

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 2 MARCH 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2016/1778/FULL

11 BROOKMANS AVENUE, BROOKMANS PARK, HATFIELD, AL9 7QH

ERECTION OF REPLACEMENT BUILDING CONTAINING 5 FLATS WITH
FORECOURT PARKING FOLLOWING DEMOLITION OF EXISTING HOUSE

APPLICANT: Mr & Mrs S Morris

(Brookmans Park & Little Heath)

1 Site Description

- 1.1 The application site is situated on the north side of Brookmans Avenue and consists of a detached two storey dwelling with pitched roof and an attached garage and front and rear gardens. To the rear (north) of the site is a golf course, Brookmans Park Club. The adjoining properties (Nos. 9a and 13) are detached houses and the surrounding area is residential in character and appearance comprising predominantly of very substantial detached houses of varying designs. Properties have long frontages and are also set back from the carriageway by a generous verge. The western end of the avenue terminates at Bradmore Green, where a small but diverse shopping centre encloses a well-tended public realm open space and slightly further to the west is the Brookmans Park railway station.
- 1.2 There has been much redevelopment in the area, where smaller dwellings have been extended or replaced by larger dwellings; however, there are no other flatted developments which are considered to be within the context of the application site.

2 The Proposal

- 2.1 The proposal is for the demolition of the existing dwelling and the erection of a two storey building with habitable roofspace contained under a crown roof for use as 4 x 2 bedroom and 1 x 3 bedroom self-contained flats. The dwellings would each comprise of two bedrooms in Flats 1 to 4 on the ground and first floors with a large living room/kitchen. The fifth unit, a large 3 bedroom, Flat 5, would be created within the roofspace. The front elevation would contain 2 x 3-case flat roof dormer windows, part gable end and matching end bays at ground floor.
- 2.2 The building would have an overall depth of approximately 19.75m at ground floor level and approximately 15.5m at upper (1st and 2nd) levels, and

approximately 16.3m in width. It would be approximately 8.65m in height with rear balconies at first and second floor levels. The first floor balcony would project approximately 1.45m from the rear wall and span the entire width of the building while that on the second floor would be recessed in the roof slope and 10m wide. The building would be set a minimum 1m from the side boundaries. The ground floor aspect has a single-storey element with the nearest rear wall to that of No. 13 Brookmans Avenue setback approximately 1.8m while the single-storey element projects some 3.05m from the main wall but set in at least 4m from the side boundaries. The roof would contain two rooflights and two small dormer windows in the left side roof slope overlooking No. 9A, two rooflights and a small dormer window in the right side roof slope overlooking No. 13 and a 10m wide dormer window at the rear. The 45 degrees angle of pitch to the main roof would create a very large crown roof aspect.

- 2.3 The proposal would provide spaces (2.4m x 4.8m in size) for eight cars/vehicles (including two disabled parking spaces) to park within the site in two parallel rows. All vehicles would enter and leave the site via the existing vehicular access in Brookmans Avenue.
- 2.4 At the rear of the new dwellings, a communal garden area of approximately 18.1m wide by 24.4m deep and 3m deep private patio for the two ground floor flats would be laid out, with the existing 2m high perimeter wall/close-boarded fence retained along the rear and side boundaries. All existing trees would be retained at the rear
- 2.5 No information has been provided for external materials to be used at this stage.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the North Mymms Parish Council has raised objection to the scheme.
- 3.2 A 'Call In' by Cllr Boulton on grounds that increasing the number of flats to 5 reinforces the Council's previous objections and the non-gateway position on the development is unacceptable.

4 Relevant Planning History

- 4.1 Planning application ref. S6/2014/2242/FP for the demolition of existing dwellinghouse and erection of new building comprising 3No. 3 bedroom flats was refused in October 2014.
- 4.2 However, the application was subsequently allowed on appeal in January 2016. In reaching her decision, the Planning Inspector stated among other things that she agrees with the Council that *"Brookmans Avenue is a distinctive street scene and that properties appear to be predominantly dwellings with single households. I also appreciate that the nearby Bradmore Green, with what appears to be flatted development above the shops, has a different character and context compared with Brookmans Avenue. However, the flats proposed in this instance would be spacious and well-appointed, and located within a building which would be compatible with the street scene and with a large rear garden. Consequently, I consider the modest increase from one to three households on what is a very*

generous plot, would not be to the material detriment of local character.” She stated further that “although I do not consider the development would enhance the area architecturally, neither would it cause significant harm. There is no reference in Policy D2 to types of occupancy, or guidance in respect of the form or pattern of development, other than in terms of overall design and harmonisation. Consequently, I find no conflict with Policy D2.” And that the development would be compatible with the character of Brookmans Park, and therefore there would be no conflict with Policy GBSP2. Accordingly, the principle of a flatted residential development on the application site has been established by this appeal decision and can no longer be a reason for refusing similar planning applications.

- 4.3 The approved flatted development has a footprint of approximately 284sq.m while that of the current scheme would be approximately 316sq.m an increase of 10 percent.
- 4.4 S6/1996/0157/FP – Erection of first floor rear extension (Granted 23/04/1996).
- 4.5 S6/1990/0571/FP – Single storey garage extension, addition of conservatory (Granted 13/08/1990).
- 4.6 S6/1990/0247/FP – Single storey rear extension and alterations (Granted 28/05/1990).
- 4.7 S6/1984/0239/FP – Single storey rear extensions to provide garage, playroom and utility room (Granted 29/05/1984).

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012
- 5.2 PPS10: Planning for Sustainable Waste Management
- 5.3 Welwyn Hatfield District Plan 2005
- 5.4 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site lies within the specified settlement of Brookmans Park as designated in the Welwyn Hatfield District Plan 2005

7 Representations Received

- 7.1 7 neighbouring properties were consulted and a Site Notice displayed. 4 letters of objection have been received making the following comments:
 - The proposed dormer windows will be out of keeping with the two adjoining properties;

- Insufficient resident parking and inadequate access for delivery or emergency vehicles;
- There should be at least 2 parking spaces per unit and;
- The proposal would result in an increase in traffic congestion in the locality.
- The proposal will erode the character of the street and set a precedent for flatted development.

8 Consultations Received

- 8.1 The following have responded advising that they have no principle objections to the proposal:
- 8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – Highway Authority has raised no objection to the scheme subject to conditions.
- 8.3 **Welwyn Hatfield Borough Council Client Services** - If it is intended to provide a shared refuse facility then 1 x 1100 litre container would be required for the 5 properties at a cost of 390 + VAT and I would suggest 3 x 360 litre Blue lidded recycling bins to share between the 5 flats these would be FOC. If it is intended that each property has its own refuse bins then 5 x 180 litre refuse bins would be provided FOC. Recycling bins 5 x 240 litre also FOC. I presume that the flats will have its own garden maintenance contractor so Brown compost bins would not be required here. The residents will have to present these on the boundary of the property the evening before collection and retrieve them after servicing. A condition requiring the submission of details including location and specification for refuse collection has been recommended.
- 8.4 **Hertfordshire and Middlesex Wildlife Trust (HMWT)** – The most recent ecological report addresses the previous objection subject to condition derived from BS 42020

9 Town / Parish Council Representations

- 9.1 The North Mymms Parish Council has objected to the application as follows:

“There are no flats midway along any road in Brookmans Park and those existing are located at gateway points to the village. The building will be over-dominant in the street scene and there are no roof level front dormer windows in Brookmans Avenue. This is out of keeping and therefore inappropriate. Parking is a serious issue in Brookmans Avenue particularly at the bottom end, near the shops, where this property is located. The number of spaces is inadequate as local evidence shows that homes with two bedrooms generate at least two cars and this proposal would therefore need at least 10 parking spaces which would be excessive and again inappropriate in this location. The proposal indicates a tripling of the floor space which would result in excessive mass and this would have a bearing on the flanks where the neighbours are in close proximity. NMPC are aware that there is an extant permission for this site but note it was not

recommended for approval by WHBC officers and was only won at Appeal.”

10 Analysis

10.1 The main planning issues to be considered in the determination of this application are:

- 1. The acceptability in principle of residential development (SD1, R1, H2, GBSP2 and NPPF)**
- 2. The quality of the design and the impact on the character and appearance of the area (SD1, GBSP2, D1, D2, D8, SDG and NPPF)**
- 3. Impact on residential amenity of future occupiers and neighbouring properties (D1, SDG and NPPF)**
- 4. The impact on highway safety, parking provision and cycle storage (M14 and SPG)**
- 5. Other material considerations**

1 The acceptability in principle of residential development (SD1, R1, H2, GBSP2 and NPPF)

10.2 Policy SD1 states that development proposal will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Local Plan. The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Local Plan Policy R1 requires development to take place on previously used or developed land whilst Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries.

10.3 In the previous planning application under reference S6/2014/2242/FP for a similar scheme (3 apartments) which was subsequently allowed on appeal in January 2016, the Council accepted the principle of redeveloping the application site for residential purposes having considered it to fulfil Policy H2 of the District Plan. The 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.

10.4 The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Furthermore, there are no known physical or environmental constraints at this site. The proposal would, therefore, not be in contradiction with Local Plan Policies R1, H2 and GBSP2 subject to an assessment of the scheme against the principles of sustainable development and saved policies governing residential development which are considered. This are in detail below.

2 The quality of the design and the impact on the character and appearance of the area

10.5 In addition to Policy GBSP2 outlined above, Local 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. Local Plan Policy D8 requires landscaping to form an integral part of the overall design. In addition to the above, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

10.6 Brookmans Avenue is an established residential location characterised by large plots containing detached dwellings built in a variety of architectural styles and materials. There has been much redevelopment in the area, where large plots have been sub-divided or smaller dwellings have been extended or replaced by larger dwellings. As a result, architectural styles and materials vary considerably. In terms of visual appearance, the variety present within the surrounding streetscene allows some flexibility in the design of new additions. Large front gardens consisting predominantly of soft landscaping remain a principal feature of the streetscene where lawns, planting beds and trees add to the character of the area and soften the appearance of the built development.

10.7 This application seeks full planning permission for the demolition of the existing dwellinghouse and erection of a new building comprising 4 x 2 bedroom and 1 x 3 bedroom flats. The new building, like the one allowed on appeal, would be three storeys in height with the second floor accommodation provided within the roofspace. The application property has been extended previously with a two storey side and rear extension and single storey side extensions. Whilst the proposal would increase the scale and density of development within the application site, given the size of the plot and the space that would be retained around the building, the proposal would not result in overdevelopment of the site.

10.8 In terms of spacing, generously proportioned front gardens which are well landscaped are a characteristic of the streetscene. This has the effect of softening the dense appearance of dwellings in close proximity to each other. The application dwelling is set back approximately 14m from the edge of the highway and the proposal would maintain the existing building line. Whereas the existing dwelling has been extended up to the flank boundaries on both sides of

the plot, the proposed building would be set at least 1m, which is similar to the scheme approved on appeal and comparable to other properties within Brookmans Avenue and is in accordance with the SDG.

- 10.9 The proposal would feature a hipped roof design with a large crown which is not an uncommon design feature within the surrounding streetscene. The height of the roof at approximately 8.65m would be similar to the existing dwelling whilst the height of the eaves would be reduced by approximately 300mm. The design of the front elevation also incorporates a central gable feature which is a characteristic of the existing dwelling and several neighbouring properties. Two flat roof dormers are proposed within the front roof slope in addition to flat roof dormers to the side and rear of the building. The existing dwelling features a front dormer, albeit at first floor level, and dormers are present on a number of other properties in the area, including Nos.10, 12 and 14 Brookmans Avenue which are opposite the application site. The dormers would be subservient, set approximately 650mm below the roof ridgeline and away from the edge of the roof in accordance with the SDG.
- 10.10 Local Plan Policy D8 which 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. As mentioned previously, the character of the area is heavily influenced by soft landscaping, with the buildings set within a landscape context. Landscaping is important in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development.
- 10.11 Excessive removal of soft landscaping to accommodate off street parking can erode the character and visual amenity of the street scene. In this case, the application site already benefits from a carriage driveway and a large tarmac hardstanding. It should be pointed out that unlike the proposal allowed on appeal which has six parking spaces; this application is proposing eight thereby increasing the hard surface in the front garden and would result in the closing of one of the two vehicular crossovers to the site. However, this is not considered to warrant a refusal of the application. The landscaping information provided is limited as it only shows an area of soft landscaping maintained either side of the plot. It would therefore be reasonable to attach a planning condition requiring a full and detailed landscaping scheme to be submitted and approved by the Local Planning Authority in order to reduce the visual and environmental impacts of the development.
- 10.12 In terms of quality of design and visual amenity, it is considered that the scheme would be adequately compatible with the maintenance of the character and context of the area. In this respect, subject to conditions regarding materials and landscaping, no objections are raised with regard to the NPPF and Local Plan Policies D1, D2 and D8 and the SDG.
- 10.13 Notwithstanding the above, the impact on character of the area resulting from the intensification of the use of the site is also a material consideration. Whilst there has been much redevelopment within Brookmans Avenue, there are no other flatted developments which are considered to be within the context of the application site. However, a flatted development comprising 3 x 3 bedroom apartments was granted on appeal for this application site in January 2016. As

such, the issue of intensification of use of the site is settled. However, as this proposal is for 5 units instead of the 3 units approved, there is the need to compare and contrast both schemes so as to establish any undue impact in the streetscene and adjoining area.

- 10.14 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment; as well as an environmental role which includes the protecting and enhancing the built environment.
- 10.15 In allowing the appeal for the previous scheme the Inspector stated *“the Framework does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.”* And that *“in this instance, the location of the development would be highly accessible for local amenities and public transport, and would provide additional accommodation in the area to support local shops and services, all in line with Paragraphs 30, 37, 58 and 70 of the Framework. In addition, the development would have the potential to offer a greater range of accommodation which would have some social benefit and encourage diversification of community, as required by Paragraph 50 of the Framework.”*
- 10.16 The proposal would have an economic benefit during the construction phase and a limited social benefit through the provision of four windfall residential units making small but valuable contribution to local housing supply; this is a clear benefit as it reduces pressure on housing land take elsewhere, albeit to a very limited degree. Consequently, it is considered that the proposal affords benefits in all areas of sustainability as defined by the Framework, which would significantly outweigh the concern regarding future cumulative effect if the development were to be repeated. The proposal therefore accords with Policy SD1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3 Impact on residential amenity of future occupiers and neighbouring properties (D1, SDG and NPPF)

- 10.17 Local Plan Policy D1 applies which seeks to provide a good standard of design in all new development. The Council's SDG on design supplements Policy D1 and expects that development should minimise overlooking between dwellings, and should not cause loss of light or be unduly dominant from adjoining properties, as a result of the length of projection, height or proximity. No objections have been received from the occupiers of adjoining properties.
- 10.18 In terms of visual impact, given that the new building would feature a hipped roof with an eaves height of just 5m; would be set back from the site boundary; seen above boundary screening and in the context of spacious plots, it is considered

that the resulting development would not appear unduly dominant or overbearing when viewed from adjoining dwellings and their gardens.

- 10.19 The impact of the proposals on sunlight and daylight would be limited given that the proposed building would have a similar footprint and building line as the existing dwelling. Whilst there would be an increase in bulk above ground floor level, there would be no increase in the height of the building and the separation distance between the building flank wall and the side boundaries would increase to 1m where no separation currently exists. The limited amount of overshadowing that would result would not be significantly harmful to the amenity of neighbouring occupiers.
- 10.20 The rear elevations of the application dwelling and the adjacent properties face broadly north, therefore a limited degree of overshadowing would affect part of the garden serving No.9 early in the day and part of the garden and conservatory serving No.13 in the afternoon. However, given the limited change in footprint, height and bulk proposed over and above the scheme allowed on appeal and the present situation, and the fact that neighbouring properties benefit from wide and spacious plots, it is considered that the proposal would not have adverse impact on the residential amenity of the adjoining properties.
- 10.21 In terms of private amenity, views from windows within the rear elevation of the dwellings would predominantly be to the rear garden of the application site. Whilst the first floor windows and dormer windows would also afford views across parts of the rear gardens of the neighbouring properties, overlooking of this type is a common characteristic of the relationship between residential buildings that are in built up areas. The extent of overlooking would be consistent with a neighbouring relationship generally expected between residential properties and comparable to the views from the existing first floor windows. It is not considered that there would be overlooking of the most private garden area of the adjoining properties, which as a general rule of thumb this area is the first 3-4 metres of a rear garden, closest to the residential property. The proposal would not result in direct overlooking between windows due to separation distance. Windows within the front elevation would look out to the front of the site which is open and visible from the highway and footpath, therefore, these windows would have minimal impact on privacy. To avoid overlooking from windows within the side of the proposed building, it is considered reasonable to attach a planning condition requiring any upper floor window located within the flank wall to be obscure glazed and high level top vent opening only.
- 10.22 A first floor and second floor balcony is proposed to the rear elevation which would serve a lounge. The first floor balcony would project approximately 1.45m in depth and span the entire width of the building serving two flats, and set a minimum of 1m from the site boundary. The second floor flat would also feature a balcony to serve the lounge, although this balcony would be set into the roof slope. Both balconies would be screened with obscure glass. By virtue of the oblique angles and separation distance, there would be no direct overlooking to the rear elevations of adjacent properties. Whilst there is potential for overlooking from the balcony towards parts of the rear gardens of neighbouring properties, the outlook would be similar to views from the windows within the rear of the building.

- 10.23 In addition to issues of privacy, the use of balconies may also cause harm to the amenities of neighbouring occupiers as a result of noise and disturbance. In this case, although the balconies would be large enough to sit out on, they are not so large so as to encourage a significantly large number of people to occupy the space at any one time. The balconies are therefore unlikely to cause harm to the amenities of neighbouring occupiers by reason of noise and disturbance.
- 10.24 The balcony is sufficient distance from the site boundary not to have a harmful overshadowing or overbearing impact on the amenities of neighbouring occupiers.
- 10.25 Giving consideration to the scale of the proposal, the siting of windows in the adjoining properties, the orientation of the building, the size of neighbouring plots, separation distance and boundary screening, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. Overall, subject to a planning condition regarding fixed and obscure glazing, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, no objections are raised with regard to Local Plan Policy D1 and the SDG.
- 10.26 The internal floor space for the proposed two bedroom flats ranges between 106sq.m to 120sq.m while that for the three-bedroom is 161sq.m. The proposal would have a total gross floor area of 684sq.m compared to the 644sq.m scheme allowed on appeal. The proposal has a generous habitable space and would provide a high quality accommodation for future occupiers and as such accords with the principles contained in the National Space Standard, Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.
- 10.27 Amenity space is generally green space and planting which softens the urban fabric, allows for informal leisure, and provides a setting for buildings. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) makes it clear that all new residential developments should provide adequate private gardens. Paragraph 5.6 of the SDG states that communal amenity space for flats must be available both for the use of and large enough to accommodate the needs of all residents. Whilst no specific dimensions are stipulated, amenity space should nonetheless be functional and useable in terms of width, depth, shape and orientation. The proposed development would have approximately 432sq.m of communal garden space in addition to the balconies on the upper floors and the private patio area for the ground floor flats which equates to an average 86sq.m per unit providing ample shared amenity space for the five flats. The ground floor flat would have direct access to the rear garden while the first and second floor flats would access the garden via a passageway on either side of the proposed building. Appropriate screening would be required to provide privacy to the occupiers of the ground floor flat, however, this can be controlled by the planning condition requiring a landscaping scheme to be submitted and approved by the Local Planning Authority.

4 The impact on highway safety, parking provision and cycle storage

- 10.28 Paragraph 39 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, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework 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.

- 10.29 The SPG identifies the site as within Zone 4 where 2.25 spaces are required for three bedroom and 1.5 spaces for two bedroom dwellings. In accordance with the interim Policy for Car Parking Standards the total maximum parking requirement for the proposal is 8.25 spaces. It is proposed to provide eight car parking spaces at the front of the site. The site is within a reasonable walking distance of Brookmans Park railway station and bus stops. Each flat would be provided with 1.6 parking spaces, therefore, it is reasonable to consider that the development shall adequately provide for most parking associated within its own curtilage and not result in unacceptable on-street parking.
- 10.30 Whilst the proposed parking layout would result in the closing of one of the two vehicular crossovers, the access arrangement as proposed will enable all vehicles egressing the site to do so in forward gear and with adequate sight lines from the access. The proposals would represent an increase in vehicle trips from the site; however, Hertfordshire County Council as Highway Authority considers the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to suggested conditions and informative.
- 10.31 The proposed driveway and parking area is shown as being laid to permeable shingle whereas at present it is tarmacadam. The provision of a permeable surface will reduce surface water run-off and would afford easy accessibility and public safety.
- 10.32 In terms of cycle storage, the Parking Standards SPG identifies a requirement for one long term secure cycle storage space per residential unit. Whilst the recently approved scheme has a suitably sized cycle store proposed to the south west corner of the site, no cycle store is shown in the site layout of this application and no additional details have been provided. The Council is unlikely to support a cycle store which would dominate the site frontage, therefore, to ensure that appropriate cycle store is provided for the proposed flats without resulting in an adverse impact upon the residential amenity of adjoining occupiers or the visual amenity of the streetscene, a planning condition is suggested requiring siting and details of the design of the cycle store to be submitted to and approved by the Local Planning Authority in accordance with Policies D1, D2 of the District Plan 2005.

5 Other material considerations

- 10.33 Refuse and Recycling Storage: The submitted Site Plan shows a bin store proposed in the front of the building to the west next to the boundary with No. 9 and in front of parking space No 5 and 2m from Flat 1 bay window. No additional details have been provided and the Welwyn Hatfield Borough Council Client Services has raised concern about the level of information provided by the

applicant at this stage. Therefore, to ensure that appropriate bin storage is provided for the proposed flats without resulting in an adverse impact upon the residential amenity of adjoining occupiers or the visual amenity of the streetscene, a planning condition is suggested requiring details of the design of the bin store to be submitted to and approved by the Local Planning Authority in accordance with Policies D1, D2 of the District Plan 2005.

Protected Species:

- 10.34 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05.
- 10.35 Notwithstanding, the extant planning permission for the development of three flats on this site, the Hertfordshire and Middlesex Wildlife Trust (HMWT) was consulted on this application and the Trust initially raised concern that there is a reasonable likelihood of the presence of protected species at the application site and its surroundings; that it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. Where there is a reasonable likelihood that bats may be present, a Bat survey is required before an application can be determined. HMWT therefore raised objection to the proposal until a suitable survey has been submitted and approved.
- 10.36 Subsequently, and as a result of the objection raised by HMWT, the applicants submitted a Bat (Ecological report) Survey which, according to HMWT, addresses the previous objection raised. The Trust has suggested the inclusion of an ecological measure condition should planning permission be granted. The condition forms part of the recommendation.

Conditions

- 10.37 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

11 Conclusion

- 11.1 The impacts of the proposal have been considered on the visual amenity of the site and surrounding area and on the amenity of neighbouring dwellings. It has been concluded that the proposal would sufficiently maintain and relate to the character, appearance and spatial pattern of development of surrounding area and that on balance, it would not have any significantly adverse impacts on the residential amenity of neighbouring dwellings. As a result, the proposal is in accordance with Policies GBSP2, D1, D2, D8, H2 and R1 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with the National Planning Policy Framework.
- 11.2 The proposal has also been considered with regard to parking and highway safety and the protection and retention of trees and no objections are raised in regarding these matters. The proposal is therefore in accordance with Policies M14, the SPG Car Parking Standards and the Council's Interim Policy for Car Parking Standards and Garage Sizes and the relevant parts of the NPPF.
- 11.3 The issue raised by HMWT regarding Bat survey has been covered by necessary planning condition which will safeguard the protection of the protected species that may be present at the application site.
- 11.4 Furthermore, the application is compatible to the proposal allowed on appeal which is still extant.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:

1. No 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 visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. No development 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. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials

(c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

(d) 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 GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

3. No development shall commence until details of the location, design and specification of the refuse and recycling store to serve the residential units have been submitted to and approved by the Local Planning Authority. Subsequently the refuse and recycling store must be constructed, equipped and made available for use prior to the first occupation of the units and retained in that form thereafter.

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

4. No development shall take place until details of the location, design and specification of a secure cycle store to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle store must be constructed, equipped and made available for use prior to the first occupation of the units and retained in that form thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle (powered two wheeler) accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

5. Prior to occupation of the flats, details of the design and specification of the parking and turning area shall be submitted to and approved in writing by the Local Planning Authority, and constructed in accordance with the approved details. Thereafter the car parking area must be permanently retained for the use of the occupiers of the development hereby permitted, and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

6. All planting seeding or turfing and soil preparation given in the above details of landscaping must be carried out in the first planting and seeding season following the occupation of the buildings, 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 must be replaced in the next

planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

7. Any upper floor window located within the flank walls must be glazed with obscure glass and fixed so as to be incapable of opening below a height of 1.8 metres above floor level and must be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

8. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation and Enhancement Plan (Arbtech 9 December 2016) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. Any deviation from this approved measure or alterations to the development hereby approved or a new planning application would require the submission of a new Bat Survey for approval by the Local Planning Authority.

REASON: To make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in accordance the National Planning Policy Framework and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

9. 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
419814/6		Existing Site Plan & Street Scene	31 August 2016
419814/7		Proposed Plans, Section & Elevations	31 August 2016
419814/8	A	Proposed Site Plan & Street Scene	20 October 2016
1		Location Plan	31 August 2016
419814/9		Existing Plans & Elevations	13 September 2016
419814/10		Proposed Site Plan Bat Mitigation Plan (Ecology Report) - 11 Brookmans Avenue	20 October 2016 29 December 2016

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

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, Welwyn Hatfield Borough Council.
6. The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Raphael Adenegan, (Public Protection, Planning and Guidance)

Date: 23/01/2017

Application Expiry Date: .03/03/2017



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title:

11 Brookmans Avenue Brookmans Park

Scale: DNS

Date: 2016

Project:

DMC Meeting

Drawing Number:

6/2016/1778/FULL

Drawn:

Baras Mast-Ingle

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