

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

DELEGATED APPLICATION

Application No: 6/2022/1943/FULL
Location: Land between 48 & 50 The Ridgeway Cuffley EN6 4BA
Proposal: Erection of a new dwelling with associated landscaping works
Officer: Ms Elizabeth Mugova

Recommendation: Granted

6/2022/1943/FULL

Context			
Site and Application description	<p>The application site is located on the north-east side of The Ridgeway and is wedge shaped with an area of approximately 0.4 hectares. This stretch of The Ridgeway is continuously developed on both sides with large houses set back from the road. The site is free from development and comprises deciduous woodland.</p> <p>The site lies within the Metropolitan Green Belt the site, Homewood Local Wildlife Site and the Northaw Great Woodland Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.</p> <p>Planning permission is sought for the erection of a single dwelling and a detached double garage.</p>		
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Great Wood) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 WILD - Home Wood (Cuffley) - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - Existing S41 NERC Act habitat - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>		
Relevant planning history	None		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 1
Publicity	<p>Site Notice Display Date: 15 September 2022 Site Notice Expiry Date: 6 October 2022</p> <p>Neighbour letters</p>		
Summary of neighbour responses	<p>31 The Ridgeway – Comment</p> <ul style="list-style-type: none"> In the event permission is granted, provision for contractor parking must be included as a condition of planning 		

Consultees and responses	<p>WHBC Landscapes - No objection subject to conditions</p> <p>WHBC Client Services - No Objection</p> <ul style="list-style-type: none"> • Bins are to be presented at the boundary with the highway the evening prior to collection and retrieved again after servicing. • If required, the customer would need to contact WHBC and subscribe for the service and would receive a Brown bin for the garden waste service. <p>HCC Highways Authority – No objection subject to conditions and informatives</p> <p>WHBC Public Health and Protection – No objection subject to a condition and informatives</p> <p>WHBC Parking Services – Comment</p> <ul style="list-style-type: none"> • Parking provision seems reasonable for this development <p>Hertfordshire Ecology – Objection</p> <ul style="list-style-type: none"> • The site should be considered an area of ancient woodland and the development will result in the loss or deterioration of an irreplaceable habitats and should be refused.
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Relevant Policies

- NPPF
- D1 D2 GBSP1 GBSP2 M14
- Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes

Others

- Policy SD1 Sustainable Development
- R3 Energy Efficiency
- R4 Renewable Energy Sources
- R7 Protection of Ground and Surface Water
- Policy R11 Biodiversity and Development
- R17 Trees, Woodland and Hedgerows
- R19 Noise and Vibration
- H2 Location of Windfall Residential Development
- D8 Landscaping

The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan)

- SP1 Delivering Sustainable Development
- SP9 Place Making and High Quality Design
- SP10 Sustainable Design and Construction
- SADM2 Highway Network and Safety
- SADM11 Amenity and Layout
- SADM12 Parking, Servicing and Refuse
- SADM13 Sustainability Requirements
- SADM16 Ecology and Landscape
- SADM18 Environmental Pollution
- SADM34 Development in the Green Belt

Northaw and Cuffley Neighbourhood Plan 2022 to 2036 Policies

- D1 Residential Design and Amenity

D2 Local Character
D3 Green Infrastructure

Main Issues

Principle of residential development

Policy SD1 of the District Plan and the National Planning Policy Framework (NPPF) advocate sustainable patterns of development.

The site has not been allocated for additional housing supply and therefore comes forward as a windfall residential site where District Plan Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- 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.

The provisions of Policy SADM1 of the Draft Local Plan are also relevant. This policy is similar to Policy H2 of the Local Plan 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.

The application site lies between No. 48 and 50 The Ridgeway and is a vacant piece of land loosely covered by trees. Although the site is not a priority for development, the need to make efficient use of land remains a policy objective.

The site is located outside of but close to the edge of the specified settlement of Cuffley. There is a bus stop approximately 320m from the site. Cuffley train station as well as the shops and amenities of Cuffley are within walking distance, approximately 1.5km away. As such, it is considered that the site is within an adequately sustainable location for development.

Existing infrastructure would absorb the development and there would be a benefit (albeit limited) on nearby services and facilities. Although the proposal for a single dwelling would not facilitate the building of new communities to support infrastructure and provide demand for services and facilities limited weight is given to this criterion.

Physical and environmental constraints on development of the land are discussed below. Subject to there being no physical or environmental constraints on development of the land, the proposal would be a suitable site for windfall residential development.

Green Belt

The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

Paragraph 149 requires that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt unless the following exceptions apply:

- a) buildings for agriculture and forestry
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

The defined settlement boundary in the development plan ends approximately 225 metres to the south-east along The Ridgeway (beyond 36 The Ridgeway).

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

Draft Local Plan Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that the proposal should be considered against requirements and restrictions of infill development. Policy SADM34 states as follows:

Limited infill development will be permitted in villages within the Green Belt provided:

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

This stretch of The Ridgeway is continuously developed on both sides with large houses, some in extensive grounds and set back from the road, others in plots little wider than the dwellings, which are generously sized. Although a unique design, the proposed dwelling would sit on a similar building line to the neighbouring properties and would have a consistent relationship with the properties within the row of the existing houses. As such, it is therefore considered that the proposed dwelling would not disrupt the existing pattern of development and would therefore be located within a continuous built-up frontage. In addition, the proposal would not extend the existing 'built up' area of the village into the open countryside.

The proposal would no result in the loss of a view or vista, and it would not result in a significant loss of trees. The proposed dwelling would sit seamlessly within the woodland site. The remaining trees would provide substantial screening of the proposed dwelling.

Lastly, the proposed development would consist of a single dwelling and a detached garage which would not provide more than four dwellings.

Based on the above, it is considered that the proposal falls within the definition of 'limited infill' development. As such, it is judged that the proposal accords with the exception under paragraph 149 (e) of the NPPF and Draft Local Plan Policy SADM34 and is therefore not inappropriate development in the Green Belt.

Openness

The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently, no discussion of this has been made in respect of the new dwelling.

The new dwellinghouse would benefit from permitted development rights. It is

	<p>therefore appropriate to assess what impact further extensions could have on the Green Belt. NPPF paragraph 54 states “planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.” The Planning Practice Guidance (PPG) advises that “Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”. In this case, given the location of the site within the Green Belt further extensions and new buildings would likely impact upon the openness of the Green Belt. Therefore, to protect the openness of the Green Belt, it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or, alteration of, the proposed new dwelling under (Class A), enlargement of consisting of an addition or alteration to its roof (Class B) and buildings incidental to the enjoyment of a dwellinghouse (Class E).</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council’s Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council’s Draft Local Plan (SP1 and SP9 and SADM11) and the Northaw and Cuffley Neighbourhood Plan (D1 and D2).</p> <p>District Plan Policy R17 seeks to protect existing trees whilst Policy D8 of the District Plan requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 and D2 would again be relevant. The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development.</p> <p>This part of The Ridgeway is characterised by large detached dwellings which feature a variety of architectural styles and materials. There is an eclectic mix of dwelling styles which allows for flexibility in the design of the proposed development.</p> <p>The application site is loosely covered by mature standards of oak, ash, sycamore and also a number of over mature hornbeam coppice stools. different types of trees. Most of the ground is covered in rough grass and leaf litter.</p> <p>The proposed dwelling would be sited between No. 48 and 50 The Ridgeway. The design of the proposed dwelling has been driven by the need to minimise the impact of development on the existing trees. The proposal has utilised a “point cloud” process to accurately map each tree and its canopy allowing proper assessment of the impact of the building at roof level and not just at ground level. The dwelling would be woven in and around the trees, as such,</p>

	<p>the overall volume of the dwelling would be broken into a cluster of smaller units. The resultant scheme would be a striking architectural piece incorporating mainly single storey elements beneath the tree canopies and with a three-storey section with a limited footprint rising through the canopies where dying trees would be removed. This latter section is designed with the second floor incorporated in a monoplane roof tilted upwards towards the south-east which would ensure maximum sunlight to ground level beyond the building. The remaining trees would provide substantial screening of the proposed dwelling from the streetscene and neighbouring properties. In addition, the dwelling would have a distinctive design with its own identity which would contribute to and enhance the character of the surrounding area.</p> <p>Furthermore, the dwelling would be designed such that it makes the most of the slope, orientation and existing woodland site and piled foundations would be used to minimise any damage to roots. Piled foundations require some ground investigation to determine where it would be possible to lay foundations whilst avoiding damage to tree roots, it is therefore considered necessary and appropriate to require details of pile foundations to be submitted to and approved in writing by the Local Planning Authority.</p> <p>The materials proposed include vertical timber cladding, standing seam zinc (roof) and brown anodised aluminium doors and windows. The external materials are considered acceptable subject to a condition requiring samples of the materials to be submitted to and approved in writing by the Local Planning Authority to ensure that the development does not detract from the character and appearance of the site and the wider area.</p> <p>Turning on to landscaping, a number of the trees have significant health problems and are dead or dying, some are dangerous and need removal, especially on the road frontage. A comprehensive tree survey was undertaken and has been submitted with the application. The Council's Landscaping Team have been consulted and consider the proposal acceptable subject to landscaping conditions. The proposed dwelling would be tucked under the canopy of the existing trees. The design of the building has been sensitively located on the site to minimise impact on trees. The scheme proposes to remove trees of the low-quality value, which should not be a constraint to the development.</p> <p>In order to maintain the integrity and ecological quality of the deciduous woodland habitat, landscaping would be minimised. With the exception of an access track and use of soft landscaping to reduce impact to tree roots, landscaped garden with formal lawns is not encouraged. See section under 'Ecology' for more details.</p> <p>Overall, the dwelling would be an exemplar in terms of sustainability, minimising the loss of trees and low impact spectacular design which is a direct response to the specific site constraints. As such, it is considered that the proposal would not harm the character and appearance of the site and the surrounding area and would comply with local and national policies.</p>
Impact on neighbours	District Plan Policy D1, in conjunction with the SDG outlines that development will be required to provide a good standard of amenity for buildings and external open spaces. In particular, development should not cause loss of light

	<p>or be unduly dominant from adjoining/adjacent properties and there should be a reasonable degree of privacy to new and existing private living space and the main private garden area. Policy SADM11 of the Draft Local Plan and Policy D1 of the Northaw and Cuffley Neighbourhood Plan are similar in these aims.</p> <p>The site boundaries are screened by trees and hedgerow, mitigating any possible impact on the occupiers of adjoining properties at Nos. 48 and 50 The Ridgeway. In addition, there would be acceptable separation distance between the proposed dwelling and these neighbouring properties. As such, it is considered that the amenity of neighbouring and future occupiers would be preserved in terms of loss of light, privacy or appearing unduly dominant.</p> <p>With regards to noise, 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>Due to the proximity of the site in relation to The Ridgeway, vehicles using this road are likely to pose the greatest risk of noise to the proposed dwelling. Given that the majority of the trees which would be retained, this would provide an acceptable level of buffer.</p> <p>All proposals for C3 dwellings should meet, as a minimum, the National Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. As such, in considering the quality of accommodation provided for future occupants, the National Technical Housing Standard, March 2015 is a material consideration. The layout is considered to provide adequate living conditions for future occupiers with regard to natural light and internal space. Furthermore, the dwelling would sit on a generous plot of land and the proposal would meet provide sufficient private outdoor amenity space.</p> <p>Overall, it is considered that the proposed development would provide acceptable living conditions for future occupiers and protect the living conditions of neighbouring properties in accordance with local and national policies.</p>
<p>Access, car parking and highway considerations</p>	<p>In terms of parking, paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p>

	<p>The Highway Authority have been consulted and present no objection subject to a condition requiring details of engineering designs and construction of vehicle access are submitted to and approved in writing by the Local Planning Authority to ensure a safe vehicle safe access.</p> <p>The new dwelling would have five bedrooms. The proposal includes a detached garage providing two parking spaces for cars with the driveway also able to accommodate additional parking spaces. It is therefore considered that the proposal would provide adequate on-site car parking for the resultant dwelling in line with the Council's SPG.</p> <p>Cycle storage is proposed behind the garage. However, no details have been provided with regards to the cycle storage, it is therefore considered reasonable and appropriate to require details of cycle storage to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Subject to conditions suggested above, the proposal is considered acceptable with regards to its impact on the highway and provides an appropriate level of car and cycle provision.</p>
Ecology	<p>District Plan Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Policy SADM16 of the Draft Local Plan and Policy D3 of the Northaw and Cuffley Neighbourhood Plan are similar in these aims.</p> <p>Paragraph 180 (a) of the NPPF outlines that planning decisions should protect and enhance biodiversity and, when determining planning applications, local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated against, or, as a last resort, compensated for, then permission should be refused.</p> <p>The application site is located within Home Wood (Cuffley) Local Wildlife Site (LWS), which is a semi-natural woodland. Local Wildlife Sites are an important ecological resource at the county level and should be protected if possible.</p> <p>The application is supported by the following reports:</p> <ul style="list-style-type: none"> • Ecological Appraisal by Wychwood Environmental Ltd (report date April 2022) • Botanical Survey and Biodiversity Enhancements and Ecological Mitigation Plan by Wychwood Environmental Ltd (report date July 2022) • Tree Climb & Potential Roost Assessment (PRA) by Wychwood Environmental Ltd (report date April 2022) • Bat Emergence Survey by Wychwood Environmental Ltd (report date June 2022) <p>The site supports deciduous woodland and a non-native cherry laurel hedgerow. The site habitat is considered to be of moderate ecological value given the dominance of deciduous woodland.</p> <p>Hertfordshire Ecology have advised that the site should be considered as an area of ancient woodland and that development at this site would result in the loss or deterioration of an irreplaceable habitat. They have therefore objected to the proposal.</p>

	<p>The site adjoins Home Wood woodland which is not designated an ancient woodland. Although the site contains some under-story flora species commonly found in ancient woodlands, these can equally be found elsewhere. Whilst the site has a number of coppice stools, (14% of the total trees surveyed) which may be between 50 and 100 years old, there is no evidence of any trees of great age on the site such as might be expected in “ancient” woodland. Based on the above, it is considered that there is no evidence to demonstrate that the site is part of an ancient semi-natural woodland which is defined as that in existence since 1600; no part of Home Wood is designated.</p> <p>In terms of protected species, the site has potential to support several foraging and commuting bat species within the canopies of the trees. The trees and hedgerow on site have the potential to support nesting birds associated with broadleaved woodlands in the spring and summer months. A number of trees have potential nesting features. Hertfordshire Ecology consider that sufficient information has been provided on European protected species (bats).</p> <p>Given the design and layout of the scheme the following biodiversity enhancement measures are proposed:</p> <ul style="list-style-type: none"> • green roof to support local bird and invertebrate species • forest gardens which include high density edible planting with minimal maintenance • two wildlife ponds fed from rainwater harvesting • bat and bird boxes would be installed on mature trees on site, to enhance the site for bats and common/woodland bird species. • the cherry laurel on the southern boundary hedge would be removed and replaced with a native species hedge (providing an enhancement). <p>The proposed biodiversity enhancement measures would result in greater habitat opportunities and significant gain in carbon capture. As such, it is considered that any harm to the woodland would not be sufficient to warrant refusal of planning permission. The proposed biodiversity enhancements can be secured via a planning condition.</p> <p>Although the character of the site would change from an area of woodland to an area of residential use, significant weight is attached to the proposed biodiversity enhancements. In addition, if the woodland site was left as it is, it would not benefit from as many species as there might be with the proposed landscaping, ponds, clearings, forest gardens and dwelling.</p> <p>Taking account of the above, the proposed site is not an ancient woodland and proposal would showcase an exemplar model which would increase biodiversity on the site and would 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. The property could be incorporated on the existing ARRC scheme and would receive a set of 2 bins for refuse & recycling FOC 1 x 180l black bin for refuse and 1 x 240l Blue lidded bin for recycling plus a food waste caddy. If required, the customer would need to contact WHBC and subscribe for the service and would receive a Brown bin for the garden waste service. Bins are to be presented the boundary with the highway the evening prior to collection and retrieved again after servicing.</p> <p>The location of external bin storage shown on Drawing No. 086 PL 02 is</p>

	<p>acceptable as they can easily be presented to the frontage for collection and maintenance. However, limited details have been provided with regards to the bin storage, it is considered that it would be reasonable and appropriate to require that these details are secured by condition.</p>
Renewable Energy	<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 SADM13 of the Council's Draft Local Plan Proposed Submission 2016 have the similar objectives.</p> <p>To maximise energy conservation, the proposal would include an Air Source Heat Pump (ASHP) alongside a Mechanical Ventilation with Heat Recovery (MVHR) which will recover exhaust heat. This in combination with high levels of insulation and air tightness will ensure that the heating and ventilation of the house is efficient and meets the highest standards. Also, photovoltaic cells are proposed to contribute to the electricity of the dwelling and would be sensitively located at high level within the trees to obscure their presence whilst maximising available sunlight. However, specific details of the energy efficient measures have not been provided, it is therefore considered necessary and reasonable to attach a planning condition requiring details of a renewable energy scheme to be submitted to and approved in writing by the Local Planning Authority.</p>
Sustainable Drainage System (SUDS) & Foul Water	<p>Policy R7 encourages sustainable drainage systems which would not pose a threat to the quality of both surface and/or groundwater. The proposal includes the use of a Biodisc which will treat foul waste and would be discharged directly to a soakaway within the site. This is considered acceptable subject to a condition requiring details of the Biodisc being submitted to and approved in writing by the Local Planning Authority.</p>
Planning Balance	<p>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.</p> <p>The NPPF is clear that achieving sustainable development means that the planning system has three overarching objectives (economic, environmental, and social), which are interdependent and need to be pursued in mutually supportive ways. Moreover, a breach of a particular development plan policy does not necessarily equate to a failure to accord with the development plan as a whole.</p> <p>In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwelling. However, the economic benefits in terms of construction of the building would be short-term and therefore limited. Local business would derive some long-term economic benefit from the future occupiers spending on goods and services but this would be limited in scale.</p>

	<p>Environmental benefits arising from the development would include:</p> <ul style="list-style-type: none"> • the use of timber salvaged directly from the site which would encourage a sustainable approach to construction, blend with the environment and adding to local distinctiveness • the proposal would within walking distance to shops and services • trees would largely be undisturbed and can continue growing into the future • minimising visual intrusion from beyond the boundaries • the biodiversity enhancements identified in the section above <p>The proposal would not be inappropriate development and would not materially harm the openness of the Green Belt. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The proposal would result in environmental benefits in a way that a more conventional dwelling would not. Although the site habitat is considered to be of moderate ecological value, significant weight is given to the environmental benefits outlined above.</p> <p>In terms of the social benefits, the proposal would make a small contribution towards the identified housing need within the Borough and provision of a high quality and energy efficient home.</p> <p>Drawing matters together, the proposed development would not be inappropriate development in the Green Belt and it would preserve openness as well as the character of the area. The design of the dwelling would be stunning and unique not seen elsewhere in The Ridgeway and would present a vision of sustainable living. Furthermore, the proposal would not harm the amenity of neighbouring occupiers.</p> <p>In the absence of a five year supply of deliverable housing, the NPPF indicates that the policies which are most important for determining the application are deemed to be out-of-date. As a consequence, the presumption in favour of sustainable development test set out in paragraph 11(d) of the NPPF is engaged. Considering the findings above, there are no policies in the NPPF that protect areas or assets of particular importance which would provide a clear reason for refusing the development. The presumption therefore provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.</p> <p>Collectively, the economic, social and environmental benefits identified above carry substantial weight in favour of the proposal. As such, 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. The proposed development is considered to accord with the relevant policies of the District Plan 2005, the Draft Local Plan the National Planning Policy Framework 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; the Supplementary Design Guidance; Draft Local Plan Proposed Submission 2016; Northaw and Cuffley Neighbourhood Plan; 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 must not be carried out other than 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.

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

REASON: To ensure a satisfactory standard of development in the interests of maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield District Plan 2005; the draft Local Plan Proposed Submission August 2016; Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

3. No development shall take place until a Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must not be carried out other than in accordance with the approved details. The Piling Method Statement must include details of:
 - a) the depth and type of piling to be undertaken
 - b) the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to trees
 - c) the programme for the works.

REASON: To ensure that any works undertaken comply with arboricultural best practice required in order to protect the existing trees of the development hereby

permitted in accordance with Policies GBSP2, D2, D8 and R17 of the Welwyn Hatfield District Plan 2005; Policies SADM11 and SADM16 of the draft Local Plan Proposed Submission August 2016; Policy D3 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

4. No development shall commence until a scheme for the protection of the trees within the vicinity of the site, in accordance with BS 5837:2012, including a tree protection plan and an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details. Specific issues to be dealt with in the tree protection plan and arboricultural statement include:
- a) Details of construction within the root protection area or that may impact on the retained trees including details of: site access, on site welfare facilities, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;
 - b) A full specification for the installation of boundary treatment works;
 - c) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
 - d) Tree protection during construction indicated on a tree protection plan and the construction activities clearly identified as prohibited in this area;
 - e) A schedule of arboricultural supervision and inspection by a suitably qualified tree specialist, including any ongoing reporting, inspection or supervision that is required.
 - f) Methods to improve the rooting environment for retained and proposed trees and landscaping

REASON: To ensure that any works undertaken comply with arboricultural best practice 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 SD1, R17, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SADM11 and SADM16 of the draft Local Plan Proposed Submission August 2016; Policy D3 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

5. No development above ground level shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:-

- a) original levels and proposed finished levels
- b) means of enclosure and boundary treatments
- c) hard surfacing, other hard landscape features and materials
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- e) management and maintenance details

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 SD1, R17, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SADM11 and SADM16 of the draft Local Plan Proposed Submission August 2016;

Policy D3 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

6. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works, as shown indicatively on the aforementioned submitted drawing number 086 PL 17 rev C titled Vehicle access and visibility splay. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before commencement of work of the development. This shall include the permanent provision of visibility splays measuring 2.4m x 66m, within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway level.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users 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, Policy SADM2 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

7. No development shall commence until a scheme for the provision of secure cycle parking on site has been submitted to and approved in writing by the Local Planning Authority. thereafter, the development shall not be carried out other than in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005; Policy SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

8. No development shall commence until details of the location, design and specification of the refuse bin and recycling materials storage bins have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation.

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 R5 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. No development shall commence until full details of Air Source Heat Pump, Mechanical Ventilation with Heat Recovery and Photovoltaic cells (or 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. Thereafter, the Air Source Heat Pump, Mechanical Ventilation with Heat Recovery and Photovoltaic cells (or suitable alternatives 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 regarding the Air Source Heat Pump, Mechanical Ventilation with Heat Recovery and Photovoltaic cells (or full details of 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.

10. No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the Local Planning Authority. Thereafter, the scheme shall be implemented, managed and maintained in accordance with the approved details. Those details shall include:
- a) A timetable for its implementation, and
 - b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

REASON: To protect the surrounding environment from pollution in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

11. The development hereby approved must not be occupied until the vehicular access has been installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M14 and D1 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

12. The development hereby approved must not be occupied until the ecological enhancements in Chapter 7 of the Preliminary Ecological Appraisal by Wychwood Environmental Ltd (report date April 2022) relating to landscaping, green roof, bird and bat boxes, woodland management and forest gardens have been implemented in full.

REASON: The ecological enhancements of this site are 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 SD1, R11, R17, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SADM11, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016; Policy D3 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

OTHER

13. 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 Class A (Enlargement), Class B (Addition Alteration to Roof) and Class E (Buildings Incidental) of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of Green Belt appropriateness; the openness, character and appearance of the Green Belt; and high quality design, in accordance with Policies RA4, GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

14. 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.

15. 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 five 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 SD1, R17, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SADM11 and SADM16 of the draft Local Plan Proposed Submission August 2016; Policy D3 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

16. External lighting must not be installed unless otherwise agreed in writing by the Local Planning Authority. Any external lighting must be designed to minimise light spill upon bats within the site.

REASON: To minimise impact on bats and wildlife in accordance with Policy R11 of the Welwyn Hatfield District Plan; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; Policy D1 of the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework.

DRAWING NUMBERS

17. 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
A3300UK829 8091121691		Site Location Plan	19 August 2022
12530 18		Site Survey	19 August 2022
086 PL 01		Proposed Block Plan	19 August 2022
086 PL 03		Proposed Floor Plan lv1	19 August 2022
086 PL 05		Proposed South West Elevation / Section B	19 August 2022
086 PL 07		Proposed North East Elevation	19 August 2022
086 PL 09		Proposed Section / Elevation C	19 August 2022
086 PL 11		Proposed Elevation / Section E	19 August 2022
086 PL 13		Root Protection Areas - Sheet 2	19 August 2022
086 PL 15		Root Protection Areas with Proposed	19 August 2022
086 PL 02		Proposed Plan Lvl 0	19 August 2022
086 PL 04		Proposed Plan Lvl 2	19 August 2022
086 PL 06		Proposed North West Elevation	19 August 2022
086 PL 08		Proposed South East Elevation	19 August 2022
086 PL 10		Proposed Section / Elevation D	19 August 2022
086 PL 12		Root Protection Areas - Sheet 1	19 August 2022
086 PL 14		Tree Canopies	19 August 2022
086 PL 16		Indicative Planting Schedule	19 August 2022
086 PL 17	C	Vehicle access and visibility splay	12 April 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. AN1) Storage of materials: 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://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. If removal and/or works is required to any of the trees within the site, this work must be undertaken outside the bird nesting season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area to be removed should be inspected for evidence of nesting by a suitably competent Ecologist no more than 24 hours in advance of clearance. If active nests are found, works should stop until the birds have left the nest.
5. Care must be taken when using tracked vehicles within the site. Temporary tracks should be placed on the ground to encourage vehicles to only track within designated areas, in an effort to protect tree roots, ground vegetation and cryptic species such as common toads. Areas should be inspected before tracks are placed.
6. To ensure that the site remains accessible to local wildlife such as hedgehogs which may be present in the area the boundary treatments for the site should include access points.
7. Consideration should be given to the former hornbeam coppice, within the centre of the site. This coppice has not been managed for 50-100 years and the trees appear to becoming top heavy. In the near future the trees will start to split and loose limbs. Under the guidance of an arboriculture specialist, it is proposed that the crown of these trees is thinned/reduced in order to take the weight out of the top of the trees.
8.
 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.
9. 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
7 July 2023