

Planning Department  
Welwyn Hatfield Borough Council  
Campus East, The Campus  
Welwyn Garden City  
AL8 6AE

Our Reference: 245002

**By Planning Portal**

21 May 2021

Dear Sir/Madam

**Verve Planning**

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Reg no. 11491335

**36 The Ridgeway, Cuffley, EN6 4AX  
Application under Section 73**

We are pleased to submit, on behalf of Cavendo Holdings Ltd, an application under Section 73 of the Town and Country Planning Act 1990 (as amended) for a minor material amendment to planning permission reference 6/2018/2863/FULL granted on 28 March 2019.

This application seeks permission to:

- Change elevations and internal layouts (Condition 20, Approved Drawings);
- Amend drawing reference in Condition 10 (Site Vehicular Areas);

The planning application, together with this covering letter, comprises:

- The completed application form and certificates
- Amended Proposed Plans, Elevations and Sections (see Table below);
- Comparison Drawings 109 and 110 of approved and revised long sections;
- Comparison Drawing PD111 of approved and proposed site plans;
- CGI visuals x 2;
- Email dated 19.5.21 from Cavendo Holdings confirming Construction Management Plan submitted for Condition 3 remains relevant for the S73;
- Letter dated 20.5.21 from Frith Blake confirming the Surface Water Drainage Scheme submitted to discharge Condition 4 is relevant for the S73;
- Addendum to Environmental Noise Assessment (prepared by SES) confirming the details for conditions 1 and 2 are relevant for the S73 application (to follow);
- Revised Energy Statement (to follow); and
- Application fee of £234, paid via the planning portal payment scheme.

In preparing this application, we have taken on board the judgement handed down on 5 November 2019 *Finney v Welsh Ministers 2019 EWCA Civ 1868* in which the Court of Appeal reversed the High Court judgment and earlier cases which looked at the powers contained in Section 73.

The proposed changes do not seek alterations to the original development that would be regarded as significant enough to result in amendments to the description of development. The proposed changes only constitute minor revisions to the approved scheme and would be covered by the description of development that has previously been approved on the site. The council is therefore able to deal with this application through the powers granted to them in Section 73. The application is an amendment

to the above listed conditions, and it is therefore within the council's powers to determine this application under Section 73.

### **Background**

Welwyn Hatfield Council (the council) granted planning permission 6/2018/2863/FULL on 28 March 2019 for the:

*Erection of 6 residential units following demolition of existing dwelling, supporting structures and associated ancillary buildings.*

The 2019 permission was subject to 20 planning conditions, 4 of which would be classed as pre-commencement conditions.

Since the grant of this planning permission, the applicant has submitted information pursuant to the discharge of Condition 1 (internal noise levels); Condition 2 (Noise levels in external amenity areas); Condition 3 (Construction Management Plan); and Condition 4 (surface water drainage scheme). These are currently being considered by the council (Refs: 6/2021/1143/COND and 6/2021/1357/COND). This information will remain unchanged for the S73 scheme, as confirmed by the various addendums.

### **Proposed Scheme Amendments**

The key elements of the previously approved scheme are retained. The proposal is for 6 detached dwellings of the same footprint, floor area, height and overall development envelope; the door and window position are unchanged; and the road, garage, parking layout, garages and garden layout is the same.

The only changes are as follows:

**Elevations** - the arrangement of windows and doors in each of the six properties is unchanged, but the window/door design and elevational design has been modified to present a more traditional building appearance rather than the contemporary approach of the approved scheme. The key changes can be seen by reference to the comparison elevations prepared by the architect.

**Internal Arrangement** – the revised scheme incorporates minor revisions to the internal layouts as follows:

#### Plot 1

- Ground Floor store and bathroom removed, allowing reception room and family area to be increased in size.
- First Floor double height space to hallway removed, thereby increasing landing area and allowing balcony above portico.
- Second floor bathroom modified and store reduced in size. Windows to bedroom 5 and adjoining shower room reduced in size.

#### Plot 2

- Ground Floor store and bathroom removed, allowing formal dining and living room to be increased in size.
- First Floor double height space to hallway removed, thereby increasing landing area and allowing balcony above portico.
- Second floor window and associated floor area reduced for bedroom 5.

### Plots 3, 4 and 5

- Ground Floor store and bathroom removed, allowing reception room and living/family room to be increased in size.
- First Floor double height space to hallway removed, thereby increasing landing area and allowing balcony above portico.

### Plot 6

- Ground Floor store and bathroom removed, allowing dining and living rooms to be increased in size.
- First Floor double height space to hallway removed, thereby increasing landing area and allowing balcony above portico.

## **Key Planning Issues**

### Principle of the development

The site is a proposed housing site for up to eight dwellings within the emerging Welwyn Hatfield Local Plan (number HS26). The principle of the proposed residential development of 6 units has already been established through the grant of planning permission 6/2018/2863/FULL.

### Design and Character of the Area

Saved Policy D1 of the Welwyn Hatfield District Plan 2005 requires the standard of design in all new development to be of a high quality. Policy D2 requires new development to respect and relate to the character and context of the area in which it is proposed, advising that as a minimum these should 'maintain, and where possible, should enhance or improve the character of the existing area'. Policy GBSP2 requires that 'within specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character'. The Supplementary Design Guidance (2005) provides supplementary advice, including that:

*'developers will be expected to look at the wider context and use this in their reasons for justifying a development. This is not to say that new development must mirror the local character, rather that it must be sensitive to it and not detrimentally affect the townscape and landscape. It should seek to enhance key characteristics which contribute to landscape and architectural quality. New developments may create their own distinctive identity whilst respecting and enhancing local character'.*

The also describes the character of Cuffley at paragraph 2.6:

*Brookmans Park, Cuffley and Digswell - large villages in the north and south of the district, which grew mainly during the 20th century as commuter settlements based around railway stations. They are generally characterised by detached housing on large plots, albeit within a variety of different settings.*

The draft Local Plan Policy SADM33 Table 17 Site Specific Considerations; Cuffley states for Site HS26 (No02) that it has a semi-rural context and character so low density would be appropriate in this location; there should be a buffer between the site and the adjacent wildlife site and ancient woodland to the north-east; a Phase 1 Habitat Survey is necessary to assess the site's ecological value; and there should be caution over human influences such as lighting. There is no reference to the preferred design style.

Paragraph 23.2 of the draft Local Plan states that development proposals in Cuffley should, of relevance, 'provide high quality, well designed housing which reflects local character'.

The officer report to committee for the approved scheme stated with respect to design that:

*9.18 The dwellings along The Ridgeway exhibit a wide range of styles, designs and materials. Those along Bradgate Close and Coulter Close do so to a lesser degree. However, the range is quite traditional which is befitting of this semi-rural/ edge of Green Belt location.*

*9.19 Following the receipt of the amended plans removing the recessed areas of façades around the windows and doors in the front and flank elevations of the dwellings and reducing the number of full height glazed panels in the dwellings and replacing them with windows, the design of the dwellings in considered relatively contemporary but appropriate. They would be of a suitably high quality design and though of a reasonably contemporary appearance, would not be at significant variance to the street scene as there are a number of dwellings along The Ridgeway of more modern design. The development would not appear alien or incongruous within the street scene but would be suitable to it, reflecting its high quality appearance.*

As the local area has a broad mix of architectural styles, with many being traditional, the revised traditional approach to the elevations would be an appropriate form of development in the locality. Whilst the appearance of the development would change, the proposal is essentially for the same form and scale of development with the same relationship between buildings, streets and spaces. The proposed changes would complement the surroundings and be in keeping with the character of Cuffley due to the high-quality appearance of the proposed buildings. The proposal would therefore comply with the relevant development plan policies.

#### Residential Amenity

As there is no change to the siting and scale of the dwellings or window/door positions in the development, save for the balcony above the portico, the proposal would continue to provide a high-quality accommodation for future occupiers and would not impact on the amenity of neighbours. The proposal would therefore comply with the adopted policies and SPD.

#### Energy

A revised Energy Statement is being prepared in accordance with Policy R3.

#### **Pre-Commencement Conditions**

Planning permission Reference 6/2018/2863/FULL was subject to 20 planning conditions, 4 of which would be classed as pre-commencement conditions. In order to assist the applicant to commence work on site as soon as possible, the four pre-commencement conditions (1-4) have been submitted for approval.

Assuming that these conditions are discharged by the time the S73 application is decided, we would request that any replacement planning permission amends the wording of Condition 1 (internal noise levels); Condition 2 (noise levels of external amenity areas); Condition 3 (Construction Management Plan), and Condition 4 (Surface Water Drainage), to require adherence to the approved details rather than requiring the submission for approval of further information.

### Condition 10 (Site Vehicular Areas)

We also request that the drawing referenced in Condition 10 is either replaced with the revised Drawing PD100/A (Proposed Site Plan) as this shows the site vehicular areas or by reference to the approved Drawing P000 Rev D (Rev B is currently referenced in Condition 10 but this was superseded).

### Conclusions

The current proposals are minor in nature compared to what has already been granted planning permission. We therefore trust that the following approved proposed drawings can be substituted as follows:

Drawing Title Approved / Proposed	Approved (6/2018/2863/FULL) drawing ref	Proposed S73 Drawing ref
Tree Removal	619-02-04	No change
Tree Planning Plan	619-02-05	No change
Proposed Location Plan / Proposed Block Plan	P000/D	PD113
Proposed Block Plan Ground / Site Plan	P001/D	PD100/A
Proposed Block Plan First	P002/D	No drawing
Proposed Block Plan Second	P003/D	No drawing
Proposed Block Plan Roof	P004/D	No drawing
Proposed Top Site Ground floor / Site Plan	P005/D	PD100/A
Proposed Bottom Site Ground floor / Site Plan	P006/D	PD100/A
Proposed Top Site First floor	P007/D	No drawing
Proposed Bottom Site First floor	P008/D	No drawing
Proposed Top Site Second floor	P009/C	No drawing
Proposed Bottom Site Second floor	P010/C	No drawing
Proposed Top Site Roof floor	P011/C	No drawing
Proposed Bottom Site Roof	P012/C	No drawing
Proposed Street Elevation / Plot 1 Front Street Elevation	P030/D	PD112
Proposed Site Long Section / Long Sections 1 & 2	P040/D	PD107/A
Proposed Typical Sections / Long Sections 1 & 2	P041/D	PD107/A
Proposed Site Short Sections / Cross Sections 4 & 4	P042/C	PD108
Unit 01 Proposed Ground Floor / Plot 1 Proposed Plans	P100/B	PD101/E
Unit 01 Proposed First Floor / Plot 1 Proposed Plans	P101/B	
Unit 01 Proposed Second Floor / Plot 1 Proposed Plans	P102/B	
Unit 01 Proposed Roof Plan / Plot 1 Proposed Plans	P103/B	
Unit 01 Proposed Elevations / Plot 1 Proposed Plans	P110/B	
Unit 02 Proposed Ground Floor / Plot 2 Proposed Plans	P200/B	PD102/B
Unit 02 Proposed First Floor / Plot 2 Proposed Plans	P201/B	
Unit 02 Proposed Second Floor / Plot 2 Proposed Plans	P202/B	
Unit 02 Proposed / Plot 2 Proposed Plans oof Plan	P203/B	
Unit 02 Proposed Elevations / Plot 2 Proposed Plans	P210/B	

<b>Unit 03 Proposed Ground Floor / Plot 3 Proposed Plans</b>	P300/B	PD103/B
<b>Unit 03 Proposed First Floor / Plot 3 Proposed Plans</b>	P301/B	
<b>Unit 03 Proposed Second Floor / Plot 3 Proposed Plans</b>	P302/B	
<b>Unit 03 Proposed Roof Plan / Plot 3 Proposed Plans</b>	P303/B	
<b>Unit 03 Proposed Elevations / Plot 3 Proposed Plans</b>	P310/B	PD103/B
<b>Unit 04 Proposed Ground Floor / Plot 4 Proposed Plans</b>	P400/B	PD104/B
<b>Unit 04 Proposed First Floor / Plot 4 Proposed Plans</b>	P401/B	
<b>Unit 04 Proposed Second Floor / Plot 4 Proposed Plans</b>	P402/B	
<b>Unit 04 Proposed Roof Plan / Plot 4 Proposed Plans</b>	P403/B	
<b>Unit 04 Proposed Elevations / Plot 4 Proposed Plans</b>	P410/B	
<b>Unit 05 Proposed Ground Floor / Plot 5 Proposed Plans</b>	P500/B	PD105/B
<b>Unit 05 Proposed First Floor / Plot 5 Proposed Plans</b>	P501/B	
<b>Unit 05 Proposed Second Floor / Plot 5 Proposed Plans</b>	P502/B	
<b>Unit 05 Proposed Roof Plan / Plot 5 Proposed Plans</b>	P503/B	
<b>Unit 05 Proposed Elevations / Plot 5 Proposed Plans</b>	P510/B	
<b>Unit 06 Proposed Ground Floor / Plot 6 Proposed Plans</b>	P600/B	PD106/B
<b>Unit 06 Proposed First Floor / Plot 6 Proposed Plans</b>	P601/B	
<b>Unit 06 Proposed Second Floor / Plot 6 Proposed Plans</b>	P602/B	
<b>Unit 06 Proposed Roof Plan / Plot 6 Proposed Plans</b>	P603/B	
<b>Unit 06 Proposed Elevations / Plot 6 Proposed Plans</b>	P610/B	

For ease of reference, this application is also accompanied by other drawings that show comparisons between the proposed and consented schemes. These are as follows:

<b>Drawing</b>	<b>Reference</b>
<b>Comparison Long Section 1</b>	PD109
<b>Comparison Long Section (front)</b>	PD110
<b>Comparison Site Plan</b>	PD111

The proposed revisions are not material to any development plan policies and do not raise any issues beyond those considered previously.

We trust this letter, accompanying drawings and documents provides you with enough information to determine this application, but if you require any further clarification, please do not hesitate to contact me.

We look forward to hearing from you regarding validation.

Yours faithfully



Helen Greenhalgh

Enc as listed on page 1

cc: Mr L Byrne, Cavendo Holdings Ltd