encourage the use of more sustainable modes of transport and not have a negative impact on the capacity of the highway network. Furthermore, whilst the proposal would be contrary to the Council's adopted parking standards, in this instance, the development is considered to be acceptable given the sustainable location of the site and surrounding parking restrictions.

Cycle storage

A total of eight cycle parking spaces for the flats, one per unit, and five for the bar for both staff and customer use are proposed which is in line with the Council's parking standards. However, limited details have been provided with regards to the cycle storage, it is therefore considered that it would be reasonable and appropriate to require details of cycle storage to be submitted to and approved in writing by the Local Planning Authority.

Travel Plan

The Travel Plan aims to raise awareness of the benefits of sustainable travel, particularly active modes including walking and cycling.

The Highway Authority have found the Travel Plan to be generally acceptable subject to amendments regarding details of a travel plan coordinator and additional measures to encourage a reduction in the need to travel. During the course of the application, the Travel Plan has been amended to include the suggestions from Highways Authority.

The Travel Plan identifies measures to promote sustainable travel these include:

- promoting benefits of walking
- promoting cycling
- providing cycle parking
- encouraging public transport use e.g. use of smartphone apps,

	<p>residential travel voucher of £50</p> <ul style="list-style-type: none"> • travel Pan Coordinator will promote car sharing • details of local taxi companies will be included in the Welcome Pack • residents will be entitled to a 3-year membership with Enterprise Car Club • superfast broadband to facilitate homeworking and ordering goods online reduce the need to travel <p>The amended Travel Plan is considered to acceptable, it has therefore been considered reasonable and appropriate to attach a planning condition requiring details of an implementation and monitoring travel plan to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Construction Traffic Management Plan</p> <p>In order to ensure access to the site is carefully considered and acceptable, it has been considered reasonable and acceptable to require details of a construction traffic management plan (CTMP) to be submitted to and approved in writing by the Local Planning Authority. In particular, the CTMP should consider any encroachment on the highway, delivery and collection arrangements including turning arrangements and contractor parking.</p> <p>Overall, the proposal would not result in a material impact on local highway conditions. The proposal is considered to comply with local and national policies.</p>
<p>Refuse and recycling</p>	<p>The Council's Client's Services Team raised no objection to the proposed development. They have advised that the flats would require 1 x 1100l + 1 x 240l refuse bins, 1 x Mini recycling Centre and 1 x 140l food waste bin.</p> <p>Bins will be stored in an undercroft area on the ground floor facing Jetliner Way. The residential bins must be kept separated from the commercial waste services. Furthermore, it is recommended that an enclosed bin store area with a coded lock for residents bins to avoid flytipping and cross use by commercial premises should be provided. The doors should be double doors opening outwards with a dropped kerb to freighter and a flat path from store to freighter maximum drag distance of 15m.</p>
<p>Renewable energy</p>	<p>The NPPF is clear that sustainable development is integral in determining planning applications. Policy SD1 of the District Plan states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. In addition, Policy R3 of the District Plan requires that all development includes measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping and incorporate the best practical environmental option for energy supply. Furthermore, Policy SP10 and SADM 13 of the Council's Draft Local Plan Proposed Submission 2016 have the similar objectives.</p> <p>The application is accompanied by an Energy Statement which states that the carbon emissions within the building have already been reduced through an enhanced fabric and energy efficient systems, it is proposed that further reduction will be achieved through installation of a heat pump hot water cylinders to serve all of the Domestic Hot Water requirements.</p> <p>Although limited details have been provided, it is considered that the proposed development presents an opportunity to deliver energy efficient homes. As</p>

	<p>such, it is considered that it would be reasonable and appropriate to require details of the heat pump hot water cylinders to be submitted to and approved in writing by the Local Planning Authority.</p>
<p>Any other considerations</p>	<p>Houses in Multiple Occupation Since January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, 2012.</p> <p>As a result of the Direction and given the existing use of the two units as HMO, it is considered necessary and reasonable to include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO.</p> <p>Response to comments Neighbours have raised concerns regarding poorly managed waste from the restaurant and existing flats which has caused rodent issues in the area. They have also highlighted that current occupiers on the flats are extremely noisy. These matters are protected under environmental health legislation. Moreover, the proposed re-development of the site provides an opportunity to improve the situation by introducing alternative measures for managing waste and sound insulation which meets current building regulations. Whilst the concerns of neighbours are acknowledged, they are attributed only limited weight in the planning terms. Residents are encouraged to report such issues directly to the Council's Environmental Health team by email: e.health@welhat.gov.uk or by telephone: 01707 357 242.</p> <p>Hatfield Town Council have raised a concern regarding fire exits and escape routes. This proposal does not meet the national criteria requiring a fire statement. The LPA does not have powers to assess the fire safety of building materials nor most elements of building design. Fire precautions covered by building regulations are not part of material planning considerations on which planning decisions must be based. LPAs must assess provisions for emergency fire service access, and water supply. These are material planning considerations which the Highway Authority are consulted on. In this case no objections were raised. A Building Control informative has been suggested to advise the applicant the legal requirement to appoint a building regulator who will inspect the building to ensure compliance on issues such as fire exits and escape routes.</p>
<p>Planning Balance</p>	<p>In decision-taking, if an authority cannot demonstrate a five year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in Paragraph 11(d) of the NPPF.</p> <p>The Council's current position in respect of housing land supply is acknowledged: <i>"The Government published the housing delivery test results on 14 January 2022, which confirmed that Welwyn Hatfield had built 1,486 homes in the period 2018/19-2020/21 against a target of 2,245."</i> This equates to 66%, and, because supply has fallen below 75%, the Council is required to apply the presumption in favour of sustainable development when determining</p>

planning applications.

In accordance with paragraph 11(d) of the NPPF, this means that the policies which are most important for determining the application are to be considered to be out-of-date as Footnote 8 clarifies that:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

For decision taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed^f; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, the tilted balance is engaged.

Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.

The proposed development would deliver six net nits in a Borough where a shortfall in housing has been identified. Short term economic benefits would also arise from the construction of the development. Social and environmental benefits arising from the development would include the provision of a comfortable and energy efficient new homes within walking distance to most day-to-day needs, multiple bus services and Hatfield train station is approximately 1.6km away. Furthermore, it is considered that the proposed car

	<p>free development will encourage the use of more sustainable modes of transport.</p> <p>No significant adverse harm or conflicts with policies that affords protection have been identified. In view of the above, the benefits of the proposal are not outweighed by significant or demonstrable harms. As such, the proposed development is considered to accord with the relevant local and national policies and there are no other material considerations sufficient to justify a refusal of planning permission.</p>
<p>Conclusion</p>	
<p>Subject to conditions outlined above, the proposal is considered to be acceptable in accordance with the relevant policies of the District Plan 2005, Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework.</p>	

Conditions:

PRIOR TO COMMENCEMENT

1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements if required;
 - d) Construction and storage compounds including areas designated for car parking, loading/unloading and turning areas;
 - e) Timing of construction activities (including delivery times and removal of waste) and to avoid peak times;
 - f) Provision of sufficient on-site parking or alternative arrangements prior to commencement of construction activities; and
 - g) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M14 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

2. Prior to any above ground development, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from noise due to transport sources which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L_{max} levels should

not exceed 45dB more than ten times a night in bedrooms. Relaxed noise levels will be considered if it can be shown that good acoustic design has been implemented and all steps have been taken to achieve the non-relaxed noise levels in BS8233:2014.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented.

Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority such as a TM59 assessment) conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that overheating will not occur. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment.

Mechanical ventilation can be installed, with ventilation rates required to provide 4 air changes per hour to habitable rooms. However, mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres).

Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc).

REASON: To protect the occupants of the new development from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

3. Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from nearby commercial activities, general operations, deliveries, plant and equipment, to ensure that there will be no adverse impact to future residents. Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019.

Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and L_{Amax} levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered.

Consideration must be given to the Nation Planning Policy Framework and the agent of change.

REASON: To protect the occupants of the new development from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

4. Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme for the parking of cycles including details of the design, level and siting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

REASON: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) Policies M6, M8 and M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. Prior to any above ground development details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units (including coded lock for residents and double doors opening outwards with a dropped kerb to freighter) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development above ground level shall take place until full details of installation of a heat pump hot water cylinders to serve all of the Domestic Hot Water requirements (or a suitable alternative measures to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply) have been submitted and approved in writing by the Local Planning Authority. Subsequently the heat pump hot water cylinders (or a suitable alternative to be agreed in writing) must be fully installed in accordance with the approved details, made fully operational prior to the occupation of the building and maintained as such for their operational lifetime. The details to be submitted shall include, on a suitably scaled plan and written statement, the design and total number of heat pump hot water cylinders (or full details of a suitable alternatives).

REASON: To maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development whilst also ensuring a satisfactory standard of development in the interests of visual amenity and maintaining the character of the area in accordance with the Policies SD1, R3, R4, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

7. No part of the development hereby approved shall be occupied until a Travel Plan, based on the Travel Plan by TTP Consulting Ltd dated December 2022, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be occupied other than in accordance with the provisions and timescales set out within the approved Travel Plan. The Travel Plan must be in accordance with Hertfordshire County Council's Travel Plan Guidance (March 2020) and include the following:

- a) Clear objectives and modal split targets;
- b) a time-bound programme of implementation;
- c) monitoring for a minimum of 5 years, including regular review and updates; and
- d) nomination of a Travel Plan Coordinator with contact details, full particulars and curriculum vitae.

REASON: To encourage the use of sustainable transport in accordance with Policies 1, 3, 5, 6, 7 and 8, 9, 10, 12, 19, of Hertfordshire's Local Transport Plan (adopted 2018); Policy M3 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

OTHERS

- 8. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

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.

- 9. All the upper floor windows marked as obscure glazed on Drawing numbers PR-E002 and PR-E003 hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above 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. Obscure glazing does not include applied film or one-way glass.

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.

- 10. Construction deliveries, demolition and construction works, which shall include use of any plant or machinery, cleaning and maintenance of plant or machinery, deliveries to the site and movement of vehicles within the curtilage of the site, must not take place other than between 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

- 11. The development hereby permitted shall be used for Class C3 dwellinghouses only and 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 Schedule 2, Part 3, Class L shall take place.

REASON: The Article 4 Direction covering Hatfield removes the Class L permitted development rights to move from a use falling within Class C3 (dwellinghouses) to

a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

12. 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
PR P005	A	Proposed loft plan	3 October 2022
PR E003	A	Proposed side elevation 2	3 October 2022
PR P003	A	Proposed 2nd floor	3 October 2022
PR P002	A	Proposed 1st floor plan	3 October 2022
PR L001		Proposed location plan	21 June 2022
PR S001		Proposed section AA	21 June 2022
PR E002		Proposed side elevation 1	21 June 2022
EX P002		Existing 1st floor	21 June 2022
EX E001		Existing front/rear elevation	21 June 2022
EX P001		Existing ground floor	21 June 2022
EX P004		Existing roof plan	21 June 2022
EX P003		Existing 2nd floor	21 June 2022
EX S001		Existing section AA	21 June 2022
EX E003		Existing side elevation 2	21 June 2022
EX E002		Existing side elevation 1	21 June 2022
EX L001		Existing location plan	21 June 2022
PR P001		Proposed ground floor	21 June 2022
PR P005		Proposed loft plan	21 June 2022
PR E001		Proposed front/rear elevation	21 June 2022

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. The development will involve the numbering of properties. 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.
2.
 1. 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
 2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
 3. 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.
 4. 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.
 5. 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.
 6. All pile driving shall be carried out by a recognised noise reducing system.
 7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
 8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
 9. '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.
 10. Any emergency deviation from these conditions shall be notified to the Council without delay
 11. 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.
 12. Permissible noise levels are not specified at this stage.

3.
 1. All efforts shall be made to reduce dust generation to a minimum
 2. 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.
 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
4.
 1. 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
 2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
 3. 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.
 4. 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.
 5. 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.
 6. All pile driving shall be carried out by a recognised noise reducing system.
 7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
 8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
 9. '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.
 10. Any emergency deviation from these conditions shall be notified to the Council without delay
 11. 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.
 12. Permissible noise levels are not specified at this stage.
5. 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.
6. 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

Determined By:

Mr Mark Peacock
18 January 2023