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Please ask for:
Marie Lowe

24 January 2018

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 1 February 2018 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

Yours faithfully



Executive Director
Public Protection, Planning and Governance

AGENDA
PART 1

1. **SUBSTITUTIONS**

To note any substitution of Members made in accordance with Council Procedure Rules 19-22.

2. **APOLOGIES**

3. **MINUTES**

To confirm as a correct record the Minutes of the meeting held on 4 January 2018 (circulated separately).

4. **NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 13 AND ANY ITEMS WITHDRAWN FROM THE AGENDA**

5. **DECLARATIONS OF INTEREST BY MEMBERS**

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda

6. PLOT 6000 LAND ADJACENT TO PORSCHE GARAGE HATFIELD AVENUE, HATFIELD BUSINESS PARK, HATFIELD AL10 9UA - 6/2017/0550/MAJ - ERECTION OF A 75 BED ELDERLY CARE HOME DEVELOPMENT (C2) WITH 24 PARKING BAYS AND ASSOCIATED LANDSCAPING (Pages 5 - 34)

Report of the Executive Director (Public Protection, Planning and Governance).

7. UNIT 9-11 PEATREE FARM, WELWYN GARDEN CITY - 6/2017/1152/FULL - CHANGE OF USE OF LAND TO A B2 USE FOR VEHICLE REPAIRS INVOLVING ERECTION OF A WORKSHOP FOLLOWING PART DEMOLITION OF EXISTING WORKSHOP (Pages 35 - 52)

Report of the Executive Director (Public Protection, Planning and Governance).

8. ACCORD HOUSE, 28 BRIDGE ROAD EAST, WELWYN GARDEN CITY, AL7 1HX - 6/2017/2415/MAJ - ADDITION OF TWO FLOORS TO FORM 15 X 1 BED FLATS AND 1 X 2 BED FLAT, ALTERATIONS TO ELEVATIONS INCLUDING FENESTRATION DETAILS AND ASSOCIATED CYCLE PARKING, BIN STORAGE FACILITIES AND DISABLED PARKING SPACES FOLLOWING REMOVAL OF EXISTING ROOF (Pages 53 - 76)

Report of the Executive Director (Public Protection, Planning and Governance).

9. 111 THE RYDE, HATFIELD, AL9 5DP - 6/2016/0900/FULL - CHANGE OF USE TO SUI-GENERIS LARGE HOUSE IN MULTIPLE OCCUPATION (HMO) FOR UP TO 9 OCCUPANTS (Pages 77 - 90)

Report of the Executive Director (Public Protection, Planning and Governance).

10. FLINT COTTAGE, BLACKHORSE LANE, POTTERS BAR, EN6 3NB - S6/2014/2003/FP - ALTERATIONS TO EXTENDED DWELLING TO INCLUDE: REMOVAL OF 5NO. DORMER WINDOWS, REMOVAL OF FIRST FLOOR SIDE EXTENSION, REPLACEMENT OF TWO STOREY FRONT EXTENSION WITH SINGLE STOREY ENTRANCE PORCH AND RETENTION OF SINGLE STOREY REAR EXTENSION (Pages 91 - 110)

Report of the Executive Director (Public Protection, Planning and Governance).

11. APPEAL DECISIONS (Pages 111 - 114)

Report of the Executive Director (Public Protection, Planning and Governance).

12. PLANNING UPDATE - FUTURE PLANNING APPLICATIONS (Pages 115 - 126)

Report of the Executive Director (Public Protection, Planning and Governance).

13. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

14. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 15 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

15. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u> Councillors	S.Boulton (Chairman)	M.Larkins
	N.Pace (Vice-Chairman)	T.Lyons
	Vacant	T.Mitchinson
	J.Beckerman	P.Shah
	D.Bennett	F.Thomson
	A.Chesterman	J.Weston
	I.Dean	P.Zukowskyj
	B.Fitzsimon	

M.Perkins (Executive Member for Planning, Housing and Community)

Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Marie Lowe on 01707 357443 democracy@welhat.gov.uk

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Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 9 NOVEMBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE

6/2017/0550/MAJ

PLOT 6000 LAND ADJACENT TO PORSCHE GARAGE HATFIELD AVENUE
HATFIELD BUSINESS PARK HATFIELD AL10 9UA

ERECTION OF A 75 BED ELDERLY CARE HOME DEVELOPMENT (C2) WITH 24
PARKING BAYS AND ASSOCIATED LANDSCAPING.

APPLICANT: Maxbase Ltd

(Hatfield Villages)

1 Background

1.1 This application came before Members at the Planning Control Committee meeting on 9 November 2017 where Members resolved to grant planning permission subject to the completion of a legal agreement on or before 9 January 2018 to secure the planning obligations set out below:

- Submission of an amended Travel Plan
- £6,000 Travel Plan Monitoring Fee
- £50,000 towards a parking study and the implementation of parking restrictions

1.2 The completion of a legal agreement has been delayed due to some protracted negotiations. The matter is therefore referred back to the Planning Control Committee with a recommendation to extend the time limit for a further 2 months (9 March 2018) whilst negotiations between interested parties are ongoing for the completion of the legal agreement.

1.3 There have been no significant changes to the application site, surrounding context, planning history or planning policy which would impact on the implementation of this proposal. It is therefore recommended that the time limit is extended for a further 2 months for the completion of the legal agreement subject to the conditions, informatives and S106 contributions detailed within paragraph 13.1 below.

2 Site Description

2.1 Plot 6000 lies within the context of the much wider Hatfield Business Park development and in particular, the northern area which is now well

established with a range of commercial uses, including offices, warehouses, a car dealership and a private hospital which is currently under construction.

- 2.2 The application site comprises a triangular shape, with a single point of entry off Hatfield Avenue. The site occupies an area of approximately 0.46 hectares on the easternmost part of Plot 6000. The new hospital, which is nearing completion, occupies the remainder of Plot 6000 and forms the western boundary to the site. To the north of the site is a wire fence, with Manor Road and Hatfield Garden Village beyond. The closest properties in Manor Road are situated approximately 20 metres from the northern edge of the site. To the south east is the Porsche dealership and associated car parking. The site is located approximately 1km north-west of Hatfield town centre.
- 2.3 The site's landscape is broadly level and consists mainly of hardstanding fringed by grassland to the north and some bordering trees and shrubs.
- 2.4 Hatfield Business Park sits on the site of the former Hatfield Aerodrome, which was occupied first by the DeHavilland Aircraft Works, and later by British Aerospace (BAe), until it was closed by BAe in the mid 1990's with the loss of 8,000 jobs.
- 2.5 Following its closure, Arlington in partnership with Welwyn Hatfield Borough Council, Hertfordshire County Council and St Albans District Council, developed a masterplan and Supplementary Planning Guidance (SPG), which became the basis of the December 2000 outline planning permission, to facilitate the re-development of the site. Here, the over-arching principles of the document were to:
 - *Promote sustainable development on the site;*
 - *Provide for a mix of uses on the site;*
 - *Promote economic development on the site to help replace the jobs lost when BAe closed; and*
 - *Provide work and homes for local people.*
- 2.6 The outline planning permission was granted subject to a Section 106 legal agreement which stipulated a certain level of development floorspace for each use class. Plot 6000 was originally envisaged to be the site for a hotel. However, the landowners have been unable to secure a hotel operator for the Business Park. As a result, this designation has been varied several times in the years following the adoption of the Hatfield Aerodrome SPG. More recently, planning permission (reference S6/2015/1061/MA) has been granted for the erection of a private hospital (use class C2) on part of Plot 6000. This permission was subject to a supplemental planning obligation dated 6 April 2016 which changed the designation of Plot 6000, in its entirety, to either a hotel or healthcare use.
- 2.7 Application 6/2015/2043/OUTLINE sought to update the planning permission at Hatfield Business Park (S6/1999/1064/OP) for a period of ten years on four remaining undeveloped plots, 4100, 5000, 5600 and 6000. This outline planning permission, with all matters reserved except access, included a hotel

use for the whole of Plot 6000 and served to secure a fallback position in the event that the approved hospital did not come forward. This means that the application site has outline permission for a hotel use, although, the Section 106 legal agreement (as amended) allows for either a hotel or healthcare use.

3 The Proposal

- 3.1 The proposal is to develop a new 75-bed care home catering for nursing and dementia (use class C2 residential institutions) on a vacant site between Hatfield Avenue and Manor Road.
- 3.2 The footprint of the building wraps around the west and north east boundaries, creating a courtyard entrance and parking area to the south. The proposed access to the development will be from the existing access off Hatfield Avenue and will be shared with the existing Porsche dealership and new hospital. The proposed building line to Manor Road runs parallel with the hospital. Communal garden areas surround much of the building's footprint with reinforced boundary planting proposed. The building is predominantly 3 storeys high with a flat roof which varies in height from approximately 9m to 10.6m. A total of 24 car parking spaces are proposed for employees, patients and visitors.

4 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council have objected.

5 Relevant Planning History

- 5.1 Application Number: 6/2015/2043/OUTLINE
Decision: Granted
Decision Date: 05 July 2016
Proposal: Redevelopment to provide floorspace equivalent to 537 Units of Development (UD) (as set out in Schedule 1) for Use Classes B1, B2, SG and Hotel use on plots 4100, 5000, 5600 and for Use Classes B1, SG and Hotel use on plot 6000 with all matters reserved except access.
- 5.2 Application Number: S6/2015/1061/MA
Decision: Granted subject to a section 106 agreement
Decision Date: 06 January 2016
Proposal: Erection of a private healthcare facility (use Class C2), to include car/cycle parking, boundary treatment, landscaping, lighting and access.
- 5.3 Application Number: S6/1999/1064/OP
Decision: Granted subject to a section 106 agreement
Decision Date: 29 December 2000
Proposal: Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within Use Class B1, B2, B8 and Sui Generis use; housing; new university campus (Use Class D1 and D2) to include replacement De Havilland Sports and Social Club and associated playing

fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use existing listed hanger; Aviation Heritage Centre, together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined.

- 5.4 Since the outline permission was granted, a series of reserved matters applications have been submitted, and development on this site has been taken forward in a number of stages.

6 Planning Policy

- 6.1 National Planning Policy Framework, March 2012
- 6.2 Welwyn Hatfield District Plan, April 2005
- 6.3 Hatfield Aerodrome Supplementary Design Guidance, November 1999
- 6.4 Supplementary Design Guidance, February 2005
- 6.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 6.7 Planning Obligations Supplementary Planning Document February 2012

7 Site Designation

- 7.1 The site lies within the Hatfield Business Park, which is designated as an employment area (EA6), under Policy EMP1 of the adopted Welwyn Hatfield District Plan (2005). The site is also covered by the Hatfield Aerodrome SPG (1999), which sets out the masterplan to guide the redevelopment of the area.

8 Representations Received

- 8.1 The application has been advertised by press advert, site notice and neighbour notification letters. In total 4 representations have been received which may be summarised as:
- Concern regarding an additional traffic on already congested roads and the impact on highway safety and air pollution
 - Insufficient on-site parking provision is likely to increase parking on neighbouring streets
 - Concern regarding the impact of external lighting on residential amenity
 - The height of the building is not in keeping with the surrounding area and will be overbearing to the properties on Manor Road
 - Overlooking towards the properties on Manor Road

9 Consultations Received

- 9.1 No objections have been received in principle from statutory consultees, subject to conditions and/or financial contributions.

- 9.2 **Hertfordshire County Council Transport Programmes and Strategy:** No objection subject to suggested conditions and S106 obligations in respect of a Travel Plan monitoring contribution of £6,000.
- 9.3 **NHS East and North Herts Clinical Commissioning Groups:** No objection subject to S106 obligations in respect of the following:
- Mental health costs £14,584.50
 - Acute costs: £166,084.50
 - Community healthcare costs: £194,321.25
- 9.4 **Welwyn Hatfield Borough Council Parking Services:** Suggested a planning obligations
- 9.5 **Hertfordshire County Council Development Services Team:** No objection and no planning obligations sought.
- 9.6 **Hertfordshire County Council Historic Environment Advisor:** No objection subject to suggested conditions.
- 9.7 **Hertfordshire County Council Lead Local Flood Authority:** No objection subject to suggested conditions.
- 9.8 **Hertfordshire Ecology:** No objection subject to suggested conditions and informatives.
- 9.9 **Welwyn Hatfield Borough Council Public Health and Protection Team:** No objection subject to suggested conditions and informatives.
- 9.10 **Welwyn Hatfield Borough Council Landscaping and Ecology Team:** No objection subject to suggested conditions.
- 9.11 **Thames Water:** No objection subject to suggested conditions
- 9.12 **Hertfordshire Fire and Rescue:** No objection
- 9.13 **Hertfordshire County Council Adult Social Services:** No objection
- 9.14 **Hertfordshire County Council Minerals and Waste:** No objection
- 9.15 **St Albans City and District Council:** No comment.
- 9.16 **Hertfordshire County Council Rights of Way:** No response
- 9.17 **Environment Agency:** No response
- 9.18 **Hertfordshire Health and Wellbeing Board:** No response
- 9.19 **Hertfordshire & Middlesex Wildlife Trust:** No response
- 9.20 **Welwyn Hatfield Borough Council Client Services:** No response

9.21 **Welwyn Hatfield Borough Council Community Partnership:** No response

9.22 **Welwyn Hatfield Access Group:** No response

9.23 **Councillor Duncan Bell:** *“Care needs to be taken to avoid parking overspill in the adjacent Manor Road. As long as there is no pedestrian access from the site to Manor Road, the risk is perhaps minimised, so it would be useful to confirm this. Furthermore, in the event that visitor parking ever exceeds available spaces, perhaps the applicant could arrange with adjacent business park occupiers to permit use of their car parks. This should be possible, as I imagine the heaviest visitor use would be at weekends, when the business park is otherwise quieter.”*

9.24 Further comments following re-consultation:

“Despite the increase in parking spaces from 20 to 24, I remain concerned that insufficient onsite parking will lead to overspill parking within adjacent streets such as Manor Road, Holme Road, or Campion Road within Hatfield Garden Village. This is already a problem during the day, and risks being exacerbated. Reading the Travel Plan, it appears to me that the suggested acceptable walking distances could actually reinforce the problem, by making it acceptable to park nearby, rather than on the premises.”

10 Town Council Representations

10.1 *“Members object to the application due to the overbearing nature of the development on the properties in Manor Rd, the height of the development and the lack of on site parking.”*

11 Analysis

11.1 The main planning issues to be considered are:

- 1. Whether the proposed development of a care home on the Business Park is acceptable in principle (Local Plan Policies SD1, GBSP2, HATAER1, HATAER2, HATAER3, HATAER4, EMP1, EMP2 & Hatfield Aerodrome SPG & NPPF)**
- 2. Access, the impact on the highway network and parking provision (Local Plan Policies M1, M2, M3, M4, M5, M6, M14 & Hatfield Aerodrome SPG & NPPF)**
- 3. The impact on the residential amenity of neighbouring occupiers (Local Plan Policies R18, R19, R20, SDG & NPPF)**
- 4. The design and setting of the building (Local Plan Policies D1, D2, D3, D4, D5, D6, D7, D8, D9, R17 & NPPF)**
- 5. Other material planning considerations**
 - i) Protected species (R11 & NPPF)**
 - ii) Archaeology (R29 & NPPF)**
 - iii) Contaminated land (R2 & NPPF)**
 - iv) Flood risk / surface Water Flooding (R7, R10 & NPPF)**
 - v) Planning obligations**

1. Whether the proposed development of a care home on the Business Park is acceptable in principle

11.2 The proposal to develop a new 75-bed care home falls within use class C2 “residential institutions”, which includes, amongst other uses, hospitals and nursing homes. The principal of this type of development on Plot 6000 has previously been established by the grant of planning permission for a hospital under reference S6/2015/1061/MA. This permission was subject to a supplemental planning obligation to the original Section 106 Agreement relating to application S6/1999/1064/OP. The supplemental agreement changed the designation of Plot 6000 in its entirety, to either a hotel or healthcare use, allowing a flexible approach to be taken in the consideration of future planning applications.

11.3 Whilst this proposal does not accord with the original masterplan in respect of land use, the Local Planning Authority accepts that a flexible approach needs to be taken to the development of this site, in accordance with paragraph 1.2 of the adopted Hatfield Aerodrome SPG (1999), and paragraph 19 of the National Planning Policy Framework (NPPF) which states that:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

11.4 The proposed development represents an important employment investment in the area creating up to 75 jobs (full time equivalent). The jobs created would comprise a variety of positions and skill sets including carers, catering, housekeeping, administration and management roles. 75 jobs equates to a density of 56sqm per employee which compares favourably to the hospital which has a density of 59sqm per employee. To put this in context, a comparison can also be made to the level of job creation if a hotel was developed as per the outline planning permission and the original designation of the plot within the SPG. The Homes and Communities Agency 2010 Employment Densities Guide assumes a level of density for “General Hotel” use as 1 employee per 2 bedrooms. Therefore, the level of jobs proposed for care home would equate to the same number of jobs required for a 150-bedroom hotel. Given the height constraints for development on the application site and due to the proximity of residential properties on Manor Road, it would not be reasonable to develop a 150-bedroom hotel on the application site.

11.5 A number of construction jobs would also be created during the construction phase of the project. A number of supplier related jobs associated with both the construction and operational phases of the development will also be created to the benefit of the Hatfield area and the wider area.

11.6 In summary, a change of use from a hotel to a healthcare use has previously been established by the grant of planning permission for a hospital under

reference S6/2015/1061/MA. The proposed care home falls within use class C2 residential institutions, which also includes, among others, hospitals and nursing homes and can therefore be considered a healthcare use. In this regard, there is no objection to the development of this site for a C2 use. However, in formulating a recommendation for this application, it is necessary to consider the wider impacts of this proposal on the highway network, parking provision, environment and residential amenity, in order to assess whether there are any reasons why this proposal would not be suitable for this site. These are now discussed in turn below.

2. Access, the impact on the highway network and parking provision

- 11.7 Access to the site is from Hatfield Avenue, via an existing roundabout spur which currently serves the Porsche dealership to the south of the site. A single access/egress is proposed for all vehicles via a mini-roundabout which also serves the Porsche dealership and the hospital. There would be no vehicular access taken from Manor Road.
- 11.8 The site links to the strategic road network via the A1(M) at junction 4 to the north and 3 to the south. Both junctions can be accessed via the A1001 Comet Way, from the main roundabout junction with Hatfield Avenue, B197 Wellfield Road, Manor Road and Birchwood Avenue.
- 11.9 The “units of development” approach was conceived as part of the formulation of the Section 106 Agreement and is an agreed basis for measuring traffic generation from each of the different use classes on the former Hatfield Aerodrome site. It was designed to enable flexibility between different uses, whilst still retaining overall control of the volume of traffic generated on the site, and enabled triggers to be put in place elsewhere in the Section 106 Agreement, to facilitate the delivery of certain contributions, obligations and infrastructure items necessary to support the re-development.
- 11.10 Under the units of development approach 1 unit of development is equivalent to a certain level of floorspace for each permitted use class on the former Hatfield Aerodrome site. This is set out in a table for each land use at schedule 16 of the Section 106 Agreement for planning permission S6/1999/1064/OP. It was established within this outline consent that the road network (including improvements now in place) could accommodate the expected level of traffic associated with the land use mix shown on the masterplan.
- 11.11 It is necessary to consider whether the proposal is within the overall quantum of development covered by the outline permission, or whether the proposals would have an impact greater than originally expected and provided for. Taking into account the development of the hospital, in accordance within the outline planning permission and Section 106 Agreement (as amended), a total of 21 units of development remain available for this site.
- 11.12 The application is submitted supported by a Transport Assessment (S.A.J Transport Consultants, Dec 2016). The Transport Assessment establishes

the likely trip generation characteristics of the care home using the Trip Rate Information Computer System (TRICS) methodology. The Transport Assessment concludes that the development proposals will generate 9 vehicle trips in the AM peak and 15 vehicle trips in the PM peak. 1 unit of development may be considered as 1.6 vehicle trips in the peak hour. Applied to the PM peak trip rate of 15 vehicles, the proposed care home is equivalent to 9.4 units of development. The proposal is therefore well within the maximum limit of 21 units of development.

- 11.13 Hertfordshire County Council Transport Programmes and Strategy have confirmed that they are satisfied with the basis upon which the Transport Assessment has been commissioned and do not object to the proposal.
- 11.14 In terms of sustainable transport, the site is well located with regard to local bus services, footways and cycleways. Numerous bus services run through the Business Park from surrounding areas and include connections with Hatfield Rail Station. Further to this it would be reasonable to require a Green Travel Plan to be prepared for this site, in line with the terms of the "Green Transport Master Plan" approved as part of the outline consent for the re-development of the former Hatfield Aerodrome site, to aid in traffic reduction. The purpose of the Travel Plan will be to encourage a change in travel patterns and reduce reliance on the private car in favour of more sustainable modes of transport.
- 11.15 The proximity of the site to residential areas and accessibility of good quality pedestrian and cycle routes should assist in ensuring that these forms of travel are realistic options for employees who live in close proximity to the new development. In order to support the cycling mode, secure cycle parking for 6 bicycles will be provided, subject to relevant conditions requiring details and implementation of the cycle parking.
- 11.16 Pedestrian access for the site is proposed via the main site entrance. Whilst the provision of pedestrian access from Manor Way would be beneficial in terms of permeability, it is acknowledged that this may increase the likelihood of parking on nearby residential roads, therefore, in this instance a pedestrian access is not considered to be appropriate for the site.
- 11.17 Whilst the business park has an overall Master Travel Plan, to which occupiers are encouraged to sign up to, a bespoke Travel Plan has also been produced which seeks to encourage sustainable forms of transport as part of the proposed development, including car sharing, use of public transport, cycling and walking, to reduce the demand for car parking on site. The Highway Authority consider that the Travel Plan is broadly acceptable, however, a number of areas where additional information is required have been identified. To this end, it is recommended that an amended Travel Plan be secured via S106.
- 11.18 In accordance with Hertfordshire County Council's Travel Plan guidance, it is identified that a contribution towards the ongoing monitoring, support and engagement activities undertaken by the County Council to support business

travel plans be secured. Such a contribution for a Travel Plan of this nature shall be £6,000 which can be secured as a planning obligation.

- 11.19 In terms of other planning obligations, Hertfordshire County Council Transport Programmes and Strategy confirmed that the local highway network, as improved within the original consent, is considered as having capacity for the trip rates associated with this development. As S106 obligations including measures to promote and encourage sustainable mode shift have already been secured against the original consent, it is not appropriate for the County Council to seek further developer contributions in this matter.
- 11.20 Car parking standards are set out within the Council's Supplementary Planning Guidance Parking Standards, adopted in January 2004 (the SPG Parking Standards). Car parking for development in the Hatfield Aerodrome site was agreed in the outline planning application for the site. The parking standards have been agreed specifically for the site and are quoted within the Hatfield Aerodrome SPG to allow for an overall reduction in parking provision over time. The Hatfield Aerodrome SPG does not however specify parking standards for the care home use proposed. The guiding principles for the amount of vehicular parking generally required for this type of development are therefore contained within the SPG Parking Standards. In August 2014 the Cabinet Housing and Planning Panel approved the Interim Policy for Car Parking Standards and Garage Sizes document. This document identifies the car parking standards set out in the SPG Parking Standards as guidelines rather than maximums.
- 11.21 Based upon the SPG Parking Standards a care home with 75 beds would typically require 19 car parking spaces. However, the standards also indicate that parking provision may be decided on individual merits as determined through the submission of a Transport Assessment and Travel Plan. In this case, in addition to a Transport Assessment and Travel Plan, the applicant has also submitted a "staffing ladder" which sets out the required number of employees relative to the number of residents within the care home. At maximum occupation capacity, there would be 24 employees at peak daytime hours of work. Although it is acknowledged that not all staff will travel to work by private car, the potential for overspill parking in adjacent residential streets within Hatfield Garden Village is a concern for residents and therefore the provision of sufficient on-site parking for the proposed use is a key consideration.
- 11.22 In response to the concerns raised by Councillor Duncan Bell, it is confirmed that there would be no access taken from Manor Road which will discourage overspill parking in the surrounding streets. In the event that visitor parking ever exceeds available spaces, the operator of the adjacent hospital has agreed to permit use of their car parks. It is important to note, however, that these arrangements are not permanent or binding and could potentially be withdrawn at any time. Therefore, the informal arrangements for the use of other parking spaces cannot be relied upon and they should be given only limited weight.

- 11.23 The Council's Parking Services Team have requested a planning obligation in the form a financial obligation to provide for a parking study in the neighbouring roads before and after the development becomes operational. The 'before' survey would establish the current parking situation as a baseline. Within a year of the care home becoming operational, a second parking survey would establish the impact of the development and to what extent the pressure for on-street parking has increased within the surrounding streets. Depending on the results of the parking study, there may be a need to consult upon and implement parking restrictions.
- 11.24 The amended proposal includes the provision of 24 car parking, which is five spaces (or 26%) over and above parking guidance figure. Notwithstanding this, whilst the proposal would not afford pedestrian permeability to Hatfield Garden Village, there remains a risk that any overspill parking may take place in residential areas to the north, noting the existing footpath connections in the area. The suggested planning obligations, which would secure a Travel Plan and a parking study with the potential for parking restrictions to be imposed, would reduce the likelihood of on-street parking and provide appropriate mitigation in the event that there is an impact resulting from this development.
- 11.25 In summary, the proposals do not represent any greater impact on the highway network than considered within the original outline consent for the site. The proposals would not result in any greater levels of trips generated by the site, either across the day, or within the peaks. The local highway infrastructure and other mitigation and improvements secured through the outline consent are sufficient to deal with the impacts of the development with no additional impact expected. The site is served by an existing vehicular access which is appropriate for two way movement and acceptable in terms of highway safety. On balance, the proposal is therefore considered to be in accordance with Policies M1, M2, M3, M4, M5, M6 and M14 of the Welwyn Hatfield District Plan and the Hatfield Aerodrome SPG and SPG Parking Standards and the NPPF.

3. The impact on the residential amenity of neighbouring occupiers

- 11.26 Saved Policy D1 and the Council's Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development. All new development should not cause a loss of light to or unduly dominate adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.
- 11.27 Saved Policy R19 deals specifically with noise and vibration pollution and states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land users.
- 11.28 In assessing the environmental impacts of the proposal it is clear that a balance has to be made between ensuring that residents are adequately

protected from noise, whilst at the same time not placing unreasonable restrictions on business.

- 11.29 There are many large industrial units nearby, which are regularly serviced by HGV traffic. The impacts of this can be seen from the noise readings taken for the noise impact assessment which accompanied the application. These noise levels will mean that windows within the care home will need to remain closed to ensure that the internal noise levels stipulated within BS8233:2014 are not exceeded. As such, mechanical ventilation will need to be installed to ensure that windows can be kept closed, which is especially important during the summer months. The measured noise levels will also need to be taken into account when choosing the glazing specification to ensure that sleep disturbance is minimised. Outside amenity areas must comply with the 55dB WHO Community Noise Guideline level.
- 11.30 Given the site's proximity to the sensitive boundary of Manor Road and Hatfield Garden Village the site layout has been designed to minimise any environmental impact on the surrounding properties. In particular, the car parking areas and building service areas are sited away from the residences to the north of Manor Road. The building's orientation is such that it would provide a visual and acoustic barrier to the servicing activities. Notwithstanding this, noise from deliveries at unsociable times would have the potential to cause a loss of amenity at the closest residential properties to the site. As such, a condition restricting delivery times is recommended.
- 11.31 For a development of this size it is likely that there will be significant amount of noise associated with plant and equipment. No details of actual plant or equipment to be installed has been provided, it is therefore recommended that a condition be placed on the application requiring any plant to be 10dB below the background noise level at the nearest sensitive receptors.
- 11.32 Environmental Health were consulted on the proposal and did not object subject to conditions to ensure that the development is carried out and completed in accordance with details to be approved by the Local Planning Authority relating to noise attenuation/mitigation measures and the proposed mechanical ventilation systems.
- 11.33 With regards to odour from the kitchen extract system, although sufficient odour dissipation is likely due to the distance to the nearest residential properties, Environmental Health have suggested a planning condition requiring details of odour abatement measures for the kitchen extract system to be approved by the Local Planning Authority.
- 11.34 In terms of external lighting, a condition is recommended to protect neighbouring residents from the potential impact of the proposal.
- 11.35 The distance between the adjacent housing on Manor Road and the proposed care home is between 28-30 metres. The height of the care home is predominantly 3 storeys, which is higher than the residential properties opposite but the overall height of the building is similar or lower than the

adjacent hospital. The maximum height of the hospital is 10.5m whereas the 3 storey elements of the care home would range be between 9m and 10.6m in height. The elevations and roof are staggered in order to break the building's elevation and soften the visual connection with Manor Road. The variety and subdivision of the building into a series of stepped blocks with a change of heights creates a terracing effect rather than the creation of a large continuous form. For the reasons above, the proposal would have no significant impact on neighbour amenity in terms of access to day/sun/sky light, privacy or overbearing impact.

- 11.36 In terms of screening, the site boundary with Manor Road is buffered by structured landscaping which is comprised of a footpath, grass verge and some bordering trees and shrubs. The proposal includes a comprehensive landscaping scheme which would soften the visual impact of the development when viewed from Manor Road.
- 11.37 The western site boundary with the hospital would also be screened by a mixed species hedge and the canopies from a mix of trees. In terms of privacy and the intervisibility between the care home and the adjacent hospital, the nearest widows are approximately 15-16 metres apart, whilst others are up to 27 metres apart. This is due to the staggered footprint of both buildings. This separation distance, together with the proposed landscaping, is sufficient to ensure that there will be an acceptable degree of privacy for both the future occupants of the care home and the patients at adjacent hospital.
- 11.38 Giving consideration to the scale of the proposal, it's siting and the separation distance from neighbouring properties, it is considered that the development would not have an unreasonable impact on the residential amenity of neighbouring properties or the future occupiers of the care home subject to appropriate conditions. In this respect, no objections are raised with regard to Local Plan Policy D1, R18, R19 the SDG or the NPPF.

4. The design and setting of the building

- 11.39 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. GBSP2 requires proposals to be compatible with the maintenance and enhancement of the character of the area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.
- 11.40 It is evident that the design of the building has been influenced by the immediate context of the site in terms of its situation within the Hatfield Business Park whilst the layout of the site has regard to the residential area to

the north and the hospital to the west of the site as discussed in detail earlier in this report.

- 11.41 The accompanying Design and Access Statement provides a detailed description of the proposals and demonstrates that the proposed development can be satisfactorily accommodated across the site given the surrounding context.
- 11.42 The scheme proposes an interesting palette of high quality materials and contemporary form of detailing, which would create a well-articulated and visually interesting building of an appropriately high standard for this location. The external wall treatment comprises a range of cladding finishes, including aluminium panels, corroded green rain screen, render and timber boarding. Notwithstanding the information submitted with this application, a planning condition requiring the approval of materials would be appropriate to ensure that the detailed design of the proposed building can be properly assessed and agreed.
- 11.43 The proposal features a strong and clear public entrance which will ensure that the building delivers a legible form. In terms of its scale and massing the proposed development represents an efficient use of the land whilst still sitting comfortably within the site. It is considered that the building's design, scale and massing and site layout would result in a scheme which reflects the locality and the function of the building without resulting in an overly dominant form of development when viewed from surrounding public vantage points.
- 11.44 The proposal has also been considered against Local Plan Policy D8 which requires landscaping to form an integral part of the overall design. Landscaping can protect and enhance the existing visual character of the area and reduce the visual and environmental impacts of a development. In this case, a landscaping scheme is proposed for the site, which should assist in setting the development within the context of its wider surroundings and further act to soften the scale and visual impact of the building.
- 11.45 The Landscaping team have been consulted and have confirmed that there are no significant trees on site. There are a number of existing Lombardy Poplars along the boundary with Manor Road which are in fairly poor structural condition and have been topped in the past. It is proposed to remove these trees and plant a more appropriate mix of species which will enhance the outlook and from the properties on Manor Road as well as the streetscene.
- 11.46 The general arrangement of the site is acceptable, however, the schedule of species needs minor amendments. Some identified species are inappropriate for their allotted locations due to their natural growth form and some trees specified on the schedule are not obtainable in the sizes specified. These are minor amendments which can be resolved through a condition requiring a detailed landscaping scheme to be approved.
- 11.47 The landscaping scheme pays particular attention to the treatment of the northern site boundary with Manor Road. Here, a linear planting scheme will

reduce the impact of the development on residential amenity and will comprise a mixture of dense tree planting, hedging and shrubbery.

- 11.48 The proposals also recognise that accessible and functional outside amenity areas will be very important to the health and wellbeing of the future occupants of the care home. To this end, the garden has been designed to include several distinctly separate areas, which have various functions, situated along a footpath which wraps around the building. This layout is designed to encourage users to walk alongside and touch, see and smell the plants, with a mini flowering avenue along the footpath. The largest garden area includes a central pergola to act as the focal point and destination for year round use. Planting either side will provide some privacy. A lawn is to be planted with a variety of tree species to act as a mini parkland. Benches would be provided at various locations to enjoy different aspects of the garden in sunshine and shade.
- 11.49 The external areas at the front of the proposed building would have planting beds and shrubs designed to provide an attractive entrance and to soften the visual impact of the car park.
- 11.50 On balance, it is considered that the proposals accord with the Urban Design Principles outlined in Section 14 of the adopted Supplementary Planning Guidance for Hatfield Aerodrome and will assist in the overall aim of creating a high quality business park environment and the creation of employment opportunities in the area. The proposal also accords with Policies D1, D2, D7 and D8 of the Welwyn Hatfield Plan and the NPPF.

5. Other material planning considerations

i) Protected Species

- 11.51 The presence of protected species is a material consideration, in accordance with the 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 (and amended 2012) as well as Circular 06/05. Furthermore, Policy R11 requires developments to contribute positively to biodiversity.
- 11.52 The application site does not have any protected trees or hedgerows and, although the site may attract wildlife, there are not any records of protected or endangered species.
- 11.53 A Habitat and Ecology Survey (CGO Ecology, 2017) was submitted with this application. The site was assessed as mainly bare ground, with peripheral species-poor hedge and trees, some amenity grassland and temporary cabins. The site has recently been used as a construction compound with Heras fencing and heavy plant present; it is clearly of limited ecological interest.
- 11.54 Japanese knotweed was recorded on site. This plant is listed as an invasive species in Schedule 9 of the Wildlife and Countryside Act 1981 and control

measures should be put in place to prevent it spreading further. A condition is suggested requiring a method statement to be submitted and approved in writing.

- 11.55 Hertfordshire Ecology were consulted and did not object to the proposal subject to suggested conditions and informatives in accordance with Local Plan Policy R11 and the relevant paragraphs of the NPPF.

ii) Archaeology

- 11.56 Saved policy R29 and Section 12 of the NPPF seek to prevent developments from having a detrimental impact on remains of archaeological significance. A desk-based Archaeological Impact Assessment (MOLA, 2016) was submitted with this planning application. The report concludes that the site has a moderate to high potential for undesignated heritage assets with archaeological interest from the prehistoric period. Notably archaeological excavations at the adjacent Plots 5600 and 6000 unearthed evidence for later prehistoric agricultural and settlement activity. The report states that such remains as may be present are unlikely to have been disturbed by modern activity as no structures are apparent at this location on historic mapping. The report concludes that:

“...the most appropriate investigation strategy is likely to entail archaeological evaluation trenches. These would aim to assess the presence, nature and significance of any archaeological remains in the areas of proposed impact. A preliminary investigation could also include the archaeological monitoring of any geotechnical pits dug for engineering purposes.”

- 11.57 Hertfordshire County Council’s Historic Environment Advisor confirmed that the proposed development is therefore likely to have an impact on heritage assets with archaeological interest. Notwithstanding this, no objection was made to the development of the site in principal, subject to suggested planning conditions which would provide the level of investigation that this proposal warrants.

iii) Contaminated Land

- 11.58 A desk top study of potential contamination was provided with the application, this shows that the risk is low. Based on information pertaining to the adjacent site, it appears unlikely that this site will contain sources of contamination that will impact the future occupants of the site.
- 11.59 However, the proposed care home use is more domestic in nature to that of the adjacent hospital site and the outside area may receive more use as a consequence, including gardening activities. On this basis, it is recommended that an intrusive investigation is undertaken to ensure that there is no risk of contamination in accordance with Local Plan Policy R2 and the NPPF.

iv) Flood Risk / Surface Water Flooding

11.60 A Flood Risk Assessment and Drainage Strategy (MJA Consulting, 2017) was submitted with this application. Having consulted the Hertfordshire County Council Flood Risk Management Team, no objections have been raised with regard to the impact on surface water flooding either on site or further afield and the proposed development has been found to be acceptable in principle, subject to suggested planning conditions in accordance with Local Plan Policy R7, R10 and the NPPF.

v) Planning obligations

11.61 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development
- c) fairly and reasonably related in scale and kind to the development

11.62 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

11.63 The NHS have sought contributions towards mental health, acute and community costs. Officers have considered the evidence provided in justification of the contribution in the context of paragraph 204 of the National Planning Policy Framework and CIL Regulation 123(3)(b)(ii). Having done so, it is considered that fully justified contributions towards primary care and mental health may be acceptable in principle, however, the request is not supported by enough detail to identify the precise impact of the proposed development on the service or that the contribution would be fairly and directly related to the impact. In this regard, Officers have sought additional information from the NHS (emails dated 18/09/2017 and 28/09/2017) which has not been forthcoming.

11.64 Hertfordshire County Council (Development Services) have confirmed that no planning obligations are sought in the instance.

11.65 Hertfordshire County Council, Transportation Programmes and Strategy (HCCTPS) have requested the submission of an amended Travel Plan, together with a financial contribution of £6,000 towards the ongoing monitoring, support and engagement activities undertaken by the County Council to support the submitted Travel Plan.

11.66 Welwyn Hatfield Borough Council are seeking £50,000 towards parking surveys and, if required, off-site parking restrictions as a result of the development.

- 11.67 Welwyn Hatfield Borough Council's Planning Obligations Supplementary Planning Document (SPD) triggers are not applicable to the proposed care home (use class C2).
- 11.68 The applicant has entered into negotiations on the planning contributions outlined above and it is anticipated that the S106 Agreement will be entered shortly after the decision is made, if it is indeed determined at committee to resolve to grant subject of the completion of the S106 Agreement.
- 11.69 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL regs.

12 Conclusion

- 12.1 A swap from hotel to a care home (use class C2) is acceptable in land use terms, whilst still safeguarding the ability to deliver the remaining quantum of B1a/b development of the remaining undeveloped land to deliver against the framework of the outline planning permission. At the same time it will deliver inward investment to the Borough providing economic development and employment opportunities.
- 12.2 The impacts of the proposal have been considered in terms of access, highway capacity, parking provision, neighbour amenity and design. Other material considerations have also been considered.
- 12.3 Subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement, on or before the 9th January 2018, to secure the following obligations, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the Adopted Hatfield Aerodrome Supplementary Design Guidance, Supplementary Design Guidance, Supplementary Parking Guidance, Council's Interim Policy for Car Parking and the relevant chapters of the NPPF.

13 Recommendation

- 13.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a supplementary Section 106 Agreement, on or before 9 March 2018 to secure the following obligations:
- Submission of an amended Travel Plan
 - £6,000 Travel Plan Monitoring Fee
 - £50,000 towards a parking study and the implementation of parking restrictions

In addition 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 permitted have

been submitted to and approved in writing by the Local Planning Authority. The development must be implemented using the approved materials and subsequently, the approved materials must 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 Policy 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 must not be carried out other than in accordance with the approved details. The landscaping details to be submitted must include:
 - a) Proposed means of enclosure and boundary treatments to all areas of the site
 - 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) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

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 Policy D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a detailed method statement for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a timetable for implementation, measures to prevent spread during operations and measures to ensure that any soils brought to the site are free from the seeds/root/stem of any invasive plant. The development must not be carried out other than in accordance with the approved method statement.

REASON: To eradicate Japanese Knotweed from the development site and to prevent the spread of the plant through development works in accordance with the Government's commitment to halt the overall decline in biodiversity as set out in the National Planning Policy Framework.

4. No development shall take place until a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan must include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Traffic management requirements;

- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities;
- e) Cleaning of site entrances, site tracks and the adjacent public highway;
- f) Provision of sufficient on site parking prior to commencement of construction activities; and
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. No development shall take place until a scheme for the provision of secure cycle parking, including powered two wheel vehicle parking, on site has been submitted to and approved by the Local Planning Authority. The development must not be carried out other than in accordance with the approved scheme.

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

6. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority details of the glazing scheme and ventilation systems required to be installed to meet the internal noise levels within BS8233:2014, the LAmax levels with the WHO Community Noise Guidelines and the ventilation standards within the Noise Insulation Regulations 1975 (as amended). Outdoor amenity areas must not exceed the 55dB WHO Community Noise Guideline Level.

REASON: To protect the amenity and living conditions of future occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to noise from plant and equipment to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential property (using the methodology outlined within BS4142:2014).

REASON: To protect the residential amenity and living conditions of nearby occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations agreed by the Local Planning Authority. The noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all external building services plant hereby permitted does not exceed 10db below background noise level at any time when the plant is operating. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

REASON: To protect the residential amenity and living conditions of nearby occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. Prior to the commencement of the development a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development must not be carried out other than in accordance with the approved scheme. The drainage scheme must include:
 - a) Infiltration tests in the exact place of proposed underground storage and permeable paving, conducted to BRE Digest 365 Standards.
 - b) Detailed engineered drawings of the proposed Sustainable Drainage System (SuDS) features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - c) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with

Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. Prior to the commencement of the development a detailed management and maintenance plan for the all the Sustainable Drainage System (SuDS) features and structure must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan must include an inspection timetable and arrangements for adoption and any other measures necessary to ensure the efficient operation of the scheme throughout its lifetime.

REASON: To ensure the drainage system is maintained throughout the lifetime of the development to an acceptable standard in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. **(A)** No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- i) The programme and methodology of site investigation and recording;
- ii) The programme and methodology of site investigation and recording as required by the archaeological evaluation;
- iii) The programme for post investigation assessment;
- iv) Provision to be made for analysis of the site investigation and recording;
- v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi) Provision to be made for archive deposition of the analysis and records of the site investigation;
- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(B) The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

(C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **(A)** and the provision made for analysis and publication where appropriate.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST-DEVELOPMENT COMMENCING

12. The development hereby permitted must not be carried out other than in accordance with the approved Surface Water Strategy drawing, dated July 2017, drawing number SK601 and the following mitigation measures detailed within the surface water drainage strategy:

- a) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 142 m³ (or such storage volume agreed with the LLFA) of total storage volume in attenuation tank and permeable paving areas (or similar).
- b) Infiltration of surface water into the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policy R2 & R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

14. No loading, unloading, deliveries or collections shall take place other than between the hours of 7am and 7pm Monday to Saturday and 10am to 7pm on Sundays.

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

15. All planting seeding or turfing and soil preparation comprised 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 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

16. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved Landscaping plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interest of highway safety in accordance the National Planning Policy Framework.

17. No part of the development hereby approved shall be occupied until the car park, pedestrian footways, cycleways, servicing / loading / unloading and turning areas have been laid out, surfaced, demarcated and drained in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that adequate vehicular and pedestrian access is provided prior to occupation in the interests of highway safety and in accordance with Policy M5, M6 and M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

18. No part of the development hereby approved shall be occupied until details relating to odour control for the kitchen exhaust system have been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied other than in accordance with the approved details.

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

19. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

REASON: To protect the amenity and living conditions of future occupiers of the site and existing residential properties in the near vicinity to the development in accordance with Local Plan Policies D1 and R20 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

20. The development/works shall not be started or completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
(9-) 2	F	Proposed Site Plan	12 October 2017
(00) 2	D	Proposed Ground Floor Plan	3 April 2017
(00) 3	D	Proposed First Floor Plan	3 April 2017
(00) 4	D	Proposed Second Floor Plan	3 April 2017
(00) 5	B	Proposed Roof Plan	3 April 2017
(9-) 3	A	Existing Topographical Survey	3 April 2017
(9-) 4	A	Existing Block Plan	3 April 2017
(21) 1	A	Proposed Elevations 1 of 2	3 April 2017
(21) 2	A	Proposed Elevations 2 of 2	3 April 2017
(9-) 1	A	Site Location Plan	3 April 2017
2493/16/B		Landscape Strategy	20 March 2017
0020/17/A		Landscape planting plan	28 June 2017
0020/17/A		Landscape planting plan – Eastern Area	28 June 2017
0020/17/A		Landscape planting plan – Northern Area	28 June 2017
0020/17/A		Landscape planting plan – Southern Area	28 June 2017
0020/17/A		Landscape planting plan – schedule and details	28 June 2017
SK601		Surface Water Strategy	26 July 2017

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

Summary of reasons for grant of permission

The decision has also 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 inspected at these offices).

Informatives

1. INF6 Street Numbering
2. Biodiversity enhancements should be considered and could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, green roofs, wildflower / wetland / pond areas, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. It is an offence to take or disturb the breeding or resting location of protected species and precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England (0300 060 3900) or a suitably qualified ecological consultant.
4. The removal of trees and shrubs should be avoided during the bird breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. The applicant is advised that all routes marked on the plan associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of: 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays.
10. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
11. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
12. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
13. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
14. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
15. All pile driving shall be carried out by a recognised noise reducing system.
16. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

17. In general, equipment for breaking concrete and the like shall be hydraulically actuated.
18. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
19. Any emergency deviation from these conditions shall be notified to the Council without delay.
20. All efforts shall be made to reduce dust generation to a minimum.
21. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
22. Water sprays shall be used, as and when necessary, to reduce dust from particularly “dusty” activities or stock piles.
23. You are advised to contact the Health and Safety Executive in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Health and Safety at Work etc Act 1974.
24. You are advised to contact the Public Health and Protection Department of the Governance Directorate on 01707 357242 in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Food Safety and Hygiene (England) Regulations 2013.

OR

In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

2. Refused Drawing Numbers

3. Plan Number	Revision Number	Details	Received Date
(9-) 2	F	Proposed Site Plan	12 October 2017
(00) 2	D	Proposed Ground Floor Plan	3 April 2017
(00) 3	D	Proposed First Floor Plan	3 April 2017
(00) 4	D	Proposed Second Floor Plan	3 April 2017
(00) 5	B	Proposed Roof Plan	3 April 2017
(9-) 3	A	Existing Topographical Survey	3 April 2017
(9-) 4	A	Existing Block Plan	3 April 2017
(21) 1	A	Proposed Elevations 1 of 2	3 April 2017
(21) 2	A	Proposed Elevations 2 of 2	3 April 2017
(9-) 1	A	Site Location Plan	3 April 2017
2493/16/B,		Landscape Strategy	20 March 2017
0020/17/A,		Landscape planting plan	28 June 2017
0020/17/A,		Landscape planting plan – Eastern Area	28 June 2017
0020/17/A,		Landscape planting plan – Northern Area	28 June 2017
0020/17/A,		Landscape planting plan – Southern Area	28 June 2017
0020/17/A,		Landscape planting plan – schedule and details	28 June 2017
SK601		Surface Water Strategy	26 July 2017

Summary of reasons for refusal of permission

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

Mark Peacock (Development Management)

Date: 18/01/2018

Time Extension: 09/02/2018

Background papers to be listed (if applicable)

Section 106 Agreement for planning permission S6/2015/1061/MAJ

Section 106 Agreement for outline planning permission 6/2015/2043/OUTLINE



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

Title: Plot 6000 Land adjacent to Porsche Garage Hatfield Avenue Hatfield		Scale: DNS
		Date: 2017
Project: DMC Committee	Drawing Number: 6/2017/0550/MAJ	Drawn: Baras Mast-Ingle

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Part IExecutive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 01 FEBRUARY 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION,
PLANNING AND GOVERNANCE)

6/2017/1152/FULL

UNIT 9-11 PEATREE FARM, WELWYN GARDEN CITY

CHANGE OF USE OF LAND TO A B2 USE FOR VEHICLE REPAIRS
INVOLVING ERECTION OF A WORKSHOP FOLLOWING PART DEMOLITION
OF EXISTING WORKSHOP

APPLICANT: Welham Travel

AGENT: DLA Town Planning Ltd

(Peartree)

Update

This application was deferred at the Development Management Committee Meeting on 4th January 2018 pending further investigation into the height of the vehicles to be repaired within the repair workshop to establish the extent of repairs that would continue to be carried out in the open air. Discussions with the agents for the development confirm that the one double-decker bus currently operated by the applicant does not fit within the proposed building and consequently will continue to be maintained outside of the building whilst all of the other company coaches and mini-buses will fit within the building and will be maintained therein. The report below therefore remains unchanged.

1 Site Description

- 1.1 The application site comprises an area of uncultivated land adjoining the rear yard of the applicant's premises including units 9 – 11 Peartree Farm. On its northern and eastern sides the site adjoins the rear gardens of neighbouring houses, from which it is largely screened by hedges and bushes. To the north the site is bordered by a strip of wooded, open land beyond which are industrial premises. A high steel palisade fence forms the common boundary between tree belt and the applicant's land.
- 1.2 The applicants run Welham Travel, a commercial coach and minibus hire business from the units at 9 – 11 Peartree Farm. The forecourt area is used for the storage and maintenance of coaches and minibus.

- 1.3 The main area of Peatree Farm is located within a designated Employment Areas, but the uncultivated land the subject of the planning application is outside the boundary of the Employment Area in both the adopted District Plan and the emerging Local Plan. The site is bordered to the east by the Broadwater Road West Employment Area. This is a mixed use employment zone which supports a range of commercial uses. To the north and east the site abuts the rear gardens of properties in Hyde Way and Peartree Lane.

2 The Proposal

- 2.1 The application seeks full planning permission for the change of use of the land for purpose involving the erection of a vehicle maintenance workshop and part demolition of existing workshop (B2 Use Class).
- 2.2 The proposed building would have a shallow curved roof and a ridge height of approximately 5.15m. It would have a width of 11.5m and a length of 20m. The materials would comprise powder coated cladding and roof, a steel roller door and aluminium pedestrian doors.
- 2.3 The building would be located approximately 2.5m from its eastern and northern boundary and some 28m from the nearest properties in Peartree Lane. It would be set relatively along its western boundary next to a landscaped buffer adjoining an industrial building. An existing workshop (unit 10) would be part demolished, with the width reduced by 1.5m, to provide a wider access.
- 2.4 The applicants have indicated that the proposed structure would be used to maintain and repair the applicant's coaches and minibuses. And although the applicants consider the proposal to be sui-generis, the Land Use Gazetteer classified Maintenance and Repairs of Motor Vehicles as B2 (Industrial) Use. The application is assessed on this basis.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee as Cllr Cowan has called the application in stating the following:

“The fact these industrial units back onto residential homes means there has been some history of a difficult interface and it is important the application is given the fullest examination.”

“My comment about difficult interface was that the previous company running a bus operation there were the subject of many complaints over a long period.”

4 Relevant Planning History

- 4.1 Application Number: N6/2002/0704/FP Decision: Refused Decision Date: 17 July 2002
- Proposal: Change of use of land to hard surfacing for storage. This was refused for the following reasons:

1. The proposal would represent inappropriate development outside the designated Employment Area and more over ample Employment Land is available within the District, the proposal would therefore be contrary to Policy EMP 6 of the adopted Welwyn Hatfield District Plan Alterations No 1, 1998 and also to Policy EMP 8 of the Welwyn Hatfield District Plan Review Revised Deposit Version June 2002.
2. The proposed use of the site for storage of commercial vehicles would, because of the proximity of the site to residential property, be likely to have a harmful impact upon the amenities of the occupiers of those properties by virtue of noise and increased disturbance resulting from the manoeuvring of vehicles on site and consequently the proposal would represent development contrary to EMP 8 of the Welwyn Hatfield District Plan Review Revised Deposit Version June 2002.

This application was subsequently dismissed on appeal by the Planning Inspectorate in 2003. The Inspector found that the need for additional parking did not outweigh the presumption against such development outside of the Employment Areas. He also found that the revving of engines and the manoeuvring of vehicles would cause undue noise and disturbance to neighbouring residents.

4.2 Application Number: N6/1992/0243/FP Decision: Granted Decision Date: 06 August 1992

Proposal: Erection of light industrial (use class B1) units

4.3 Application Number: C6/1986/0701 Decision: Refused Decision Date: 20 November 2002

Proposal: Use of land as hardstanding for storage purpose

4.4 Application Number: N6/1976/0193/ Decision: Granted Decision Date: 29 April 1976

Proposal: Change of use from store to tailors workshop

5 Relevant Planning Policy

5.1 National Planning Policy Framework 2012

5.2 Welwyn Hatfield District Plan 2005

5.3 Draft Local Plan Proposed Submission 2016 (emerging Local Plan 2016)

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 Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005. Its Proposal Map shows the site to be part within an Employment Area and part outside.

7 Representations Received

- 7.1 The application have been advertised by neighbour notification letters and 12 representations (10 letters of objection from Nos. 34 and 38 Hyde Way, Nos. 60, 68, 70, 72 74, and 76 Peartree Lane and general comment from No. 55 Peartree Lane) have been received. The issues raised are similar to those of previous applications. A summary of the issues raised by surrounding property owners are below and shall be discussed within the body of this report.

- a) It says Monday to Friday 7.00-19.00 and Saturday 08.00-13.00 if they are expanding why are they asking for a licence for these hours when they go over these times now? What they tell you and what they really do are two different things;
- b) My house vibrates every morning when the coaches starts and finish;
- c) In this hot summer when I have got home from work I cannot sit in my garden backing on the Welham travel because of the constant noise way after 7pm and at weekends in the summer;
- d) The business operates throughout the night sometime disturbing local residents;
- e) My garden wall is their workshop wall; if they knock that down to expand what about the security to me? Not to mention more noise;
- f) The proposal will increase the noise pollution currently experienced by the adjoining residents;
- g) All of the objections raised to the 'change of use' application (N6/2002/0704) still apply to the current one and, of course, permission was refused then and the refusal upheld on appeal;
- h) The application site includes a belt of trees and part of a green buffer designed to separate the industrial site form adjoining residential properties, and as such should be preserved;
- i) There is doubt about the legal ownership pf the application site. It is essential that proper legal ownership (incl leasing) of the land comprising the full 1936 'Belt of Trees' be established before any permission;
- j) If the proposal is allowed to go ahead not only will it violate the tree belt, it will also go against the very principal of the Garden City;
- k) The proposals would have a very negative impact on our quality of life as well as effecting the value of our property;

- l) We currently look out onto a beautiful tree lined garden and do not want that view to change;
- m) A work shop on the scale proposed would not only be overbearing and ugly but would be noisy as prevailing winds from the west would carry the noise and fumes towards our home;
- n) The proposal will have a detrimental impact on our quality of life and right to enjoying one's home;
- o) There will be pollution from exhaust fume and diesel engines;
- p) The stated hours of operation are to be 0700-1900 on a weekday and 0800-1300 on Saturdays. This is excessive. I would like to know what hours Welham Travel are allowed to repair vehicles at the moment. They should be restricted to 0900-1800 weekdays only;
- q) The proposed ridge height is 5.6m which is far too high, nearly as high as our houses and will be overbearing more so as the application is 2m above the level of the land of the rear gardens in Peartree Lane;
- r) Inserting an oversized metal-clad building with shallow curved roof is wholly inappropriate with its residential surroundings;
- s) I cannot see why the company cannot erect some kind of cover over the existing hydraulic lift in order to shelter the work on brakes etc in rainy weather;
- t) The rejection of the appeal to the 2003 application (APP/C1950/A/02/1104720) paragraph 11 states that the land for the proposed building "*acts as a valuable buffer between the rear gardens of the neighbouring houses and the employment uses in the Peartree Farm units*". We can see nothing that has changed that conclusion;
- u) Residents in Hyde Way and Peartree Lane have reluctantly tolerated Welham Travel's (previously Master Travel) activities in Peartree Farm for many years but it has to be noted that this business is entirely inappropriate for this site;
- v) The proposal is contrary to policy as it is outside employment designated area.

8 Consultations Received

- 8.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – The proposal suggests that the site is an extension of the existing use. Whilst the existing occupant is commented on, the site is viewed in terms of its proposed use class. This would represent an intensification of use at the site, this would be unlikely to warrant as severe and as such an objection on intensification would not be terms for a refusal

on highway grounds. Due to the internal access arrangement widths, a review by the appropriate fire safety officer is recommended. I do not consider that the development would represent a severe impact to highway capacity and is unlikely to represent a material impact to highway safety, I therefore present no objections

- 8.1 **Welwyn Hatfield Borough Council Environmental Health Department (EH)** – There is some concern as this is bringing the industrial area closer to the residential properties. However, the acoustic report mentions some points which will provide a potentially better level of amenity (in acoustic terms only) from ensuring that the works take place inside and that the proposed building will act as a barrier to noise on the existing site and from other industrial units nearby. If permission is to be granted, whilst any works are taking place, all doors and windows must be kept closed when activities are taking place within the building, as such during summer months, an air conditioning system will be required to maintain suitable temperatures within the building. Recommend planning application is permitted but with conditions
- 8.2 **Welwyn Hatfield Borough Council Landscaping and Ecology Department** – There is no objection to the application on landscape grounds. If approved further details of the landscaping will be required as a condition. This should include: species, sizes, planting locations/densities, planting methods and aftercare
- 8.3 **Planning Policy** – In terms of the current position on employment land supply, the Council now expects there to be a small shortfall by the end of the plan period (2032). This has been brought about by losses of offices to residential through permitted development rights, as well as the need to grant planning permission for other changes of use on employment land where applicants are able to demonstrate a lack of short-term demand for their premises. In response to questions from the Inspector for the Council's current Local Plan Examination (Document EX11), the Council has had to accept that the shortfall in land supply means that the borough's long term need for new jobs may not now be met in full.

This differs from the position as recently as 2014, when the Council's Economy Study indicated that there would be a small oversupply of employment land in the borough by the end of the plan period. It is therefore important that the Council takes advantage of opportunities to boost the supply of employment floorspace around the borough whenever possible. This will clearly need to be balanced against amenity (and other) issues that this proposal raises, but I would suggest that the benefits of this proposal for employment floorspace supply should be given quite a high degree of weight.

9 Analysis

- 9.1 The main planning issues to be considered are:

1. The principle of the development (National Planning Policy Framework 2012; Policies SD1, EMP1, EMP8 of the Welwyn

Hatfield District Plan 2005 and Policies SP1, SP2 SP8 of the emerging Local Plan 2016).

2. Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) and relates to the character and context of the area (D1, D2, D8, EMP13, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))
3. Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, SPD)
4. Access, Impact on the Highway and Parking (M14 and SPG)
5. Other Considerations

1. The principle of the development

- 9.2 The main issues in this case relate to the acceptability of the proposal in the light of the policies contained in the adopted District Plan and the emerging Local Plan.
- 9.3 Policy EMP1 identifies those geographical areas of the Borough within which favourable consideration will be given to proposal for employment generating development. This is also amplified in Policy SP8 of the emerging Local Plan. The application site lies outside of those areas.
- 9.4 Policy EMP8 indicates that proposals for new employment development or redevelopment outside of Employment Areas will only be permitted where all of the following criteria are met:
- (i) *The development would be of a similar scale to the existing activities on the site;*
 - (ii) *The development would not have any adverse effects on the residential amenities of any nearby properties;*
 - (iii) *The development would provide adequate parking, servicing and access arrangements and would not have an adverse impact on the highway network, including highway safety.*

Criteria (i)

- 9.5 In dismissing the 2002 change of use of land to hard surfacing for storage, to provide additional parking for the applicant's coaches application, the Inspector agreed with officer assessment, noting that both adopted and emerging local plan policy indicated that there was an ample supply of existing employment land. See paragraph 4.1.
- 9.6 However, there has been changes to planning legislation after the 2002 refused scheme. There is now the National Planning Policy Framework 2012 (NPPF) and the District Plan has been reviewed and in its submission stage and undergoing Examination in Public. Evidence presented at the Examination indicate that the situation has altered considerably since the 2002 decision and there is now an identified need for more employment land.

- 9.7 The supporting text for Policy SP8 of the emerging Local Plan recognises this changing situation. Paragraph 10.7 states that...“It is clear that the Council cannot meet its full requirement for employment floorspace without having to designate further sites in the Green Belt.”
- 9.8 In terms of the current position on employment land supply, the Council now expects there to be a small shortfall by the end of the plan period (2032). This has been brought about by losses of offices to residential through permitted development rights, as well as the need to grant planning permission for other changes of use on employment land where applicants are able to demonstrate a lack of short-term demand for their premises.
- 9.9 The Council Planning Policy Team has advised that in response to questions from the Inspector for the Council’s current Local Plan Examination, the Council has had to accept that the shortfall in land supply means that the borough’s long term need for new jobs may not now be met in full; that this differs from the position as recently as 2014, when the Council’s Economy Study indicated that there would be a small oversupply of employment land in the borough by the end of the plan period. It is therefore important that the Council takes advantage of opportunities to boost the supply of employment floorspace around the borough whenever possible. On this basis therefore, subject to an assessment of the impact on adjoining occupiers, it is considered that the principle of the use of site for business purposes is, in this instance, acceptable. The land is directly adjacent to an existing Employment Area, not accessible to local residents and provides no public amenity value.

2. Whether or not the scheme incorporates high quality design and relates to the character and context of the area (D1, D2, D8, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))

- 9.10 In the submitted Planning Statement, the applicant stated that the proposed workshop is required to support the repair and maintenance of the applicant’s coaches; that the existing workshop is not large enough for vehicles to drive inside and so work needs to be carried out in the open. Certain activities, such as the repair of brakes, cannot be done when it is raining and this can cause operational problems when there are spells of bad weather. As such, it is considered that the proposed development meets criteria (i) of Policy EMP8 of the District Plan as it is of *similar scale to the existing activities on the site* and would support the functioning of an established local business. This improvement is supported by the NPPF, which at paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.
- 9.11 The appearance of the proposed building would reflect its functional requirements. Nonetheless it would incorporate a good design which would compare favourably to other buildings within the Employment Area. The proposal would therefore preserve the character and appearance of the locality.

3. Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))

Criteria (ii)

- 9.12 With regard to criteria (ii) which *requires development not have any adverse effects on the residential amenities of any nearby properties*, the current use of the application site and its impact on neighbouring residential properties by way of noise pollution is a material consideration in this context.
- 9.13 The height of the proposed building has been reduced from 5.6m to 5.15m following negotiation with Officers. The new building would have a shallow curved roof, a width of 11.5m and a length of 20m. The materials would comprise powder coated cladding and roof. It would be set a minimum 2.5m from the shared boundary with adjoining residential properties and at least 28m from the rear wall of the nearest residential dwelling. It would be set approximately 450mm below the existing ground level and due to the changes in ground level east of the site, its ridge height would be at least 750mm lower than those of the adjoining dwellings. Although the proposed building would be readily visible from the rear gardens of these properties, given its low height, distance from their rear wall, private garden area and rear habitable windows, it is considered that this distance (28m) would be sufficient to ensure that the building would not be visually obtrusive or overbearing to any neighbouring occupiers, and as such not warrant a refusal on this ground.
- 9.14 A coach and Mini-bus hire business have been operating from this premises for over 20 years. Notwithstanding its proximity to residential properties, its operating hours and mode of operation are not controlled by planning condition aside those controlled under the Environmental Health Act. There is currently no restriction on operating hours. The main issue raised in the representations by local residents has to do with noise and air pollution from the current use of the site/premises. Although, the Council cannot impose any restriction on the operation mode of the business being an established and authorised use within a designated industrial area, the applicants have agreed to the imposition of conditions to control the current activities within the application site as a quid pro quo. The agreed control would restrict the time repairs, servicing or cleaning of vehicles can take place outside of the proposed building to the hours of 10am – 5pm Monday to Friday only and at no other time weekends, Bank or Public Holidays This application therefore provides the opportunity to control once and for all aspects of the business operation to mitigate against the pollution currently experienced by occupiers of neighbouring residential properties.
- 9.15 Regarding the current use of the site, repairs and maintenance of the coaches are carried out in the open on a strip of hardsurfacing between the offices and the workshop. Whilst it is proposed to maintain this strip of hardstanding, it would also serve as access to the new workshop following part demolition of the existing single-storey workshop to increase the width of the existing access for the coaches.

- 9.16 It is noted that the new building would be only 28m from the rear wall of the closest residential property and adjacent to the gardens of those properties where it is reasonable to expect residents to have the ability to sit out and enjoy their gardens. This is a material consideration.
- 9.17 There is some concern as the proposal would bring the industrial area closer to the residential properties. However, the proposal would reduce the level of open maintenance works from this site as maintenance and repair of coaches and buses would mostly take place indoors allowing for conditions to be imposed on manner of use of the site including the current operations. In addition, the submitted acoustic report mentions some points which will provide a potentially better level of amenity (in acoustic terms only) from ensuring that the works take place inside and that the proposed building will act as a barrier to noise on the existing site and from other industrial units nearby. The proposed building would have sound insulation and air-conditioning. This noise attenuation measure is considered acceptable by the Council's Environmental Health Officer provided all doors and windows are kept closed when activities are taking place within the building and air conditioning system installed so as to maintain suitable temperatures within the building during the summer months.
- 9.18 Under certain circumstances and if managed correctly, also taking into account the industrial nature of the area, albeit this being on the boundary, makes the proposed hours not wholly unreasonable considering the noise attenuation measures proposed. Whilst there is some concern raised in this respect, it is considered not sufficient to warrant a refusal of the scheme when the environmental benefits brought about by the opportunity to control aspect of the current operational use of the site as a result of this proposal is taken into account.
- 9.19 There is potential for light nuisance from security lighting associated with the future use of the site. Further to Policy R20 a condition is recommended and imposed requiring details of any external lighting to be submitted and approved prior to their installation.
- 9.20 Having regard to the above, it is considered, that subject to conditions such as ensuring the construction of the building is carried out to the necessary specification, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance. As such, the proposal complies Criteria (ii) of Policy EMP8 and the above stated local and national policies.

4. Access, Impact on the Highway and Parking (M14 and SPG)

Criteria (iii)

Unlike the refused 2002 application the proposal does not seek to provide additional parking for the coach hire business. The internal vehicular arrangements would be removed/amended by the part demolition of the existing workshop. There is currently a very narrow access to the yard at the rear, which according to the applicant, barely accommodates the largest coaches and this would be increased by approximately 1.5m in width. The proposal would therefore result in a small benefit to internal vehicular safety. The Highways Authority have not raised any fundamental

concern about the proposal and advised that the proposal is acceptable on highways ground. It is considered that the proposed scheme complies with relevant Council policy.

5. Other Considerations

- 9.21 Landscaping – Policy D8 of the Welwyn Hatfield District Plan 2005 requires all developments to include landscaping as an integral part of the overall design and existing landscape features, such as trees, to be retained and enhanced.’
- 9.22 The site has perimeter trees, shrubs and undergrowth around its boundary. There are no trees within the application site but outside its boundary. These trees are very important as a whole and in their role as screening and buffer between residential and industrial land uses. There are some 11 trees in the strip of land to the west of the application site. The proposed layout shows the trees will be retained. However, given the close proximity of the new building to the trees and the important role of landscaping to the character and appearance of the site, a Tree Survey and Tree Protection Plan shall be required by condition. Also, the layout of the building gives rise to improved screening along its western and northern boundary. A Landscaping Plan and planting schedule will also be required.
- 9.23 Flood Risk / Surface Water Drainage – The application site is not located within flood zone 2 or 3 and the area is not known to have critical drainage problems.
- 9.24 Land Ownership – Representations have been received regarding ownership of the site. The applicant has signed ‘Certificate A’ section of the application form implying the entire application site is under their ownership. Officers have no evidence to doubt this more so, as the grant of planning permission does not override any covenant and property rights on the land. In addition, issue of land ownership forms no basis in the consideration of this application.

Conditions

- 9.25 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.

10 Conclusion

- 10.1 The principle of an industrial development outside designated Employment Area has been considered and found the reduction in the availability of employment land in the District would justify the change of use on a site adjacent to, but outside, the designated Employment Areas.
- 10.2 In terms of the character and context of the area, subject to mitigation of the building's appearance by use of materials and screening, the proposed scheme is considered to be in accordance with Saved Policies D1, and D2 of the Welwyn Hatfield District Plan 2005 and Section 7 of the NPPF. The environmental noise assessment demonstrates that the proposal would cause no undue noise and disturbance to neighbouring occupiers. Subject to conditions, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance.
- 10.3 The proposal affords the opportunity to impose a condition on the overall use of the site to mitigate the level of nuisance currently experienced by neighbouring occupiers. The proposal is considered would improve immensely the quality of living condition of local residents than currently experienced. It is concluded that the proposal is on balance acceptable and, as such, is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted Supplementary Planning and Design Guidance and with the NPPF

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the following conditions:
1. Prior to the commencement of the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams). This scheme must meet the requirements within the Institution of Lighting Engineers guidance notes for the reduction of obtrusive lighting. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to protect the amenity of the existing residential properties in the near vicinity to the development in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

2. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to noise from plant and equipment to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential property.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

3. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to scheme for sound insulation for the building. This scheme must take into account all potential noise sources both from vehicle engines, impact noises and other equipment or tools which will be used. The development shall not be carried out other than in accordance with the approved details.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

4. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use].

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

5. 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) original levels and proposed finished levels [earthworks to be carried out]
- (b) means of enclosure and boundary treatments
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- (j) location of service runs

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.

6. A landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing prior to the occupation [of the development] [of any phase of the development]. The landscape management and maintenance plan shall not be carried out other than in accordance with the approved details.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11 and D8 of the Welwyn Hatfield District Plan 2005.

7. Doors and windows are to be kept closed at all times that any fabrication, cutting, grinding or similar works associated with business are taking place, such as during the use of power tools, hammering, pneumatic or electrical work equipment and the revving of engines

REASON: To protect the occupants of nearby properties from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

8. No machinery shall be operated (including vehicle movements), no process shall be carried out (except for office work) outside the hours of 07:00 – 19:00 Mondays to Fridays, 08:00 – 13:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

9. Notwithstanding the established use of the application site there shall be no repairs, servicing or cleaning of vehicles outside of the proposed building including area marked Zone 3 on approved drawing no. 458-15-B outside the hours of 10am – 5pm Monday to Friday. In addition no repairs, servicing or cleaning shall occur at weekends, Bank or Public Holidays.

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

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the units as motor vehicle/coach maintenance workshop and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or external alterations shall be carried out (other than those expressly authorised by this or any other express permission) in/on the application site marked out in red on Location Plan drawing no. 458-01.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

12. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan	Revision	Details	Received Date
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Number	Number	
458-02-B	Existing Block Plan	26 October 2017
458-10-C	Proposed Block Plan	26 October 2017
458-11-A	Proposed Floor Plan & Elevations	6 September 2017
458-01	Location Plan	26 May 2017
458-12	Indicative Cross Sections	26 October 2017
24489	Level Survey	26 October 2017
458-15-B	Block plan Outline Landscaping	8 December 2017

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of 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 decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible,

authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Obstruction of the highway

5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047.

Michael Robinson (Development Management)

Date 4th January 2018

Expiry date 5th January 2018



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

Title: Units 9-11 Peartree Farm Welwyn Garden City		Scale: DNS
		Date: 2018
Project: DMC Committee	Drawing Number: 6/2017/1152/FULL	Drawn: Ida Moesner
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Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/2415/MAJ

ACCORD HOUSE, 28 BRIDGE ROAD EAST, WELWYN GARDEN CITY, AL7 1HX

ADDITION OF TWO FLOORS TO FORM 15 X 1 BED FLATS AND 1 X 2 BED FLAT,
ALTERATIONS TO ELEVATIONS INCLUDING FENESTRATION DETAILS AND
ASSOCIATED CYCLE PARKING, BIN STORAGE FACILITIES AND DISABLED
PARKING SPACES FOLLOWING REMOVAL OF EXISTING ROOF

APPLICANT: Mr M Quinn

AGENT: Waller Planning

(Peartree)

1 Site Description

- 1.1 The application site is located close to the corner of the cross roads with Bridge Road East and Broadwater Road and comprises a two storey office building and its associated car park. This site is located within an employment area. However it should be noted that this particular area is changing by virtue of the introduction of residential developments close to the application site, which include the recent permission for the redevelopment of Mercury House and the Shredded Wheat Factory in the immediate vicinity.
- 1.2 The application site currently benefits from a car park to the rear of the other buildings for approximately 38 car parking spaces to the side of the site with limited landscaping along the boundaries.

2 The Proposal

- 2.1 The proposal would comprise a two-storey roof extension to the existing building, to create an additional 16 no. residential flats (15 x 1 bedroom flats and 1 x two bedroom flat). Vehicular access to the building is from the rear of the site.
- 2.2 Accord House has extant permission for change of use from B1 office to C3 residential (ref. 6/2017/0525/PN11). This change of use has been implemented, and takes place as permitted development, under the provisions of Class O of Schedule 2 (Part 3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as amended).

- 2.3 The proposal also includes the erection of an external covered cycle store, accommodating 34 spaces, landscaping and the erection of an external bin store. The proposal also includes two disabled car parking spaces within the existing side car park together with a small entrance canopy and signage on the east elevation.
- 2.4 The proposed development would be constructed at the same time as the changes to the façade of the ground and first floor, which have been approved under (ref.6/2017/0903/FULL). The proposed plans for this current application also show these façade changes to demonstrate the appearance of the completed residential building. It should be noted that there is a slight change to the window bars from that already permitted.
- 2.5 Members should note that these changes to the façade of the ground and first floor were not possible under the application for prior approval, as the process does not allow for works which would constitute development as these require separate planning permission. The prior approval established that the building can be converted to residential, this application is seeking to justify a greater number of flats and a denser form of residential development.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee by virtue of the proposed development being a departure from the Development Plan.

4 Relevant Planning History

- 4.1 6/2017/0525/PN11: Prior Approval for the change of use of site and building from B1a offices to C3 residential accommodating 17 apartments – Approved 23/5/2017
- 4.2 6/2017/0903/FULL: Alterations to elevations including fenestration details, addition of Juliet balconies and a fire escape door on the ground floor – Approved 27/6/2017.

5. Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Draft Local Plan Proposed Submission 2016
- 5.4 Supplementary Design Guidance, February 2005
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.7 Supplementary Planning Guidance Planning Obligations 2012

6 Site Designation

- 6.1 The site is located within an Employment Area within the settlement of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of site notices, press notice and neighbour notification letters. The Local Planning Authority have received no neighbour consultation.

8 Consultations Received

- 8.1 **Thames Water** – No objection.
- 8.2 **Cadent Gas Network** – No objection.
- 8.3 **Hertfordshire County Council Lead Local Flood Authority** – No objection.
- 8.4 **WHBC Parking Services** - No objection.
- 8.5 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)**– No objection subject to conditions and informatives.
- 8.6 **WHBC Environmental Health** – No objection subject to conditions.
- 8.7 **WHBC Landscape Team** – (verbal comments) No object subject to condition.
- 8.8 **Herts Biological Record Centre** – No objection subject to informative.
- 8.9 **Hertfordshire Constabulary** – Support.

Lead architect given assurances around the need for audio-visual access control into the extended block. Certified PAS24 doors will be fitted to all flat entrances.

- 8.10 **Hertfordshire County Council Minerals and Waste** – Comments provided.
- 8.11 **WHBC Client Services** – Comments provided.
- 8.12 **Hertfordshire County Council Development Services** – provided S106 contributions.

9 Analysis

- 9.1 **The main planning issues to be considered in the determination of this application are:**

- 1. Whether the site is required to meet future employment requirements and business and community needs (EMP2 of the**

- District Plan 2005 and Policy SADM10 of the Draft Local Plan Proposed Submission 2016)
2. Whether the principle of residential development is acceptable (NPPF 2012, Policies GBSP2, R1, H1, H2, EMP1 and SD1 of the District Plan 2005 and Policies SP1, SP7, SP8, and SADM10 of the Draft Local Plan Proposed Submission 2016.
 3. Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area (NPPF 2012, Policies GBSP2, D1, D2, D4, D7 and H6 of the District Plan 2005, Policy SP9 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005)
 4. Impacts to Neighbours and Living Conditions (NPPF 2012, Policies D1, R19, and R20 of the District Plan 2005, Policies SADM11 and SADM18 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005)
 5. Impact on Highway Network, access and car parking (NPPF 2012, Policies M14, and D1, Policies SP4, and SADM2 of the Draft Local Plan Proposed Submission 2016, Supplementary Planning Guidance Parking Standards 2004 and Council's Interim Policy for Car Parking and Garage Sizes 2014)
 6. Other Considerations
 - i) Trees and Landscaping
 - ii) Protected Species
 - iii) Refuse
 - iv) Contaminated land
 - v) Sustainable Urban Drainage
 - vi) Lifetime Homes
 - vii) Renewable Energy
 7. Planning Obligations (NPPF 2012, Policies M4 and IM2 of the District Plan 2005, Policy SP7 of the Draft Local Plan Proposed Submission 2016 and Planning Obligations 2012)
 - i) Affordable Housing
 - ii) Hertfordshire County Council Contributions
 - iii) Welwyn Hatfield Contributions
1. **Whether the site is required to meet future employment requirements and business and community need**
 - 9.2 The application site is located in a designated employment area EA1 – Welwyn Garden City Industrial Area. Policy EMP2 of the District Plan 2005 states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) of Policy EMP2 of the District Plan 2005 and other relevant policies relating to the proposed use.
 - 9.3 The emphasis of the strategy and objectives in the Employment chapter of the

District Plan 2005 is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and firms seeking to locate in the area.

- 9.4 Policy SADM10 of the Draft Local Plan Proposed Submission 2016 was prepared to accord with guidance in the National Planning Policy Framework 2012 (NPPF 2012) and has the same approach to the loss of employment land to other uses, seeking to protect the supply of land for industrial, office and warehousing uses. This approach reflects the strong emphasis on sustainable economic development in the NPPF 2012.
- 9.5 Paragraphs 18 to 27 of the NPPF 2012 set out the Government's overarching ambitions for building a strong, competitive economy.
- 9.6 Notwithstanding the Council's strong desire to see adequate land remaining for employment uses, in 2017 an application for prior approval for a change of use from B1(a) office use to residential use affecting this site and creating 17 x one bedroom flats (6/2017/0525/PN11) was approved.
- 9.7 On the basis of that change of use has been implemented and subsequently the employment use of the building receded this.
- 9.8 Moreover, it is considered that the fall-back position is a material consideration in this instance which carries significant weight.

2. Whether the principle of residential development is acceptable

- 9.9 By virtue of the site having received prior approval for the conversion of the existing building to residential use, the principle of the land and building being in a residential use has been established. Reference should be given to the NPPF 2012 which 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 re-using land that has been previously developed provided that it is not of high environmental value.
- 9.10 Policy H2 of the District Plan 2005 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential 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.
- 9.11 Policy SADM1 of the Draft Local Plan Submission 2016 is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of

the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

- 9.12 The application site is located within the main town of Welwyn Garden City. It is situated in a particularly sustainable location; being within walking distance of the town centre and the train station and being served by various bus services along Broadwater Road. The proposed development would utilise the existing accesses onto Broadwater Road and Bridge Road East, main thoroughfares within the town, providing good access to the surrounding area. Furthermore, there are no known physical or environmental constraints at this site that cannot be dealt with by the imposition of relevant conditions.
- 9.13 Whilst the site is located in a designated employment area, Broadwater Road itself is changing with more residential sites being witnessed. Most recently planning permission for the re-development of the Shredded Wheat factory for residential development which is located directly opposite this site has been approved and the adjoining site, Mercury House. The introduction of a further development of 16 residential dwellings at the site would not be inconsistent with the evolving and changing character of the site and area. Neither would it undermine the delivery of allocated sites or the overall strategy of the Plan and would not result in disproportionate growth taking into account the position of Welwyn Garden City within the settlement hierarchy.

Hazardous Zone

- 9.14 It should be noted that part of the application site was located within a hazardous zone, however this has now been revoked as per the decision made by the Secretary of State dated 23rd March 2017. As such no part of the application site lies within a hazardous zone and therefore no consideration relating to this issue is necessary.
- 9.15 It is found that the proposal would not be contrary to policies H2, SD1 and R1 of the District Plan 2005 and Policies SP1, and SADM1 of the Draft Local Plan Proposed Submission 2016 is considered to represent sustainable development in accordance with the NPPF 2012. Taking all of the above into account, there is no objection in principle to the residential development of this site and the presumption in favour of the residential development should apply.

3. Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area

- 9.15 The Government attaches great importance to the design of the built environment. The NPPF 2012 notes 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. Planning decisions should aim to ensure that developments add to the overall quality of the area;

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

- 9.16 Furthermore, Policy D1 of the District Plan 2005 requires the standard of design in all new development to be of a high quality and Policy D2 of the District Plan 2005 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 9.17 The proposed development would provide 16 dwellings establishing an overall density of 88 (d.p.h). The density proposed is similar to other residential development sites within the surrounding area which is characterised by a variety of housing types and densities. It is also within the density range for new development required by Policy H6 of the District Plan 2005, which states in central areas and areas of good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development does not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the plan.
- 9.18 The character and form of built development in this area is mixed, it is noted that more conventional housing can be found further along Broadwater Road, whilst the area in which the host site is located is predominantly commercial premises, with a pub located opposite, a DIY centre and offices to the south and offices to the east (26 Bridge Road East). Mercury House has both prior approval consent and full planning permission for residential development and a further notable recent planning permission relates to the Shredded Wheat factory located opposite the site which has a resolution to grant planning permission for a mixture of uses and includes up to 850 dwellings.
- 9.19 The proposed development would be constructed at the same time as the changes to the façade of the ground and first floor, which have been approved (ref.6/2017/0903/FULL). The proposed plans for this current application also show these façade changes to demonstrate the appearance of the completed residential building. It should be noted that there is a slight change to the window bars. These amendments are considered acceptable in regards to the overall appearance of the host building and surrounding area.
- 9.20 The building would be extended by virtue of two storey (resulting in a four storey building) and a small canopy created. The proposed extension and alterations are not considered to be out of character with the area, with the existing building which is already distinctive in terms of its appearance and design. The materials proposed are contrasting brick work, with dark cladding on the second floor. The windows and doors as demonstrated in the illustrations included within the design and access statement are UPVC with clear glazed Juliette Balconies. The general palette of materials proposed are not considered to be detrimental to the character of the area and would make the building appear more residential in character. Whilst the area is currently

industrial/commercial in character it is considered that the area is changing and is becoming residential in character. As the exact materials have not been provided as part of this planning application, it is considered that a materials condition shall be included as part of any planning application approved.

- 9.21 The small sign stating 'Accord House' is also considered acceptable. However would require separate advertisement consent. An informative can be placed on any permission granted.
- 9.22 Landscaping is a key feature of any development. Indeed the introduction of landscaping along the frontage of the site would help to soften the bulk and mass of the proposal and to match those developments on the opposite side of the road and to ensure that the proposal is in keeping with the ethos of the Garden City. The planting of further vegetation and other planting within the site is encouraged by officers. This again, would help to soften the appearance of the development and to also create a pleasing sense of place and a built environment which is pleasant to live in. In order to increase and improve the current landscaping demonstrated on the plans, it is considered that a landscape condition be included as part of any planning application approved.
- 9.23 The car parking area would provide 38 spaces, which would be to the rear of the site in the same area as the existing parking spaces. These spaces are not visible from Bridge Road East but only from the internal access road. However it is considered that additional landscaping can be proposed along this frontage with the internal access road to help screen and enhance the application site.
- 9.24 A cycle store has been demonstrated on the proposed plans however no elevation plans have been provided. Therefore a condition is required as part of any planning application approved.
- 9.25 Taking account of the above, it is considered that the proposed development would be in accordance with the provisions of the NPPF 2012, Policies D1, D2, D4, D7 and H6 of the District Plan 2005, Policy SP9 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005

4. Impact on the living conditions of adjoining/adjacent occupiers

Neighbouring properties

- 9.26 The NPPF 2012, and local planning policy aim to preserve neighbouring amenity. The Supplementary Design Guidance 2005 sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity and living conditions in terms of overbearing impact, day and sun light, privacy/overlooking and noise.
- 9.27 The development site is located adjacent to a large office building to the west and another office building to the east. It should be noted that the office

building to the west has both prior notification consents and full planning permission for residential development. The office building to the east is currently in Class Use B1.

- 9.28 The proposed development would result in an increase in the amount of built form at the site, by virtue of the extensions proposed. As a result there would be an increase in the amount of fenestration seen to the elevations. Mercury House located to the west of the application site is currently a vacant office building with permission to convert it to residential flats. Due to the proximity of the buildings and the proposed extension there is potential for direct overlooking into the windows of these properties at Mercury House from the rear windows of Accord House.
- 9.29 Concerns regarding overlooking have been addressed by virtue of the closest side facing windows being obscure glazed and non-opening below a height of 1.8 metres from finished floor level. These windows serve a bathroom and lounge. The lounge window would be considered a secondary window. Both these windows serve flat 4 It is considered that the use of obscure glazing would prevent any direct overlooking into the windows of the residential units which have been approved at Mercury House, should this permission be implemented. As such a condition would be imposed on any grant of consent requiring these windows to be obscure glazed in perpetuity.
- 9.30 With regards to the other fenestration seen at the site, this would predominantly overlook the highway and the parking areas associated with Mercury House. The rear of Accord House would have oblique views towards Mercury House. There are no objections raised in this regard.
- 9.31 The proposed development, by virtue of the positioning of the development within the plot, its layout and distances maintained in relation to neighbouring properties, is not considered to impact unduly on light or be overbearing to existing adjoining properties.

Impact on residential amenity (future occupiers)

- 9.31 The internal layout of the development complies with standards.
- 9.32 No amenity space has been provided as part of this application. However it is considered that private amenity space could be provided between the existing building and the existing car park. This could be introduced through the landscaping condition to be included as part of any planning application approved. However it is not considered reasonable to refuse planning permission as there could be some level of private useable space created on site and there are mitigating circumstances as the nearest park is 20 minutes away. Therefore on balance, the amenity provision is considered acceptable.
- 9.33 Policy R19 of the District Plan 2005 is relevant in regards to noise pollution. It states that where new development would be affected by noise, planning permission will be granted where planning conditions are able to ensure adequate mitigation. The previous application for prior approval for the

change of use of the building from office to residential accommodation was accompanied by a Planning Noise Assessment by Cass Allen Associates. This notes that the primary source of noise is that generated by the adjacent roads. It concluded that 'the site is suitable for development in terms of noise levels'. Cass Allen have scrutinized the current proposals and provided a further letter to accompany the current application. This concludes that the use in the additional floors of the glazing specified by their previous report would be sufficient to ensure acceptable internal noise levels can be achieved. It is proposed that the standards proposed by Cass Allen for the ground and first floor will be applied to the roof extension.

- 9.34 The Council's Environmental Health Department have been consulted and raise no objection subject to relevant conditions and informatives.
- 9.35 Overall it is considered that the proposal would have no significant impact on the occupiers of adjoining/adjacent properties and as such it accords with the NPPF 2012, Policies R19 and D1 of the District Plan 2005, Policies SADM11 And SADM 18 of the Draft Local Plan Proposed Submission 2016 and the Supplementary Design Guidance 2005.

5. Highway and parking matters

- 9.36 The Highway Officer at Herfordshire County Council has not raised any objections to the proposed development and notes that the proposed change of use of the land to residential and the provision of 16 dwellings would likely result in a significant reduction in the number of journeys to and from the site when compared to the original office use. The site is located in a sustainable location with good access to public transport and good footpath.
- 9.37 The site would provide 15 x 1 bedroom flats and 1 x 2 bedroom flats. Under the prior approval consent reference 6/2017/0525/PN11, 17 x 1 bedroom flats have been approved. As the site is located within Parking Zone 2, the maximum requirement for this development would be 12.25 (current application) and 12.75 (prior approval application) which is a total of 25 parking spaces. The proposal seeks to provide 38 parking spaces, which includes two disabled parking bays. Therefore the proposal would meet the Council's maximum standards. In this instance there would be an overprovision of parking as such the proposal would comply with the Supplementary Planning Guidance Parking Standards 2014. Furthermore the host site is located a short walk from the centre of Welwyn Garden City where the train station and bus station are located. Additionally bus stops can be seen close to the application site and as such the site is considered to be in a sustainable location.
- 9.38 The internal access road would provide sufficient, safe access and turning areas for parking spaces accessed directly from it, each parking space is of a sufficient width to provide adequate parking, access and turning space.
- 9.39 In the event of permission being granted, conditions would be included requiring that the access, turning areas and parking spaces be laid out and

provided in accordance with the submitted Layout Plan, prior to any occupation. In addition, a construction management plan is required to minimise disruption to the surrounding highway network, due to the sites location on a main junction within Welwyn Garden City. No contributions have been sought from HCC Highways.

- 9.40 A cycle store is proposed to the rear of the site, this would enable 34 bikes to be storey (double stacked), within a secure enclosure. As such there is sufficient cycle storage available for residents in accordance with the Supplementary Planning Guidance Parking Standards 2014.

6. Other Material Planning Considerations

Trees and Landscaping

- 9.41 The site is currently occupied by a hard-surfaced car park, with some vegetation located along its boundaries, however it is considered to be of low ecological value.
- 9.42 There is some landscaping to the front boundaries with Bridge Road East and Broadwater Road, should planning permission be granted it would be necessary for a condition to be imposed requiring additional soft landscaping to be provided and details of this to be provided.
- 9.43 Policy R20 of the District Plan 2005 seeks to minimise light pollution. No details have been provided to how the proposed development will be illuminated. Therefore to protect the visual amenity of the locality, a lighting condition is required as part of any planning application approved. Therefore subject to condition, the proposal is in accordance with the National Planning Policy Framework 2012, Policy R20 of the District Plan 2005
- 9.44 Accordingly no objections are raised with regard to the National Planning Policy Framework 2012, policies D1 and D8 of the District Plan 2005 and Policy SADM16 of the Draft Local Plan Proposed Submission 2016 which refer to a high quality design and landscaping to be incorporated into new development.

Protected Species and Ecology

- 9.45 Policy R11 of the Local Plan 2005 and Policies SP11 and SADM16 of the Draft Local Plan Proposed Submission 2016 outline that development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Herts Biological Records Centre have been consulted and have recommended biodiversity enhancements such as integral swift bricks and bat tubes in the new floors and native planting in the proposed landscaping.
- 9.46 It is not considered that this application site would offer natural habitat for ecology. Therefore it not considered that it would be reasonable to request significant biodiversity enhancements. However, a condition would be

request to ensure that native planting would be used within the landscape scheme. Therefore subject to condition, the proposal would be in accordance with the provisions of the NPPF 2012, Policy R11 of the District Plan 2005 and Policies SP11 and SADM16 of the Draft Local Plan Proposed Submission 2016.

Refuse

- 9.47 An area for the refuse and recycling has been created to the front of the site following a consultation response from WBC Client Services. Concerns have been raised and discussions have been undertaken with WBC Client Services and a solution has been sought. The bin storage would be located near to the access point with the service road which would ensure that the refuse vehicle does not have to egress or exit the application site via the car park or impact on highway safety on Bridge Road East. Details have been requested from the agent however these are likely to be received after the deadline for this committee report and therefore at this stage have been conditioned as part of any planning application approved.

Contaminated Land

- 9.48 Policy R2 of the District Plan 2005 outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment. In the Supporting Planning Statement (October 2017) it states 'this application does not involve the breaking of ground'. Environmental Health have not requested a contamination condition. Therefore based on the information provided within the Supporting Planning Statement (October 2017), the proposal is in accordance with the NPPF 2012, Policy R2 of the District Plan 2005 and Policy SADM12 of the Draft Local Plan Proposed Submission 2016.

Sustainable Urban Drainage

- 9.49 No objections have been received from the Lead Local Flood Authority. It has been requested that the Local Planning Authority seeks a betterment of surface water management. This is due to the weakness of the existing drainage on the site (surface water flooding for 1 in 100 year rainfall even plus 40% of climate change allowance). In the Supporting Planning Statement (October 2017) it states that the surface water flooding would be limited to the car park and would not be sufficient to penetrate the building. Therefore it is not considered that the proposed development would be at risk from potential surface water flooding.
- 9.50 Accordingly the proposed development is in accordance with the NPPF 2012, Policy R7 of the District Plan 2005, and Policy SADM14 of Draft Local Proposed Submission 2016.

Lifetime Homes

- 9.51 In accordance with Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016, the proposed development would need to ensure that a proportion of the proposed units would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. Policy SP7 of the Draft Local Plan Proposed Submission 2016 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet the required Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'. Therefore it is considered appropriate for a condition to be imposed on any grant of permission for a proportion of the total numbers of properties to be in line with the NPPF 2012, Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016.

Renewable Energy

- 9.52 Policy R3 of the District Plan 2005 states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...'. Policy SD1 of the Local Plan 2005 states that 'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'. Policy SADM13 of the Draft Local Plan Proposed Submission 2016 is similar in its aims.
- 9.53 The proposed development is constrained by the orientation, and built form of the existing building as the additional two floors would be constructed onto of it. There is also limited opportunities to add significant landscaping onto the second and third levels. However, the proposed window design and internal layout seeks to maximise solar gain. Therefore due to the constraints of the application site and existing building, the proposed development is considered acceptable in regards to the provisions of the National Planning Policy Framework 2012, policies SD1 and Policy R3 of the District Plan 2005 and Policy SADM13 of the Draft Local Plan Proposed Submission 2016.

7. Planning Obligations

- 9.54 S106 of the Town and Country Planning Act 1990 (as amended) enables land owners/developers to enter into an obligation with the relevant local planning authority to achieve specified aims which may include:
- (a) restricting the development of the land in any specified way; requiring specific operations to be carried out in, on, under or over land;
 - (b) Requiring the land to be used in any specified way, or
 - (c) Requiring a sum or sums to be paid to the authority on a specified date or dates periodically.'
- 9.55 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be

sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

- 9.56 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 9.57 Regulation 123 introduces further limitation and these relate to the use of planning obligations for the purposes of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through S106 of the 1990 Act.
- 9.58 In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with the National Planning Policy Framework 2012, policies M4 and IM2 of the District Plan 2005, Policy SP7 of the Draft Local Plan Proposed Submission 2016 and Planning Obligations 2012.

i) Affordable Housing

- 9.59 The proposed development seeks permission for 16 residential units and in accordance with the adopted District Plan, the Council would not expect this number of flats to include the provision of affordable housing.
- 9.60 It is noted that Policy SP 7 of the Draft Local Plan Proposed Submission 2016 requires that for a proposal of 11 or more new dwellings, 30% of those dwellings in Welwyn Garden City should be affordable. Given the advanced stage of preparation of this plan and the significant weight afforded to the policy as stated within Policy SADM 21, whilst not adopted this is a material consideration that holds weight in the determination of the application.
- 9.61 The NPPF paragraph 216 states that *'from the day of publication decision Takers may also give weight to relevant policies in emerging plans according to: the stage of preparation..., the extent to which there are unresolved objections to relevant policies... and the degree of consistency of the relevant policies in the emerging plan to policies in this Framework.'*
- 9.62 Welwyn Hatfield Housing Department have outlined that in relation to the tenure our evidence base outlines that half of the affordable units should be at social rent and half for shared ownership. The agent has agreed to provide 30% affordable housing in line with Policy SP 7 of the Policy SP7 of the Draft Local Plan Proposed Submission 2016 and therefore the scheme would be policy compliant.

ii) Hertfordshire County Council Contributions

9.63 Confirmation has been received from Hertfordshire County Council that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:-

- Nursery Education (towards expanding provision for both nursery places and childcare at the same time. Contributions be combined into one obligation for Early Years provision at the re-provided Peartree School) - £675
- Childcare Service (towards expanding provision for both nursery places and childcare at the same time. Contributions be combined into one obligation for Early Years provision at the re-provided Peartree School) - £177

iv) Welwyn Hatfield Contributions

9.64 WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision specifically for up to 16 proposed dwellings.

- Green Space (Improvement of local public open space in the Peartree Ward) –£1,360.00
- Play Facilities (Improvement of play facilities at Nursery Gardens play area, WGC) - £3,606.40
- Waste & Recycling - £1,730.00

9.65 In accordance with the adopted SPD, a monitoring fee will be charged for all Obligations which equates to 5% of the total value of the contributions. Please note that to ensure that the value of an obligation does not reduce over time all monetary contributions paid to Welwyn Hatfield Borough Council will be index linked from the date of adoption of the SPD (February 2012).

9.66 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

9.67 Although the applicant/agent has agreed in principle to these contributions, no Legal agreement is in place at this time. However the S106 agreement is with solicitors and it is anticipated that, should permission be granted it is subject to the completion of an acceptable S106 agreement, which would be in accordance with the National Planning Policy Framework 2012, Policies IM2 and M4 the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016.

8 Conclusion

- 8.1 The proposed development has been considered in terms of its impact on the design and character of the property, character and context of the area, amenity of adjoining/adjacent occupiers and highway and parking matters. For the reasons outlined above, it is considered that subject to conditions the proposal complies with relevant national and local planning policies.
- 8.2 The proposed residential development of 16 dwellings would result in a reduction in traffic movements on the road network and has been designed to reflect the existing character and style of the existing building and is not considered to be out of character with the immediate vicinity nor the proposed residential development which has been approved at Mercury House and immediate surroundings. The scale and design of the buildings are considered acceptable on this location.
- 8.3 The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions, is acceptable in regards to impacts on highway safety and issues of environmental health.

9 Recommendation

- 9.1 It is recommended that planning permission is approved subject to the following conditions; the applicant entering the necessary S106 Agreement to secure the following obligations and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation.
- 30% affordable housing
 - WHBC Client Services (Waste & Recycling) - £1,730.00
 - WHBC Green Spaces - £1,360.00
 - WHBC Play Facilities - £3,606.40
 - HCC Nursery Education - £675
 - HCC Childcare - £177
 - Management and maintenance of the communal areas.

And the following conditions:

PRIOR TO COMMENCEMENT

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) original levels and proposed finished levels [earthworks to be carried out]
- (b) means of enclosure and boundary treatments
- (c) hard surfacing, other hard landscape features and materials
- (d) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (g) management and maintenance details of the communal areas

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 the applicant submits, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme. This scheme must meet the requirements within the Institution of Lighting Engineers guidance notes for the reduction of obtrusive lighting. Any lighting subsequently installed shall comply with the approved scheme.

REASON: To protect the amenity and living conditions of future occupiers of the site and existing residential properties in the near vicinity to the development in accordance with Local Plan Policies D1 and R20 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. The construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- (a) Construction vehicle numbers, type, routing;
- (b) Traffic management requirements;
- (c) Construction and storage compounds (including areas designated for car parking);

- (d) Siting and details of wheel washing facilities;
- (e) Provision of sufficient on-site parking prior to commencement of construction activities;

REASON: In order to protect highway safety and the amenity of other users of the public highway. In accordance with Policy M14 of the District Plan 2005.

5. No development shall take place until details of the bin store have been submitted to and agreed in writing by the Local Planning Authority. Once agreed they shall be constructed in accordance with the approved details before first occupation of the flats and shall be retained in that form thereafter.

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.

6. No development shall take place until details of the cycle store have been submitted to and agreed in writing by the Local Planning Authority. Once agreed they shall be constructed in accordance with the approved details before first occupation of the flats and shall be retained in that form thereafter.

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.

7. Prior to commencement of operations, a noise mitigation strategy shall be implemented and based on the recommendations given in Acoustic Planning Report ref: RP01-17231 REV 1 dated 15th Feb 2017 and subsequent addendum statement dated 29th September 2017.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents from noise disturbance in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005.

8. No development shall commence until details identifying at least 20% of all new dwellings meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' and/or Part M4(3) standards for 'wheelchair used dwellings' (or subsequently amended) 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 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that a proportion of dwellings are built to accessible and adaptable standards in accordance with Policy H10 of the Welwyn Hatfield District Plan 2005.

PRIOR TO OCCUPATION

9. The side facing windows of flat 4 on the second floor of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being

opened below a height of 1.8 metres above floor level, and shall 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.

10. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

11 Prior to the first occupation, full details of a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

POST DEVELOPMENT

12. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

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

12. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
A_0100	A	Existing Ground And First Floor Plans	19 October 2017
A_0101	A	Existing Second Floor And Roof Plan	19 October 2017
A_0102	A	Existing Elevations	19 October 2017
0974_A_22 01	P2	Proposed Ground & Second Floor Plans	19 October 2017
0974_A_22	P2	Proposed Site Plan	20 December 2017

00			
0974_A_22	P2	Proposed Second Floor	19 October 2017
02		And Roof Plans	
0974_A_32	P1	Proposed Elevations	19 October 2017
01			
A_1004	A	Existing Site Plan	19 October 2017
A_0010	A	Location Plan	19 October 2017

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. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
2. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Any emergency deviation from these conditions shall be notified to the Council without delay.
4. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
5. Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk> | In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

6. All pile driving shall be carried out by a recognised noise reducing system. 8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
7. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
8. All efforts shall be made to reduce dust generation to a minimum. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible. 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
9. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures. 6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
10. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers instructions.
11. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
12. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of : 8.00am and 6.00pm on Mondays to Fridays 8.00am and

- 1.00pm Saturdays and at no time on Sundays and Bank Holidays.
13. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
 14. The times permitted for noisy works are as follows: Monday to Friday 08:00 to 18:00. Saturday 08:00 to 13:00. No noisy works on Sundays or Bank Holidays. Requirements to carry out noisy works outside of these times must be requested by an application made under section 61 of the Control of Pollution Act 1974. Noisy works carried out beyond these times without consent may result in enforcement action.
 15. Permissible noise levels are not specified at this stage.
 16. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
 17. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.
 18. If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
 19. 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.
 20. 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.

21. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
22. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 23 Advertisement consent is required for the small sign 'Accord House'.

OR

Recommendation B

In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Summary of reasons for refusal of permission

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

Louise Sahlke (Development Management)

Date: 11/1/2018

Date of Expiry: 02/2/2018



Council Offices, The Campus
Welwyn Garden City, Herts, AL9 6AE

Title: Accord House 28 Bridge Road East Welwyn Garden City		Scale: DNS
Project: DMC Committee		Date: 2018
Drawing Number: 6/2017/2415/MAJ		Drawn: Emma Graham
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Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

6/2016/0900/FULL

111 THE RYDE, HATFIELD, AL9 5DP

CHANGE OF USE TO SUI-GENERIS LARGE HOUSE IN MULTIPLE OCCUPATION (HMO) FOR UP TO 9 OCCUPANTS

APPLICANT: Mr I Kabala

(Hatfield East)

1 Site Description

- 1.1 The application site comprises a two storey detached house and gardens at No 111 The Ryde, Hatfield. The Ryde is a residential enclave in the North of Hatfield town, which is accessed from the A1000. The property has been previously extended (S6/2008/2129/FP) with a single-storey rear extension across the full width of the house and a two-storey side extension (northern side) and a flat-roofed, attached car port on the southern side (S6/1996/0850/FP). The roof of the two-storey element is pitched, while the roofs of the single-storey side and rear extensions are flat.
- 1.2 The building is currently in use as a large HMO. It has been converted and contains four bedsits with en-suite kitchenettes and bathrooms, three individual bedrooms, a shared bathroom at first floor and a shared kitchen at ground floor. At present there are seven people in the bedsits and three in the separate bedrooms, totalling ten.
- 1.3 The site frontage is hard surfaced and there is one dropped kerb on the northern side of the site. There is a street tree on the verge, level with the southern boundary of the site.
- 1.4 The houses at no 109 and 113 are both detached buildings, originally of a similar style to No 111. The rear garden of No 5 Highlands abuts the rear boundary of the application site.
- 1.5 The area is characterised by detached and semi-detached /linked houses set back from the road behind front gardens. The site frontages are generally open with hardstandings and planting. The Ryde has a grass verge (planted with street trees) and footpath on both sides of the road. The road is subject to parking controls for an hour on weekday mornings to deter commuter parking.

2 The Proposal

- 2.1 Retrospective planning permission is sought for the change of use from Class C3 (single family dwelling) to sui generis (Large HMO for up to nine residents).
- 2.2 The proposal involves alterations to the existing layout. The changes include converting the front ground floor bedroom into a communal kitchen and dining room, reducing the number of occupants to nine. The proposal includes:
 - shared use of the garden (accessed through the existing galley kitchen)
 - six parking spaces on the hard-surfaced site frontage
 - conversion of the car port into a garage - includes alterations to southern boundary with No 109 The Ryde- replacing fence with a 3m high wall.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the Hatfield Town Council has objected to the application.

4 Relevant Planning History

- 4.1 ENF/2016/0332 - Unauthorised large marquee in rear garden and change of use to large HMO. Removal of marquee requested and complied with.
- 4.2 ENF/2015/0257 - Building works started without planning permission, works not PD and change of use to large HMO. Invitation to apply for planning permission. Current application submitted.
- 4.3 S6/2008/2129/FP - Erection of part single-storey and part two-storey side and rear extensions. Granted 6.1.2009.
- 4.4 S6/2008/0336/FP - Erection of part single storey and part two storey side and rear extensions. Refused 16.4.2008.
- 4.5 S6/2007/1467/FP - Erection of a single storey side and rear extension and a first floor side extension. Withdrawn 23.10.2007.
- 4.6 S6/2007/1124/FP - Erection of single storey rear and two first floor side extensions. Refused 19.9.2007.
- 4.7 S6/2007/0735/FP - Erection of a single storey rear and first floor side extension. Refused 9.7.2007.
- 4.8 S6/2007/0278/FP - Erection of single storey and two storey side extension plus single storey rear extension and a first floor side extension. Refused 28.3.2007.
- 4.9 S6/1996/0850/FP – Erection of a car port. Granted 16.1.1997.
- 4.10 S6/1996/0733/LU – Erection of a car port. Withdrawn 25.10.1996.
- 4.11 S6/1979/0032 – Ground floor extension to provide a garage. Granted 9.2.1979.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005

- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.6 Planning Obligations, Supplementary Planning Document, February 2012
- 5.7 Houses in Multiple Occupation, Supplementary Planning Document, February 2012

6 **Site Designation**

- 6.1 The site lies within the settlement of Hatfield Town as designated in the Welwyn Hatfield District Plan 2005. It is covered by the Hatfield Town Article 4 Direction restricting changes of use from C3 (single dwelling) to Use Class C4 (HMO's).

7 **Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. The table below details the number of parties who have responded to the application, together with the statutory timescales. Responses received after these dates below are also considered as part of the application. Any numbers under 'other' represents comments received which are neither objections nor support but raise, in the main, general questions.

Neighbour Notifications			
Statutory advertising period	Initial advertising		
	Neighbour Expiry Date 13 July 2016		
Neighbour Responses	Support:0	Object: 24	Other: 0
	Petitions: 0		Signatures: 0

- 7.2 Objections were received from a total of 24 properties at No's 13, 28, 37, 40, 46, 50, 52, 54, 80, 84, 87, 88, 107, 109, 113, 119, 127 and 147 The Ryde, 1 Sunnyfield, 8 Stag Green Avenue, 20 The Holdings, 1 and 5 Highlands, and 3 Lodge Drive. Their comments may be summarised as:

- Covenant on the property requires it to remain a single family dwelling
- Proposal would result in more than ten people living on site
- Proposal would set a precedent for other HMO's in this area
- Hatfield will turn into one giant hall of residence for university students
- HMO changes the quiet, family character of the area
- Commercial uses not appropriate in residential area of special character
- Devalue and overcrowd the estate
- Impact on the historic environment and Listed Cockaigne houses
- May have a damaging effect on school
- Unclear from plans whether Internal Layout Standards are met

- Rear patio may become a further extension
- Alterations have been made to the car port - is this to be additional accommodation?
- Implemented extensions do not match the approved extension plans
- Overdevelopment of site
- Flat roof over rear extension should not be used as a roof terrace
- The rear garden is not well-maintained
- Dog noise
- Increased traffic movements
- Inadequate on-site parking for the number of rooms/ten adults
- Parking on the street creates clutter on street and noise late at night
- Car repairs on the forecourt
- Loss of sympathetic landscaping on the site frontage – required by covenant?
- Access to the car parking spaces is unclear
- Cycle parking provisions are not shown
- Additional bin capacity is required and storage shown on plans

8 Consultations Received

- 8.1 **Welwyn Hatfield Borough Council, Corporate Property** – objection regarding covenant restricting use to a single family dwelling for which no release has been negotiated.
- 8.2 **Welwyn Hatfield Borough Council, Client Services** – no response received
- 8.3 **Welwyn Hatfield Borough Council Private Sector Housing** – Comments that the communal kitchen and dining facilities are not adequate. One room should be converted to a communal kitchen/diner. Alterations are needed to the windows in the rear left hand room.
- 8.4 **Welwyn Hatfield Borough Council, Landscapes Department** – no objection. Comments that much of front garden is hardstanding for parking.
- 8.5 **Welwyn Hatfield Borough Council, Public Health and Protection Department** – No objection. Potential for noise but no complaints received. Future noise issues would be dealt with under Environmental Protection Act 1990. Advised applicant to contact Private Sector Housing Team with regard to Housing Legislation and Client Services with regard to bin capacity. Recommend informatives over noise, sound insulation (Building Regulations Matter) and other relevant regulations.
- 8.6 **Welwyn Hatfield Borough Council, Building Regulations** – comments that large HMO's (more than six residents) are covered by higher standards of sound insulation (Approved Document E1) and fire safety, which will need to be complied with under the Building Regulations. A full plans Building Regulations application will be necessary. Pre-application advice can be provided.
- 8.7 **Hertfordshire County Council - Transportation Programmes and Strategies** – No objection. Comments that the parking spaces are not marked and on-site parking is a matter for the planning authority.

9 Town / Parish Council Representations

- 9.1 Hatfield Town Council objected to the application as follows:

“There is insufficient parking for this use, the development is cramped, insufficient welfare amenities for the number of occupants and this Council supports the Borough’s Corporate Property Department in their objection regarding the covenants in place. Approving this application would set a bad precedent for HMO’s in this area.”

10 Analysis

10.1 The main planning issues to be considered are:

- 1. Principle of the change of use to HMO (H4 (Conversion of Residential Accommodation), SPD 2012 HMO1)**
- 2. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1, HMO5)**
- 3. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)**
- 4. Impact on neighbouring occupiers (D1, SDG)**
- 5. Other Relevant Planning Matters**
 - (i) Highways and parking (M14, HMO2, HMO3)**
 - (ii) Refuse and recycling (HMO4)**
 - (iii) Landscaping (D8)**
 - (iv) Flood Risk (HMO6)**

1. Principle of the change of use to HMO

10.2 A key national housing objective is the creation of mixed sustainable and inclusive communities with a variety of housing stock for a mix of different households. Within Welwyn Hatfield, houses in multiple occupation provide a valuable supply of private rented accommodation for professionals in employment, students and people on benefits. HMO’s are one of the most affordable forms of accommodation in the private sector.

10.3 There are high concentrations of HMO’s in parts of Hatfield, which can result in an imbalance in local communities that are not inclusive and do not create sustainable communities.

10.4 The Houses in Multiple Occupancy Supplementary Planning Document (HMO SPD 2012) sets out the Council’s objective to retain a balance of different housing types and sets out the Policies/criteria for achieving this aim. The SPD has been informed by extensive public consultation. Section 5.2 of the HMO SPD establishes that a change of use from C3 to a large HMO (Sui Generis) will be determined in relation to all the Criteria in the SPD (Policies HMO1 to HMO6).

10.5 Criterion HMO1 of the SPD sets a benchmark for determining whether there is an overconcentration of HMO’s within an area. Under this Policy, applications for change of use to an HMO will not be permitted where the proportion of HMO’s would exceed 20% of the total number of dwellings within a 50m radius of the centre of the application property. This criterion enables the Council to manage future changes in land use and to ensure that the surrounding area is

not adversely affected by new HMO's. The 20% concentration level has been selected to prevent concentrations that result in an adverse impact but still allows a number of new HMO's to meet future need. The Policy does not intend to prevent new HMO's from being created per se.

- 10.6 The Council's information sources (licensed HMO's, enforcement records, Council tax records for student exemption, resident representations and databases of HMO's) show that of eleven other properties within the 50m radius, there are no other HMO's. The proportion of HMO's including the current application proposal is 8.3%, which is below the threshold of 20%. The proposal is, therefore, compliant with criterion HMO1 of the HMO SPD 2012.
- 10.7 Residents have raised the issue of covenants. The Council's Property Department also makes this comment as a beneficiary of the covenants on the land. However, this is not a material planning consideration and cannot constitute a reason for refusing the application. This matter would need to be pursued through channels other than the planning application process.
- 10.8 Other Policy considerations and standards will need to be satisfactorily addressed.

2. Design

- 10.9 Policy HMO5 of the SPD 2012 provides standards for HMO's which applications for this use are expected to be met to demonstrate that the layout and design are suitable for the proposed use and number of units/occupants. These standards cover internal layout standards, external amenity space, drying area and entrance.
- 10.10 In terms of internal layout, the size of each unit depends upon the number of people occupying and whether there is a separate or included kitchen. Para 5.23 of the SPD makes clear that a communal room will normally be expected in a house of multiple occupation. Appendix 2 of the SPD sets out that units with their own kitchens (the larger bedsit type of units) should be at least 11sqm for single occupation and 16sqm for double occupation. Units that do not have their own kitchen area but use a shared separate kitchen should have floor areas of at least 8sqm for single occupation and 13sqm for double occupation. Shared facilities should be provided as follows: a shared kitchen for up to five people should be 6sqm and dining living area 8.5sqm (14.5sqm in total). For 6 to 10 people the kitchen should be 11sqm and lounge/diner of 12.5sqm. These areas exclude en-suite or separate bathrooms and W/C's.
- 10.11 In the current proposal the four bedsits include their own kitchenette:
- Bedsit 01=16.75sqm (two person),
- Bedsit 02= 35sqm (1 person – the owner),
- Bedsit 03=16sqm (two person),
- Bedsit 04=27sqm (two person).
- These meet the standards set out in the paragraph above.
- 10.12 The two bedrooms on the first floor do not contain kitchen or bathroom/WC facilities;

Bedroom 01=14sqm for one person and

Bedroom 02=12sqm for one person.

These bedrooms are an adequate size. The kitchen/utility room is 6.7sqm and the lounge/kitchen/diner is 16sqm – total 22.7sqm (which meets the requirement for 14.5sqm). The shower room on the first floor is adequate in size (4.6sqm) to serve the two single bedrooms.

- 10.13 With regard to external amenity space, the SPD requires 20sqm for up to three occupants plus 1sqm for each additional occupant. The current proposal for nine residents, therefore, requires 26sqm of communal external amenity space available for all occupants to use. This area should be kept free of car parking, cycle parking, waste recycling and compost bins and drying areas. The rear garden measures approximately 230sqm and is accessed through the galley kitchen at the rear of the house (as well as separately from Bedsits 01 and 02 via patio doors). There is ample space to meet the required standard while keeping the amenity area separate from cycle parking, waste storage and drying areas. Subject to the designation of specific areas within the site for these other uses, the proposed amenity space provisions comfortably meet the requirements of the SPD in this respect.
- 10.14 The main entrance to the property for all occupants is through the front door. No alterations are proposed to this arrangement. This element complies with the criteria in the SPD which seeks to retain the use of main entrance doors for all occupants in order to protect the character of the area and meet the requirements of Secured by Design.
- 10.15 The proposal also includes a minor alteration of the rear elevation to introduce an opening window in place of a fixed pane at ground floor level to one of the bedsits. The alteration is to comply with the Housing Regulations and does not involve enlargement of the opening.
- 10.16 The proposal includes altering the existing car port to a garage. This involves installing a solid wall on the east boundary with No 109 The Ryde to a height of 3.3m in the place of a 2m high fence. This enclosed storage facility would provide space for secure cycle parking and bin storage for residents of the house. The garage would not provide additional tenancy units. The number of authorised occupants would be limited by conditions on the planning permission.
- 10.17 With regard to the internal layout of the property, Building Regulations Officers have advised that some alterations to the building may be required to comply with Fire Safety and Noise Regulations, for example fire separation between units and sound insulation. These issues would be dealt with separately under a full Building Regulations submission.

3. Character of the area

- 10.18 Local Plan Policies D1 (Quality of Design), D2 (Character and Context) and GBSP2 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 area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG 2005), which requires the impact of a development to be assessed having regard to the bulk, scale and design of the proposal and how it harmonises with the

existing buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework NPPF 2012) emphasises the importance of good design in context and, in particular, paragraph 64 states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

- 10.19 While no extensions are proposed to the building the nature of the use would be changed from a single household dwelling. The enclave of The Ryde is typified by single household properties. According to Council-held records there are no other HMO's in the vicinity. The local vicinity is, therefore, predominantly single household dwellings. The proposal would introduce a different use within Use Class C than is currently represented in The Ryde. Neighbouring residents have commented that the area is residential and commercial uses are inappropriate. However, the proposed use would be residential and the principle focus accommodation for professionals/employed people. Given the scale of the proposal and predominance of single households the main character of the area would not be unduly affected. The owner retains a unit within the property for his own occupation. The proposed change of use of one property would not result in an overconcentration of such types of use in the vicinity such that it would adversely affect the character of the local area.
- 10.20 The proposed change of use may increase the number of occupants compared to a single family dwelling. However, the proposal does not involve any further extensions above those previously approved. It is a substantial distance from the Listed Cockaigne houses (230m) and is not considered to affect their setting. Overall the proposal is considered to be in keeping with the character of the area. The property has been assessed as providing sufficient space and facilities for the proposed number of occupants (nine people). The additional car parking on the site frontage has resulted in the hardstanding being extended. The trees along the west side boundary on the front of the site have been retained. The appearance of the site frontage is considered under the landscaping section of this report.

4. Impact on Neighbours

- 10.21 Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005 aim to preserve neighbouring amenity. In addition, paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The impacts on neighbouring residential amenity and living conditions are assessed in terms of overbearing impact, day and sun light and privacy/overlooking. Where changes of use occur issues of noise are also considered.
- 10.22 The properties most likely to be affected are Numbers 109 and 113 The Ryde. The proposal does not involve any extensions or alterations to the building fabric that might affect the light and privacy at neighbouring properties. The change of use would intensify the residential use of the site to some extent. Objections have been received from neighbouring occupiers regarding noise from car doors at night. Policy R19 states that uses which generate unacceptable noise would not be considered acceptable.
- 10.23 Public Health and Protection Department has been consulted and commented that they had received no complaints regarding the property. The proposed use is residential and is unlikely to give rise to significant or consistent levels of noise

that might cause a material disturbance or nuisance to surrounding residents to warrant refusal of the application on this basis.

- 10.24 The installation of a solid wall along the boundary with No 109 The Ryde to enclose the car port would involve an increase in the height of the boundary treatment to 3m when measured from the application site for a depth of 7.4m (aligned with the front and rear walls of the existing house at No 111). The land level at No 109 The Ryde is slightly higher than the application site so that the boundary wall would appear approximately 2.4m high from the side of the house at No 109. The wall would be positioned to the north of the area to the side of No 109 and this area is not used as a principal amenity area. The proposed wall would not, therefore, have a significant overbearing impact or result in loss of day or sunlight to habitable spaces and patio/amenity areas at No 109. The living conditions of No 109 would not be adversely affected by the proposed wall subject to it being constructed in appropriate materials. The living conditions of the occupants of No 113 would not be adversely impacted by this wall.

5. Other Relevant Matters

i) Highways and Parking

- 10.25 Paragraph 39 of the NPPF states that if setting local parking standards, Local Planning Authorities should take into account the accessibility of the site, 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 Supplementary Planning Document 2004 use maximum standards and are not consistent with the framework and are, therefore, afforded less weight. In light of the above, the Council has produced an interim policy for Car Parking Standards 2014 that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPD should be taken as guidance only.
- 10.26 The standard set out in in Criterion HMO2 of the HMOSPD 2012 is 0.5 spaces per tenancy unit. The proposal contains six tenancy units. Accordingly the proposal on this basis requires three parking spaces. However, consideration can be given to the parking standards for bedsits. The parking standard for bedsits in the Car Parking SPD 2004 (in Zone 3) is 1.25 spaces per unit. There are four bedsit units in the house; giving rise to a requirement for 5 car parking spaces. The two separate HMO bedrooms give rise to a demand for one space – totalling 6 car parking spaces. The proposal therefore requires between three and six spaces.
- 10.27 The site frontage has a depth of 5.5m deepening to 6.5m, which allows cars to park perpendicular to the pavement. The site is 16m wide with a wide vehicle crossover from the carriageway of The Ryde. The hardstanding area can accommodate 6 spaces (14.4m at 2.4m wide each).
- 10.28 With regards to cycle parking, Criterion HMO3 of the HMOSPD2012 requires cycle parking to be provided on-site at a rate of one long-term space per tenancy unit. Half of the spaces must be secure and weatherproof. The car port/garage provides ample space for six cycle parking spaces. Provision of secure weatherproof spaces can be secured by condition on planning permission.

ii) Refuse and Recycling

- 10.29 Criterion HMO4 of the HMOSPD2012 requires sufficient bin capacity for the number of occupants and for these to be stored outside the house on a hard level surface easily accessible from the kitchen and the road and screened from view at the side or rear of the property.
- 10.30 The existing refuse and recycling bins (3 in total) are stored on the site. There is capacity within the car port/garage to store the bins. This is within 7m of the back of the highway, the collection point that residents move them to on collection days. This location meets the requirements of Criteria HMO4. The reservation of sufficient space for the bins in the car port/garage can be secured by condition and this is recommended.

iii) Landscaping

- 10.31 Saved Policy D8 of the Welwyn Hatfield District Plan 2005 requires landscaping to be an integral part of a development proposal. The forecourt of the property has been altered to increase the area of hardstanding across the width of the site. The character of The Ryde is typified by front garden areas that accommodate open car parking without front boundary fences or walls but softened with planting. It is considered that there is some space within the forecourt to provide some landscaping in addition to six parking spaces. Therefore, a condition is recommended to secure a landscaping scheme to soften the appearance of the site frontage in keeping with the surrounding area.

iv) Flood Risk

- 10.32 The site is not in an area designated as at risk from flooding under the strategic Flood Risk Assessment either from fluvial or surface run-off sources. The proposal would not result in more people being at risk from flooding either in ground floor or first floor rooms. The proposal, therefore, complies with Criterion HMO6.

Conditions

- 10.33 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.
- 10.34 In this case the proposed change of use to sui generis (Large House in Multiple Occupancy) is only considered acceptable subject to conditions limiting the number of residents to nine, provision of on-site car parking spaces to be laid out within a reasonable timescale, provision of secure cycle parking for six cycles and bin storage in the garage and soft landscaping of the front garden. With regard to the alterations to the side wall of the garage a condition requiring the use of bricks to match the existing house is recommended.

11 Conclusion

- 11.1 The proposed use would, in principle, be in accordance with Criteria HMO1 of the Houses in Multiple Occupancy Supplementary Planning Document 2012. The proposed use would continue to be residential and the change of use of one property would not result in an overconcentration of such types of use in the area. Given the scale of the proposal and predominance of single household dwellings in the vicinity, the main character of the area would not be unduly affected.
- 11.2 The proposed change of use to a large HMO (sui generis) was proposed for a maximum of nine residents. The scheme has been amended to provide more communal shared facilities in accordance with the Criteria HMO 5 at ground floor level in place of one of the bedrooms.
- 11.3 The proposal would provide adequate car and cycle parking and bin storage for the residents of the site in accordance with current policy. These shall be secured by condition. The appearance of the site shall be improved with soft landscaping scheme and the alterations to the car port shall be implemented in accordance with the submitted plans and using materials that match those of the existing house.

12 Recommendation

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

1. Within 2 months of the grant of this planning permission the secure garage shall be installed/completed. The brickwork, roof covering, bond, mortar, detailing, guttering, soffits and other external decorations of the approved alterations must match the existing dwelling/building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. Notwithstanding the approved drawings, the site shall not be occupied by more than nine residents at any one time.

REASON: To ensure the accommodation is adequate to meet the needs of and provide adequate living conditions for the residents in accordance with Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Within two months of the grant of planning permission a scheme of car parking spaces for six cars on the front area of the site shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be laid out, surfaced and marked out, within four months of the approval of that scheme and shall be retained permanently thereafter for the parking of vehicles for residents/occupiers of and visitors to the development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the first occupation of the building for the use hereby permitted in the interests of

highway safety and residential amenity in accordance with the National Planning Policy Framework, Criterion HMO2 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies D1, D2 and M14 of the Welwyn Hatfield District Plan 2005.

4. Within two months of the grant of planning permission a scheme for the provision of bin storage and secure cycle parking for six cycles within the car port/garage on the site shall be submitted to the Local Planning Authority and approved in writing. The development shall not be carried out other than in accordance with the approved scheme and shall be maintained in that condition thereafter.

REASON: In order to ensure that there is adequate waste and recycling storage and provision for secure cycle storage within the application site, encouraging alternative modes of transport in accordance with Criteria HMO2 and HMO4 of the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

5. 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
		Site Plan	9 June 2016
		Block Plan	9 June 2016
		Existing Ground Floor Plan	9 June 2016
		Existing First Floor Plan	9 June 2016
1326 PL 02		Elevation Drawing 1326 PL 02	3 January 2018
1326 PL 01		Proposed Ground and First Floor Plans	3 January 2018

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

Summary of reasons for grant of permission

The decision has also 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 inspected at these offices).

Informatives

1. The applicant is advised to take account of the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
2. 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.

June Pagdin (Strategy and Development)

Date 11.1.2018

Expiry Date 4th August 2016



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

Title: 111 The Ryde Hatfield		Scale: DNS
		Date: 2018
Project: DMC Committee	Drawing Number: 6/2016/0900/FULL	Drawn: Emma Graham
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WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

S6/2014/2003/FP

FLINT COTTAGE, BLACKHORSE LANE, POTTERS BAR, EN6 3NB

ALTERATIONS TO EXTENDED DWELLING TO INCLUDE: REMOVAL OF 5NO. DORMER WINDOWS, REMOVAL OF FIRST FLOOR SIDE EXTENSION, REPLACEMENT OF TWO STOREY FRONT EXTENSION WITH SINGLE STOREY ENTRANCE PORCH AND RETENTION OF SINGLE STOREY REAR EXTENSION

APPLICANT: Mr N Johnson

AGENT: Mr J Allan

(Welham Green and South Hatfield)

1 Background

- 1.1 Members will recall that this application was due to be reported to Development Management Committee on 14 September 2017. The application was deferred following a late representation from Hertfordshire Ecology in order to enable a Bat Assessment to be done. A Bat Assessment was undertaken in November 2017 and a Survey Report and Mitigation Strategy was submitted by the applicant in December 2017. Hertfordshire Ecology was consulted and responded that, subject to conditions over further bat surveys and a mitigation strategy being implemented, the report and mitigation strategy are acceptable and the development would not have an unacceptable impact on Protected Species.
- 1.2 Following the appeal decision from a previous planning decision (ENF/2010/0261) it was decided that this application would seek to negotiate an acceptable scheme for the house and that the issues of the hardstanding area and the garage/outbuilding would be dealt with through subsequent applications.

2 Site Description

- 2.1 The application site comprises Flint House (also known as Flint Cottages), a two storey detached dwelling, and its grounds. The site is in the Green Belt, covers an area of 0.23Ha and includes a block of stables, a large outbuilding a yard area and an area which was previously used as a ménage. The house is oriented to face north. The rear elevation faces south.
- 2.2 The applicants also own a larger wooded area around the application site that covers 1.9Ha. It is located in Hawkshead Wood and Redwell Wood Site of Special Scientific Interest (SSSI). It is accessed by a narrow drive (approximately 740m in length) that runs eastwards then joins another narrow track that leads south to Blackhorse Lane.

- 2.3 Public rights of way run from north to south on the eastern (Ridge 010) and western sides (North Mymms 083) of the application site.
- 2.4 The existing house consists of two cottages which were joined into one house and extended. The existing materials are brick at ground floor, painted render at first floor and tiles on the roof. Some of the extensions have been granted planning permission while some are the subject of an extant Enforcement Notice.

3 The Proposal

- 3.1 The applicants originally appealed the Enforcement Notice mentioned in paragraph 1.4 above. However, the appeal was dismissed (APP/C1950/C/13/2206775) and the Inspector upheld the enforcement notice (Dated 1 April 2014) against breach of Condition 4 of 1994/0260/FP (which had removed Permitted Development Rights). The Inspector expected discussions to take place between the Parties to try to find a solution following the appeal proceedings. It was acknowledged that this may take time. The Inspector also commented that the Council has, under the provisions of s.173A of the 1990 Act, the power to waive or relax any requirement in a notice and may extend any period for compliance.
- 3.2 In this current application, full planning permission is sought for alterations to the extended dwelling to reduce its size to address the unauthorised works:
- Removal of 5 no. dormer windows, retention of one dormer on front to house stairs to roof space;
 - removal of the first floor side extension at west side, replacement with cat slide roof;
 - replacement of the two storey front extension with a single storey entrance porch (10sqm in lieu of 3sqm canopy porch); and
 - retention of enlarged single storey rear extension replacing approved conservatory (50sqm larger);
 - reduce size of floor area in roof (to 68sqm from 78sqm).
- 3.3 The proposals presented were submitted on the advice from officers to submit an application that would purely concentrate on the dwelling and to seek a 'baseline' that was reflective of planning permissions granted at the property.
- 3.4 The enlarged garage building does not comprise part of this application. However, it remains subject to the extant Enforcement Notice.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because North Mymms Parish Council objects to the proposal.

5 Relevant Planning History

- 4.1 S6/2011/1863/FP – Retrospective planning application to retain first floor side extension, two storey front extension, two dormers to front and rear elevations, 1 dormer to each side elevation, single storey rear extension and detached garage.

Demolition of conservatory and former garage. Retrospective application. Refused. Enforcement notice (ENF/2010/0261) to remove the works was upheld.

- 4.2 ENF/2010/0261 - Planning Enforcement Appeal (APP/C1950/C/13/2206775): The appeal was dismissed and the inspector upheld the enforcement notice (Dated 1 April 2014) against breach of Condition 4 of 1994/0260/FP (which removed PD rights). The notice is extant and requires the demolition of unauthorised extensions and enlargements of the house and removal of any resultant materials (i.e. those generated by compliance with the demolition requirements) from the land.
- 4.3 S6/2007/1232/FP – Change of use from residential to mixed residential / commercial livery – Refused 20 December 2007.
- 4.4 S6/2004/0650/FP – Erection of rear conservatory and front porch – Approved. Implemented. Subsequently the conservatory was enlarged, the height of the roof was raised from approximately 3.1m to 3.8m and a second floor of accommodation with three roof-lights was created. No planning history is evident for these works which took place between 1994 and 2010 when the inside of the house was altered and a staircase installed to provide access to space in the roof.
- 4.5 S6/1997/0345/FP – Erection of stables after demolition of existing outbuildings – Approved.
- 4.6 S6/1994/0264/FP – Two storey and single storey extension (included conversion of two cottages to one dwelling). Approved 10 October 1994. Implemented.
- 4.7 S6/1993/0302/FP – Erection of two storey rear extension and new front porch (in connection with conversion to single dwelling) – Approved 08/07/1993. Not implemented.

6 Relevant Planning Policy

- 6.1 National Planning Policy Framework
- 6.2 Welwyn Hatfield District Plan 2005
- 6.3 Draft Local plan Proposed Submission, August 2016
- 6.4 Supplementary Design Guidance (SDG), February 2005 (Statement of Council Policy)
- 6.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

7 Site Designation

- 7.1 The site lies within the Green Belt, Landscape Character Area 28 (North Mymms Park and Redwell Woods), Watling Chase Forest and Wildlife Site 143 as designated in the Welwyn Hatfield District Plan 2005.
- 7.2 The site is also within SSSI 5 (Redwell Woods). Public Right of Way (PROW) North Mymms 003 runs along the east boundary of the site; 77m to the east of

the house. PROW Ridge 010 runs along the west boundary of the site; 200m west of the house.

8 Representations Received

- 8.1 The application was advertised by means of neighbour notification letters and a site notice. No representations were received.

9 Consultations Received

- 9.1 **North Mymms Green Belt Society** – objected to the proposal as follows:

“Objects to this proposal as it would result in overdevelopment in the Green Belt. It is a disproportionate increase in the size of the original dwelling and development of this property must comply with Green Belt policies.”

- 9.2 **Natural England** – responded with an advice note and standing advice to guide impact assessment on the ancient woodland and veteran trees in the SSSI.

- 9.3 **Hertfordshire Biological Records** – Initial response (8th September 2017) that the application cannot be determined until information on bats and appropriate mitigation has been submitted to the LPA for approval. Following submission of a survey report and an outline mitigation strategy, withdrew objections subject to condition requiring further emergence surveys and implementation of an appropriate mitigation strategy. Advised that if bats were found to be roosting a Bat (EPS) Licence would be required.

- 9.4 **Herts and Middlesex Wildlife Trust** – no response received

10 Town / Parish Council Representations

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

“No square footage is indicated and, as the property is in the Green Belt, given the calculations of area from 1994 and 2004 planning permissions, no excess over the approved area should be allowed. The house still appears to be three storeys high by virtue of the ridge height and dormer windows, all of which is over dominant and out of keeping with the woodland location. It is noted that the property is still subject to the enforcement notice that should have been complied with by 1st October 2014 and along with the reduction of the residential property, the garage is inappropriate development in the Green Belt. Any approval of planning permission, as referred to by the appeal inspector, must impose removal of permitted development rights. In clause 18 of the appeal decision notice (Appeal Ref No APP/C1950/C/13/2206775), the appeal inspector upheld North Mymms Parish Council’s view that the original dwelling is the building that existed within the curtilage prior to 1977 and any subsequent development on this property should be taken into consideration in making the decision. Refer to Development Management Committee if approval is recommended by Officers).”

11 Analysis

- 11.1 The main planning issues to be considered are:

1. **Principle of development and the impact of the proposal on the openness of the Green Belt (NPPF paras 79-89, Policies GBSP1, GBSP2 and RA3)**
2. **High Quality Design that respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area and Landscape Character Area (D1, D2, RA3 and RA10)**
3. **Impact on residential amenity of nearby and neighbouring residential properties (Policy D1, SDG 2005)**
4. **Other material Planning Considerations**
 - (i) **Highway Access and Parking**
 - (ii) **Landscaping and Biodiversity (R16, RA10)**

1. Principle and impact on the openness of the Green Belt

11.2 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

11.3 The National Planning Policy Framework (NPPF) states that the extension or alteration of dwellings is not inappropriate in Green Belts, provided that it does not result in disproportionate additions over and above the size of the original building (para. 89). This advice is reflected in Local Plan Policy RA3 which allows a dwelling to be extended but only providing that it would not result in a disproportionate increase in the size of the dwelling.

11.4 The main issues to consider in terms of Green Belt policy, therefore, are:

- a) Whether the development results in a disproportionate increase in the size of the building in quantitative and qualitative terms; and
- b) If the development is disproportionate and therefore inappropriate, whether there is any additional harm to the openness and purposes of including the land in the Green Belt, and
- c) whether very special circumstances exist that clearly outweigh that harm.

The effect on the character and appearance of the host dwelling and the openness and rural character of the surrounding Green Belt is dealt with in Section 2 of this report.

- a) Proportionality

Quantitatively

11.5 Permission for extensions to existing dwellings within the Green Belt will only be allowed only where the proposal would not individually or cumulatively result in a disproportionate increase over the size of the original building as it existed in July 1948. Policy RA3 of the Welwyn Hatfield District Plan 2005 echoes this requirement.

11.6 With regard to the house alone, the Enforcement Appeal Inspector considered the original building to be represented by a drawing from 1977 of the pair of semi-detached cottages (known as Flint Cottages). In this drawing:

- the total floor area was 162sqm;
- the roof height, from eaves to ridge, measured 3.1m; and
- the Council calculated that the original pair of cottages had a roof volume of 94.7 cu m;
- the footprint was approx. 95sqm

11.7 Since then, the house has been extended and altered over and above the size of the 'original dwelling house' size as summarised in the table below:

Year	Footprint sq m	Floor area sq m	Roof volume cub m	Roof height m	Ridge length m
1977	95	162	95	3.1	
1994/0264	133	226	141	3.1	6
2004/0650	177	270 (+ 66%)	141 (+50%)	3.1	6
2011/1863 (Refused)	187	390 (+138%)	242 (+150%)	3.8	11
Proposed	187	365 (+106%)	180 (+ 90%)	3.8	8.5

11.8 Works implemented under planning permission Ref No. S6/1994/0264/FP retained the same roof height and increased the floor areas as set out in the table at ground (36sqm) and first floors (28sqm). The conservatory constructed following planning permission reference number S6/2004/0650/FP had a floor area of 44sqm, taking the total floor area to 270sqm.

11.9 The calculations for retrospective application S6/2011/1863/FP include the two storey front porch extension, replacement of the single storey rear conservatory, a first floor (western) side extension and six dormer windows. The roof volume increased considerably due to the combination of an increase in ridge height from 3.1m to 3.8m, lengthening of the ridge from 6m to 11m and installation of six dormers (each approx. 5cubic m in volume), which enabled use of extended loft space as habitable rooms. These additions resulted in a minor increase in footprint. However, the increases in the floor-space (138%) and roof volume of the building (150%) were considered disproportionate and, therefore, inappropriate development in the Green Belt by the Inspector. The Inspector subsequently upheld the Enforcement Notice but expected discussions to take place between the Parties as a result of the appeal proceedings, which, it was acknowledged, may take time. The Inspector commented that the Council has, under the provisions of S.173A of the 1990 Act, the power to waive or relax any requirement in a notice and may extend any period for compliance.

11.10 The current proposal was submitted, following informal discussions between Council Officers and the applicant (including a site visit on 23 June 2014), with a view to finding an appropriate solution to the satisfaction of the Local Planning Authority (LPA). Planning Officers advised that it may be possible to retain some elements of the unauthorised works, subject to complying with national and local planning policy, particularly on Green Belt considerations.

- 11.11 The increase in floor-space since 2004 can be attributed mainly to the creation of rooms in the roof, which was enabled by raising the ridge height by 0.7m and extending the ridge length over a first floor side extension. The existing roof is 147cubicm (150%) larger than the original roof and 101cubicm larger than the authorised roof.
- 11.12 In the current proposal the roof volume would be reduced down to 85cubicm (90%) over the original roof volume and 39cubicm (30%) over authorised roof volume. Quantitatively, the current proposal would represent a reduction in the existing unauthorised roof volume. However, it would still be a disproportionate cumulative increase in the size of the roof over the original.
- 11.13 The current proposal would not substantially increase the footprint of the building over that already granted planning permission (10sqm). It would retain the ridge height, remove five of the six dormers and reduce the ridge length by 2.5m. The two-storey entrance porch would also be removed and replaced with a single storey porch.
- 11.14 Nevertheless, as the Inspector commented, on a mathematical calculation alone the cumulative extensions to the original building are disproportionate. The reductions proposed in the current application would result in an increase in floor-space of 106% over the original building and a roof volume increase of 90%.
- 11.15 However, in addition to mathematical calculations the visual impact of the extensions has to be considered. This approach is reflected in Saved Policy RA3 of the Welwyn Hatfield District Plan 2005, which seeks to ensure that extensions to existing dwellings in the Green Belt are not disproportionate in appearance in terms of prominence, size, bulk and design. This aspect of the development is considered below. The Policies also seek to ensure that extensions do not adversely impact on the character and appearance of the surrounding countryside. Issues of Character and Appearance are dealt with under the design section of this report, including the open and rural character of the Green Belt.

Qualitatively

- 11.16 The appeal Inspector was concerned with
- i) the height and volume of the house having the appearance of three storeys,
 - ii) the double height front projection of the porch and
 - iii) the width and solid nature of the ground floor rear extension.
- 11.17 In the Inspector's opinion, these elements appeared to be visually disproportionate and unnecessarily bulky. The Enforcement Appeal to retain them was dismissed because their bulk and scale were considered to constitute inappropriate development.
- 11.18 The current proposal aims to address these concerns. In terms of the first element it would remove five of the six dormers: two on the rear elevation, one on the front elevation and one on each end of the roof would be removed. The remaining dormer window would provide a staircase up to the internal roof space. This dormer is designed with a hipped roof to minimise its bulk and prominence. While the removal of dormers would have a minor effect on the quantitative roof volume and floor-space it would considerably reduce the bulk, mass and angularity of the roof, particularly when viewed from the bridleway to the east.

- 11.19 Similarly, the reduction of the porch to a single-storey with mono-pitch roof on the front elevation would noticeably reduce the amount of glazing and lessen the urban character of the front elevation. This aspect is not visible from the Bridleway to the east but the existing porch has an imposing presence and adversely affects the proportions of the house when seen from the front courtyard. The proposed alterations would have a positive impact on the appearance of the house and reduce its urban character making it appear far less bulky and more suited to its rural location.
- 11.20 The length of the ridge would also be reduced and a cat-slide roof introduced on the western end of the building. Again, these alterations would not affect views from the Bridleway to the east but would be visible from the driveway when approaching from the west and from the front courtyard. The width of the building at first and second floors would be reduced from the existing. The increases in floor-space over the permitted building at 2004 would consequently be achieved through a fairly minor increase in roof height from 8.3m to 9m and a fairly modest alteration to the roof shape, compared to the unauthorised alterations installed before 2014.
- 11.21 By reducing the width of the house at first and second floor levels and removing all but one dormer, the proposed amendment makes a reduction in the appearance of the height of the building, which, when considered alongside the other amendments set out above, would make a satisfactory reduction to the overall mass and bulk of the upper floors of the house.
- 11.22 With regard to the ground floor rear extension, this is on the rear of the property and projects into the private rear garden. It is set in from the side elevations of the house by approximately 3.5m on each side. While the elevations contain a substantial amount of glazing those elements are screened from view by the main house. In addition, the rear garden is surrounded by a wall, approximately 2m high. Thus the glazing is not prominent from within the site or from the approach from the west or the footpath to the east. The floor-space is no greater than the conservatory that it replaced. The main difference is the roof, a flat, mock-pitched, tiled roof (3.7m high) which replaces a mono-pitched glazed conservatory roof (also 3.7m high). The different materials appear more substantial and as a result this roof may be seen from 70m away at the Bridleway to the east. While on its own it does not appear unduly prominent in its setting, when taken together with the other extensions the cumulative impact results in a more prominent building.

Conclusion

- 11.23 Numerically the proposed extensions, even while they are reductions from the existing situation, are considered excessive. Taking into account the cumulative impact on the bulk and volume, the proposed alterations would, on balance, result in disproportionate increase in the size over and above the original dwelling. The proposed extensions would, therefore, have a harmful effect on the openness of the Green Belt over and above the situation at 2004 and are considered to be inappropriate development in the Green Belt.

b) Openness and Purposes of Including Land In the Green Belt

- 11.24 Paragraph 89 of the NPPF sets out that certain forms of development on previously developed sites may not be inappropriate in the Green Belt provided

they preserve the openness and do not conflict with the purposes of including land within the Green Belt.

- 11.25 With regard to openness, the proposed works to Flint House would reduce the prominence and remove the urban style of the building by removing five of the six dormers, removing the first and second floors of the porch and reducing the bulk of the roof on the west end by altering it to a cat-side. This latter element, while not an original feature of the site, is reflective of the Arts and Crafts cottage style of houses found in urban-edge and rural contexts across Hertfordshire. The proposals would become subservient to the building as it was in permitted in 2004, when taken individually and when considered together. The reduction of the bulk of the roof would result in the site appearing less developed, prevent the building appearing cramped within its site and assist in retaining a spacing appropriate to the woodland setting. As such the proposed works to the building would not impact significantly on the openness of the Green Belt.
- 11.26 With regard to the the purposes of including land within the Green Belt, there are five and they are set out in paragraph 80 of the NPPF. The relevant one in this case is “to assist in safeguarding the countryside from encroachment”. The proposal does not involve the creation of any new residential units, construction of any new buildings or any change of use. As such, the proposals would be unlikely to result in encroachment of the countryside and would not be considered inappropriate in this regard.

c) Very special circumstances

- 11.27 Officers find that the development is inappropriate development. The applicant puts forward a number of matters to weigh in the Green Belt balance. The NPPF (paragraph 87) allows consideration of any material considerations which would clearly outweigh harm to the openness of the Green Belt and harm to the character of the surrounding area, to justifying approval on the basis of very special circumstances.
- 11.28 It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal constitutes a very special circumstance or it may be that a number of circumstances may cumulatively amount to very special circumstances. In this case the circumstances to consider are the Inspector’s decision notice and a letter from the Applicants.
- 11.29 The applicant’s agent submitted a letter to the Head of Planning (dated 9 September 2014) outlining the justification to the proposals and detailing the design reasoning of the alterations. Whilst some of the highlighted design justification and revisions would improve the resultant appearance of the dwelling, they are not considered to constitute “very special circumstances” that would outweigh any harm to the Green Belt.
- 11.30 The Inspector’s decision letter from the Enforcement Appeal against breach of Condition 4 on 1994/0260/FP (removal of Permitted Development Rights) made clear that they expected discussions to take place between the Parties to try to find a solution following the appeal proceedings. This letter is considered to constitute “very special circumstances” and to give guidance on how the situation should be progressed. It places the onus on the Council and the applicant to make efforts to resolve the situation and to find a mutually acceptable solution.

- 11.31 The Inspector identified those aspects of the unlawful development that were considered to conflict with Green Belt Policy (see paragraph 10.16 above). The current proposal represents a significant reduction in the bulk and volume of the building over the existing situation. It addresses those aspects of the unlawful works that the Inspector considered were visually disproportionate and unnecessarily bulky at first floor and roof levels. The proposal does not involve amendments to the single storey rear extension. However, this is partially screened by the garden wall and built upon the foundations of a previously approved structure. As such the Inspector's concerns are considered, in the main, to have been met by the current proposals.
- 11.32 The Inspector also commented that the Council has (s.173A of the 1990 Act) the power to waive or relax any requirement in an enforcement notice and may extend any period for compliance. That these powers were identified suggests that the Inspector expected them to be made use of. With regard to the main house, the Council has made use of those powers with a view to reaching an acceptable compromise.

Green Belt Conclusion

- 11.33 The existing building is considered to represent an excessive addition over and above the size of the original dwelling house in quantitative terms. The current proposals to reduce the bulk of key elements of the building would still constitute disproportionate cumulative extensions to the property such that they are inappropriate development and cause harm to the Green Belt.
- 11.34 However, the proposals would not create new residential units or new buildings or involve a change of use and so would not significantly impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt when compared with the building as previously extended under planning permissions S6/1994/0264 and S6/2004/0650/FP.
- 11.35 The current proposals are considered to constitute disproportionate and, therefore, inappropriate development. However the Inspector's decision letter from the Enforcement Appeal against breach of Condition 4 on 1994/0260/FP (removal of Permitted Development Rights) is considered to constitute "very special circumstances that outweigh the harm to the Green Belt". This letter made clear that discussions should take place between the Parties (the applicant and Council) to try to find a solution following the appeal proceedings. The specific concerns related to appearance of height, bulk and volume of the building and the proposal has been assessed as addressing these issues to a satisfactory degree. The proposal is, therefore, considered acceptable under Section 7 of the NPPF and saved policies GBSP1, GBSP2 and RA3 of the adopted Welwyn Hatfield District Plan 2005.

2. High Quality Design and Impact on character and Appearance of Area

- 11.36 The National Planning Policy Framework (para.56) emphasises that high quality design is a core principle of planning and attaches great importance to design. Policies D1 and D2 of the adopted Welwyn Hatfield District Plan seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires that residential

extensions should be complementary in design and subordinate in size and scale to the existing dwelling.

- 11.37 Furthermore, the NPPF, in paragraph 64, states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. The NPPF, in paragraph 79, identifies that the essential characteristics of Green Belts are their openness and their permanence. The NPPF requires development in the Green Belt to preserve that openness and a loss of openness in the Green Belt resulting from the extensions to the dwelling-house would harm this essential characteristic. While there is no definition of openness in the Framework, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
- 11.38 Part (ii) of Policy RA3 of the Welwyn Hatfield District Plan requires proposals for extensions to dwellings in the Green Belt not to have an adverse visual impact (in terms of prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside. Policy RA3 requires extensions to not make a property more prominent or visually intrusive in its setting. Saved Policy RA10 expects development in the rural areas to contribute to the enhancement of the local landscape character of the area in which it is located.
- 11.39 The impact of a development is, therefore, assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and the surrounding area.

Character – Landscape and Openness

- 11.40 The site sits within the North Mymms and Redwell Woods Landscape Character Area (NMRWLCA), which comprises woodlands on the slopes and crown of a pronounced ridge. The key characteristics of the NMRWLCA are pastoral parkland with mature trees and extensive woodlands. The woods are ancient and cloak the horizon of the elevated ridge, covering and enclosing the application site and giving it a sense of confinement. There are rights of way across the woods including bridleways as described above. In addition, part of the woods and the whole of the application site are within SSSI (Redwell Woods). Biodiversity considerations are in the Landscape and Biodiversity Section (4(ii) below).
- 11.41 The site is in a secluded and wooded location and sits in a clearing together with single-storey outbuildings. The site is accessed from the bridleway and track that run along the west boundary. The building cannot easily be seen from the track although its outline can be glimpsed. The driveway track from the bridleway to the house is a private one and it is only when going along the drive that the house becomes fully visible. There is another bridleway along the east boundary, 70m east of the house (North Mymms 003). The house can be seen across what was once a paddock containing a few mature trees. The alterations and extensions to the house have resulted in the creation of a large dwelling, which is prominent in the clearing and visible from outside the site on the Bridleway NM003. The increased bulk of the roof has made the building more intrusive when seen from this publically accessible viewpoint.
- 11.42 While not of exactly the same architectural vernacular, Oak Lodge and the other houses on Blackhorse Lane to the south sit low in the landscape and retain a

rural character in terms of their style (pitched roofs), materials (weathered brick and tile) and spacing within the residential curtilage.

- 11.43 The proposed works to Flint House would reduce the prominence and remove the urban style of the building by removing five of the six dormers, removing the first and second floors of the porch and reducing the bulk of the roof on the west end by altering it to a cat-side. This latter element, while not an original feature of the site, is reflective of the Arts and Crafts cottage style of houses found in urban-edge and rural contexts across Hertfordshire. The proposals would become subservient to the building as it was in permitted in 2004, when taken individually and when considered together. The reduction of the bulk of the roof would result in the site appearing less developed, prevent the building appearing cramped within its site and assist in retaining a spacing appropriate to the woodland setting.

Materials and Design

- 11.44 The clay tiles on the roof of the main part of the dwelling would be used on the cat-slide roof. The use of bricks and tiles to match the existing house is appropriate to both the building and the setting. The introduction of painted render at first floor appears to have occurred between 2004 and 2014. The extent of rendered wall would be reduced by the removal of the first floor side extension and its replacement with a cat-slide roof. The retention of the remaining render of the first floor walls is not considered sufficient reason to withhold planning permission.
- 11.45 In terms of the roof shape, the retained dormer would provide headroom to the stair up to rooms in the roof space and break up the expanse of the front plane of the roof, while remaining subservient to the scale of the roof.
- 11.46 The first floor side extension to the right hand (west) end of the dwelling would be removed. The ridge of the roof would be reduced and the hip end changed to a cat-slide down to a low eaves level.
- 11.47 The single-storey rear extension would replace a conservatory that was built following the 2004 permission. The walls would reuse the dwarf wall to the original conservatory and be built of brick with a mock-pitched roof. The whole to be finished in materials to match the existing house.
- 11.48 The Applicants submitted a letter in support of the proposals setting out that the proposal seeks to resemble the building as it was in 2010. The applicant feels that the exceptions have been explained, and would not seriously impact upon the appearance of the building or the character or appearance of the area.
- 11.49 Given the design and site context and taking account of the above assessment, the development is, on balance, considered acceptable in terms of the requirements of the NPPF, saved policies RA3, RA10, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005 and the adopted Supplementary Design Guide 2005.

3. Impact on the residential amenity of nearby and neighbouring properties

- 11.50 Policy D1 and the Supplementary Design Guidance state that developments should not adversely affect the living conditions of neighbouring occupiers. The SDG (paragraph 5.2 part iii) states that extensions should not cause loss of light or be unduly dominant from adjoining properties. In addition, paragraph 5.7

states that new extensions should be designed, orientated and positioned so as to minimise overlooking between dwellings. Guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

- 11.51 Given that neighbouring dwellings are some distance from the site, it is considered that the bulk, mass and positioning of the proposal would not result in any levels of overbearing or overshadowing to the amenity of any neighbouring dwelling and that the works would not introduce significant harm to neighbouring amenity, in terms of overlooking, overshadowing and overbearing impact. The development, therefore, would not be in contradiction with saved policy D1, the supplementary design guidance or the relevant paragraphs of the NPPF.

4. Other material planning considerations

(i) Highways and Parking

- 11.52 The current proposal relates to the house and not the outbuildings on the site. The property has the benefit of existing vehicle access from Blackhorse Lane and there is garaging on the site. The reduction in size of the house does not raise additional access or parking issues.

(ii) Landscaping and Biodiversity

- 11.53 In addition, Policy R13 of the Welwyn Hatfield District Plan 2005 requires development in or close to SSSI's to undergo special scrutiny. Where development is permitted conditions may be used to ensure the protection and enhancement of the site's nature conservation interest. Policy R16 states that planning permission will not be granted for developments that impact adversely on protected species and that conditions will be imposed to ensure the protection of such species.
- 11.54 The application site is in a residential enclave within the Redwell Wood SSSI; a 52 Hectare area comprising ancient woodland (Pendunculate Oak and Hornbeam) with heathland with scrub. Secondary woodland includes ash, beech, aspen, hazel, elder and hawthorn. Undergrowth includes bluebells, nightshade, honeysuckle, sage, foxglove and ancient wood species. The heath cover includes heather and creeping willow.
- 11.55 The recommended strategy for the Landscape Character Area (NMRWLCA) and the SSSI is to promote appropriate woodland management for existing woodlands, including replacement of soft wood with indigenous native deciduous communities and to maintain local patterns of species diversity within woodlands. In the SSSI Natural England aims to prevent storage of materials and removal or cutting of any plant.
- 11.56 The proposed development would be within the residential enclave of Flint House, which is within the SSSI. No new accesses would be created and no trees or surrounding woodlands would be affected. Natural England (NE) was consulted and provided standing advice to guide assessment of the proposal's impact on the SSSI and the ancient woodland and veteran trees within it. The standing advice recommends that a distance of 15 m be maintained between the development and the woodland. The house is over 15m distance from each boundary of the enclave so meets this requirement. NE also advise that the root protection zones of the trees adjacent to the site be protected from the storage of materials and vehicles that may leach into or compact the soil. Consequently, it

is recommended that a tree protection plan be secured prior to implementation of the development. This can be secured by a condition on planning permission.

- 11.57 NE also request best practice with regard to air quality during construction so that dust and other materials do not interfere with the natural processes such as photosynthesis. An informative can be added to this effect.
- 11.58 In addition, following a Bat Assessment by Jones and Sons Environmental Services Ltd (December 2017), the site is considered to have a high potential to support roosting bats with clear evidence of pipistrelle bats in the vicinity. The report recommended three follow-up surveys (dusk emergence and dawn re-entry) and appropriate mitigation to safeguard bats if present and affected by the development. Until the follow-up surveys are undertaken the appropriate mitigation strategy remains in outline. However, Herts Ecology have commented that the outline mitigation strategy would deal with the presence of roosting bats, minimise potential impacts and ensure the population is maintained. They were satisfied that the Council's obligations under the Conservation of Habitats and Species Regulations 2017 could be satisfied by imposing a condition upon any approval of planning permission. Such condition should require three dusk emergence/dawn re-entry surveys (May to September) and the outline strategy modified and submitted in writing to the LPA for approval and implemented as approved. It is recommended, therefore, that a condition to this effect is included in the planning decision.
- 11.59 Subject to conditions over the storage of materials and vehicles within the residential curtilage, tree protection, removal of demolition materials from the site and bat surveys and mitigation measures, the proposal is acceptable in terms of its impact on the SSSI, the LCA and European Protected Species (bats).

Conditions

- 11.60 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.
- 11.61 Planning permission S6/1994/0264/FP included conversion of two cottages to one dwelling. This was approved subject to the following conditions, which were considered necessary and reasonable due to the sensitive nature of the site within SSSI5, the Green Belt and the Landscape Character Area 28:
- 2. Any materials, vehicles or waste associated with the development shall only be stored or parked within the existing open part of the site and not in the adjoining woodland forming part of the Site of Special Scientific Interest.*
 - 3. Any surplus or waste material arising from the development shall be removed from the site within one month immediately following the completion of the development.*

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1988 (or any Order revoking or re-enacting that Order) the provisions of Part 1, Classes A, E and F and Part 2, Class B of Schedule 2 to that Order shall not apply to any dwelling constructed as part of this consent.

This latter condition is extant and does not need to be reapplied. However, conditions 2 and 3 are considered relevant and necessary to the current proposal.

11.62 Therefore, in this case it is considered reasonable and necessary to impose conditions over the following: implementation in accordance with the approved plans and details, use of materials to match the existing building, storage of materials within the existing open part of the site away from the woodland and SSSI, a tree protection plan, the removal of surplus material from the site and further bat surveys and a mitigation strategy.

Conclusion

11.63 The impacts of the proposal have been considered in terms of whether the extensions to the dwelling-house are disproportionate and represent inappropriate development in the Green Belt for the purposes of the NPPF and the Development Plan.

11.64 The proposal has gone some considerable way to overcome the concerns of the Inspector in respect of the impact in the Green Belt. While the proposal would result in a building excessively extended, in quantitative terms, to the building at July 1948, the design is such that it would not appear disproportionate in terms of the bulk and volume when compared to the house as permitted under previous planning permissions (S6/1994/0264 and S6/2004/0650/FP). It is considered, on balance and taking into account the history of the site, that the proposed alterations would not be disproportionate and, therefore, not inappropriate in the Green Belt setting. As such the proposal does not need to be assessed in terms of the openness of the Green Belt, the purpose of including land within the Green Belt and very special circumstances.

11.65 The impact of the proposed development has been assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the character and appearance of the existing building and surrounding area and with the openness of the Green Belt. It has been found, on balance, to be acceptable in terms of the requirements of the NPPF, saved policies RA3, RA10, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005 and the adopted Supplementary Design Guide 2005.

11.66 The proposal would not adversely impact upon the living conditions of neighbouring occupiers and would be in compliance in this respect with saved policy D1, the Supplementary Design Guidance 2005 and the relevant paragraphs of the NPPF. In addition, the proposal would not give rise to adverse traffic or parking conditions.

11.67 Subject to the conditions identified in paragraph 10.50 above, the proposal is acceptable in terms of its impact on the SSSI and the Landscape Character Area, further to policies R13 and RA10 of the Welwyn Hatfield District Plan 2005.

11.68 Notwithstanding the extant Enforcement Notice (ENF/2010/0261) the current proposals overcome that harm and the application is recommended for approval subject to the conditions set out below:

12. Recommendation

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

1. The development hereby permitted shall be completed in accordance with the approved plans before the expiration of twelve months from the date of this permission.

REASON: To ensure the satisfactory implementation of the development and to minimise the intrusion into the Green Belt further to Policies of the National Planning Policy Framework and Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan 2005.

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Any materials, vehicles or waste associated with the development shall only be stored or parked within the existing open part of the application site and not in the adjoining woodland forming part of the Site of Special Scientific Interest.

REASON: In order to minimise any damage or disturbance to the Site of Special Scientific Interest further to Policies of the National Planning Policy Framework and Policies R13 and RA10 of the Welwyn Hatfield District Plan 2005.

4. Prior to the commencement of the development hereby permitted and within two months of the granting of this permission a scheme for the protection of trees and shrubs on land around the application site and within the SSSI woodland shall be submitted to and approved in writing by the Local Planning Authority. The tree protection scheme shall be implemented in accordance with the approved details.

The Tree Protection Scheme shall include the following:

(a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree

or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is located within the Redwell Woods SSSI around the application site. Paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use].

REASON: To protect the existing trees, shrubs and hedgerows in the Redwell Woods SSSI in the interest of protecting biodiversity and visual amenity in accordance with Policies R13 and D8 of the Welwyn Hatfield District Plan 2005.

5. Any surplus or waste material arising from the development shall be removed from the site within one month immediately following the completion of the development hereby permitted.

REASON: In order to minimise the visual intrusion in the Green Belt and to minimise disturbance in the Site of Special Scientific Interest further to Policies of the National Planning Policy Framework and Policies GBSP1, GBSP2, R13, RA3 and RA10 of the Welwyn Hatfield District Plan 2005.

6. No development shall take place until three dusk emergence /dawn re-emergence surveys have been undertaken during the period of May to September (with at least one survey in June/July) in accordance with the Bat Assessment Report (Jones and Sons Environmental Services Ltd, 20th December 2017, Section F) to determine whether bats are roosting within the application site. Should roosting bats be found on the site the outline bat mitigation strategy in Section G of the Bat Assessment Report shall be modified as appropriate based on the survey results and be submitted and approved in writing by the Local Planning Authority prior to commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and National

Legislation and in accordance with Policy R16 of the Welwyn Hatfield District Plan 2005.

7. DRAWING NUMBERS

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
FC 04		2014 2003 existing plans FC04	9 September 2014
FC 05		2014 2003 existing roof space plan FC05	9 September 2014
FC 06		2014 2003 existing elevations	9 September 2014
		2014 2003 Site Location Plan	9 September 2014
FC 02	A	2014 2003 proposed plans	9 September 2014
FC 06	A	2014 2003 proposed elevations	9 September 2014

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

Summary of reasons for grant of permission

The decision has also 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 inspected at these offices).

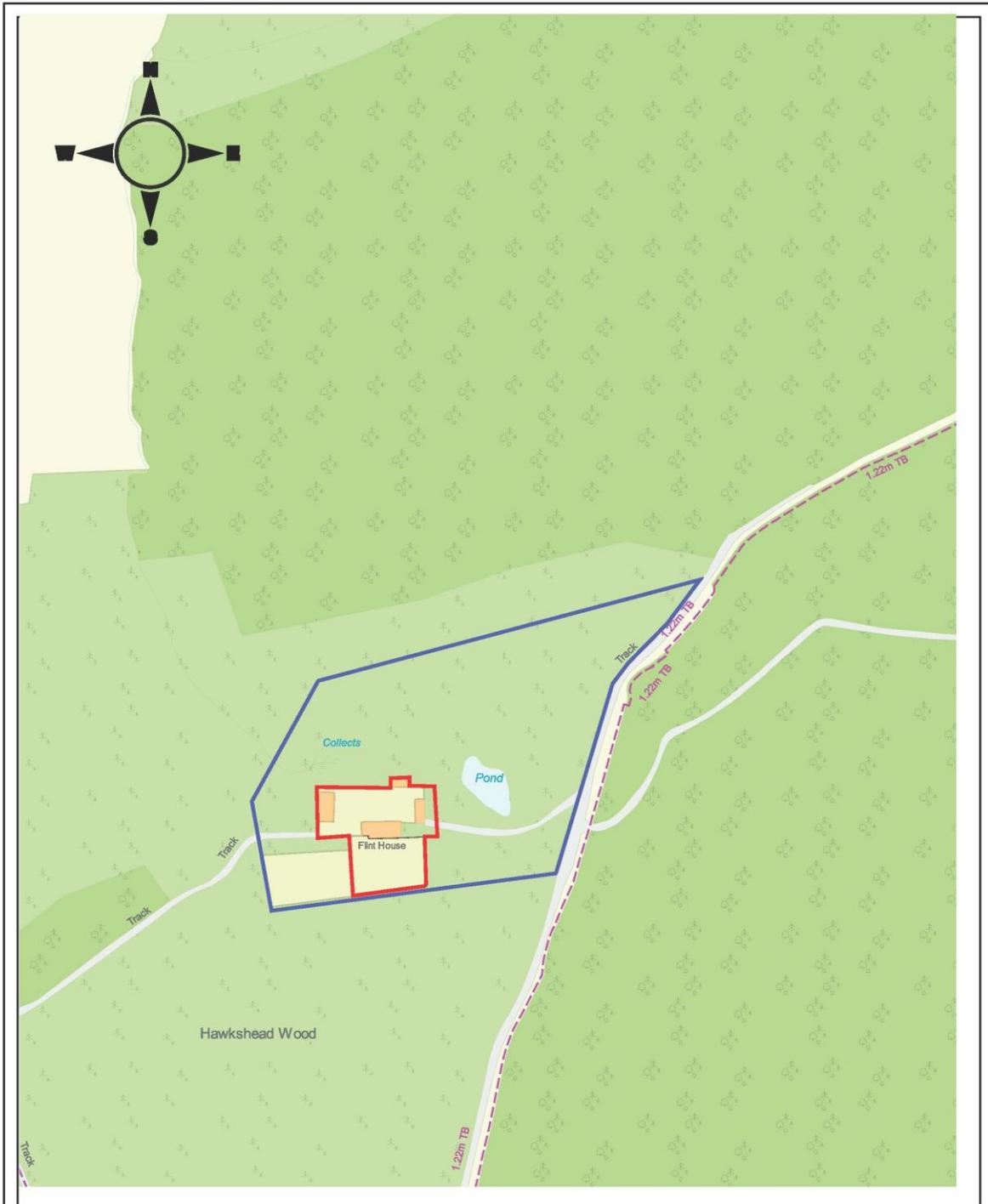
Informatives

1. This decision notice does not apply to the garage/outbuilding, which is a separate matter and subject to the extant enforcement notice.
2. Best practice measures should be deployed during construction to minimise the likelihood of dust and other airborne pollutants, which in excess can smother leaves and hinder normal photosynthetic functioning of plants.
3. During the construction phase, surface water drainage must be directed away from the SSSI and care should be taken to ensure that contamination and pollutants do not enter drainage ditches which feed into the SSSI. Foul drainage must be to a sewer. Additional advice may be needed from Natural England if alternative arrangements are proposed.

4. If bats are found to be roosting at the site, suitable mitigation measures must be carried out under the legal constraints of a European Protected Species (EPS) licence obtained from Natural England.

June Pagdin, (Planning)

Date: 29.12.2017



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

Title: Flint Cottage Blackhorse Lane Potters Bar		Scale: DNS
		Date: 2017
Project: DMC Committee	Drawing Number: 6/2014/2003/FP	Drawn: Baras Mast-Ingle

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WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

Appeal Decisions 13/12/2017 to 18/01/2018

6/2016/2669/FULL	
DCLG No:	APP/C1950/W/17/3181293
Appeal By:	Mr C Wearmouth
Site:	Land adjacent to 38 Reynards Road Welwyn AL6 9TP
Proposal:	Erection of a two bedroom single storey detached dwelling and formation of hardstanding
Decision:	Appeal Dismissed
Decision Date:	13/12/2017
Delegated or DMC Decision:	Delegated
Summary:	The appellant considered that the proposal would meet one of the exceptions to paragraph 89 of the NPPF, and constitute limited infilling in a village. Whilst noting the existence of a number of houses surrounding the site, the Inspector considered that Reynards Road has no obvious relationship with the defined settlements of Welwyn or Codicote and therefore did not consider the proposal to be infilling within a village. The appellant also contended that the site constitutes previously developed land by virtue of historic (1920's) conveyances which indicate an intention to build homes on the site, but the Inspector judged that there was no evidence of development ever having taken place. Other activities such as storage were also argued to have taken place on the site, but again the Inspector judged that there was no evidence on the ground that the site was therefore previously developed. In the absence of this, the proposal was found to be harmful to Green Belt openness – the Inspector did not consider that any very special circumstances existed to otherwise justify the proposal.
6/2017/1021/MAJ	
DCLG No:	APP/C1950/W/17/3183762
Appeal By:	Managing Director
Site:	Grace Foods UK Ltd, Centrapark, Bessemer Road, Welwyn Garden City, AL7 1HW
Proposal:	Erection of 2.4m high steel palisade security fence to Office car park
Decision:	Appeal Dismissed
Decision Date:	20/12/2017
Delegated or DMC Decision:	Delegated

Decision:	
Summary:	The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area. The Inspector noted that there are clear and extensive examples of this type of boundary treatment around other parts of the appeal site. However, the Inspector considered that the main frontage of the building is open and soft landscaped reflecting the verdant nature of other front elevations, car parks, entrances and the intervening roundabout. The Inspector considered that the proposed fence would be tall and stark and would have an oppressive effect that would significantly reduce the quality of what has become an established open area, thus harming the character and appearance of the area.
6/2016/1448/MAJ	
DCLG No:	APP/C1950/W/17/3179600
Appeal By:	Mr H Jones
Site:	1 Roe Green Close, Hatfield, AL10 9PD
Proposal:	Erection of 10 flats and creation of car parking and amenity space following demolition of existing dwellinghouse
Decision:	Appeal Dismissed
Decision Date:	20/12/2017
Delegated or DMC Decision:	Delegated
Summary:	The Inspector considered the main issues to be the effect of the development on the character and appearance of the area; the living conditions of future occupiers; the living conditions of 3 Roe Green Close; and infrastructure requirements. It was noted that the appeal site was much larger than neighbouring plots, but that surrounding properties are generally two-storey in scale. The proposal would result in a building which would occupy a much greater proportion of the site and have a significantly greater amount of bulk. The combination of bulk, extent of hardstanding and lack of amenity areas, resulted in a cramped appearance and a significant intensification of development, in the Inspector's view. Further, the living conditions for future occupiers were found unacceptable, particularly in respect of external amenity areas, their size, and proximity to car parking and private windows. No harm was found in respect of the living conditions of the occupiers of 3 Roe Green Close.
6/2017/1246/FULL	
DCLG No:	APP/C1950C/W/17/3184719
Appeal By:	Mr & Mrs Dellaway
Site:	Rear of 11 The Green Welwyn AL6 9EA
Proposal:	Erection of two bedroom dwelling
Decision:	Appeal Dismissed
Decision Date:	10/01/2018
Delegated or DMC Decision:	Delegated

Summary:	<p>The main issue in the appeal was whether the proposal would preserve or enhance the character or appearance of the Welwyn Conservation Area (WCA). The Inspector noted that the appeal site formed part of the landscaped rear garden of No.11 The Green and that the open character of the garden, along with others, contribute positively to what is a soft and spacious edge to the WCA. The Inspector found that there was a clear difference in the character between the garden and the fronts of properties in Ellesfield and that this clearly showed the land within and outside the WCA. It was considered that the introduction of a new primary building into the garden of No.11 would intrude on the spacious character of the WCA. The harm identified was considered less than substantial but that it would not be outweighed by public benefits.</p>
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Part I

Main author: Chris Carter

Executive Member: Councillor Perkins

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

PLANNING UPDATE – FUTURE PLANNING APPLICATIONS

1 **Introduction**

- 1.1 This report is for the Development Management Committee to provide a summary of applications that might be presented to Committee over the coming months. If the call-in or application is withdrawn, the item will not be presented.
- 1.2 The applications should not be debated as part of this agenda, however any Councillor wishing to raise specific points about the proposal – such as a need for planning obligations or issue(s) that might not readily be apparent from the proposal or any other matter, may do so and the case officer will consider, where they are planning considerations, these matters raised as part of the future Committee report.
- 1.3 Appendix 1 comprises all applications that have been called-in or objected to by Town or Parish Councils. Appendix 2 comprises those that are a departure from the Local Plan, Officers consider should be determined by Development Management Committee, the applicant is the Borough Council or it has an interest in the land and an objection has been received.

2 **Recommendation**

- 2.1 That members note this report.

Name of author	Chris Carter x2298
Title	Development Management Service Manager

Appendix 1 - Applications called-in or objected to

6/2016/0270/VAR

Address	Four Oaks 1-4 Great North Road Welwyn AL6 0PL
Proposal	Variation of conditions 1 (occupants) and 2 (number of caravans) of Planning Permission N6/2010/0211/S73B to increase the number of caravans from 10 to 20 of which no more than 5 shall be static caravans or mobile homes.
Applicant	Mr J Connors
Ward	Welwyn West
Agent	Mr M Green
Call-In/Objection from	Councillor Julie Cragg, Welwyn Hatfield Borough Council
Reason for Committee Decision	<p>Please can we call this in due to the fact that this raises a lot of issues of concern for the residents.</p> <p>There is uneasiness about the fact that the number of caravans fluctuates wildly and that they residents do not appear to adhere to the planing that they do have.</p> <p>The restrictions regarding children is there as this was not intended to be a permanent site but only to give stability to the children to enable them to attend school.</p> <p>Are they planning to use caravans as an office sutie and run business's from there? [sic]</p>
Call-In/Objection from	Caroline Williams, Welwyn Parish Council
Reason for Committee Decision	<p>15/03/2016 21:43 - Welwyn Parish Council at its Planning & Licensing Committee of the 15 March 2016 agreed to submit Major Objection. We are unclear why the existing conditions have not been enforced. We understand that the site was permitted as a temporary location linked to the schooling of the children which have now grown up and not as a permanent site. We are concerned that the number of caravans has continued to increase overtime both with, and without, permission and Welwyn Hatfield Borough Council have previously stated that 10 is the maximum that can be accommodated. The existing conditions include that the land should be restored in accordance with the scheme previously submitted and approved by the planning authority as the residents may have already changed.</p>
Case Officer	Mrs June Pagdin

6/2016/1375/FULL

Address	51 Roe Green Close, Hatfield, AL10 9PF
Proposal	Erection of chalet type bungalow
Applicant	Mr A Miller
Ward	Hatfield South West

Agent Mr C Bailey

Call-In/Objection from Carrie Lloyd, Hatfield Town Council

Reason for Committee Decision Further to our objection the details are; The committee raises objections to this planning application regarding proximity to chalk mines, vehicular access, refuse and emergency vehicle access and the number local residents objections for such an isolated area.

Case Officer Mrs June Pagdin

6/2016/1493/VAR

Address Thunderbridge Yard Bulls Lane Hatfield AL9 7BB

Proposal Variation of condition 1 to make the temporary permission permanent; condition 3 to permit eight caravans of which no more than five would be static caravans; condition 4 to vary the approved drawings; and condition 5 to vary the site development scheme; of planning permission S6/2011/0116/FP

Applicant Mr J Robb

Ward Welham Green & Hatfield South

Agent Mrs A Heine

Call-In/Objection from Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council

Reason for Committee Decision I would like to formally 'call in ' this applicaiton as it meets at least two of the key criteria for a call in, namely 1. The application is of an unusually sensitive nature as the current use of the site has led to significant adverse impact on neighbours amenity and that development beyond that permitted had occurred at the site. 2. The wider ramifications are the potential impact of permitting this development may have on setting precedent for permitting neighbouring sites in the forthcoming local plan examination in public. There is also the precedent that would be set of permitting such developments, even for a limited period, in flood zones.

Call-In/Objection from Sue Chudleigh, North Mymms Parish Council

Reason for Committee Decision NMPC OBJECT as this is clearly a new application. The name of the applicants is not the name to whom the extant Permission was originally given.

The Government Planning Policy for traveller sites Policy E, in its introduction, states that making and decision taking should protect the Green Belt from inappropriate development - Item 4d and Item 16 state that inappropriate development is harmful to the Green Belt except in exceptional circumstances. None have been indicated.

Item 4f - further states the local planning authority should aim to reduce the number of unauthorised developments and encampments. This site has consistently exceeded the numbers stated in the original Permission and it is

too small a site to be abused in this way.

Item 4k - states the local planning authority have to have due regard to the protection of local amenities and local environment.

There have also been sanitary issues arising from the over-use of the site. One or more travelling caravans have also been let to itinerant workers in contravention to the terms of the licence. This has caused considerable problems to the neighbourhood.

Item 13 of the Planning Policy for traveller sites states the local planning authority should ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community

f) avoid placing undue pressure on local infrastructure and services

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans

Policy E, Item 24 addresses local provision and it is the case that WHBC do not have a firm policy on Gypsy and Traveller sites in the Borough but there are existing sites in Welham Green – including a long term Showmans site which causes no trouble – however the Foxes Lane site also is also over used as the numbers of caravans exceeds the permitted numbers.

Item 27 states that if a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites this should be a material consideration and in this case the existing sites result in over supply in Welham Green therefore any expansion is unwarranted.

Item 25 states that the local planning authority should very strictly limit traveller site development in the Green Belt and further”sites in rural areas do not dominate the nearest settled community.” Expansion of this site would cause stress on services and neighbours.

Item 16 Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, none of which have been indicated in this case.

Item 24(a) The Local Planning Authority has to take into account the existing level of local provision and Welham Green currently has provision. Indeed, even this is exceeded unlawfully – see report from Dennis Pennyfather, Licensing Technical Officer, dated 24 August 2016.

Item 25 This further states the Local Planning Authority should very strictly limit sites in rural areas should not dominate the nearest settled

community. Of late the activities at Thunderbridge Yard have caused extreme concern and disturbance to the neighbourhood. Police and other authorities are aware of this, which seems to arise from the subletting of the excessive on-site accommodation to persons other than gypsies or travellers.

Footnote 9 States there is no presumption that a temporary grant of Planning Permission should be granted permanently, therefore North Mymms Parish Council consider, taking into account comments by Licensing Technical Officer that the site is not big enough, there are fire safety issues and this is a known flood plain with previous flooding issues, caravans on this Green Belt site are inappropriate development.

Case Officer Mrs June Pagdin

6/2017/0225/FULL

Address Welwyn Rugby Football Club Hobbs Way Welwyn Garden City AL8 6HX

Proposal Retention of 4x 15 metre high floodlight columns and lamps measuring a further 0.5 metres

Applicant Mr M Elliott

Ward Handside

Agent Mr M Elliott

Call-In/Objection from Councillor Helen Bromley, Welwyn Hatfield Borough Council

Reason for Committee Decision I would like to call this in as the new floodlights are significantly higher and brighter than those which they replaced, by some 7 meters, and they are also in different positions to the original lights. This has caused significant harm to the residents and the general amenity of the area. The original application did not mention the floodlights being in different positions. This is impacting on the conservation and EMS area. There is substantial visual intrusion day and night. At night, the light spill is far worse than previously, despite the rugby club saying it would be less. This is not the case. The club also seems to be contravening the permission given as to when they may be used.

Case Officer Mr Tom Gabriel

6/2017/0513/FULL

Address 5 West View Hatfield AL10 0PJ

Proposal Change of use from sui-generis (Large HMO for up to 8 people) to a large HMO for up to 7 people and 6 self-contained units for up to 12 people and erection of laundry area and awning over patio

Applicant Ms D Law

Ward Hatfield Cent.
 Agent Ms D Law
 Call-In/Objection from Carrie Lloyd, Hatfield Town Council
 Reason for Committee Decision The Committee objected to this application due to the fact the Hatfield Article 4 Direction desperately needs reviewing and this has been recognised by the LPA. Until such time that this has been carried out and bearing in mind that the overall concentration of HMOs in Hatfield Town Council's area needs to be reduced, no further HMOs should be permitted within the boundaries of Hatfield Town Council's area hence forth. This particular application lacks sufficient communal space and we suggest fails to meet the legal requirements for HMO's.
 Case Officer Mr Mark Peacock

6/2017/0606/MAJ

Address 1-9 Town Centre Hatfield AL10 0JZ
 Proposal Erection of 2 buildings to provide 1,194m2 (GEA) commercial floor space (A1 & A3), 70 flats (15 x 1 bedroom, 7 x 2 bedroom, three person and 48 x 2 bedroom, four person) with associated car/bicycle parking, plant and refuse storage and including the improvement of public realm, following the demolition of existing buildings.
 Applicant Mr P Brimley
 Ward Hatfield Cent.
 Agent Mr P Wellings-Longmore
 Call-In/Objection from Carrie Lloyd, Hatfield Town Council
 Reason for Committee Decision Object: The Town Council is concerned at the impact of parking from new residential units on the retail parking spaces available. The Council has repeatedly asked that design of new structures in the Town is sympathetic to existing Hatfield designs but again we see another architect imposing their design on our Town making it an uncoordinated mismatch of urban design from different decades with no empathy to the historic nature of the Town. Members are concerned at the impact of the level 7 building on the Grade 1 listed building of Hatfield House. Members consider that a community facility needs to be included within the design.
 Case Officer Mr Mark Peacock

6/2017/1242/FULL

Address 2 St Albans Road East Hatfield AL10 0HE
 Proposal Conversion of single dwelling into 5 self contained units.
 Applicant Ms M Lister
 Ward Hatfield East

Agent Mr M Bryant

Call-In/Objection from Carrie Lloyd, Hatfield Town Council

Reason for Committee Decision 30/06/2017 16:37 - The Committee object to this application due to the fact the Hatfield Article 4 Direction desperately needs reviewing and this has been recognised by the LPA. Until such time that this has been carried out and bearing in mind that the overall concentration of HMOs in Hatfield Town Council's area needs to be reduced, no further HMOs should be permitted within the boundaries of Hatfield Town Council's area hence forth. Whilst this application provides self contained units, it is still going to have the same effect as an HMO including the parking issues and negative effects on local residents.

Case Officer Mr David Elmore

6/2017/1575/HOUSE

Address 6 Errington Close Hatfield AL10 9AU

Proposal Conversion of garage to habitable room with installation of window to rear elevation

Applicant Helene

Ward Hatfield Villages

Agent Mr A Feasey

Call-In/Objection from Carrie Lloyd, Hatfield Town Council

Reason for Committee Decision 14/08/2017 14:49 - Members object to the loss of a parking space in this part of Hatfield where parking is at a premium.

Further the Hatfield Article 4 Direction desperately needs reviewing and this has been recognised by the LPA. Until such time that this has been carried out and bearing in mind that the overall concentration of HMOs in Hatfield Town Council's area needs to be reduced, no further HMOs should be permitted within the boundaries of Hatfield Town Council's area hence forth, permitting this garage to be converted will further exacerbate the increase in student/HMO accommodation in Hatfield.

Case Officer Mr David Elmore

6/2017/1903/FULL

Address 36 Salisbury Square Hatfield AL9 5AF

Proposal Erection of 4 front, 4 rear and 2 side dormer windows, 5 front and 5 rear rooflights to facilitate conversion of roof, to include the creation of 2 x 1-bedroom and 2 x 2-bedroom flats with associated parking, cycle store and landscaping

Applicant Templewood Securities LTD

Ward Hatfield East

Agent Mrs V Davies

Call-In/Objection from Carrie Lloyd, Hatfield Town Council

Reason for Committee Decision 16/10/2017 16:08 - Members were not aware that the Job Centre in Hatfield was targeted for closure. They do not see in the application details of where it will be relocated.
They wish to raise concerns regarding parking, loss of more commercial space in Old Hatfield to residential units and lack of any amenity area for the new residential units.

Case Officer Mr David Elmore

6/2017/2513/FULL

Address 33-34 Salisbury Square Hatfield AL9 5AF

Proposal Conversion of existing ground floor (Class A3) restaurant to form two (2xbed) flats (Class C3) including part demolition and extension at ground and first floor (rear) with associated external alterations.

Applicant Mr M A Hussain-Hiam

Ward Hatfield East

Agent Mr R Morton

Call-In/Objection from Carrie Lloyd, Hatfield Town Council

Reason for Committee Decision 23/11/2017 10:18 - Hatfield Town Council Planning Committee wished to make a major objection to this application due to a loss of retail/restaurant unit, lack of parking and not in keeping with the neighbourhood with Old Hatfield

Case Officer Mrs June Pagdin

6/2017/2659/FULL

Address 33 Brookside Crescent Cuffley Potters Bar EN6 4QW

Proposal Erection of a new building to accommodate cats on a short term basis including change of use to mixed residential and cattery

Applicant Mr & Mrs G & A Watkins

Ward Northaw and Cuffley

Agent Ms A Purser

Call-In/Objection from Jason Grocock, Northaw & Cuffley Parish Council

Reason for Committee Decision 14/12/2017 17:51 - There are a number of issues which require further examination including:-
There are no storage areas shown. It is not clear where solid waste will be stored or how it will be collected/ disposed of. It is not clear how foul water (from cleaning etc) will be dealt with. Car access to premises and impact on street parking.

Case Officer Mrs June Pagdin

6/2017/2690/FULL

Address 53 Roe Green Close Hatfield AL10 9PF
Proposal Change of use from a residential dwellinghouse (C3) to HMO (C4) (retrospective)
Applicant Mr M Apicella
Ward Hatfield South West
Agent Mr N Lisowski
Call-In/Objection from Councillor James Broach, Welwyn Hatfield Borough Council
Reason for Committee Decision 2/01/2018 15:34 - I wish to call this application in to DMC (I am happy for this to be refused under delegated powers if this is what officers recommend).

I am highly concerned about the number of people that are being crammed into this family home - with 9 bedrooms shown on the floor plan, we are looking at between 9 and 18 people potentially living in this dwelling, which seems highly excessive. Without measurements on the floor plans it seems hard to gauge the size of the bedrooms, I would ask that adequate checks are carried out to ensure that the rooms are of sufficient size and provide adequate amenity space for the tenants.

I also feel that insufficient off street parking has been provided for this application, given the high volume of potential vehicles that this proposal could attract, I feel this needs particular attention and indeed seems to be the main crux of the multiple objections raised by residents.

I do not believe that the applicant has taken sufficient steps to address the concerns in the previous application, and I therefore believe that this application should also be refused.

Call-In/Objection from Councillor Kieran Thorpe, Welwyn Hatfield Borough Council
Reason for Committee Decision 2/01/2018 17:21 - I object to this application. Granting a HMO license will exacerbate myriad detrimental impacts on the amenity of the area and neighboring residences.

Parking is already problematic in this area, a HMO will bring with it more vehicles.

There is already a high percentage of HMOs in the area, licensed or otherwise, which exceed the acceptable percentage allowed.

Given the significant interest and concern to local residents, this application needs to be called in to committee unless officers are minded to refuse it.

Case Officer Mr David Elmore

6/2017/2900/HOUSE

Address 28 King James Avenue Cuffley Potters Bar EN6 4LR

Proposal Erection of first floor loft conversion and installation of three dormers to front elevation.

Applicant Mr L Francischelli

Ward Northaw and Cuffley

Agent Mrs M Christodoulou

Call-In/Objection from Jason Grocock, Northaw & Cuffley Parish Council

Reason for Committee Decision 3/01/2018 16:52 - The Parish Council has a major objection for the following reasons:- The nature of the development is the construction of a two storey house, not a traditional style loft conversion and it is out of character with the surrounding properties which are single storey bungalows. The development represents over development of the site. The Juliet balconies to the rear have implications for the privacy of neighbouring properties.

Case Officer Mr Tom Gabriel

Appendix 2 - All other applications not comprising call-ins or objections

6/2017/0606/MAJ

Address	1-9 Town Centre Hatfield AL10 0JZ
Proposal	Erection of 2 buildings to provide 1,194m ² (GEA) commercial floor space (A1 & A3), 70 flats (15 x 1 bedroom, 7 x 2 bedroom, three person and 48 x 2 bedroom, four person) with associated car/bicycle parking, plant and refuse storage and including the improvement of public realm, following the demolition of existing buildings.
Applicant	Mr P Brimley
Ward	Hatfield Cent.
Agent	Mr P Wellings-Longmore
Reason for Committee Decision	The applicant is Welwyn Hatfield Borough Council and the proposal is major development which should be considered by the Committee.
Case Officer	Mr Mark Peacock

S6/2015/1342/PP

Address	Land to the north east of King George V Playing Fields, Northaw Road East, Cuffley, Hertfordshire, EN6 4RD
Proposal	Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters reserved except for new vehicular access to serve the site, the provision of surface water discharge points and the levels of development platforms
Applicant	Lands Improvement Holdings Landmatch
Ward	Northaw and Cuffley
Agent	Mr M Smith
Reason for Committee Decision	The application is of a scale, sensitive nature or is controversial and officer's consider that in accordance with the Council's constitution, it should be determined by the Development Management Committee. Additionally, the application is a departure from the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
Case Officer	Mr Mark Peacock

