

www.ukplanningagency.co.uk

1 Gracechurch Street  
London EC3V 0DD, UK

T: +44 20 3713 8505  
contact@ukplanningagency.co.uk

UK Planning Agency Ltd, registered in England & Wales  
at the above address, number 10464645

VAT registration number 260 6370 18



UK PLANNING AGENCY

## Planning Statement



Site Name: The Spinney, High Road, Essendon, Hertfordshire, AL9 6HP

On behalf of: Essendon Property Ventures Ltd

Date: 22 March 2018

## CONTENTS

A. INTRODUCTION	3
B. THE SITE	4
C. PLANNING HISTORY	6
D. THE PROPOSAL	8
E. PLANNING POLICY COMPLIANCE	10
F. APPENDICES	21

## A. INTRODUCTION

1. This planning statement supports the application at The Spinney, High Road, Essendon, Hertfordshire, AL9 6HP for:

*“The demolition of the existing buildings and construction of three new dwellinghouses”.*

2. The proposal is for the demolition of the existing detached dwellinghouse (Use Class C3) and construction of three new architect-designed dwellinghouses (Use Class C3).
3. The sites benefits from several extensions and outbuildings, secured under permitted development rights. Please see Welwyn Hatfield Council refs. (S6/2015/1203/HH) and (S6/2015/0727/LUP).
4. The site also benefits from an existing planning permission, granted in October 2016, for a scheme comprising the demolition of the existing buildings and construction of two new architect-designed dwellinghouses. Please see Welwyn Hatfield Council refs. (6/2016/1118/FUL) and (6/2017/1319/VAR).
5. The proposal will provide three architecturally designed, high quality houses at this site - one 3-bed and two 4-beds. Each house will have a garage incorporating a cycle store and bin store. The proposal also includes a comprehensive landscaping strategy and access arrangements.
6. The proposed development of three houses has a smaller built volume, smaller overall footprint and smaller floorspace than the consented development of two houses, and a smaller built volume, smaller overall footprint and smaller floorspace than the extensions and outbuildings secured under permitted development rights. As accepted by the Council previously, these represent fallbacks against which this current application should be considered. Accordingly, the proposal will have a reduced impact on the green belt, by reducing the built development at the site, and is therefore considered to comply with the Council's development plan.

## B. THE SITE

7. The site is a 0.8ha sized plot of land that lies on the edge of the village of Essendon, Hertfordshire along High Road (B158).
8. The property at The Spinney is currently occupied by a single detached house (Use Class C3).
9. The site faces west adjacent to High Road (B158), the north-east boundary of the site abuts broadleaf woodland, and the south-east boundary of the site adjoins the golf course of Essendon Country Club.
10. Mature trees and dense hedgerows along the sites boundaries screen the site from High Road and neighbouring properties.
11. There are a number of large properties located to the south of the site along High Road.
12. The site is located within the green belt and is adjacent to a conservation area. It is not within an Area of Outstanding Natural Beauty (AONB).
13. There are no listed buildings on the site however there are two Grade II listed properties in the surrounding area, Essendon Place & Essendon Manor. These are located a good distance away from the site at 170m and 120m respectively.
14. A Tree Preservation Order (TPO717(2017)WI covers the area of planting adjacent to High Road as well as a strip of land across the garden of the property linking to the woodland behind.
15. The site is located within flood zone I which has a low probability of flooding.
16. The site is served by direct rail links to London from Bayford (3.5 miles), Welham Green (4 miles), Brookmans Park (4 miles), Hatfield (5 miles) and Potters Bar (5 miles) train stations.
17. The location of the site is within close proximity to the M25 (via the A1000), thus providing good transport connections to destinations across the UK.

### **Application Documents**

18. The planning application is supported by number of documents including:
  - Application Form;
  - Site Location Plan;
  - Site Plan;
  - Ownership Certificates;
  - Design and Access Statement

- Planning Statement;
- Drawings and Plans;
- Landscape Visual Impact Assessment;
- Landscape Masterplan;
- Bat Survey Report;
- Preliminary Ecological Appraisal;
- Arboricultural Impact Assessment and Method Statement;
- Tree Protection Plan;
- Tree Reference Plan;
- Tree Report;
- Transport Statement;
- Written Legal Opinions from Mark Lowe QC; and
- Written Legal Opinion from Irwin Mitchell.

## C. PLANNING HISTORY

19. Please find the relevant planning history associated with this site below:

- **6/2017/1319/VAR** - Variation of condition 1 (approved plans) on planning permission 6/2016/1118/FULL dated 13/10/2016 - Granted 13 September 2017.
- **6/2016/2545/LAWP** - Certificate of Lawfulness for the erection of 2 detached single storey outbuildings. One to be used as a home study and the other to be used as a home gym - Granted 24 January 2017.
- **6/2016/1118/FULL** - Erection of 2no dwellinghouses following demolition of existing buildings - Granted 13 October 2016.
- **6/2016/0394/FULL** - Erection of 2no dwellinghouses following demolition of existing buildings - Withdrawn 6 June 2016.
- **S6/2015/1203/HH** - Prior approval for the erection of single storey side extensions to either side following demolition of existing garage and two outbuildings - Prior Approval Not Required 21 July 2015.
- **S6/2015/0727/LUP** - Certificate of Lawfulness for a proposed single storey basement and the erection of two storey rear extension, a porch, alterations to windows and insertion of new windows, erection of single storey garage and single storey outbuilding - Granted 2 June 2015.
- **S6/2015/0594/HH** - Construction of single storey side extension on each side of dwelling following the demolition of existing garage and two outbuildings - Refused 1 May 2015.
- **E6/1974/0611** - Private garage, removing front porch forming new entrance and new window - Granted 13 December 1974.

20. Planning permission has been secured for several extensions and outbuildings under permitted development rights (see Welwyn Hatfield Council ref (S6/2015/1203/HH) as well as a Certificate of Lawfulness (see Welwyn Hatfield Council ref S6/2015/0727/LUP).

21. A planning application (see Welwyn Hatfield Council ref. 6/2016/1118/FUL) for the site was granted in October 2016, for a scheme comprising the demolition of the existing buildings and construction of two new architect-designed dwellinghouses. This permission included a double garage for each dwelling and an additional access onto the B158 High Road.

22. Following the above permission, a certificate of lawfulness was secured at the site for the erection of 2 detached single storey outbuildings - one to be used as a home study and the other to be used as a home gym (see Welwyn Hatfield Council ref. 6/2016/2545/LAWP).

23. A section 73 application (see Welwyn Hatfield Council ref. 6/2017/1319/VAR) for the site was granted in September 2017, for the variation to the condition 1 of planning permission (see Welwyn Hatfield Council ref. 6/2016/1118/FUL) to allow alteration of the site boundary

between plots 1 and 2, relocation of the permitted dwellinghouse within plot 2 and relocation of the proposed second site access onto the B158 High Road, and associated amendments to arboricultural works.

## D. THE PROPOSAL

24. This planning statement supports the application at The Spinney, High Road, Essendon, Hertfordshire, AL9 6HP for:

*“The demolition of the existing buildings and construction of three new dwellinghouses”.*

25. The proposal is for the demolition of the existing detached dwellinghouse (Use Class C3) and construction of three new architect-designed dwellinghouses (Use Class C3).
26. The proposal seeks to divide the site to create three separate plots to accommodate three high quality houses. The mix of houses will include one 3-bed and two 4-beds all with car parking, cycle storage and waste storage.
27. Plot one is located towards the northern corner of the site and will be accessed by the existing entrance from High Road. As this is the smallest plot, it will be occupied by the 3-bed dwelling.
28. Plot two is located to the east of the site, and is the largest of the three plots and will be accessed by a new entrance from High Road. This plot will be occupied by one of the 4-bed dwellings.
29. Plot three is located to the south-west corner of the site and is also accessed by the same new entrance from High Road that is to provide access to plot two. This plot will also be occupied by one of the 4-bed dwellings.

### **Access**

30. The existing access point from High Road is being retained and the new entrance accessed from High Road is in the same location as already consented under planning permission 6/2016/1118/FULL as varied under consent 6/2017/1319/VAR.
31. These access arrangements can be seen in more detail in the Transport Statement prepared by Systra that has been submitted to support this application.

### **Materials**

32. The new high quality dwellinghouses will be constructed from a variety of different materials that have been chosen to create buildings of high quality that sit well in their setting. The ground floor walls will be constructed from brick, as will chimneys, and the upper floors will be clad in standing seam zinc in a grey colour.
33. The windows will be constructed from aluminium and will be a dark grey colour.
34. Photovoltaic cells are integrated into the zinc roofing of each property and will be visually unobtrusive.



35. The walls of the garages are a combination of brick to match the houses, with timber cladding. The driveways are paved in gravel and the terraces are paved in stone.
36. The detailed designs of each individual house are set out in the Design and Access Statement prepared by Chassay Studio and submitted to support this planning application.

### **Landscape Proposals**

37. The boundaries between the plots will be brick garden walls to ensure each plot benefits from sufficient privacy. There will also be generous planting against both sides of the brick garden walls and specimen trees planted along the new boundaries to enhance the natural screening between plots.
38. The proposed dwellings have been carefully located within existing glades such that existing tree/shrub vegetation would be substantially retained.
39. In mitigation for the removal of trees T9 and T12, replacement trees will be planted on a one for one basis in positions where they can achieve full size.
40. The landscape proposals include reinforcement of the existing shrub vegetation along the southern and western site boundaries. There would also be an increase in the amount of on-site tree/shrub vegetation with a resultant net enhancement in the well-vegetated character of both the site and High Road.
41. For additional information on the landscape proposal please see the landscape masterplan submitted to support this planning application prepared by Scarp.

## E. PLANNING POLICY COMPLIANCE

### **Statutory Development Plan**

42. Welwyn Hatfield Borough Council's District Plan was adopted in 2005.

### **Emerging Development Plan**

43. The Council has submitted its Draft local plan to the Secretary of State for examination. As this is still emerging, limited weight can be given to its policies in accordance with the National Planning Policy Framework ("The Framework"). The Framework is therefore a material consideration of significant weight.

### **Designations**

44. The site is located within the green belt.
45. A Tree Preservation Order (TPO 717(2017) WI) covers the areas of planting adjacent to High Road as well as a strip of land across the garden of the property linking to the woodland behind.
46. The site is not in but is adjacent to the Essendon Conservation Area.

### **Green Belt**

47. The proposal is for the demolition of the existing dwellinghouse and redevelopment of the site to provide three new architect-designed dwellinghouses.

### **Relevant Planning Policy**

48. Welwyn Hatfield Saved Local Policy RA4 refers to replacement of dwellings in the green belt. The policy and supporting text however indicates that this refers to the replacement of a single dwellinghouse by a single dwellinghouse. The policy states that:

*"Permission for replacement dwellings within the Green Belt will not be granted unless all of the following criteria are met:*

- The replacement dwelling would not materially exceed the size of the original dwelling in terms of its floorspace, height and volume (existing outbuildings (including detached garages) will not contribute to the calculation of the size of the replacement dwelling except in very exceptional circumstances);*
- The proposed dwelling would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside; and*

- *The proposed dwelling is designed to reflect the character and distinctiveness of its rural setting and to accord with the design policies elsewhere in the plan and the supplementary design guidance.”*

49. Policy SADM 34 in the Welwyn Hatfield Emerging Local Plan states that:

*“Proposals for the re-use of buildings, appropriate outdoor facilities for outdoor sport, outdoor recreation, cemeteries and development on previously developed sites will need to demonstrate that they preserve the openness of the green belt and do not conflict with the purposes of including land within it. In assessing the impact of the proposal the Council will take into account:*

- (i) Whether the site lies within a parcel of land which makes a significant or partial contribution to one or more purposes of the green belt;*
- (ii) Whether the scale of the development or activity would compromise that purpose; and*
- (iii) The level of impact on both the physical and visual openness of the green belt.*

50. However, as the proposal comprises redevelopment of a previously developed site in the green belt, on which the current Local Plan is silent and the emerging Local plan is not yet adopted, therefore, little weight can be given to its policies in accordance with the Framework, the correct policy test for the proposal is paragraph 89 of the the Framework which states:

*“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

*[...]*

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.*

51. In considering bullet point 6 of paragraph 89 of the Framework, the first test that needs to be met requires the redevelopment of a previously developed site to not have a greater impact on the openness of the green belt than the existing development. The second test is that the redevelopment of a previously developed site should not have a greater impact on the purpose of including land within the green belt than the existing development. The tests are considered below.

### Existing Development

52. The existing property is situated towards the northern part of the site, with the southern part of the site comprising of two small outbuildings and residential gardens. The property is screened from the road and neighbouring properties by dense hedgerow and mature trees along the site boundary.

53. Permission has been secured for several extensions and outbuildings under permitted development rights (see Welwyn Hatfield Council ref (S6/2015/1203/HH) as well as a Certificate of Lawfulness (see Welwyn Hatfield Council ref S6/2015/0727/LUP). This permission extends across the site.
54. Permission has also been secured for the construction of two dwellinghouses on the site. A planning application (see Welwyn Hatfield Council ref. 6/2016/1118/FUL) for the site was granted in October 2016, for a scheme comprising the demolition of the existing buildings and construction of two new architect-designed dwellinghouses. This permission included double detached garages for both dwellings and an additional access onto the B158 High Road.
55. A section 73 application (see Welwyn Hatfield Council ref. 6/2017/1319/VAR) for the site was granted in September 2017, for the variation to the condition 1 of planning permission (see Welwyn Hatfield Council ref. 6/2016/1118/FUL) to allow alteration of the site boundary between plots 1 and 2, relocation of the permitted dwellinghouse within plot 2 and relocation of the proposed second site access onto the B158 High Road, and associated amendments to arboricultural works.
56. The reference to 'existing development' (as opposed to 'building' in bullet point 4 of paragraph 89 in the Framework), is relevant to the proposal at The Spinney. 'Existing development' in relation to The Spinney refers to the alternative (or fallback) that would exist in the event that further planning permissions were not granted, reflecting the well-established planning principle that the judgement to be made in determining a planning application is against the alternative, where a reasonable prospect of that alternative (or fallback) exists, if planning permission were not granted.
57. The 'existing development' at The Spinney for the purposes of the comparison therefore includes the permitted development schemes, Welwyn Hatfield Council Refs. (S6/2015/1203/HH), (S6/2015/0727/LUP) and (6/2016/2545/LAWP) and the scheme for two dwellinghouses (see Welwyn Hatfield Council ref. 6/2016/1118/FUL and ref. 6/2017/1319/VAR ). This is because these meet the tests against which an alternative or fallback should be judged; a) is it extant and implementable; and b) is there a reasonable prospect of the scheme being carried out in the absence of any further planning permissions.
58. The fallback position of the permitted development scheme (see Welwyn Hatfield Council ref (S6/2015/1203/HH and ref S6/2015/0727/LUP) was confirmed by the planning officer for the previous planning application for the erection of 2no dwellinghouses following demolition of existing buildings (granted 13 October 2016) (Ref. 6/2016/1118/FULL) within their report prepared for the planning committee on 13 October 2017. The officer report stated:

*“The planning history at the site and the information provided within submitted planning statements shows that the applicant benefits from a considerable permitted development fallback that is now considered to be more than a merely theoretical prospect. This could, if*

*implemented in full, significantly increase the amount of development on the site and spread built form to the north and south of the existing dwelling.”*

59. To confirm the above position, we have received a second legal opinion from Mark Lowe QC regarding what in law is described as a ‘fall back position’ for the redevelopment of the site and comparison of the consequences of the fall back position with the proposal in terms of harm to the openness of the Green Belt (**see Appendix 2**). The opinion concludes that:

*“There are now two fall backs with which to make a comparison. The original fall back of reliance on the authorizations granted in 2015 to substantially extend the current dwelling which was relied upon by the Council when it granted permission to the two unit scheme. The second potential fall back lies in both the recently permitted two dwellings schemes”.*

60. For Mark Lowe QC’s first legal opinion (April 2016) see **Appendix 1**.

### Previously Developed Land

61. It is our view is that the whole of the site should be considered as previously developed land. The existing dwellinghouse is located to the north of the site, although the residential garden associated with this dwellinghouse extends to the remainder of the site to the south including two smaller outbuildings.

62. The first point to consider is the curtilage of the existing dwellinghouse. We have received a legal opinion from Irwin Mitchell regarding the extent of residential curtilage of The Spinney (**see Appendix 3**). The opinion concludes that:

*“the curtilage of the property extends to the entirety of the garden, including all of the trees and lawn areas, contained within the site boundary. If any lesser area is to be considered, this must include, at least both the outbuildings and the areas of lawn which appear to be garden land, and exclude only (and in my view artificially) a small part of the woodland area in the extreme south west corner of the site.”*

63. In the recent Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015) (**see Appendix 4**), Charles George QC sitting as a Deputy High Court Judge found that only residential gardens within the “‘built-up area’ were exempt from the definition of previously developed land whereas, residential gardens outside ‘built up areas’ were ‘brownfield’.”

64. Dartford Borough Council challenged this decision (CI/2016/1664) (**see Appendix 5**), on the meaning of ‘previously developed land’ to the Court of Appeal, comprising of Lady Justice Gloster and Lord Justice Lewison, but this was dismissed. Lord Justice Lewison states:

*“The starting point is, of course, the words themselves read as a matter of ordinary English. The critical words are: “land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.” [...] as a matter of ordinary English I cannot see that any*

*other meaning can be given to this sentence. "Land in built-up areas" cannot mean land not in built-up areas."*

### Materially Greater Impact on Openness

65. Bullet point 6 of paragraph 89 of the Framework states that redevelopment is not inappropriate if the proposal does not have a "greater impact on the openness of the green belt and the purpose of including land within it than the existing development."
66. In quantitative terms, the proposal would result in the reduction in physical presence on the site by having a smaller footprint, internal floorspace and volume compared to the existing development which as established includes the permitted development scheme.
67. The table below illustrates the comparative footprint, floorspace and volume of the proposal

Comparative Figures for The Spinney			
	Floorspace (sq m)	Footprint (sq m)	Volume (cubic m)
Existing Development with Permitted Development Schemes	912	682	2,986
Two Dwellinghouse Scheme	861	550	2,932
Three Dwellinghouse Scheme	<b>843</b>	<b>535</b>	<b>2,810</b>

against the existing development of the site.

68. As demonstrated by the table above, the floorspace of the proposed development will be 69 sq m smaller than the existing development with permitted development additions, the footprint will be 147 sq m smaller and the volume will be 176 cubic metres smaller.
69. The table also demonstrates that the floorspace of the proposed development will be 18 sq m smaller than the two dwelling house scheme previously granted, the footprint will be 15 sq m smaller and the volume will be 122 cubic metres smaller. The proposal for three dwelling houses is therefore the smallest option for redevelopment at the site.

70. Although the proposal will extend further south on the site than the existing development, the proposal utilises a previously developed site which is well contained and would therefore not lead to the sprawl of a built up area.
71. This position is supported by the legal opinion received from Mark Lowe QC regarding the question of any harm caused to the openness of the green belt (**see Appendix 2**). The opinion confirms:

*“Accordingly, assuming a rational approach is taken by the local planning authority and a degree of consistency in decision making is employed, I conclude that the three unit scheme could not sensibly be refused on the ground of harming the openness of the Green Belt having regard to the planning history of this site and the likely fall back positions that emerge from it.”*

72. Paragraph 6 of appeal decision (APP/Y3615/W/16/2144084) (**see Appendix 6**) supports the above stating *“although new houses would extend further to the north than the existing buildings, this would not lead to encroachment of the countryside as the site is well contained and the proposal would not extend beyond what is previously developed land”*, demonstrating that the whole of the site at The Spinney is considered as previously developed land and even though the proposal will extend further south on the site it would not lead to the sprawl of a built up area.
73. The second legal opinion received from Mark Lowe QC (**see Appendix 2**) also confirms that in granting permission for the two dwellinghouse scheme the Council has approved the use of the whole site as garden land. The opinion states:

*“although there are three dwellings where one is now and two are authorised to be constructed, it should be noted that there are no additional means of access to the highway proposed than permitted to serve the two dwellings nor are there any more domestic gardens proposed since the entire site is currently in use as the garden to the single unit.”*

74. Notwithstanding the above, we consider this to be the case in any event and that the whole site is garden land.
75. The site is well-screened and enclosed by existing landscape, much of which is mature and evergreen. The proposal would be well-screened from views, and would include improvements to landscape.
76. The primary objective of the landscape strategy for the proposal is to conserve local landscape character. This has been achieved by substantial conservation of existing on-site trees, sensitive location of the proposed dwelling houses within the site and strengthening the well-vegetated character of the site by the enhancement of the peripheral tree/shrub framework.
77. The overall footprint, floorspace and volume of the proposed three dwellinghouse scheme would also all be lower than that of the approved two dwellinghouse scheme.

78. Consequently, the proposal would not have a greater impact on the openness of the green belt than the existing development, and therefore this part of the sixth exception set out in paragraph 89 of the Framework is satisfied.

### **The Purposes of Including Land Within the Green Belt**

79. The redevelopment of a previously developed site is also required to not have a greater impact on the purpose of including land within the green belt than the existing development. This requires an assessment of the contribution made by the existing development to the five purposes of including land within the green belt, (paragraph 80 of the Framework) compared to the contribution that would be made by the proposed development to the same purposes.
80. These five purposes are listed below with an explanation of how the proposal would not have a greater impact than existing:
- *To check the unrestricted sprawl of large built-up areas* - the site is beyond any built-up area and is previously developed land. The proposal utilises a previously developed site and would therefore not lead to the sprawl of a built up area.
  - *To prevent neighbouring towns merging into one another* - the site is located within the green belt and is not located near any built up settlements. The proposal would not result in neighbouring towns merging into one another.
  - *To assist in safeguarding the countryside from encroachment* - the existing development at the site is situated to the northern part of the site. However, the residential garden associated with this dwellinghouse extends to the remainder of the site to the south and includes two smaller outbuildings. The proposal seeks the development of three dwellinghouses across the site which is a previously developed site. Therefore compared to the existing development (which is the test required by bullet point 6, paragraph 89, as opposed to consideration of the five purposes in isolation), the proposal does not result in encroachment into the countryside.
  - *To preserve the setting and special character of historic towns* - the site is not within, but is adjacent to a conservation area. None of the buildings on the site are listed. The proposal would not result in any detrimental effect to the setting or special character of historic towns.
  - *To assist in urban regeneration* - the existing development does not assist in urban regeneration, nor does it encourage the recycling of derelict and other urban land. It therefore has limited, if any, compliance with this purpose of including land within the green belt. The proposal does not therefore have a “greater impact” on this purpose compared to the existing development.



81. The proposal therefore satisfies the sixth exception set out in paragraph 89 of the Framework and is not inappropriate development in the green belt.

### **Sustainability (Access, Transport, Parking)**

82. Paragraphs 29-32 of the Framework relate to the promotion of sustainable transport. Paragraph 29 states:

*“[...] However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*

83. The site is currently served by three daytime bus services, which are served from a bus stop opposite the war memorial in Essendon. The bus stop is accessible within a 650m or 10 minute walk to the north of the site along a continuous footway.
84. The nearest rail station to the site is Hatfield rail station, located approximately 7.6km to the west of the site.
85. Essendon has two bus stops, a church (St Mary the Virgin), public house (Rose & Crown), a village hall and a Church of England primary school. In terms of leisure, it is home to Essendon Country Club which has two 18-hole golf courses. Further amenities can be found in the town centres of Hatfield to the west or Hertford to the east.
86. A Road Safety Audit was undertaken in February 2016 for the previous planning application (6/2016/1118/FULL) which demonstrated that 85th percentile road speeds on the B158 High Road are 41 miles per hour. The access was designed and consented with visibility splays of 2.4m x 156m, which exceeded the requirement for a 40mph speed limit and was only 4m short of the 50mph speed limit requirement.
87. The section 73 application (6/2017/1319/VAR) included the relocation of the second access approximately 16m further north than the consented position. This location placed the access on the outside of the bend in the road fronting the site and provided an improved visibility than the previously consented location.
88. This access would comply with the requirement for a 50mph speed limit (2.4m x 160m), providing some vegetation within the site to the north of the access is cut back, and one of the four chevron signs to the south is moved by 0.5m outside the visibility splay. Positioning this sign back against the fence and rotating it by 7° ensures the visibility splay is kept clear, while the sign remains visible for southbound vehicles.
89. The waste collection strategy associated with the proposed development will remain as the existing situation. Waste collection bins are currently stored within the curtilage of the existing dwelling; this will be replicated in the proposed redevelopment.

90. A first principles trip generation assessment has also been undertaken based on the vehicles expected to be owned by residents of the proposed development.
91. Each of the three dwellings will incorporate a two-car garage, totalling six parking spaces. Therefore, as a worst case the maximum number of vehicle movements associated with the additional dwellings not yet built on site (plots 2 and 3) will be four outbound vehicular trips and four inbound vehicular trips during any peak period.
92. The proposed development is therefore considered to have negligible impact upon the local highway network, and there are no transport reasons why the development proposals should not be granted planning permission.
93. Please see the Transport Statement for further details.

### **Landscape and Trees**

94. Welwyn Hatfield Saved Local Policy R17 refers to trees, woodland and hedgerows. The policy states that:

*“The Council will seek the protection and retention of existing trees, hedgerows and woodland by the use of planning conditions, section 106 agreements, hedgerow retention notices and tree preservation orders where applicable. New development will be required to incorporate wherever appropriate new planting with locally native species and should be in accordance with Policy D8 Landscaping.”*

95. Welwyn Hatfield Saved Local Policy RA10 refers to landscape regions and character areas. The policy states that:

*“Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.”*

96. The proposal complies with the above policies and would not cause a detrimental effect to the local landscape character of the area.
97. The proposed dwellings have been carefully located within existing glades such that existing tree/shrub vegetation would be substantially retained.
98. Trees T9 (B category Beech tree), and T12, (B category Common Oak tree) are approved for removal as part of the extant consents (6/2016/1118/FULL and 6/2017/1319/VAR). There are thirty nine A and B category trees present on the site, so this still represents a minimal loss, with the majority of the A and B category trees are to be retained and protected throughout the development. In mitigation for the removal of T9 and T12, replacement trees will be planted on a one for one basis in positions where they can achieve full size.

99. The majority of trees proposed for removal are in the lower two categories, C and U. These are small fruit trees, and Hawthorn trees which are not of a quality that should represent any constraint to development. The trees removed will be mitigated for with replacement planting on a one for one basis of native trees.
100. The landscape proposals include reinforcement of the existing shrub vegetation along the southern and western site boundaries. An appreciable number of new native trees will be planted on the site as a result of the proposed development, including the establishment of new individual specimen trees in lawn areas.
101. There would be an increase in the amount of on-site tree/shrub vegetation with a resultant net enhancement in the well-vegetated character of both the site and High Road. The residential characteristics of the site, i.e. a dwelling, amenity planting, amenity lawns and peripheral native and ornamental tree/shrub planting would remain unchanged.
102. Please see the Landscape and Visual Appraisal and Arboricultural Impact Assessment and Method Statement for more details.

## Ecology

103. Welwyn Hatfield Saved Local Policy R11 refers to biodiversity and development. The policy states that:
- “All new development will be required to demonstrate how it would contribute positively to the biodiversity of the site by;*
- i) The retention and enhancement of the natural features of the site;*
  - ii) The promotion of natural areas and wildlife corridors where appropriate as part of the design;*
  - iii) The translocation of habitats where necessary, where it can be demonstrated that the habitat or species concerned cannot be successfully accommodated within the development;*
  - iv) The use of locally native species in planting in accordance with Policy D8 Landscaping;*
  - v) Helping meet priorities/targets set out in the Local Biodiversity Action Plan.”*
104. The proposal complies with the above policy and would contribute positively to the biodiversity of the site through proposed planting and ecological enhancements.
105. The biodiversity enhancements include incorporation of bee bricks in certain locations of the garden walls as habitat for solitary bees, installing bat boxes in the mature trees for the local bat population and incorporation of brick nesting boxes for housing nesting birds.

106. The habitats within and adjacent to The Spinney continue to support habitats of high quality for foraging bats, and the mature trees within the site provide important foraging habitats for the local bat populations.
107. As set out in the Bat Survey Report prepared by Jones and Sons, in May 2016 common bats were recorded flying across the garden at the site, however no signs of bats were found in the existing house during a further survey in January 2018, and the other buildings on the site support negligible suitability for roosting bats.
108. No confirmed tree roosting site was identified, and the majority of trees to be felled are of negligible suitability for roosting bats.
109. The Bat Survey Report recommends that a further dusk emergence survey be undertaken in appropriate weather conditions during the warmer months between May and September when bats are actively flying. This survey will confirm if the negative roost status of the building has not changed since 2016.
110. It is proposed that we will undertake the appropriate surveys during the eight week determination period, which will enable us to undertake the dusk emergence surveys at the start of May 2018.
111. If we are unable to undertake the surveys at the start of May 2018 as planned, we will accept a condition that requires us to undertake the additional surveys, and submit the information to the Council, including a detailed report of the findings.
112. In the event that the further surveys confirm the presence of a bat roosting site, an appropriate mitigation strategy will be submitted to the Council for approval. An outline mitigation strategy is included within the Bat Survey Report prepared by Jones and Sons submitted to support this planning application.

## F. APPENDICES

- APPENDIX 1 - First Legal Opinion from Mark Lowe QC (April 2016);
- APPENDIX 2 - Second Legal Opinion from Mark Lowe QC (March 2018);
- APPENDIX 3 - Legal Opinion from Irwin Mitchell;
- APPENDIX 4 - Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015);
- APPENDIX 5 - Dartford Borough Council v Secretary of State for Communities & Local Government in the Court of Appeal (CI/2016/1664); and
- APPENDIX 6 - Appeal Decision Bell and Colvill, Epsom Road, West Horsley, Surrey KT24 6DG (APP/Y3615/W/16/2144084).