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Contact:
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Democratic Services

13 October 2026

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 22 October 2026 at 6.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

A G E N D A

PART 1

1. APOLOGIES & SUBSTITUTIONS

To note any substitution of Committee Members made in accordance with Council Procedure Rules.

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 23rd July 2026.

3. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 5 AND 14 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

4. 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.

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

6. 6/2026/1232/FULL - THE STANBOROUGH, STANBOROUGH ROAD, WELWYN GARDEN CITY, AL8 6DQ (Pages 3 - 30)

7. 6/2026/0076/FULL - 23-25 STATION ROAD AND 1-9 WOODSIDE, DIGSWELL, AL6 0DU (Pages 31 - 76)

8. 6/2026/1474/FULL - 108 TOLMERS ROAD, CUFFLEY, POTTERS BAR, EN6 4JR
(Pages 77 - 98)
9. 6/2026/0707/PIP - CUFFLEY HILLS BARN, THE RIDGEWAY, CUFFLEY, EN6 4AY (Pages 99 - 120)
10. 6/2026/0522/FULL - LAND TO THE REAR OF 63 AND 65 PINE GROVE, BROOKMANS PARK, AL9 7BL (Pages 121 - 156)
11. 6/2026/0991/FULL - 1 HOLLYBUSH CLOSE, WELWYN, AL6 0PZ (Pages 157 - 188)
12. APPEAL DECISIONS 1 SEPTEMBER 2026 TO 8 OCTOBER 2026 REPORT
(Pages 189 - 194)
13. 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 14 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

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

<u>Circulation:</u>	Councillors	J.Skoczylas (Chairman)	H.Goldwater
		B.Fitzsimon	S.Khan
		T.Skottowe	M.Hobbs
		C.Watson	I.Walsh
		J.Broach (Vice-Chairman)	T.Kingsbury
		C. Stanbury	D.Jones
		J. Redmond	

Senior Leadership Team
Press and Public (except Part II Items)

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22 October 2026

Agenda Item: 6

Committee: Development Management

Report title: 6/2026/1232/FULL – The Stanborough, Stanborough Road, Welwyn Garden City, AL8 6DQ

Report author: Jedd Goodwin-Roberts

Responsible Officer: Executive Director (Place)

Cabinet Member(s) responsible: Rose Grewal

Part 1 or 2: Part 1

Executive Summary:

This report recommends that the Development Management Committee resolves to grant planning permission for planning application 6/2026/1232/FULL Alterations to existing restaurant, including alterations to elevations, replacement HVAC at roof level and associated works at The Stanborough, Stanborough Road, Welwyn Garden City, AL8 6DQ

Recommendations:

Development Management Committee is recommended to:

- a) Note that the assessment of this application must be based on the development proposed and not the identity of the applicant or operator. The application seeks permission for external alterations to an existing restaurant building, together with replacement plant and extraction equipment. The application does not propose a material change of use and therefore the assessment has been undertaken on the basis of the existing lawful use of the site. Matters relating to any future intensification of the use or any alternative use of the premises do not form part of the application and can carry only limited weight in the determination of this proposal. Accordingly, the application has been assessed solely on its own planning merits and the impacts arising from the development proposed.
- b) Based on the above assessment for the proposed development as outlined in the description, the application is recommended for approval subject to planning conditions.
- c) It is recommended that the Committee resolves to grant planning permission, subject to the attached conditions

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

3.1 This reports supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

4.1 There are no known risk management implications.

5. Financial Implications

5.1 There are no known direct financial implications.

6. Legal and procurement implications

6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

10.1 Appendix 1 – Committee Report prepared for 6/2026/1232/FULL – Alterations to existing restaurant, including alterations to elevations, replacement HVAC at roof level and associated works at The Stanborough, Stanborough Road, Welwyn Garden City, AL8 6DQ

Part I

Main author: Jedd Goodwin-Roberts

Executive Member: Councillor Rose Grewal

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22 OCTOBER 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/1232/FULL

The Stanborough, Stanborough Road, Welwyn Garden City AL8 6DQ

Alterations to existing restaurant, including alterations to elevations, replacement HVAC at roof level and associated works.

APPLICANT: McDonalds Restaurants Limited

1 Site Description

- 1.1 The application site is located on the southern side of Stanborough Road within the Handside Ward of Welwyn Garden City. The site is accessed via Longcroft Green and Stanborough Mews which forms an offshoot from Stanborough Road which further leads to a residential area.
- 1.2 The Stanborough is a purpose-built modern building which is part single part two stories in height with a red tiled pitched gabled roof form. The building currently has a painted finish in cream and grey colours with white framed fenestration and decorative timber panelling features. To the rear of the application building is an area with a flat roof upon which there is disused extraction and ventilation equipment apparatus. The application site adjoins a part single storey part three storey building finished in red brick with a red tile hipped pitched roof which currently operates as a hotel, operated by Premier Inn.
- 1.3 To the north west of the building is an enclosed landscaped area which has previously served as an outdoor seating and garden area associated with the former restaurant occupiers. Surrounding the building and the adjoining hotel is an extensive area of hardstanding which provides over 150 car parking spaces serving the 2 commercial uses on the site. There is
- 1.4 The building was previously occupied by 'The Beefeater' restaurant chain and the building currently falls within E(b) use class, this has been confirmed with an approved Certificate of Lawfulness application for the use of the site as a restaurant (use class E(b), approved in August 2024. The building has been vacant since 2024, and over the last 2 years the site has remained vacant.
- 1.5 The surrounding area is mixed in character, comprising of residential, commercial and leisure uses. The East Coast Main Line railway corridor lies immediately to the east of the site, whilst Gosling Sports Park is located to the south. Residential development is situated to the north-east, with further residential properties and a petrol filling station located to the north-west.
- 1.6 The application site does not comprise any listed or locally listed buildings, nor does the site fall within the Welwyn Garden City Conservation Area, however the northern side of Stanborough Road marks the boundary of the Welwyn Garden City Conservation area.

Classification: Unrestricted

2 The Proposal

- 2.1 The proposal seeks planning permission for external alterations to the existing restaurant. In brief, the proposed works include changes to the external appearance of the building comprising of alterations to the external finish of the building by painting the building in a grey and white colour scheme replacing the existing cream and grey colour scheme. The proposals also include minor alterations to the fenestration, replacement cladding on areas of the building with existing cladding and installation of roof mounted plant and associated ancillary works.
- 2.2 There are no other external works proposed as part of this application. There are no lighting or advertisement schemes proposed as part of this application, nor are there any other external changes to the building or the site including the provision of a drive through area or alterations to the building or the site in which could facilitate such changes. The proposals propose no changes to the roof and chimney features are to be retained. The submission indicates that existing roof coverings would be cleaned and repaired where necessary.
- 2.3 The consideration of this application is therefore limited to the proposed external alterations and associated plant equipment and their effects on the character and appearance of the building and the surrounding area and residential amenity. The proposal is not considering any potential changes of use nor is it considering the applicant of this planning application and this should not be considered as part of this application.
- 2.4 A detailed breakdown of the scheme is as follows:
- North East Elevation
- 2.5 The existing window openings would be retained with no alterations to their configuration. Existing window frames would be refinished in Traffic White (RAL9016). Branded vinyl graphics would be applied to the internal face of selected ground and first-floor windows.
- 2.6 The existing cream-coloured rendered projection would be repainted white (RAL 9010), whilst existing fascia boards would either be refurbished or replaced and finished Traffic White. The existing decorative chimney feature would remain unaltered.
- 2.7 Alterations are proposed to the principal entrance, including the replacement of the existing doors with new automatic entrance doors finished in Traffic White. The existing horizontal timber cladding displaying "The Stanborough" signage would be replaced with vertical grey cladding.
- 2.8 To the eastern section of the elevation, the existing bow-fronted balcony enclosure at first-floor level would be removed. The associated brickwork and rendered detailing would be refinished in Umbra Grey. Existing timber detailing would also be replaced with vertical grey cladding.
- North West Elevation
- 2.9 The existing fascia boards would be repaired or replaced where necessary and finished in Traffic White. Existing first-floor windows would be retained in their current configuration and are to be retained in their white colour, with vinyl graphics applied to selected glazing panels.
- 2.10 The existing decorative metal cross-frame detailing beneath the first-floor windows would be removed.
- 2.11 At ground-floor level, all existing windows would be retained and refinished in Traffic White. Three windows located to the left of the projecting entrance feature would remain, with branded

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vinyl applied to one of the windows. Within the existing recessed entrance area, new shopfront glazing and entrance doors would be installed within the existing structural opening.

- 2.12 The existing single casement window to the right of the entrance would be replaced with a new access door and an adjoining smaller window. These elements would be finished in Traffic White with vinyl graphics applied internally.

- 2.13 The existing painted brickwork would be repainted from cream to white (RAL 9010).

South West Elevation

- 2.14 The fascia boards would be repaired or replaced where required and refinished in Traffic White. Existing first-floor windows would be retained and y, with selected windows incorporating internal vinyl graphics.
- 2.15 A new louvre vent finished in Umbra Grey would be installed at high level on the western side of the elevation. In addition, a new parapet feature incorporating vertical cladding is proposed within the existing flat-roofed valley between the pitched roof elements.
- 2.16 At ground-floor level, one existing doorway would be replaced with a window, whilst the remaining doors and window openings would be retained. A new delivery access ramp with a gradient of 1:20 would be provided adjacent to the easternmost doorway.
- 2.17 New mechanical plant and HVAC equipment would be installed on the rear roof slope. The equipment would be positioned below the ridgeline of the roof.

South East Elevation Works

- 2.18 The principal changes to this elevation comprise the refurbishment or replacement of fascia boards, which would be finished in Traffic White. Existing windows would be retained and refinished in Traffic White, and a new single-door opening would be created. No other significant alterations are proposed to this elevation.

Plant Equipment

- 2.19 The proposal includes the installation of new HVAC and associated plant equipment at roof level to serve the operation of the restaurant. The equipment would be located on the rear roof slope and would sit below the main roof ridgeline.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Gemma Moore, ward councillor for Handside Ward had called the application in on the basis that the application has resulted in significant public interest. The development has the potential to impact on highways traffic as well as having a detrimental impact on our public health policies due to the buildings proximity to local schools.

4 Relevant Planning History

- 4.1 Application Number: 6/2026/1375/ADV
Decision: Pending Consideration Decision Date:
Proposal: Installation of internally illuminated fascia signage to comprise 2 No white acrylic 'Mcdonald's' letterset and 2 No yellow acrylic 'golden arch'

- 4.2 Application Number: 6/2024/1110/LAWE
Decision: Granted
Decision Date: 09 August 2024
Proposal: Certificate of existing lawfulness for the use of site as restaurant (use Class E (b))
- 4.3 Application Number: 6/2018/1338/FULL
Decision: Withdrawn
Decision Date: 16 July 2018
Proposal: Erection of a three-storey extension to the northern elevation of the existing hotel and a single storey extension to existing entrance lobby (C1), alterations to car parking layout, landscaping and associated works
- 4.4 Application Number: 6/2016/1496/ADV
Decision: Granted
Decision Date: 12 October 2016
Proposal: Installation of 5no illuminated fascia signs and 3no non-illuminated signs following removal of existing signage
- 4.5 Application Number: N6/2015/0833/FP
Decision: Granted
Decision Date: 11 June 2015
Proposal: Proposed replacement windows
- 4.6 Application Number: N6/2012/0856/PA
Decision:
Decision Date: 10 July 2012
Proposal: Construction of proposed new changing room facility for leisure activities
- 4.7 Application Number: N6/2012/0440/AD
Decision: Granted
Decision Date: 18 April 2012
Proposal: Erection of illuminated totem sign
- 4.8 Application Number: N6/2011/2643/AD
Decision: Refused
Decision Date: 07 February 2012
Proposal: Erection of illuminated totem sign
- 4.9 Application Number: N6/2011/0438/FP
Decision: Granted
Decision Date: 18 May 2011
Proposal: Proposed extension to entrance and extended gable roof line
- 4.10 Application Number: N6/2009/1108/DS
Decision: Granted
Decision Date: 09 September 2009
Proposal: Discharge of Condition 3 (Samples) of planning permission 6/2008/2104/FP
- 4.11 Application Number: N6/2008/2104/FP
Decision: Approval Subject to s106
Decision Date: 31 December 2008
Proposal: Erection of a three storey extension to accommodate thirty bedrooms.

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- 4.12 Application Number: N6/2008/1875/PA
Decision: Prior Approval Not Required
Decision Date: 25 September 2008
Proposal: Proposed extension.
- 4.13 Application Number: N6/2008/0962/FP
Decision: Refused
Decision Date: 19 August 2008
Proposal: Erection of a three storey extension to accommodate thirty bedrooms.
- 4.14 Proposal: ERECTION OF SINGLE STOREY EXTENSION
Application Number: N6/2008/0470/PA
Decision:
Decision Date: 20 March 2008
Proposal: Single storey extension
- 4.15 Application Number: N6/2007/1915/FP
Decision: Granted
Decision Date: 05 February 2008
Proposal: Erection of single storey extension.
- 4.16 Application Number: N6/2006/0580/AD
Decision: Granted
Decision Date: 30 June 2006
Proposal: Erection of single storey front extension and balustrade to mock balcony.
- 4.17 Application Number: N6/2004/1884/FP
Decision: Granted
Decision Date: 18 February 2005
Proposal: Erection of a three storey extension to provide 30 additional hotel rooms over part of the existing car park.
- 4.18 Application Number: N6/2004/0802/AD
Decision: Granted
Decision Date: 21 July 2004
Proposal: Installation of 3 No. replacement internally illuminated facing signs and 1 No. internally illuminated replacement totem sign.
- 4.19 Application Number: N6/2003/0387/AD
Decision: Granted
Decision Date: 16 May 2003
Proposal: Retention of illuminated pole sign and five illuminated signs on building.
- 4.20 Application Number: N6/1999/0863/AD
Decision: Refused
Decision Date: 22 November 1999
Proposal: Additional 3.0 metre high internally illuminated totem sign
- 4.21 Application Number: N6/1998/0932/AD
Decision: Granted
Decision Date: 11 December 1998

Proposal: Various internally and externally illuminated and non-illuminated signs to the front, side and rear elevations of the hotel and restaurant and additional illuminated totem and directional signs within the grounds

4.22 Application Number: N6/1997/1047/FP

Decision: Approval Subject to s106

Decision Date: 20 August 1998

Proposal: Erection of 60 bedroom hotel, restaurant, car parking and new vehicular access off Stanborough Road

4.23 Application Number: N6/1991/0694/FP

Decision: Approval Subject to s106

Decision Date: 03 August 1992

Proposal: Erection of one hundred bedroom hotel, associated carparking and access

5 Relevant Planning Policy and Guidance

5.1 National Planning Policy Framework (NPPF) 2026

5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036

5.3 Supplementary Design Guidance 2005 (SDG)

5.4 Planning Practice Guidance

5.5 Welwyn Garden City Conservation Area Appraisal 2007

5.6 The WHBC Regulation 19 Proposed Submission Local Plan was agreed by Full Council on 16th September and will undergo public consultation between 23rd September and 4th November. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

6 Site Designation

The site does not lie within Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield Borough Council Local Plan.

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters. The application generated 387 objections and 35 letters of support.

7.2 Objection comments:

7.3 The main objections relate to the following themes:

Traffic, congestion and highway safety:

Concerns that the proposal would increase vehicle movements on Stanborough Road and surrounding roads, which are already described as congested, particularly during peak times and school travel periods. Representations refer to risks from turning traffic, delivery vehicles, takeaway collections, queuing, overspill parking and conflict with pedestrians and cyclists.

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Proximity to schools and public health:

Comments relate to the site being on a route used by pupils travelling to and from Stanborough School and other schools, and concern that a fast-food outlet would encourage unhealthy eating habits among children and young people. Comments also refer to obesity, health promotion objectives and conflict with healthy community policies.

Litter, waste and vermin:

Concern that takeaway packaging and food waste would increase litter in nearby streets, Stanborough Park, green spaces and residential areas, with associated concerns about rats, pests, harm to wildlife and additional street-cleaning requirements.

Anti-social behaviour, loitering and community safety:

Comments relate to existing issues associated with the town centre McDonald's and concern that a further outlet could attract groups congregating, late-night disturbance, nuisance, intimidation, reckless driving, vehicle meets, mopeds/e-scooters and increased pressure on police resources.

Noise, disturbance, odour and residential amenity:

Concerns are raised about customer activity, vehicle engines, deliveries, idling, rooftop plant, doors closing, cooking smells, lighting and extended opening hours affecting nearby residential properties and the general residential amenity of nearby neighbouring properties.

Parking and servicing:

A number of comments state that the existing car park is already under pressure from the hotel, Chilli Pilates and other users, and that the proposed use could lead to insufficient parking, overspill onto residential roads and conflict with delivery and servicing activity.

Character, appearance and Garden City ethos:

Several representations consider that a McDonald's, associated signage, branding and fast-food/takeaway character would be out of keeping with Welwyn Garden City, the area's residential character, nearby green spaces and the setting of the conservation area.

Need, overprovision and alternative uses:

Comments relate to the area already being served by existing McDonald's restaurants and other fast-food outlets, including the town centre and Hatfield/Galleria, and suggestions that a pub, traditional restaurant, healthier food offer, community use or housing would be more appropriate.

Town centre impact and local economy:

Comments relate to concern that an out-of-centre McDonald's could draw trade away from the town centre or undermine town centre vitality, while providing limited community benefit.

Air quality, pollution and environmental impact:

Comments relate to increased emissions from traffic, idling vehicles and deliveries, as well as wider environmental concerns affecting nearby residents, green spaces and wildlife.

Procedural and notification concerns:

Comments relate to neighbour notification and the opportunity for nearby residents to comment.

Support comments

The main comments raised relate to the following themes:

Reuse and refurbishment of a vacant/underused site:

Comments relate to bringing the former pub/restaurant site back into active use, improving the location and making productive use of an existing premises.

Additional food choice and convenience:

Comments relate to the proposal providing a useful additional food option, including hot food, quick service and food on the go.

Economic investment and employment:

Support comments refer to business investment in Welwyn Garden City, job creation and wider economic activity.

Relieving pressure on existing premises:

Comments relate to another McDonald's reducing pressure on the smaller town centre restaurant and providing a larger, more accessible premises.

Suitability of location and parking:

Comments relate to the main-road location being appropriate for this type of use and the provision of adequate parking.

Preference over alternative development:

Comments relate to business/commercial reuse of the site being preferable to further houses or flats.

Conditional support:

Comments relate to matters such as traffic flow, outdoor seating and disturbance to residents being controlled by restrictions or conditions.

8 Consultations Received

8.1 The following consultees have responded to the application

Welwyn Hatfield Borough Council – Public Health and Protection

The Public Health and Protection officer assessed the application making reference with the reports prepared by Acoustic Associates SQ Ltd and CDM partnership which have been submitted with the application. The review focuses on the following environmental health considerations:

- Noise from construction works
- Noise from the kitchen extract system
- Odour from the kitchen extract system

Following an assessment of the submitted documentation, the Public Health and Protection Officer raises no objection to the application, provided that the following conditions are attached to the application should it be recommended for approval. The conditions are as follows and full wording of the conditions are outlined in the condition list as part of this report.

- Noise, vibration and dust from demolition/construction works
- Dust Control
- Noise from Plant and Equipment
- Odour from Kitchen Extract Equipment

The reasons for these conditions are to protect the amenity of local residents and business from noise, vibration, dust and odour.

***Officer comment:** The Public Health and Protection Officer raises no objection to the proposed development, noting that the submitted information provides a satisfactory level of detail to enable an assessment of the relevant matters. Their consultation response recommends the imposition of four planning conditions, relating to construction impacts, dust control, noise from plant and equipment, and odour from the kitchen extract system. The full wording of these conditions is set out on the decision notice. The matters raised by Public Health and Protection are considered in further detail within the amenity section of this report below.*

Place Services (Welwyn Hatfield Borough Council's Conservation Lead)

Place Services (Heritage Advisor) raise no objection to the application. They advise that the site lies outside, but within the setting of, the Welwyn Garden City Conservation Area. The existing building is a modern structure that has been altered over time, lacks particular architectural interest and does not make a meaningful contribution to the significance of the Conservation Area.

The proposed works, comprising alterations to windows and external finishes, repairs and replacement cladding, together with a replacement roof-mounted HVAC unit, are considered sympathetic to the existing building and would not result in any significant change to its appearance.

Whilst grey window frames are not a common feature within the surrounding area, Place Services consider that the proposals would preserve the significance and special interest of the Welwyn Garden City Conservation Area. The advice notes that any proposed signage would require separate consideration under an advertisement consent application. Accordingly, the proposal is considered acceptable in heritage terms, having regard to Policy HE9 (Conservation Areas) of the NPPF (August 2026).

***Officer Comment –** These comments have been acknowledged. During the course of the application revised plans were received changing the window from colours from grey back to white to reflect the character of Welwyn Garden City.*

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Handside Ward Councillor – Gemma Moore

Councillor Moore objects to this application on the basis of the detrimental impact it will have on public health, primarily school children who walk past this route to school and who will be tempted to access fast food. This goes against the principles schools are trying to instil when it comes to healthy eating. In addition, whilst there is no drive through proposed, the take away element will prove popular and increase traffic and congestion on a key route.

Whilst it is acknowledged that this application is for modifications to the existing building and the application will be assessed on this basis, but the takeaway element needs consideration.

Officer comment: The proposal does not constitute a change of use application and the site currently benefits from a lawful restaurant use (Class E) . It should be noted that if an element of a use (e.g. Sui Generis takeaway) is ancillary then it does not represent development and does not require consent with the predominant E use as a restaurant. Given the application is not assessing any change of use, it is officers views that the proposed development for consideration would not cause any highways issues.

Handside Ward Councillor – Michal Siewniak

Councillor Siewniak objects to the planning application on the following planning grounds:

- 1) Impacts on Highway Safety and Traffic Congestion. The proposed development would generate a substantial increase in traffic. The influx of customer cars and delivery motorcycles will cause severe congestion and parking stress on local roads, creating hazards for pedestrians and other road users.
- 2) Loss of Residential Amenity (Noise and Disturbance). The introduction of a high activity commercial operation-frequently operating late into the evening will result in unacceptable rise in ambient noise levels.
- 3) Environmental and Character Impact. The proposed signage, intensive commercial activity, and predictable accumulation of discarded packaging will degrade the visual aesthetics and cleanliness of the area, conflicting with the established character of the local neighbourhood.

For these reasons, I respectfully request that the council refuses this application.

Officer Comment: The concerns raised are acknowledged. However, this application does not seek consent for a change of use of the premises, nor does it propose the introduction of a drive-thru facility. The lawful use of the site as a restaurant within Use Class E(b) has already been established, and the scope of this application is limited to external alterations to the existing building and the installation of associated HVAC and extract equipment.

With regards to loss of residential amenity, these concerns are acknowledged and will be discussed in detail within the report. Comments relating to advertisements are acknowledged, however they do not form part of this application and would be assessed under advert regulations. Comments relating to litter generation are not a material consideration to this application

Analysis

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

1. Design, Character and Impact upon the Conservation Area

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2. Residential amenity
3. Highways and parking considerations
4. Ecology

1. Design, Character and Impact upon the Conservation Area

- 8.3 The site is not located within the Welwyn Garden City Conservation Area. However the site is adjacent to the Welwyn Garden City Conservation Area, and therefore the proposal could have potential impacts on the setting of the Conservation Area. Section 72 of the Listed Buildings and Conservations Areas Act (1990) states that 'special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area'. Section 16 of the NPPF 'Conserving and enhancing the historic environment' is broadly consistent with Policy SADM15 'Heritage' of the Local Plan. Also of relevance, and consistent with the NPPF, is Policy SP1 which states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character.
- 8.4 Policy HE5 of the National Planning Policy Framework 2026 states that development proposals within or affecting the significance of conservation areas should
- 1) Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.
 - 2) Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:
 - a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or
 - b. Have no effect on the significance of a heritage asset; or
 - c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or
 - d. Cause the total loss of the significance of a heritage asset.
 - 3) In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.
 - 4) Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.
 - 5) Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and,

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where necessary, a field evaluation. These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.

8.5 Policy HE6 of the National Planning Policy Framework states the following for proposals affecting designated heritage assets:

- 1) When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation 95 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.
- 2) Development proposals which would have a positive effect on a designated heritage asset should be supported.
- 3) Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.
- 4) Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.
- 5) Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:
 - a) The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
 - b) No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the asset back into use.

8.6 Policy HE9 of the National Planning Policy Framework 2026 states that development proposals within or affecting the significance of Conservation Areas should:

- a) Retain and conserve buildings and other features which make a positive contribution to the character and appearance of the Conservation Area where possible; and
- b) Consider the areas special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of the development.

8.7 Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its

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contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

- 8.8 Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.
- 8.9 Local Plan Policy SADM15 is consistent with the NPPF and Policy SP15 aims to protect Welwyn Garden City's historical significance and unique heritage as a garden city. It states that proposals for new development should protect, conserve and where appropriate enhance its heritage assets. All development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City. Policy SADM15 adds that where successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.
- 8.10 Policy DP3 of the National Planning Policy Framework 2026 states that development proposals should respond to their context so that they integrate with and enhance their surroundings such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.
- 8.11 Policy SP9 of the Welwyn Hatfield Local Plan 2023 (Place Making and High Quality Design) states that proposals will be required to deliver a high quality design that fosters a positive sense of place by responding to the site's character and context so they relate well to their surroundings and local distinctiveness including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals should respect neighbouring buildings and the surrounding context in terms of height, mass and scale and be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 8.12 This application seeks planning approval for the replacement of the HVAC system at roof level and decorative changes to the building which are outlined in the proposals section above and will be assessed below.

HVAC System

- 8.13 The proposed development includes the replacement and upgrading of existing roof-mounted HVAC plant and equipment. The equipment would be located within the existing external plant deck at the rear of the main roof, which already accommodates mechanical plant and associated equipment. As such, the proposal represents the replacement of plant within an established service area.
- 8.14 By virtue of its position at the rear of the building, views of the plant from public vantage points would be limited. Whilst some views may be available from the sports facilities and surrounding land to the rear, the separation distance and its location within an existing plant area would significantly reduce its visual prominence. Consequently, the replacement plant would not appear as an incongruous feature and would have a negligible impact on the character and appearance of the area.
- 8.15 The proposal also includes the installation of a kitchen exhaust flue at roof level. The flue would be positioned approximately 0.9m below the roof ridgeline and around 12m behind the principal elevation. Measuring approximately 0.6m in height, width and depth, the flue would be modest in scale and, due to its recessed siting and functional relationship with the established restaurant use, would appear as a discreet and functional addition to the building.

- 8.16 Taking these factors into account, it is considered that the proposed HVAC plant and kitchen exhaust flue would not result in unacceptable visual harm and would preserve the character and appearance of the host building and the surrounding area. The proposal HVAC system would not detract from the visual quality of the building or the wider street scene.

Other External Alterations

Building finish and external cladding

- 8.17 The proposal includes the refurbishment and repainting of the building's external finishes. Existing cream-coloured elements of the elevations would be repainted in Traffic White, whilst existing grey elements would be refinished in a darker grey tone.
- 8.18 The proposed colour scheme would remain neutral in character as per the existing situation and is considered appropriate within the context of the existing building and surrounding commercial and residential environment. The changes are cosmetic in nature and would refresh the appearance of the building without altering its scale, form or architectural composition.
- 8.19 The revised finishes would not appear unduly prominent, incongruous or visually intrusive within the street scene. Instead, they would provide a more cohesive and modern appearance whilst remaining compatible with the character and appearance of the surrounding area.
- 8.20 The proposal includes the replacement of existing cladding above the entrance canopy and around the first-floor windows on the north-east elevation. The new cladding would comprise a vertical grey finish, replacing a mix of existing horizontal and vertical cladding treatments.
- 8.21 The proposed alterations would form part of the wider refurbishment of the building and would create a more cohesive and contemporary appearance. The proposed material and colour are considered appropriate to the host building and would integrate satisfactorily with the overall palette of external finishes. Accordingly, the replacement cladding would preserve the character and appearance of the building and surrounding area and is considered acceptable in design terms.
- 8.22 Accordingly, it is considered that the proposed alterations to the external finishes and cladding would preserve the character and appearance of the host building and wider area and would not result in harm to visual amenity.

Fascia Boards and Fenestration Alterations

- 8.23 The proposal includes the repainting of the existing window frames and fascia boards. During the course of the application, amendments were secured to the proposed colour palette, with the originally proposed grey finish amended to Traffic White. The use of Traffic White is considered more appropriate to the character and appearance of the building and its location within Welwyn Garden City.
- 8.24 The proposed alterations to the window frames and fascia boards are limited to their external finish and would not alter their size, proportions or detailing. The amended colour scheme would retain the white colour that is sympathetic to the existing building and would provide a cohesive and refreshed finish across the development. The changes would not appear unduly prominent, incongruous or visually intrusive within the surrounding area.
- 8.25 The proposal also includes alterations to the existing entrance doors. On the north-east elevation, the existing doors would be replaced with automatic entrance doors finished in Traffic

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White. On the north-west elevation, a new entrance door would be installed within the existing entrance area and an existing window opening would be altered to accommodate an additional access door with an adjoining glazed panel. These alterations would be modest in scale and would be incorporated within the existing elevational composition of the building. As such, they would not adversely affect the appearance of the building or result in any visual harm to the surrounding area.

- 8.26 Overall, it is considered that the proposed alterations to the window frames, fascia boards and the new entrance doors would preserve the character and appearance of the host building and would integrate satisfactorily within the surrounding street scene. The development would not result in unacceptable visual harm.

Removal of balcony balustrades from the building

- 8.27 The proposal includes the removal of decorative metal railings associated with first-floor mock balconies on the north-east and north-west elevations. These features are not original to the building and were added under a planning permission granted in 2006.
- 8.28 Whilst the railings provide some articulation to the elevations, they do not form an important component of the building's architectural character or appearance. Their removal would simplify the elevations and result in a cleaner appearance without altering the scale, form or overall composition of the building.
- 8.29 Accordingly, it is considered that the removal of the railings would have a neutral impact on the character and appearance of the host building and surrounding area and would not result in any harm to the setting of the nearby Welwyn Garden City Conservation Area. The proposal is therefore acceptable in design terms.

Alterations to the rear (South West Elevation)

- 8.31 The proposal includes the installation of a new louvre vent at high level on the western elevation. Given its modest scale, functional appearance and location, the louvre vent would integrate satisfactorily with the host building and would not appear unduly prominent or visually intrusive.
- 8.32 The proposals also include the introduction of a new parapet feature incorporating vertical cladding within the existing flat-roofed valley between the pitched roof elements. This feature would form part of the wider refurbishment of the building and contribute to a more cohesive appearance. In addition, it would provide a degree of screening to rooftop plant. The proposed cladding treatment is considered appropriate to the building and would not adversely affect its character or appearance.
- 8.33 At ground-floor level, within the enclosed rear service yard, one existing doorway would be replaced with a window, whilst the remaining openings would be retained. A new delivery access ramp would also be provided adjacent to the easternmost doorway. These alterations are minor in nature and would be largely screened from public view by the existing service yard enclosure. Consequently, they would not result in any adverse impact on the character and appearance of the building or the surrounding area.
- 8.34 As such, having regard to the assessment above, together with the other associated external alterations detailed on the submitted plans, it is considered that the proposed development would comprise a sympathetic and well-designed refurbishment of the building. The alterations would result in a more cohesive and contemporary appearance and would not cause harm to the character or appearance of the host building or the visual amenities of the surrounding area nor would the proposals prejudice the setting of the adjacent conservation area. The proposal is

therefore considered acceptable in design terms and complies with Policy SP9 of the Welwyn Hatfield Local Plan 2023 and Policies DP3 of the National Planning Policy Framework 2026.

8.35 **Considerations regarding the adjacent Welwyn Garden City Conservation Area.**

- 8.36 During the course of the application, a number of objections raised concerns of the fact that the proposals would not be in keeping with the character of the area, including the Garden City setting and the impacts on the Conservation Area.
- 8.37 During the course of the application, Place Services, acting as the Council's heritage consultant, reviewed the proposals and raised no objection. The consultant advised that the application site lies within the setting of the Welwyn Garden City Conservation Area, approximately 30 metres to the north-west and separated from it by the A6129. The existing building is a modern structure that has been altered over time and lacks particular architectural or historic interest. Consequently, it does not make a meaningful contribution to the significance of the Conservation Area.
- 8.38 During the application process, amendments were secured to the proposed window colour. The originally proposed Umbra Grey finish was amended to Traffic White, which is considered more appropriate to the character and appearance of the building and reflects the palette of materials and architectural detailing commonly found within Welwyn Garden City. This amendment further reduces the visual impact of the proposal and ensures a more sympathetic relationship with the surrounding townscape.
- 8.39 The proposal would also result in the removal of balustrades associated with mock balconies on the elevations. These features are relatively recent additions to the building, having been approved as part of a planning permission granted in 2006, and do not form part of the original building design. As such, they do not contribute to any heritage significance, nor do they make a positive contribution to the setting of the nearby Conservation Area. Their removal would not result in any heritage harm and would simplify the appearance of the building.
- 8.40 Place Services advised that the proposed alterations, including the replacement HVAC equipment at roof level, would not negatively affect the appearance of the building and that the overall approach is sympathetic to its existing form. The proposed works would not alter the scale, massing or overall character of the building and would be viewed within the context of an established commercial area. The replacement plant would not appear as an intrusive feature in views into or out of the Conservation Area.
- 8.41 Having regard to the separation distance, the limited nature of the proposed alterations, the amendment to a more appropriate window colour and the removal of later additions that do not contribute to heritage significance, it is considered that the development would preserve the setting and significance of the Welwyn Garden City Conservation Area. The proposal would therefore not result in undue harm to the significance of the designated heritage asset and accords with Policies HE9 of the National Planning Policy Framework 2026 and Policy SADM 15 of the Welwyn Hatfield Local Plan 2023 in this regard.

2. Residential amenity

- 8.42 Policy P3 of the National Planning Policy Framework 2026 states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users,

Aswell as that of the environment and population in the surrounding area. Within this context, development proposals should amongst other things (b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting).

- 8.43 Policy SADM 18 of the Welwyn Hatfield Local Plan states that when considering development proposals, the Council will ensure that pollution will not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment.
- 8.44 Local Plan Policy SADM18 states that the potential impact of proposals upon odour levels, or their sensitivity to prevailing sources and levels of odour should be considered and addressed. Where appropriate, the Council will require an Odour Impact Assessment to be provided, including an Odour Management Plan where necessary.
- 8.45 With regards to Noise and Vibration, Policy SADM18 states that a Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and or vibration.
- 8.46 During the course of the public consultation period, a number of responses were received raising concerns with neighbouring impacts, these include and are not limited to the following:
- 1) Odour and air quality
 - 2) Noise concerns from the operations and from deliveries/customers
 - 3) Traffic
 - 4) Light spill
 - 5) Litter
- 8.47 It should be noted that this application relates solely to the installation of HVAC plant and equipment and associated external alterations to the building. The application does not seek permission for any material change of use. Furthermore, no alterations to the existing site lighting are proposed and, therefore, lighting has not formed part of the assessment of this application.
- 8.48 The proposed external alterations are not considered to result in any adverse impacts on neighbouring residential amenity. No extensions are proposed and the development is limited to alterations to the appearance of the existing building together with replacement plant and extraction equipment. The proposed changes to the external finishes, windows and doors, replacement entrance doors, delivery access ramp and associated works would not give rise to any unacceptable impacts in terms of outlook, loss of light, overbearing impact or privacy. The proposals also do not include any alterations to the sites existing lighting plan, and therefore there are no concerns with issues relating to lighting spill or over illumination which could potentially cause light pollution for neighbouring properties.
- 8.49 It is also noted that the application relates to alterations to an existing building in a lawful use as a restaurant. it does not seek planning permission for a change of use, an intensification of the existing use, or an increase in customer floorspace. Consequently, the proposal would not be expected to materially increase customer numbers, vehicle movements, servicing arrangements or delivery activity associated with the site. As such, concerns relating to traffic, customer activity, general disturbance and deliveries are not considered to arise from the development proposed.

- 8.50 The proposal also includes the installation of replacement HVAC plant and a kitchen extract system. The concerns raised through public representations in respect of noise, odour and disturbance have been carefully considered. In assessing the application, the Council's Public Health and Protection Team reviewed the submitted technical information, including the acoustic assessment prepared by Acoustic Associates SQ Ltd and the odour assessment prepared by CDM Partnership.
- 8.51 Following its review of the submitted information, the Public Health and Protection Team raised no objection to the development, subject to planning conditions. These conditions require the implementation of measures relating to construction working hours, dust control, operational plant noise and odour mitigation associated with the kitchen extract system.
- 8.52 Having regard to the nature and scale of the proposed development, the findings of the submitted technical assessments and the advice of the Council's Public Health and Protection Team, it is considered that any potential impacts arising from construction activities, the operation of the replacement plant and the kitchen extract system can be satisfactorily mitigated through planning conditions. Accordingly, the proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers and is considered to accord with Policy SP18 of the Welwyn Hatfield Local Plan 2023 and the relevant amenity objectives of the National Planning Policy Framework (2026).
- 8.53 **3. Highways and parking considerations**
- 8.54 Policy TR3 of the National Planning Policy Framework 2026 states that so that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- a) Development proposals which could generate a significant amount of movement, in the context of area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;
 - b) Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
 - c) Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach; and
 - d) The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution;
- 8.55 Policy TR4 of the National Planning Policy Framework 2026 states that to contribute to well designed places, transport considerations should be integral to the design of development, proposals for which should:

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- a) Give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating easy access to high quality public transport, with layouts and densities which maximise the catchments for bus or other public transport services;
- b) Incorporate or contribute towards appropriate features to support this prioritisation, such as permeable street networks, continuous footways and segregated cycle facilities which are adequately lit, sufficient secure and accessible cycle parking, regularly spaced public seating and good quality waiting facilities for public transport;
- c) Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility). This includes reflecting relevant aspects of policy DP3(2), as well as employing measures to:
 - i. Minimise the scope for conflict between pedestrians, cyclists and vehicles;
 - ii. Meet the needs of disabled people, older people and children in relation to all modes of transport, and
 - iii. Avoid any unnecessary street clutter
- d) Allow for the efficient delivery of goods, and ease of access by service and emergency vehicles, in ways which do not compromise key place-making principles (set out in policy DP3(2)); and
- e) Provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations. A flexible approach to applying parking standards should be taken where the reconfiguration of retail or other sites which attract large numbers of customers would make better use of previously developed land, and there is evidence that a certain number of spaces needs to be retained to meet specific operational and commercial requirements.

8.56 Policy SADM12 of the Welwyn Hatfield Local Plan 2023 states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Councils parking standards taking account of:

- a) The sites location and accessibility to public transport, services and facilities;
- b) The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
- c) The need to promote more sustainable forms of travel within the borough.

8.57 Policy SADM 12 also states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and accesses to them should be appropriately sited and designed to ensure they can:

- a) Perform their role effectively without prejudicing or being prejudiced by other functions and users
- b) Maintain an attractive and coherent street scene and protect visual amenity; and
- c) Avoid creating risk to human health or an environmental nuisance.

8.58 During the course of the application, a number of objections were raised following the public consultation. These objections raised themes but are not limited to the following:

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- Parking issues and overspill into surrounding streets
- Increase existing traffic pressures, resulting in congestion and queuing
- Increase in traffic movements within the area including customer vehicles and traffic
- Pedestrian and cyclists safety
- Whether pedestrian crossings within the local area are suitable.

8.59 Whilst the concerns raised in relation to traffic, parking and highway safety are acknowledged, it is important to note that the application seeks planning permission for external alterations to an existing restaurant building, including the installation of replacement HVAC plant, a kitchen extract system and associated refurbishment works. The application does not propose a material change of use and would not alter the lawful use of the premises. These changes to the building would not result in any harmful impacts to traffic, parking and highways.

8.60 The proposed works are limited in nature and comprise alterations to the appearance and operation of the existing building. As such, the development would not be expected to materially alter the manner in which the site is used.

8.61 In the absence of a material change of use or any significant intensification of the existing lawful use arising from the development, it is not considered that the proposal would have a material impact on highway safety, parking demand or the operation of the local highway network.

8.62 Accordingly, no objection is raised on highway grounds and the proposal is not considered to prejudice the safe and efficient operation of the highway network.

9 Conclusion and recommendation

9.1 It is important to note that the assessment of this application must be based on the development proposed and not the identity of the applicant or operator. The application seeks permission for external alterations to an existing restaurant building, together with replacement plant and extraction equipment. The application does not propose a material change of use and therefore the assessment has been undertaken on the basis of the existing lawful use of the site. Matters relating to any future intensification of the use or any alternative use of the premises do not form part of the application and can carry only limited weight in the determination of this proposal. Accordingly, the application has been assessed solely on its own planning merits and the impacts arising from the development proposed.

9.2 Based on the above assessment for the proposed development as outlined in the description, the application is recommended for approval subject to planning conditions.

10 Recommendation

10.1 It is recommended that the Committee resolves to grant planning permission subject to:

- a) The conditions suggested below:

1. Time Limit for Commencement of Development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended).

2. Approved drawings

Plan Number	Revision Number	Details	Received Date
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3. Materials Samples

No development shall take place until samples of the materials to be used for the finish of the external surfaces including paint samples, cladding samples including colour of the building 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Matching materials

The roof tile, detailing, guttering, soffits and fascia boards must match the existing 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Noise, Vibration and dust from demolition/construction works:

All noisy 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 Monday to Fridays

8:00am and 1:00pm Saturdays

And at no time on Sundays and Bank Holidays

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

1. 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
2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
3. 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.

4. 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.
5. 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.
6. All pile driving shall be carried out by a recognised noise reducing system.
7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
9. BS 5228 Noise and Vibration 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.
10. Any emergency deviation from these conditions shall be notified to the Council without delay
11. 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.
12. Permissible noise levels are not specified at this stage.

REASON: To protect residents from nuisance arising from noise, vibration, and dust from construction works during the development phases, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

6. Noise from plant and equipment

The noise level from the combined operation from all plant and equipment associated with the development, hereby approved, must not exceed the background noise level (LA90), in accordance with BS4142: 2014+A1:2019, at any time, at the nearest residential receptor location.

The noise level must be achieved with the plant and equipment running at a typical maximum load setting.

The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are always maintained.

REASON: To protect the occupants at the nearest receptor location from noise disturbance, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework

7. Odour from kitchen extract system

The noise level from the combined operation from all plant and equipment associated with the development, hereby approved, must not exceed the background noise level (LA90), in accordance with BS4142: 2014+A1:2019, at any time, at the nearest residential receptor location.

The noise level must be achieved with the plant and equipment running at a typical maximum load setting.

The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are always maintained.

REASON: To protect the occupants at the nearest receptor location from noise disturbance, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework

INFORMATIVES

Other legislation

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

Ownership

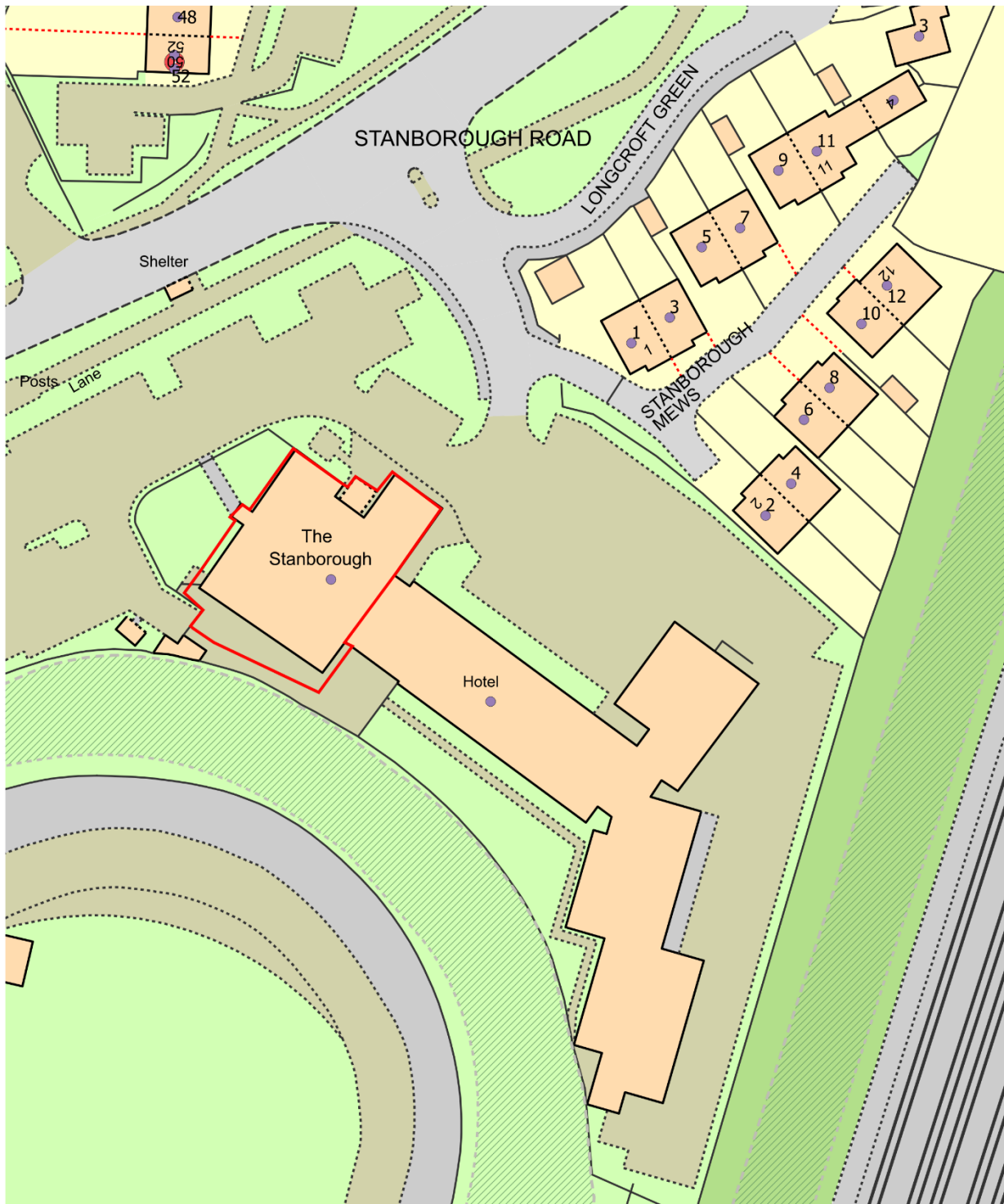
The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

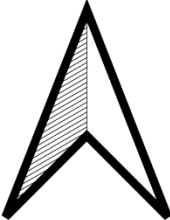
POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of Policy DM3 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

Jedd Goodwin-Roberts (Development Management)

Date: 05 October 2026



	The Stanborough Stanborough Road Welwyn Garden City AL8 6DQ		Scale:
			Date: 13-10-2026
	Development Management Committee	6/2026/1232/FULL	Drawn: US
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22 October 2026

Agenda Item No: 7

Committee: Development Management

Report title: 6/2026/0076/FULL - 23-25 Station Road and 1-9 Woodside Road Digswell AL6 0DU

Report author: Raymond Lee – Senior Development Management Officer

Responsible Officer: Executive Director (Place)

Cabinet Member(s) responsible: Rose Grewal

Part 1 or 2: Part 1

Executive Summary:

This report recommends that the Development Management Committee resolves to grant planning permission for planning application 6/2026/0076/FULL for the erection of three dwellings with associated landscaping and car parking at 23-25 Station Road and 1-9 Woodside Road Digswell AL6 0DU.

Recommendations:

It is recommended that:

The Development Management Committee resolves to grant planning permission, subject to the attached conditions and informatives at the end of the committee report.

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

This reports supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

- 4.1 There are no known risk management implications.

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5. Financial Implications

- 5.1 There are no known direct financial implications.

6. Legal and procurement implications

- 6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

- 7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

- 8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

- 9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

Appendix 1 – Welwyn Hatfield Borough Council Development Management Committee – 22 October 2026 – 6/2026/0076/FULL - 23-25 Station Road and 1-9 Woodside Road Digswell AL6 0DU

APPENDIX 1

Part I

Main author: Raymond Lee

Executive Member: Councillor R. Grewal
(Welwyn)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22 OCTOBER 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/0076/FULL

23-25 STATION ROAD AND 1-9 WOODSIDE ROAD DIGSWELL AL6 0DU

ERECTION OF THREE DWELLINGS WITH ASSOCIATED LANDSCAPING AND CAR PARKING

APPLICANT: STAY NEW HOMES LIMITED

1 Site Description

- 1.1 The application site comprises of a detached parade of shops (1, 7 and 9 Woodside Road) with 2 x 2-bedroom apartments above (3 and 5 Woodside Road) and an attached 3-bedroom dwelling (25A Station Road). To the other side, there is a pair of detached commercial units (23A and 23B) which were built in the late 1950's. The shopping parade and residential uses were built in the 1920's and are two storeys in height. It is built in a traditional vernacular. At the rear, there is a large extension used by one of the commercial units. In the middle of the shopping parade, there is a vehicular access to area of hardstanding serving as the car park for the commercial units. There is a secondary vehicular access from Woodside Road to an existing detached double garage which is listed in the planning history for the use of 3 and 5 Woodside Road. The site's boundaries comprise a mix of mature trees and soft landscaping that provide partial screening of views into and out of the application site. The site is irregular in shape and is characterised by a change in levels of approximately 3 metres, with the upper part of the site positioned above the level of the adjacent street.
- 1.2 It is important to note that a previous application (6/2022/0142/FULL), for the demolition of two vacant commercial units and erection of two apartments, incorporating a commercial unit at ground floor level, and four semi-detached dwellings with residential/private parking, cycle store, refuse store, private and communal amenities, was dismissed at appeal (APP/C1950/W/23/3316609) on 4th March 2024. The appeal was dismissed principally due to concerns regarding insufficient details on the parking arrangement and the resultant detriment to highway safety from parking pressures. Since the appeal, the planning context has changed through the publication of the revised NPPF, the introduction of the Sustainability SPD guidance, Community Infrastructure Levy (CIL), and the Welwyn Parish Neighbourhood Plan. These documents are material considerations and have been taken into account in assessing the revised proposal.

- 1.3 The main differences between the dismissed scheme and the current proposal are the reduction in the number of dwellings, from two pairs of semi-detached properties at the rear of the site together with a building comprising a ground-floor retail unit and two apartments above, to a detached dwelling and a pair of semi-detached properties. The site layout has also been revised to formalise the parking arrangement along with associated landscape changes. These changes seek to address the concerns identified in the previous appeal while responding to the current policy framework.

2 The Proposal

- 2.1 The current application seeks planning permission for erection of three dwellings with associated landscaping and car parking. The development comprises of a 2.5 storey detached 4-bedroom dwelling and two 2 storey 3-bedroom semi-detached dwellings. The proposed site layout plan shows the dwellings located at the rear of the application site, accessed from an existing vehicular access via Station Road. Each dwelling has a private rear garden and allocated car parking spaces. The proposal also seeks to formalise the current informal parking area to the rear of the existing commercial and residential properties by the provision of 22 designated and marked parking spaces.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Cllr Cragg has called-in the proposal for the following reasons:
- The new application still does not provide sufficient car parking to sustain the shops in Woodside Road.
 - The detached house at the rear is 2.5 storeys, higher than in the previously refused application.
 - Trees along the boundary with 21 Station Road, which currently screen the site look as if they are to be removed and there is no indication of any replacements there.

4 Relevant Planning History

- 4.1 Application Number: N6/1958/0926/
Decision: Granted
Decision Date: 17 March 1959
Proposal: 2 Look-up Shops.
- 4.2 Application Number N6/1974/0252/
Decision: Granted
Decision Date: 04 June 1974
Proposal: Double garage
- 4.3 Application Number: N6/1974/0457/
Decision: Refused
Decision Date: 20 September 1974

Proposal: Change of use of part of radio accessories shop to a launderette

- 4.4 Application Number: E6/1974/0697/
Decision: Granted
Decision Date: 04 December 1974
Proposal: Coldroom
- 4.5 Application Number: N6/1975/0708/
Decision: Granted
Decision Date: 13 February 1976
Proposal: Use of shop premises for photographic studios and allied purposes
- 4.6 Application Number: N6/1978/0389/
Decision: Granted
Decision Date: 07 September 1978
Proposal: Storage shed
- 4.7 Application Number: N6/2003/0353/FP
Decision: Granted
Decision Date: 16 May 2003
Proposal: Change of use from photographic studio B1 to D1 (dental practice) and associated parking
- 4.8 Application Number: N6/2004/0564/FP
Decision: Granted
Decision Date: 09 June 2004
Proposal: Change of use to holistic therapy clinic
- 4.9 Application Number: 6/2017/0731/FULL
Decision: Refused
Decision Date: 24 July 2017
Proposal: Change of use from shop (Class A1) to cafe (Class A3). Proposed opening hours: Monday- Saturday 8.30am-6pm and possibly Sundays 10am-4pm
- 4.10 Application Number: 6/2017/1466/FULL
Decision: Refused
Decision Date: 29 August 2017
Proposal: Change of use from shop (Class A1) to cafe (Class A3). Proposed opening hours: Monday- Saturday 7 am-5pm
- 4.11 Application Number: 6/2022/0142/FULL
Decision: Appeal against non-determination/appeal dismissed
Decision Date: 16 May 2023
Proposal: Demolition of two vacant commercial units and erection of two apartments, incorporating a retail unit at ground floor level, and four semi-detached dwellings with residential/private parking, cycle store, refuse store, private and communal amenities
- 4.12 Application Number: 6/2025/0035/PA
Decision: Refused
Decision Date: 28 May 2025

Proposal: Erection of two semi-detached and one detached dwellings, along with additional flat above 23a & 23b Station Road, all including residential/private/retail parking, cycle storage and private & communal amenity spaces

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2026 (NPPF)
- 5.2 National Design Guide 2021 (NDG)
- 5.3 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
- 5.4 The WHBC Regulation 19 Proposed Submission Local Plan (February 2026) (Draft Local Plan)

The WHBC Regulation 19 Proposed Submission Local Plan was agreed by Full Council on 16th September and will undergo public consultation between 23rd September and 4th November. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Sustainability Supplementary Design Guidance 2025 (SSDG)
- 5.7 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 5.8 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.9 Digswell Character Appraisal 2004
- 5.10 Welwyn Parish Neighbourhood Development Plan 2025-2036
- 5.11 Community Infrastructure Levy 2025 (CIL)
- 5.12 Hertfordshire Local Transport Plan (2018-2031) 2018 (LTP)
- 5.13 Hertfordshire Waste Development Framework 2012

6 Site Designation

- 6.1 The application site is not allocated for development and thus has no designation in this regard.

7 Representations Received

- 7.1 The application was advertised by means of neighbour consultation letters, press notice, and a site notice. In total 51 representations have been received including 46

objections and 5 comments. All representations received are published in full on the Council's website and are summarised below.

Objections

- Loss/inadequacy of parking for the existing shops causing viability issues for existing businesses
- Impact on the viability of the existing businesses
- Height, massing and overbearing effect
- Overlooking and loss of privacy
- Highway safety and additional traffic
- Inadequate/narrow access and refuse vehicle manoeuvring
- Harm to the character of Digswell
- Accuracy of site levels, drawings and information
- Tree removal and changes to the site

General Comments

- Provision for car parking is essential for this application
- More appropriate design and layout compared with previous applications

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal in principle, subject to conditions being applied:

- WHBC Landscapes Department
- WHBC Public Health and Protection
- HCC Transport Programmes and Strategy
- HCC Ecology

8.2 The following have responded advising no objection/no comment:

- WHBC Client Services
- Historic Environment Advisor

8.3 There have been no responses from the following consultees:

- HCC LLFA
- Affinity Water Ltd
- Cadent Gas Limited
- The Ramblers' Association
- HFRS Fire Protection
- Herts & Middlesex Wildlife Trust

9 Parish Council Representations

9.1 Welwyn Parish Council have objected to the proposed development for summarised reason below:

- Insufficient parking.
- The height of the 2.5 storey detached dwelling is out of character.
- There are concerns regarding the traffic in and out of the plot and note that Highways have not yet provided an opinion.

10 Analysis

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

- 1. Principle of development**
- 2. Impact on the character of the area**
- 3. Residential amenity**
- 4. Highways, access and parking**
- 5. Other considerations**
 - i) Tree impact
 - ii) Flood risk and sustainable drainage
 - iii) Ecology and biodiversity
 - iv) Sustainability requirements
 - v) Community Infrastructure Levy (CIL)
 - vi) Onsite Waste and Recycling
 - vii) PD Removal
- 6. Planning balance**
- 7. Conclusion**
- 10. Recommendation**

1. Principle of development

10.2 In terms of decision making, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:

- The Welwyn Hatfield Borough Council Local Plan 2016-2036;
- Hertfordshire Waste Development Framework 2012;
- Hertfordshire Waste Site Allocations Development Plan Document 2014; and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

10.3 The National Planning Policy Framework (NPPF) is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026. Of particular relevance are NPPF Policies S3 and S4, which establish the presumption in favour of sustainable development and provide the national policy framework for considering the principle of development within settlements. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the policies in the Framework. This establishes a positive policy starting point for development within settlements, subject to consideration of the specific impacts of the proposal. The NPPF also requires decision-makers to apply the presumption in favour of sustainable development through the application of both

plan-making and decision-making policies, with proposals assessed against the Framework as a whole.

- 10.4 Policies SP1, SP2 and SP3 of the Council's Local Plan outline the spatial strategy for the distribution of housing development within the Borough.
- 10.5 Policy SP1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk. Moreover, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF, as well as the principles set out within Policy SP1.
- 10.6 Policy SP2 makes provision for the development needs of the Borough and sets out that the Council will support levels of growth which are consistent with the vision and objectives of its strategy and the principles of sustainable development.
- 10.7 Policy SP3 sets out the settlement hierarchy and framework for settlement objectives. The settlement strategy directs growth to the most sustainable locations at a scale which is consistent with the settlement hierarchy.
- 10.8 The application site has not been allocated for residential development in the Local Plan. Accordingly, the proposal would come forward as a windfall housing site. Policy SADM1 would therefore apply. This policy states that all applications for windfall residential development on unallocated site will be granted provided:
 - i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.9 Policy SADM1 further states that windfall sites will be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services.
- 10.10 With regard to criterion (i) of Policy SADM1, the application site is located outside the Green Belt and comprises an access and hardstanding area currently used as a car park serving the existing commercial units together with soft landscaping. Digswell is identified within the adopted Local Plan as a small excluded village/settlement. The site is enclosed by existing development with the proposed development occupying an established gap within the built-up area rather than extending the settlement into

the surrounding countryside. Given the scale of the development and its location, the proposal is considered to constitute a small-scale infill development within an excluded village. Accordingly, the proposal would accord with criterion (i) of Policy SADM1.

- 10.11 In terms of accessibility, the application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. The site is situated adjacent to the local shops within Digswell, and is in close proximity to the Welwyn North Train Station (approximately 400m away). A number of bus stops are also located within approximately a five-minute walk of the site, providing access to the 203, 204 and 388 services. These routes provide connections to surrounding settlements and local facilities. This accords with the objectives of the revised NPPF, particularly Policies TR1 and TR2, which seek to ensure that development is located and designed to promote accessibility by walking, cycling and public transport, reduce reliance on the private car, and maximise opportunities for sustainable travel. The site is also consistent with the locational principles of the Welwyn Hatfield Local Plan, including Policy SP1, which seeks to direct development towards sustainable locations with good access to services, facilities and transport. The site therefore has access to services and alternative means of transport, with the result that future occupants would not have to be heavily reliant on journeys by car. The proposal therefore complies with criteria (ii).
- 10.12 With respect to criteria (iii), there is no evidence to suggest that the existing infrastructure nearby would not be able to absorb the development. The proposal would not undermine the delivery of allocated sites or the overall strategy of the Local Plan, in accordance with criteria (iv). Lastly, the site is located within the settlement of Digswell and it is considered that the scale of the proposal would not result in disproportionate growth in the village, in accordance with criteria (v) of Policy SADM1.

In respect of the Welwyn Parish Neighbourhood Development Plan for Digswell, Policy 10 requires development to respond appropriately to the established character of the settlement, avoid over-development and have regard to matters including scale, layout, screening, mature trees and wildlife. Accordingly, the Neighbourhood Plan does not preclude residential development in Digswell in principle, but requires proposals to demonstrate that they represent appropriate and sustainable development which responds positively to the character and environmental qualities.

- 10.13 For the reasons above, there is no in principle objection to this site being used for residential purposes in land use terms. The physical and environmental constraints on development of the land are discussed below.

2. Impact on the character of the area

- 10.14 Policy DP3(1) the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

- 10.15 Policy SP9 of the Welwyn Hatfield Local Plan requires proposals to reinforce and enhance positive aspects of the locality and take opportunities to create high quality places.
- 10.16 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis, amongst other things, of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character.
- 10.17 Policy SP9 of the Local Plan deals with place making and high-quality design. It states that proposals will be required to deliver a high-quality design that fosters a positive sense of place by responding to numerous principles in an integrated and coherent way. The main principles at this stage are:
- Respond to character and context
 - Legible, permeable and well connected
 - High quality public space and landscaping
 - Space for nature
- 10.18 The landscape section of Local Plan Policy SADM16 outlines that proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. Policy SP9 of the Local Plan requires proposals to be informed by a thorough analysis of a site's character and context, ensuring that new development relates well to its surroundings and reinforces local distinctiveness, including the wider townscape and landscape. The policy seeks to enhance the sense of place and expects proposals to achieve an appropriate density, typically between 30 and 50 net dwellings per hectare (dph), balancing efficient use of land with high-quality design that respects character and context.
- 10.19 The Digswell Character Appraisal (2004) states the architectural character of the village is varied but mainly within an overall derivative neo vernacular style with later suburban types in well-defined pockets. Predominant building materials are brick and clay roof tile with buildings mainly two storey in height. This is particularly evident in the vicinity of Nos. 23-25 Station Road where the relatively open nature of the street scene reveals a variety of materials and pitched roofs. The Townscape Appraisal of Digswell identifies the view down Woodside Road beyond Nos. 23-25 Station Road as an important long/wide view. This part of Digswell comprises two storey dwellings and buildings (with the exception of the existing buildings at 23A and 23B Station Road) directly fronting the roads which they serve, in plots of varying sizes. The dwellings are set back from the highway and have a broadly consistent building line. However, the commercial unit at 25 Station Road is a little more prominent in the street scene as a result of its being at the junction of Station Road and Woodside Road and the angle of the building of which it forms a part within its plot. A degree of soft landscaping lines the frontages of both Station Road and Woodside Road.
- 10.20 Policy 10 of the Welwyn Parish Neighbourhood Development Plan 2025–2036 is directly relevant to the design and layout of the proposal. The policy seeks to maintain the established character of Digswell and, to the west of the railway,

specifically recognises the predominantly smaller-scale character of houses and bungalows whilst supporting opportunities for good modern design. It also seeks to prevent over-development and requires development to provide effective screening from the road and adjacent plots, conserve mature trees and avoid or mitigate harm to wildlife. In addition, the Plan's housing objectives require development to ensure that its scale, density, massing, height, landscape design, layout and materials reflect and enhance the existing architectural and historic character and scale of the area.

10.21 By way of background, the previous appeal scheme comprised six dwellings arranged as two pairs of semi-detached properties at the rear of the site, and a building with a retail unit at ground floor level two apartments above. The current proposal reduces the number of dwellings to three, comprising one detached dwelling and one pair of semi-detached dwellings. As such, the current proposal represents a reduction in both the scale and intensity of development compared with the scheme previously dismissed under Appeal Ref. APP/C1950/W/23/3316609. With respect to the proposed rear dwellings, the Inspector considering the previous appeal concluded that the development would not harm the character or appearance of the area. In particular, the Inspector accepted that:

- the rear dwellings would not appear incongruous;
- the design maintained the architectural style of the surrounding area;
- the proposed density was acceptable; landscaping could adequately mitigate the loss of trees; and
- the proposal complied with Policy SP9 and the NPPF in respect of good design.

10.22 In this case, the proposed density would be approximately 11 dwellings per hectare. The housing mix and density are considered appropriate having regard to the character of the surrounding area. The previous scheme proposed two pairs of semi-detached dwellings with a gap between the two groups. While the overall gap between the built forms remains unchanged, the reduced number of dwellings and revised layout would result in a less intensive form of development, with a corresponding reduction in activity associated with the site. The revised layout would also introduce greater variation in the built form. In particular, the detached dwelling would provide a visual break between the semi-detached properties, helping to create a more spacious and informal pattern of development that is more reflective of the prevailing character of the surrounding area. Although the footprint of the proposed detached dwelling is broadly comparable to the pair of semis previously proposed (approximately 117 sqm compared with 121 sqm), the revised arrangement provides a more varied distribution of built form across the site.

10.23 The layout also retains opportunities for landscaping around the dwellings, which would assist in breaking up the built form and providing a softer transition between the development and the surrounding residential area. While the extent of landscaping is somewhat reduced compared with the previous scheme as a result of the increased provision of parking, the appeal Inspector did not identify the landscaping or resultant relationship with the surrounding area as a reason for dismissing the previous appeal. In this context, the landscaping proposed, together with the reduced number of dwellings and greater variation in building form, would

continue to provide an appropriate degree of visual relief and assist in ensuring that the development does not appear overly intensive, contrived or cramped within its setting.

- 10.24 The proposed dwellings, which are predominantly two storeys in height, with accommodation within the roof space of the detached dwelling, are considered to be of an appropriate scale and height having regard to the prevailing character of the area. The proposed eaves heights are approximately 5m, with overall building heights ranging between approximately 8.65m and 8.9m. In comparison with the appealed scheme, the semi-detached properties remain the same while the detached property is approximately 30cm taller. These heights have been informed by indicative topographical levels. Given that the submitted levels are indicative at this stage, it is considered appropriate to impose a condition requiring the submission and approval of accurate topographical information. This would ensure that the finished floor levels and overall building heights are appropriately controlled and remain consistent with the approved development.
- 10.25 The architectural approach has also been refined from the previous scheme. The revised proposal incorporates a more balanced use of materials and cohesive arrangement of openings. The revised elevations provide each dwelling with a stronger individual identity, whilst maintaining a consistent architectural approach across the development. The dwellings would be visible from Station Road, Woodside Road and other public vantage points and although it is acknowledged that the proposed dwellings would have a more contemporary appearance than some of the neighbouring properties, they would remain sympathetic to the established character of the surrounding area through their two-storey form and the use of traditional gable roof forms. Subject to an appropriate materials condition, the proposed design and appearance are considered capable of assimilating satisfactorily into the wider character of the area.
- 10.26 Although the provision of dwellings in a backland form differs from the established development grain along Station Road and Woodside Road, this does not, in itself, result in material harm to the character of the area. The surrounding area comprises a variety of development forms, including traditional cul-de-sacs, individual dwellings and flatted developments. The revised proposal therefore represents an appropriate form of development within this varied context. Furthermore, the visual prominence of the proposed buildings within the street scene would be reduced by their position behind the existing frontage buildings.
- 10.27 The application site currently comprises of hardstanding used for parking and contains a number of mature trees, both within the rear of the site and along its boundaries. It is acknowledged that the development would introduce a significant amount of hardstanding and would result in the loss of some mature trees and existing landscaping. However, the proposal includes replacement tree planting, together with new hedging and shrub planting. These measures would provide a degree of mitigation for the loss of existing vegetation and would assist in integrating the development into its surroundings. It is also considered appropriate to secure further details of the proposed soft and hard landscaping by condition. In particular, additional planting and appropriate treatment of areas of hardstanding would help to

soften the development, enhance the appearance of the site and contribute positively to the character of the wider streetscene.

- 10.28 To summarise, the Planning Inspector previously concluded that the appeal scheme would not cause harm to the character and appearance of the area and accepted the principle of the scale, density, design and form of the proposed development. The current proposal reduces the number of dwellings from six to three and introduces a more varied and spacious built form, comprising a detached dwelling and a pair of semi-detached properties. The revised layout, reduced density, increased separation between buildings and enhanced landscaping opportunities results in a more modest and less intensive form of development than that previously considered on appeal. The refined architectural approach further assists in responding to the character of the surrounding area.
- 10.29 Overall, the proposal represents an appropriate and proportionate form of development which would make efficient use of the site without causing material harm to the character or appearance of the area. It therefore builds upon, and is consistent with, the positive conclusions reached by the Inspector in respect of the previous scheme.

4. Residential amenity

- 10.30 Policy P3 of the NPPF requires development to be appropriate to its location, taking account of the likely direct and cumulative effects of pollution on health, living conditions and the natural environment. It requires proposals to provide healthy living conditions for occupiers and users, with consideration given to matters including daylight and sunlight, noise, air pollution, artificial light and water quality, and for unacceptable impacts to be avoided or appropriately mitigated.
- 10.31 Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. This is consistent with the design guidance contained in the SDG.
- 10.32 The Welwyn Parish Neighbourhood Plan is also relevant. Design Principle A (Site Layout for New Developments) requires development to be designed to avoid undue harm to the amenity of neighbouring sites, including through loss of privacy or visual intrusion and the overall effect of the development on neighbouring living conditions.
- 10.33 Given the relationship of the proposed development to surrounding properties, the main properties with the potential to be affected are No. 21 Station Road, Nos. 3, 5 and 9A Woodside Road, and the properties within Hazel Close to the rear of the application site. A number of representations have been received from these and other neighbouring properties raising concerns regarding the effect of the proposed development upon residential amenity.
- 10.34 The principal matters raised by neighbouring occupiers in relation to amenity comprise overbearing impact, loss of outlook, overlooking and loss of privacy, potential loss of daylight and sunlight, the height and massing of the proposed dwellings, and the relationship of the development to existing gardens and habitable rooms. These concerns have been taken into account in assessing the proposal.

- 10.35 It is noted that the previous appeal decision (APP/C1950/W/23/3316609) considered the effect of the development on neighbouring residential amenity, including outlook, privacy and amenity space. The Inspector did not identify harm to residential amenity as a reason for dismissing the appeal. The previous decision is therefore a relevant material consideration, although the current proposal must be assessed on its own merits.

21 Station Road

- 10.36 No. 21 Station Road is immediately adjacent to the application site and is therefore amongst the properties most closely related to the proposed development. An objection has been received from the occupier, with the wider representations also raising concerns regarding the scale and visual relationship of the proposed dwellings. The proposed development would inevitably result in a change to the outlook from the property through the introduction of additional residential built form. However, the assessment of residential amenity must have regard to the existing developed character of the site, which already contains substantial commercial built form. The proposed buildings would be positioned, at its nearest point, approximately 27m from the neighbouring dwelling. Although the detached dwelling will be in close proximity to the common boundary, it would be positioned adjacent to the far end of their deep garden. The increase in building height compared to the previous scheme (by around 30cm) and the position of the openings is not considered to cause a material harm to the use of their main amenity areas in terms of light, outlook and privacy due to the separation distances involved. The Appeal Inspector raise no amenity concerns for the previous scheme for a similar development in this location. Accordingly, whilst there would be a change in outlook, the proposal is not considered to result in an unacceptable overbearing relationship, nor would it result in any undue impacts on privacy, subject to the development being constructed in accordance with the submitted plans.

3 and 5 Woodside Road

- 10.37 Properties at Nos. 3 and 5 Woodside Road are similarly located in close proximity to the application site. The potential effects upon these properties principally relate to the change in outlook arising from the proposed dwellings and the associated increase in built form. The representations received in respect of the development raise wider concerns regarding the height and massing of the proposed buildings and their relationship with neighbouring properties. One objection specifically considers that the proposed buildings would be excessive in scale and height and would appear overbearing from neighbouring properties. It is acknowledged that the proposed development would be more prominent than the existing arrangement in certain views. Nevertheless, a change in outlook does not in itself constitute unacceptable harm. The relevant consideration is whether the resulting relationship would cause an unacceptable loss of privacy, outlook, daylight/sunlight or create an unreasonable sense of enclosure. Having regard to the siting and separation of the proposed dwellings, the relationship is considered capable of maintaining an acceptable standard of residential amenity for these properties.

9A Woodside Road

10.38 No. 9A Woodside Road is another one of the properties with the potential to be directly affected by the proposed development and has submitted multiple objections during the consultation process. The representations raise specific concerns regarding the height of the proposed buildings, their proximity to the boundary, loss of privacy, overlooking and the impact upon the outlook from the property. The introduction of two-and-a-half-storey residential buildings would result in additional built form being visible from the property and its garden. It is acknowledged that this would represent a material change from the existing situation. However, the existing site is already developed and contains buildings of significant scale. The assessment should therefore consider the additional impact arising from the proposed buildings, rather than treating the site as an being undeveloped. The proposed development has been designed with separation from the neighbouring property and with the principal elevations and windows arranged to limit direct overlooking. Although the proposed detached dwelling would be approximately 30cm taller than the previous appealed scheme, this modest increase in height would not materially alter the relationship between the development and the neighbouring property or result in an additional level of harm over and above that considered by the Inspector. As such, the relationship is not considered to result in an unacceptable loss of privacy, and the proposed landscaping would further assist in softening the visual relationship between the new dwellings and neighbouring properties.

Hazel Close

10.39 The properties within Hazel Close are located to the rear of the application site and are predominantly lower-rise residential properties. Specific objections have been received from Nos. 8, 9 and 10 Hazel Close. The representations raise concerns regarding the height and proximity of the proposed dwellings, potential overlooking and loss of privacy to living rooms, bedrooms and rear gardens. One representation states that the proposed buildings would be substantially higher than the bungalows in Hazel Close and, due to their proximity to the boundary, would result in a loss of privacy. A further objection considers that the proposed dwellings would be excessive in scale, height and massing and would appear overbearing from neighbouring properties. It also raises specific concerns regarding loss of daylight and sunlight. These concerns are acknowledged. The proposed dwellings would introduce additional built form into views from Hazel Close and would be more prominent than the existing commercial buildings in some locations. However, the effect must be considered in the context of the existing built form, the intervening site boundary and vegetation, the separation distances and the orientation of the proposed and existing buildings.

10.40 In respect of privacy and overlooking, the proposed window arrangements, separation distances and orientation of the dwellings, together with the retention of mature boundary vegetation, would provide an appropriate degree of privacy between the development and neighbouring properties. In particular, the mature trees along the rear boundary, as shown on the submitted plans, would provide additional screening and assist in maintaining the privacy of properties within Hazel Close. Despite this, the rear-facing rooflight on Plot 1 would be positioned at an elevated level and, as a result of its orientation and position within the roof slope, could afford views towards the properties and rear gardens of Hazel Close. While the separation distance and intervening boundary vegetation would provide a degree of

screening, the elevated position of the opening could give rise to a greater perception of overlooking for neighbouring occupiers. The use of obscure glazing is therefore considered a proportionate measure to prevent direct views towards neighbouring properties and gardens. The room would continue to benefit from two front-facing rooflights, ensuring that the use of obscure glazing to the rear-facing opening would not materially compromise its provision of natural light or the amenity of future occupiers. It is therefore considered that the proposal would not result in an unacceptable loss of privacy to neighbouring properties.

- 10.41 Similarly, having regard to the separation between the proposed dwellings and Hazel Close, retained boundary vegetation and the orientation of habitable windows, it is not considered that there would be an unacceptable loss of daylight or sunlight to neighbouring properties or their rear gardens. It is acknowledged that the proposed dwellings would be higher than some of the surrounding lower-rise properties and would result in some change in outlook and increased visual prominence, particularly from the rear gardens and main habitable room windows of properties in Hazel Close. This effect may be more noticeable during winter when the screening provided by vegetation is reduced. However, the impact must be considered in the context of the existing developed site, the separation distances and retained mature trees. In this case, on balance, whilst some change in outlook and a degree of visual dominance would occur, this would not result in an unacceptable sense of enclosure or overbearing impact. The identified effects on neighbouring amenity are therefore not considered sufficient to warrant refusal of the application. The retention of the existing mature trees and proposed landscaping should be secured by condition, together with the proposed window arrangements.
- 10.42 In respect of noise and disturbance during and following construction, any impacts would be subject to relevant Environmental Health legislation and controls. The site is currently partly in commercial use and generates a degree of noise and activity associated with vehicular movements and customers during business hours. The proposed residential use would be expected to generate a level of noise and activity consistent with other residential properties within the locality, including from the use of private gardens. On balance, it is not considered that the proposal would result in an unacceptable level of noise or disturbance to neighbouring occupiers.
- 10.43 Details of any proposed external lighting have not been provided with the application. Any external lighting proposed/required as part of the development will need to be designed to take into account the ILP guidance in terms of light trespass into windows or sensitive receptors, and vertical lux diagrams will be required to show that any external lighting will not cause an issue. This can be secured by condition.

Future occupiers

- 10.44 Policy SADM11 of the Local Plan, requires as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings. The proposed floorspace is shown to exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards document for the size of

dwellings proposed. The bedroom sizes would also exceed the standards in the national documents. Furthermore, the development would provide suitable views/outlook and natural light for the future occupiers from the front and rear facing windows/openings.

- 10.45 In terms of private amenity space, Policy SADM11 and the Supplementary Design Guidance (2005) requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes for gardens. The layout and design of the proposed rear gardens in relation to the surrounding built environment should ensure that the gardens are functional and useable in terms of their orientation, width, depth and shape, with the gardens being large enough to be practical and meet the needs of the future occupiers of the dwellings. In this case, the proposed gardens would provide a generous amount of external space relative to the size and occupancy of the proposed dwellings. The gardens serving Plots 1 and 2, at approximately 289 sq.m and 163 sq.m respectively, are considered to provide sufficient space for typical domestic activities, including sitting out, children's play, drying and general garden use. The garden serving Plot 3 is smaller, at approximately 108 sq.m, but remains a meaningful area of private external space for a 3-bedroom, 5-person dwelling for the aforementioned uses.
- 10.46 The configuration of the gardens should also be considered alongside their detailed layout and boundary treatment. In particular, the usability and privacy of the external spaces will depend upon the final levels, fencing, planting and landscaping. Subject to appropriate boundary treatments, details of topographical changes and landscaping being secured by condition, there would be sufficient opportunity to provide functional private gardens for the future occupiers. The relationship between the proposed dwellings and their respective gardens is considered acceptable, with the principal areas of private amenity space located immediately adjacent to the dwellings. Overall, having regard to the size and configuration of the proposed gardens, it is considered that the development would provide an adequate level of private external amenity space for the future occupiers of the proposed dwellings.
- 10.47 Further to the above, subject to conditions, the proposal is acceptable in terms of its effect on the living conditions of the occupants of neighbouring properties and it would provide acceptable living conditions for the future occupiers of the proposed dwelling. Accordingly, the scheme would therefore be in accordance with Policies SP9 and SADM11 of the Local Plan, the Welwyn Parish Neighbourhood Plan, the Supplementary Design Guidance (2005) and National Planning Policy Framework

5. Highways, access and parking

- 10.48 Policy TR2 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 10.49 Policy TR4 of the NPPF requires transport to be integral to the design of development, with priority given first to walking, wheeling and cycling, and then to

access to high-quality public transport. Development should provide features such as permeable street networks, continuous footways, suitable cycle facilities and parking, and good public transport waiting facilities. Streets should be safe, inclusive and attractive, minimise conflict between pedestrians, cyclists and vehicles, meet the needs of disabled people, older people and children, and avoid unnecessary street clutter. They should also provide efficient access for servicing and emergency vehicles.

- 10.50 Policy TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
- 10.51 The adopted Parking Standards SPD provide guideline parking requirements based on dwelling size. For residential development outside the higher accessibility zones, the standards indicate a provision of 2.25 spaces per three-bedroom dwelling and 3 spaces per four-or-more-bedroom dwelling.
- 10.52 Policy SADM2 of the Welwyn Hatfield Local Plan is consistent with the NPPF. Policy SADM2 states that development proposals will be permitted provided:
- i. There would be no severe residual cumulative impacts on the local and/or strategic transport network once any cost-effective and achievable mitigation measures have been taken into account. Development proposals which generate a significant amount of traffic movements must be accompanied by either a Transport Assessment or Transport Statement as appropriate in accordance with the criteria in the Hertfordshire County Council Highway Design Guidance
 - ii. There would be no negative impacts on highway safety;
 - iii. They are designed to allow safe and suitable means of access to and from the site for all users; and
 - iv. They provide satisfactory and suitable levels of parking, in accordance with the criteria set out in SADM12 and the Council's parking standards, and taking into account the opportunities for public transport, cycling and walking.
- 10.53 Accordingly, the numerical figures within the SPG should not be treated as inflexible requirements or determinative thresholds. The appropriate question is whether the level and arrangement of parking proposed is sufficient to meet the likely demand generated by the development, having regard to the site's characteristics, accessibility, the nature and scale of the uses, existing parking conditions and the potential for overspill parking. This approach is also consistent with Policy SADM2, which requires development to provide satisfactory and suitable levels of parking, while ensuring that there are no unacceptable impacts on highway safety and that safe and suitable access and site operation can be achieved.

- 10.54 Also of relevance, is Policy 10 of the Welwyn Parish Neighbourhood Development Plan, which recognises the narrow roads and restricted on-street parking within Digswell and requires adequate off-road parking for residents and visitors, together with safe access to and from the site. The accompanying Design Principles and Guidance, specifically Design Principle B, provides locally informed parking standards and advises that residential development should seek to be self-sufficient in vehicle parking provision, whilst also considering cycle storage, refuse storage, accessibility and electric vehicle charging. The guidance identifies approximately 2.75 spaces per three-bedroom dwelling and 3 spaces per four-bedroom dwelling.

The site was previously the subject of Appeal Ref. APP/C1950/W/23/3316609, in which the Inspector concluded that the proposed development would result in insufficient parking provision and consequent displacement parking, principally because no dedicated parking spaces had been identified for the existing residential properties. This was considered likely to increase competition between residents and customers for the available spaces, to the detriment of highway safety. *Parking provision*

- 10.55 It is noted that that several forms of parking restrictions are in place on the streets surrounding the application site, including double yellow lines, a one-hour short-stay parking area, and a designated zone for resident permit holders only.
- 10.56 The application site currently comprises an informal, unmarked parking area located to the rear of the existing commercial and residential properties. Whilst the area is capable of accommodating a number of vehicles, there is no formal parking layout or allocation of spaces between the various residential and commercial occupiers.
- 10.57 The previous scheme for 6 new dwellings proposed 23 parking spaces in total. This comprised of 11 spaces for proposed residential units and 12 spaces for retail units which are unallocated. No spaces were provided for the existing residential units.
- 10.58 The current proposal seeks to formalise the existing arrangement through the provision of 22 marked parking spaces, comprising:
- 8 spaces serving the three proposed dwellings;
 - 5 spaces serving the three existing dwellings; and
 - 9 spaces serving the four existing commercial units.
- 10.59 A comparison table on the parking provision between the previous appeal scheme and current proposal is provided below:

	Previous Appeal Scheme	Current Proposal
Proposed dwellings	6	3
Dwelling mix	2 x 1-bed apartments; 4 x 3-bed dwellings	2 x 3-bed dwellings; 1 x 4-bed dwelling
Proposed dwelling parking	11 spaces	8 spaces
Existing dwellings	3	3

Existing dwelling parking	0 spaces	5 spaces
Commercial units	5	4
Commercial parking	12 spaces (unallocated)	9 spaces
Total parking spaces	23 spaces	22 spaces

- 10.60 It should be noted that the previous scheme included redevelopment of the commercial units at Nos 23a and 23b Station Road and therefore comprised of a larger development site area. These units and the associated parking do not form part of the current scheme and therefore have not been included in the above table.
- 10.61 The parking provision has been assessed against the adopted Parking Standards. The existing residential properties would be provided with a total of 5 parking spaces, equating to 1.5 spaces per dwelling for Nos. 3 and 5 Woodside Road and 2 spaces for the three-bedroom maisonette at 25A Station Road. Whilst the maisonette falls marginally below the adopted standard of 2.25 spaces, the shortfall is limited and would not result in an unacceptable level of parking demand given the location of the site.
- 10.62 In terms of the proposed dwellings, these would be served by 8 spaces in total (3 spaces for the detached dwelling and 2 spaces per semi-detached dwelling). Based on the requirement of the SPD and Neighbourhood Plan, there is a shortfall of 0.5 and 1.5 spaces respectively. Although there is an identified shortfall, this is not considered significant when viewed in the context of the overall parking provision across the site, particularly given the Council's stated case-by-case approach to parking provision and the fact that the SPG standards are guidance rather than rigid maximum requirements. Furthermore, the higher parking figures within the Neighbourhood Plan Design Principles and Guidance are not absolute requirements and should be applied having regard to the circumstances of the site. In this regard, the NPPF takes a flexible, accessibility-led approach to parking, requiring development to take account of local accessibility, the availability of public transport and opportunities for sustainable travel, rather than applying parking standards in isolation. Given the site's sustainable location, with nearby local shops, bus services and Welwyn North Railway Station, the proposed level of parking is considered appropriate and would not be likely to result in unacceptable pressure for on-street parking or harm to highway safety. The shortfall is therefore considered acceptable in this particular case.
- 10.63 The proposed commercial parking allocation comprises 9 spaces serving four units. The Cutting Room (30 sqm) would be provided with two spaces. Although the Parking Standards do not include a specific standard for hair salons, the closest comparable use is considered to be Professional Services, where one parking space per 30 sqm would be expected. The proposed provision therefore exceeds the maximum standards. It is also noted that, under the former Use Classes Order, hairdressers were categorised as A1 shops, and the use could therefore also be considered comparable to a non-food retail unit under the Parking Standards SPG. However, the hairdresser use would not necessarily fall within the definition of a warehouse and does not readily align with any of the other remaining use categories.
- 10.64 Similarly, Natural Beauty would be provided with one parking space. As no specific standard exists for beauty salons, the closest comparable use (Professional

Services) is used as a baseline. The floor area measures approximately 32sqm therefore one allocated space is considered proportionate. Also, the beauty salon use would not readily align with any of the use categories under A1 non-food retail.

- 10.65 The vacant unit at No. 1 Woodside Road, previously occupied as a dog grooming business, has a floor area of approximately 23 sqm. Applying the Professional Services standard would generate a requirement for one parking space, which will be provided by the proposal.
- 10.66 Anne Ball Interiors occupies approximately 100 sqm and is appropriately assessed as non-food retail. The adopted standards indicate a requirement for three parking spaces, whereas two spaces are proposed. This represents a shortfall of one space.
- 10.67 Overall, whilst there is a modest numerical shortfall in relation to one commercial unit, the commercial uses comprise relatively small-scale businesses serving predominantly local customers. The proposed parking provision is considered sufficient to accommodate the likely level of demand generated by the existing businesses without resulting in unacceptable overspill parking onto nearby streets where there are parking restrictions in place.
- 10.68 It is important to emphasise that the current proposal differs materially from the previously dismissed scheme. Dedicated parking spaces are now provided for all existing residential properties, together with allocated parking for each of the existing commercial units and the proposed dwellings. The proposal therefore addresses the principal concern identified by the Inspector by ensuring that existing residents are not reliant upon parking intended to serve the commercial uses. Moreover, the provision of marked and allocated spaces represents an improvement over the existing situation as it would reduce conflict between residential and commercial users. It should also be acknowledged that the two tandem parking spaces proposed to the side of No. 5-9 Woodside Lane under the previous appealed scheme had limited accessibility and has therefore been omitted from the current scheme. Their removal, together with the revised allocation and arrangement of parking spaces, represents a further improvement to the overall parking arrangement.
- 10.69 Although the proposal does not fully meet the numerical parking standard for every individual use, it is important to note that parking provision is assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. Furthermore, the formal allocation of parking spaces, together with the overall increase in clarity and parking management, represents a marked improvement over the scheme previously considered at appeal.
- 10.70 Therefore, on balance, whilst the development would have some impact upon the existing parking availability in the area, it is considered that the revised parking arrangements satisfactorily address the previous concerns identified at appeal and would provide an acceptable level of parking provision having regard to the characteristics of the site and the nature of the existing and proposed uses. The proposal is therefore considered to accord with Policy TR2 of the NPPF and SADM2 of the Local Plan respectively.

- 10.71 With respect to cycle parking, in the interests of sustainable development, the Council's Parking Standards require secure and weatherproof cycle storage to be provided within the site. In this case bike sheds for each dwelling are shown on the proposed site plan to demonstrate that this requirement will be met, which can be secured via condition upon the grant of permission.
- 10.72 Policy SADM12 of the Local Plan states that appropriate provision should be made for vehicle charging infrastructure within new residential development. Further details on electric vehicle charging points can be secured via condition in the event of an approval.

Highway Safety

- 10.73 The Highway Authority has raised no objection to the proposal subject to appropriate planning conditions.
- 10.74 Having regard to the scale of the proposed development, the existing mixed-use character of the site, it is not considered that the proposal for 3 additional dwellings would give rise to unacceptable levels of overspill parking or prejudice highway safety.
- 10.75 With regard to the proposed access, the Highway Authority sought improvements to the existing vehicular access and adjoining footway at the junction of the site access with Station Road. The applicant confirmed that these highway works would form part of the development and amended the application site boundary accordingly to facilitate their delivery. The proposed access improvements are shown on Drawing No. 467/20/FUL/PL1002A. A planning condition is recommended to ensure the vehicular access and associated highway boundary works will be completed in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority. In addition, the works are required to be undertaken to the satisfaction of the Highway Authority under a Section 278 Agreement. Accordingly, no issues are raised to the safety and operation of the access for all highway users.

6. Other considerations

i) Tree impact

- 10.76 The proposed development has been informed by a Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan, prepared in accordance with BS5837 and dated August 2025. The Council's Tree Officer, has confirmed that there are no arboricultural or hedgerow objections to the proposal. The trees and hedgerows on or adjacent to the site are not subject to statutory protection. The submitted arboricultural assessment identifies the removal of three Category C trees and two short sections of hedgerow H3 to facilitate the development. The Tree Officer raises no objection to these removals, having regard to the BS5837 category grading.
- 10.77 The Tree Officer has, however, identified the need for additional protection to T1, a Category A tree. A small part of its Root Protection Area extends beyond the

proposed protective fencing, and the Tree Officer has requested that ground protection be provided in this area to prevent soil compaction during construction. This should be secured through an appropriate pre-commencement condition and implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

- 10.78 The Tree Officer has also requested that a detailed tree and hedgerow soft landscaping scheme be submitted, including species, planting sizes and establishment measures. The condition should also secure the protection and replacement of soft landscaping for a period of five years and require the retention of the boundary hedgerows in perpetuity.
- 10.79 Subject to these measures, the proposed tree removals are considered to have a localised effect on the existing tree and hedgerow onsite, with the retention and protection of higher-value trees, particularly the Category A tree T1, helping to maintain the established landscaping at the site. The proposed replacement and supplementary planting would provide an opportunity to reinforce site boundaries and integrate the new development into its surroundings over time.
- 10.80 Overall, the Council's specialist Tree Officer has raised no objection on arboricultural or hedgerow grounds, subject to the aforementioned conditions.

ii) Flood risk and sustainable drainage

- 10.81 Policy F7 of the NPPF requires development proposals to ensure that potential occupiers, users and visitors are not placed at risk from flooding and that flood risk is not increased elsewhere. Where development is proposed in an area known to be at risk of flooding, it should demonstrate that the development will be safe throughout its lifetime, taking account of the vulnerability of users; that the most vulnerable development is located in areas of lowest flood risk; that residual flood risk can be safely managed, including through safe access and escape routes where appropriate; and that the development is appropriately flood resistant and resilient. The proposal should also demonstrate that flood risk will not be increased elsewhere.
- 10.82 Policy F8(1) of the NPPF states that development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity. The systems used should:
- a) Be designed in accordance with the National Standards for Sustainable Drainage Systems have appropriate proposed minimum operational standards;
 - b) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - c) In the case of proposals for major development, take account of advice from the Lead Local Flood Authority.

- 10.83 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management is broadly consistent with the NPPF.
- 10.84 The application site is located within Flood Zone 1 and although part of the front of units 23A and 23B Station Road are located within surface water flood areas (100mm and 1000mm), this area now falls outside the application site as a result of the revised development proposals. The submitted drainage strategy is based upon various SUD's techniques such as soakaways. It is noted that surface water calculations have been provided and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 year plus for climate change.
- 10.85 The Lead Local Flood Authority (LLFA) has been consulted on the current application, however no formal response has been received to date. Notwithstanding this, the LLFA was previously consulted in relation to the earlier scheme, which included development at Units 23A and 23B Station Road, and raised no objection to the submitted Surface Water Strategy Report (Conceptual SuDS Strategy Report prepared by Innervision Design Ltd). As the area comprising Units 23A and 23B Station Road has now been omitted from the current application site, the development no longer includes the area previously identified as being affected by surface water flood risk. Accordingly, the current proposals would not give rise to the same surface water flood risk considerations associated with the previous scheme.
- 10.86 Subject to the implementation of the proposed drainage strategy and relevant conditions securing this, the development is considered capable of being satisfactorily drained and would not result in an unacceptable increase in flood risk, in accordance with Policies SP10 and SADM14 of the Local Plan and the NPPF.

iii) Ecology and biodiversity

- 10.87 Policy N2 of the NPPF requires development proposals to make a positive contribution to the natural environment and support nature recovery. Proposals should consider and, where possible, conserve and enhance the environmental qualities of the site, including habitats, landscape character, natural beauty, agricultural land, trees and hedgerows. They should strengthen ecological networks, use green infrastructure and nature-based solutions, minimise biodiversity impacts and incorporate features for priority species such as swifts, bats and hedgehogs. Swift bricks are now specifically expected in development unless there are compelling technical reasons why they cannot be used. Where significant biodiversity harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, the development should be refused.
- 10.88 Policy SADM16 Ecology and Landscape of the Local Plan seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement on all developments that are not otherwise exempt. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies.
- 10.89 The proposal is subject to the national requirement for mandatory Biodiversity Net Gain (BNG), introduced through the Environment Act 2021, which places a statutory

duty on most major developments to deliver at least a 10% measurable net gain in biodiversity compared to the pre-development baseline.

- 10.90 The application is supported by an Ecological Appraisal, Biodiversity Net Gain (BNG) Report and the Statutory Biodiversity Metric. Hertfordshire Ecology has reviewed the submitted ecological information and advises that the application can be determined. The ecological appraisal did not identify any protected species on the site during the preliminary surveys. Hertfordshire Ecology raises no objection to the findings and considers that no further protected species surveys are required. A pre-commencement check for badgers is recommended because of a low possibility of their presence on the site which can be secured via condition.
- 10.91 In respect of Biodiversity Net Gain, the submitted statutory metric identifies a baseline of 1.52 habitat units and 0.04 hedgerow units. Hertfordshire Ecology considers that the baseline habitat values are consistent with the submitted habitat map and botanical survey findings and confirms that the minimum information requirements have been met. Hertfordshire Ecology notes that, because the proposal involves the creation of private residential properties, onsite biodiversity gains cannot be secured as significant onsite habitat enhancements. The ecological consultee therefore advises that an updated metric will be required at the Biodiversity Gain Plan stage, demonstrating how the required biodiversity net gain will be delivered. This is expected to include the purchase of appropriate offsite biodiversity units in accordance with the statutory trading rules.
- 10.92 On the basis of the submitted ecological information and the advice of Hertfordshire Ecology, there is no evidence that the proposal would result in unacceptable harm to protected species or habitats, subject to the recommended badger walkover survey prior to commencement and appropriate implementation of the ecological mitigation measures. The statutory BNG requirements can be addressed through the Biodiversity Gain Plan and associated offsite provision. Subject to the securing of the necessary ecological and biodiversity measures by condition and through the statutory BNG process, the proposal is considered acceptable in ecological terms

iv) Sustainability requirements

- 10.93 Policy DP3 2(b) of the NPPF states that development should contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating. Policy SP10 Sustainable Design and Construction of the Local Plan 2016-2036 requires proposals to adopt sustainable design and construction principles within an integrated design solution through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.
- 10.94 A Sustainability Supplementary Planning Document (SPD) was adopted by Welwyn Hatfield Borough Council on 7 March 2024. Whilst regulation and policy exist to set certain standards, developers and applicants often seek to go beyond that, and the Sustainability SPD outlines requirements and highlights opportunities to seek a higher standard of development in Welwyn Hatfield. In addition, there are some

areas where policy would benefit from greater clarity and this document seeks to provide this where possible. At Appendix A, the Sustainability SPD includes a Sustainability Checklist which should be completed in full and submitted as part of a formal application.

- 10.95 In this case, no details have been submitted to demonstrate compliance with above policies. It is therefore appropriate to impose a condition requiring an energy statement to be submitted to and approved in writing by the Local Planning Authority. The statement must set out how the development will maximise energy conservation, incorporate measures to generate renewable energy and measures for long term water efficiency.

v) Community Infrastructure Levy (CIL)

- 10.96 Welwyn Hatfield Borough Council has set a local Community Infrastructure Levy (CIL). The purpose of the CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. CIL is non-negotiable and is charged at a variable rate per sqm of floorspace created, contingent on the location and use of the development. In this case, the development proposes chargeable floorspace and as such would be liable for a CIL charge.

vi) Onsite Waste and Recycling

- 10.97 Policy SADM12 states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. The Council's Waste and Recycling Team (Client Services) have been consulted on this application and have not objected to the proposal as the properties could be incorporated onto the existing ARRC scheme. The proposed block plan indicates that there is sufficient space for each property in their respective plots for the storage of bins. An appropriate condition relating to further details relating to storage arrangement will be imposed.

vii) PD Removal

- 10.98 Given the size and configuration of the rear gardens serving the proposed dwellings, there is limited scope for further enlargement of the properties without potentially resulting in a reduction in the amount of usable private amenity space available to future occupiers and/or cause neighbour amenity issues. Accordingly, it is recommended that permitted development rights are removed, as appropriate, in respect of relevant classes of development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This would ensure that any future extensions or alterations that could materially affect the scale of the dwellings or the availability of private amenity space, and the creation of additional parking spaces which could result in loss of landscaping and impact the approved parking layout, are subject to separate consideration by the Local Planning Authority. This can be secured via a suitably worded condition.

8. Planning balance

- 10.99 Policy SP1 of the Welwyn Hatfield Local Plan states that proposals will be permitted where it can be demonstrated that principles of sustainable development are satisfied and that they accord with the objective and policies of the development plan.
- 10.100 Policy SP3 of the Local Plan relates to the borough's Settlement Strategy and Green Belt boundaries and states inter alia that the primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and that in villages and other rural areas of the borough that lie within the Green Belt, development will be restricted so as to be consistent with the type of development envisaged in national planning policy and other policies of this plan.
- 10.101 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary to consider whether there are other material planning considerations which would justify approval of the application.
- 10.102 The National Planning Policy Framework (NPPF) is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026.
- 10.103 Paragraph S3 of the NPPF advises that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- a) Policy S4 in this Framework should be applied when considering development proposals within settlements;
 - b) Outside settlements, policy S5 should be applied; and
 - c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.
- 10.104 The site lies within the settlement of Digswell and as such, Policy S3(a) is relevant. Policy S4(1) states development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Policy S4(2) states that in applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:
- a. Have a substantial adverse impact in relation to:
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or

- ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).

b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

10.105 It is therefore necessary to undertake a planning balance exercise to determine if the benefits of approving development would be substantially outweighed by adverse effects.

Summary of adverse impacts

10.106 While the proposal falls short of the parking provision recommended by the relevant parking guidance, the level of parking is considered acceptable having regard to the site's accessibility, the layout and availability of on-site parking, and the absence of identified harm to highway safety as set out elsewhere in this report. Accordingly, the shortfall is not considered to result in an unacceptable adverse effect and, in this case, no adverse harm arising from the development has been identified. The proposal therefore does not engage the specific circumstances identified Policy S4(2) stated above.

Summary of benefits

10.107 The following benefits would arise from the proposed development:

Provision of market housing

10.108 It is important to note that Annex D – Housing supply and delivery of the 2026 NPPF sets out the approach to assessing housing land supply which applies in this case. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The assessment should take account of the deliverability of identified sites and the extent to which they are capable of delivering housing within the relevant period. The Council's current housing land supply position is therefore an important consideration in determining whether an evidenced unmet need for housing exists.

10.109 Policy HO7 of the NPPF states that in applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence.

- 10.110 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authorities HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authorities HDT score is less than 85% of its housing requirement, the council must incorporate a 20% buffer into its housing supply calculations. This will be in addition to the preparation of an Action Plan.
- 10.111 The latest HDT results published by the Ministry of Housing, Communities and Local Government in 2024 identifies that Welwyn Hatfield Borough Council delivered 46% of homes against its target, falling significantly below its 75% threshold. The Council must apply a 20% buffer in its five-year housing supply calculations, and it also needs to produce an Action Plan to boost housing delivery.
- 10.112 In January 2025, the council published its Annual monitoring Report 2023/2024 (AMR) covering April 1st, 2023, to March 31st 2024. The AMR outlines that the Council cannot demonstrate a five-year supply of deliverable housing sites, and that supply is at most 2.3 years. The AMR considers this and explains this by noting that 'delays and slower than anticipate progress at some of the larger strategic sites means that the supply is lower than previously projected... however, an increasing number of allocated sites are now coming forward following the adoption of the Local Plan'. Therefore, whilst it is accepted that the Council cannot demonstrate a five-year housing land supply the position is significantly more positive since the adoption of the plan.

Social Benefits

- 10.113 Given the above, alongside failing the HDT, the Council cannot demonstrate a five-year supply of deliverable housing sites with the current shortfall being considerable and significant. The provision of 3 dwellings is a clear benefit, and in light of the above, **moderate weight** is attributed to this benefit.

Environmental benefits

- 10.114 Turning to the environment, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not significantly harm the amenity of neighbouring occupiers. The proposal also makes effective and efficient use of previously developed land. In addition, subject to condition, there would also be benefits arising from the sustainability credentials of the development. Overall, these factors would be attributed **moderate weight**.

Economic benefits

- 10.115 Some economic benefits will arise from this proposal. These include the provision of jobs during the construction phase of the development by creating employment opportunities on site and indirectly supporting businesses through the supply chain. However, the economic benefits in terms of construction will be short-term and therefore limited. Local business will derive some long-term economic benefit from

the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have **limited weight** in favour of the proposal.

9. Conclusion

- 10.116 As set out above, officers are clear that there are no adverse impact arising from approving the application that would substantially outweigh the benefits of doing so and as such the application should be approved in accordance with Policy S4 of the NPPF. Furthermore, having considered all material planning considerations, it is concluded that the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the NPPF taken as a whole. Accordingly, planning permission is recommended for approval.

10. Recommendation

- 10.117 It is recommended that the Committee resolves to grant planning permission subject to the below conditions and informatives.

PRIOR TO COMMENCEMENT

1. Biodiversity Net Gain

No development shall commence until details of:

- a) a biodiversity gain plan (the Biodiversity Gain Plan) has been submitted to the Local Planning Authority which:
 - i) relates to the development hereby permitted;
 - ii) specifies the matters referred to in sub-paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990; and
 - iii) is prepared in accordance with the Biodiversity Net Gain assessment document dated 30 September 2025 prepared by Cherryfield Ecology; and
- b) the Local Planning Authority has approved the Biodiversity Gain Plan in accordance with paragraph 15 of Schedule 7A of the Town and Country Planning Act 1990.

REASON: To ensure compliance with the terms of Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the National Planning Policy Framework and the Welwyn Hatfield Local Plan.

2. Construction Traffic Management Plan

No development shall commence until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the highways. 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) Access arrangements to the site.
- c) Traffic management requirements;
- d) Construction and storage compounds (including areas designated for car parking);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities, including delivery times and removal of waste, and to avoid school pick up/drop off times.
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Phasing Plan.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Hertfordshire's Local Transport Plan, the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Badger walkover survey

No development shall commence (including vegetation clearance) until a badger walk-over survey of the site has been carried out by a suitably qualified and experienced ecologist to check for badger activity. If badgers will be impacted by the development, appropriate mitigation to safeguard them must be submitted to and approved in writing by the Local Planning Authority before commencement of the development (including vegetation clearance). The development must be carried out in accordance with the approved mitigation measures.

REASON: To ensure badgers are protected from harm during the construction of the development in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Tree protection

No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Strategy and Plan in accordance with BS 5837:2012 has been submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.'

REASON: To protect the existing trees in the interest of visual amenity in accordance with Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Site levels

No development shall commence on site until a full site survey showing the datum used to calibrate the site levels along all site boundaries, levels as across the site, eaves and ridge heights of the adjoining properties and full details of the proposed finished floor levels of all buildings and hard surfaces has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties in accordance with the Welwyn Hatfield Borough Council Local Plan and the NPPF.

PRIOR TO OR ABOVE GROUND LEVEL

6. Materials

No development above ground level 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Landscaping scheme

No development above ground level shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. 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) management and maintenance details

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Cycle Parking

No above ground development shall take place until a scheme for the parking of cycles including details of the design, level, siting, lighting and security measures has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

REASON: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Local Plan and the National Planning Policy Framework.

9. EV Charging

No development above ground level shall take place until full details identifying the location and appearance of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the electric vehicle charging point shall be installed as approved prior to the first occupation of the development hereby permitted.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM3 and SADM12 of the Local Plan and the National Planning Policy Framework.

10. Energy and sustainability statement

No development above ground level shall take place until full details of energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, have been submitted to and approved in writing by the Local Planning Authority. These measures must promote the use of renewable resources and involve sustainable drainage, heating and power systems. If any associated plant and equipment will generate noise, details of noise levels and mitigation measures shall be provided. The

development shall not be carried out other than in accordance with the approved details.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in the interest of mitigating the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. External Lighting

Prior to the installation of any external lighting, a sensitive external lighting strategy and scheme of external lighting installations shall be submitted to and approved in writing by the Local Planning Authority. The strategy and scheme shall demonstrate how impacts to retained trees, hedgerows and commuting or foraging bats will be minimised through appropriate lighting design, and shall include vertical lux diagrams showing potential light trespass into windows of nearby residential properties. The scheme shall meet the requirements of the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Thereafter, the development shall accord with the approved details.

REASON: To avoid disturbance to bats, maintain the ecological functionality of retained habitats, and protect the amenity of residential occupiers in the near vicinity of the development, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan, the National Planning Policy Framework, and relevant guidance from the Institution of Lighting Professionals.
PRIOR TO OCCUPATION

12. Vehicle access and footway improvements (S278)

Prior to the first use of the development hereby permitted, the vehicular access and associated highway boundary improvements shall be completed and thereafter retained as indicated on drawing number 467/20/FUL/PL1002A (Proposed Site Plan) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The work must be undertaken to the Highway Authority's satisfaction and specification under a Section 278 Agreement, and by a contractor who is authorised to work in the public highway.

REASON: to ensure construction of a satisfactory access to the site and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. Provision of Parking and Servicing Area

Prior to the first use of the development hereby permitted the proposed onsite parking/servicing area shall be implemented in accordance with the approved drawing No.467/20/FUL/PL1002A (Proposed Site Plan) and retained thereafter available for that specific use.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. Bin Storage

Prior to the first occupation of the development hereby permitted, details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

COMPLIANCE

15. Obscure glazing

The rear facing rooflight located on the roof slope of the detached building (Plot 1) hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. PD Removal

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 enlargements under Class A, Class B, Class E, Class F and Class AA of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of Green Belt appropriateness; the openness, character and appearance of the Green Belt in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Ecological assessment

The development hereby approved shall be carried out in accordance with the details within the submitted Ecological Assessment by Green Environmental

Consultants dated July 2020, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to protect biodiversity and protected species in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Implementation of Landscape Planting

The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. Surface Water Drainage Scheme

The development hereby approved shall be carried out in accordance with the details within the submitted Conceptual SUDS Strategy Report by Innervision Design Ltd dated October 2025, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to protect Surface Water Drainage in accordance with Policy SP10 and SADM14 of the Local Plan and the NPPF.

20. Approved drawings

Plan Number	Rev.	Details	Received Date
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467/20/FUL/PL1000		Existing Site and Location Plan	16 January 2026
467/20/FUL/PL1001	B	Proposed Block Plan	1 June 2026
467/20/FUL/PL1002	A	Proposed Site Plan	1 June 2026
467/20/FUL/PL2000		Proposed Street Scenes	16 January 2026
467/20/FUL/PL2001		Proposed Site Sections	16 January 2026
467/20/FUL/PL10.01		Plot 1 Elevations	16 January 2026
467/20/FUL/PL20.01		Plots 2 and 3 Elevations	16 January 2026
467/20/FUL/PL10.00		Plot 1 Plans	16 January 2026
710/25/OUT/PL20.00		Plots 2 and 3 Plans	16 January 2026

REASON: To ensure that the Development is undertaken in accordance with the approved drawings.

INFORMATIVES

BNG Informatives

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Welwyn Hatfield Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply. Please note that, depending on the measures proposed within the biodiversity gain plan, it may be necessary for a legal agreement to be entered into under section 106 of the Town and Country Planning Act 1990 to bind the relevant land or for a conservation covenant to be entered into in order to meet the requirements of Schedule 7A of the Town and Country Planning Act 1990. Early engagement with Welwyn Hatfield Borough Council is recommended to establish whether such a legal agreement will be required.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
i the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
ii the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i the application for planning permission was made before 2 April 2024;
ii planning permission is granted which has effect before 2 April 2024; or
iii planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:
i does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i consists of no more than 9 dwellings;
- ii is carried out on a site which has an area no larger than 0.5 hectares; and
- iii consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Other legislation

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment

Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

Ownership

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.

Obstruction of highway

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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Avoidance of surface water discharge onto the highway

The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof

or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

Roads to remain private

The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website: www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Noise from Demolition/Construction Works

All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, 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

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.

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

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.

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.

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.

Any pile driving shall be carried out by a recognised noise reducing system.

Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'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 subcontractors.

Any emergency deviation from these conditions shall be notified to the Council without delay.

Dust control

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.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

Nesting Birds

Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Bats

Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

Building Control

In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

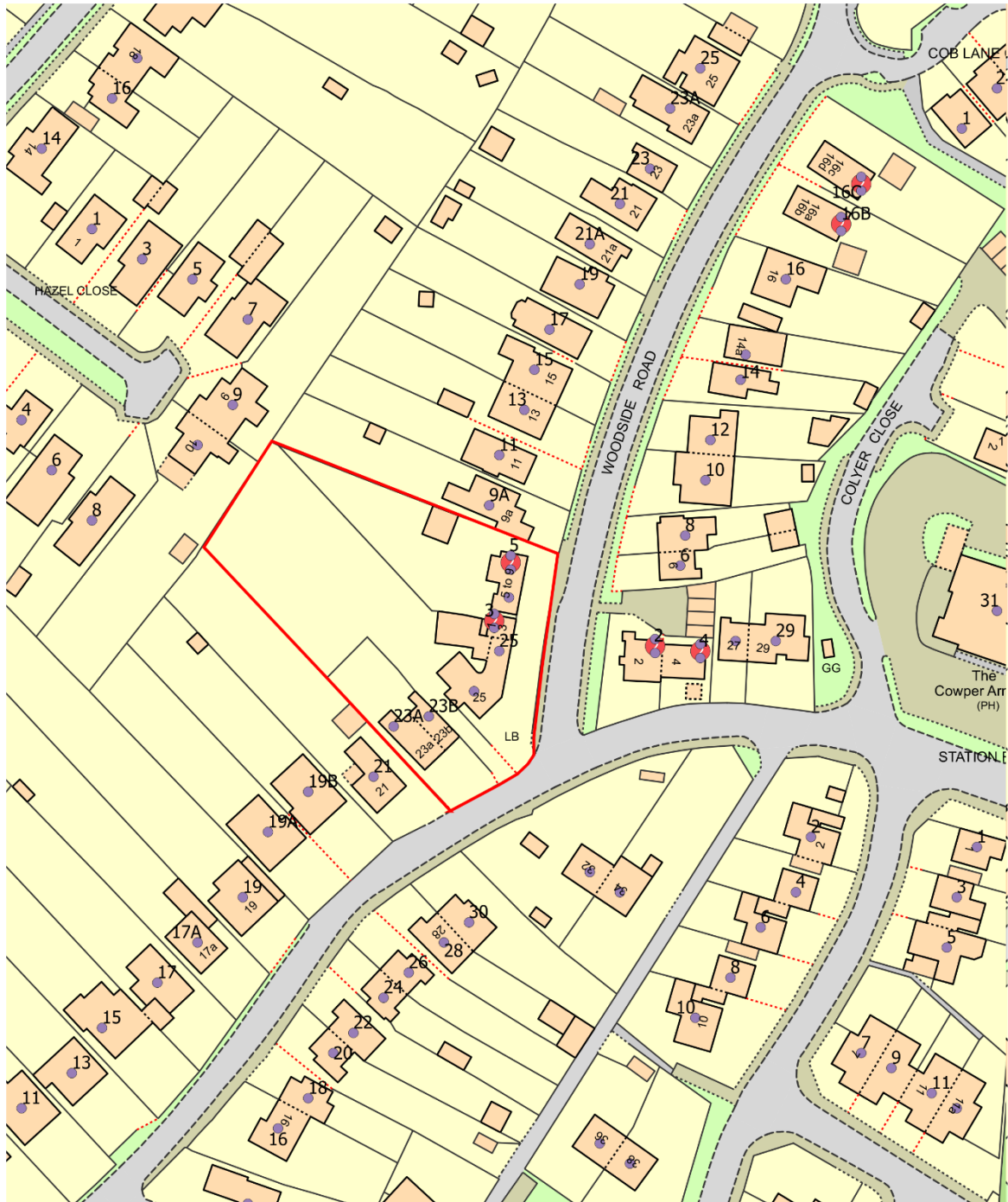
Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

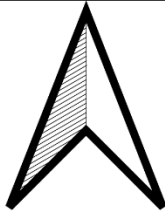
POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

Raymond Lee (Development Management)

Date: 23 September 2026



	23-25 Station Road and 1-9 Woodside Road Digswell AL6 0DU		Scale:
			Date: 07-10-2026
	Development Management Committee	6/2026/0076/FULL	Drawn: US
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22 October 2026

Agenda Item No: 8

Committee: Development Management**Report title:** 6/2026/1474/FULL**Report author:** Edd Evans**Responsible Officer:** Executive Director (Place)**Cabinet Member(s) responsible:** Rose Grewal**Part 1 or 2: Part 1**

Not for publication by virtue of: Schedule 12A of the Local Government Act 1972 (as amended) being:

1. Information related to any individual;
2. Information which is likely to reveal the identity of an individual;
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice of by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.] and the public interest in withholding the information outweighs the public interest in disclosing the information.

Executive Summary:

This report recommends that the Development Management Committee resolves to grant planning permission for

Recommendations:

It is recommended that Choose an item.:

- a) Subject to the suggested conditions, it is considered that the proposed development would represent an acceptable standard of design, in accordance with National Policy, the Local Plan and the Neighbourhood plan. For these reasons officers request that the Committee resolves to grant planning permission subject to: The conditions suggested

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below.

- b) Delegated powers be given to the Assistant Director (Planning) in consultation with the Chair of the Development Management Committee to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Development Management Committee has resolved to approve.

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

This reports supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

- 4.1 There are no known risk management implications.

5. Financial Implications

- 5.1 There are no known direct financial implications.

6. Legal and procurement implications

- 6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

- 7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

- 8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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- and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

- 9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

Appendix 1 – 6/2026/1474/FULL 108 TOLMERS ROAD CUFFLEY POTTERS BAR EN6
4JR

APPENDIX 1**Part I****Main author: Edd Evans****Executive Member: Councillor Rose Grewal
(Welwyn West)**

WELWYN HATFIELD borough COUNCIL
Development management COMMITTEE –22 October 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/1474/FULL

108 TOLMERS ROAD CUFFLEY POTTERS BAR EN6 4JR**PROPOSED REPLACEMENT DWELLING**

APPLICANT: R House Studio Ltd

1. Site Description

- 1.1. Tolmers Road is characterised by sizeable, detached dwellings in spacious plots with open, verdant frontages. Dwellings in this area feature a variety of architectural styles and material palette.
- 1.2. The application site is located to the east side of Tolmers Road, on a corner plot with the junction of Homewood Avenue and is comprised of a two storey detached dwelling with sizeable front garden and rear garden.
- 1.3. The planning history for this site includes 6/2022/0927/FULL that was approved on the 14th of June 2022 however has not yet been constructed and has since lapsed.
- 1.4. Subsequently the application 6/2025/0476/FULL was submitted for a similar scheme which was refused due to a lack of information on the effect of biodiversity in particularly bats and was subsequently dismissed at appeal. This application was dismissed at appeal.
- 1.5. The overall design of the scheme has been altered since the aforementioned applications were processed.

2. The Proposal

- 2.1. Planning permission is sought for the erection of a replacement dwelling.

3. Reason for Committee Consideration

- 3.1. This application is presented to the Development Management Committee because Welwyn Parish Council has called-in the application for the following reasons:

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The proposal would:

- Introduce an excessive ridge height that is not in conformity with adjacent properties;
- Fail to respect the established scale and roof line of neighbouring buildings;
- Introduce excessive massing and bulk at a visually prominent corner location;
- Disrupt the established and harmonious building line;
- Create an unduly dominant appearance in the street scene; and
- Constitute overdevelopment of the plot.

The application is therefore considered to be contrary to NCNP Policy D1: Residential Design and Amenity and NCNP Appendix 2 – Design Code and Guidance, including Table 5: Design Principles, and the Working Party wishes to raise a major objection to the proposal.

4. Relevant Planning History

4.1. Application Number: 6/2022/0333/FULL

Decision: Withdrawn

Decision Date: 01 April 2022

Proposal: Erection of a replacement dwelling

4.2. Application Number: 6/2022/0927/FULL

Decision: Granted

Decision Date: 14 June 2022

Proposal: Erection of replacement dwelling

4.3. Application Number: 6/2022/1600/COND

Decision: Part Discharged

Decision Date: 15 August 2022

Proposal: Submission of details pursuant to conditions 1 (proposed crown roof and cross-section drawing), 2 (materials) and 3 (scaled plan of both hard and soft landscape) on planning application 6/2022/0927/FULL.

4.4. Application Number: 6/2025/0476/FULL

Decision: Refused

Decision Date: 08 September 2025

Proposal: Erection of replacement 4-bed detached dwelling, with retention of replacement dropped kerb

5. Relevant Planning Policy

5.1. National Planning Policy Framework (NPPF 2026)

5.2. National Design Guide 2021 (NDG)

5.3. The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)

5.4. Supplementary Design Guidance 2005 (SDG)

- 5.5. Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6. Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.7. Sustainability Supplementary Planning Document (March 2025)
- 5.8. Community Infrastructure Levy 2025 (CIL)
- 5.9. Cuffley Neighbourhood Plan
- 5.10. The WHBC Regulation 19 Proposed Submission Local Plan (February 2026). It should be noted that the “Welwyn Hatfield Borough Council Regulation 19 Proposed Submission Local Plan” was agreed by Full Council on 16th September and will undergo public consultation between 23rd September and 4th November. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

6. Site Designation

- 6.1. The site is within the settlement boundary of Cuffley as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2036.

7. Representations Received

- 7.1. The application was advertised by means of neighbour notification letters.
- 7.2. No representations have been received from any neighbouring properties.

8. Consultations Received

- 8.1. The following consultee has responded advising that they have no objections to the proposal, subject to conditions and / or informative being applied:

Hertfordshire County Council- Transport Programmes and Strategy

Hertfordshire County Council- LEADS Ecology

- 8.2. The following consultee has no objections and has commented that the new dwelling could be incorporated into the existing refuse and recycling scheme:

Welwyn Hatfield Borough Council Client Services

- 8.3. The following consultee have not commented:

Councillor George Michaelides

Councillor Barabara Fitzsimon

Councillor Brian Seegar

Welwyn Hatfield Borough Council S106 and CIL officer

9. Analysis

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

9.2. Design (form, size, scale, siting) and Character (appearance within the streetscene)

9.3. Residential amenity

9.4. Highways, access and parking

9.5. Landscaping Issues

9.6. BNG / Ecology

9.7. Community Infrastructure Levy

9.8. Other matters

9.8.1. Onsite Waste and Recycling

9.8.2. PD Removal

9.9. Recommendation

10. Design (form, size, scale, siting) and Character (appearance within the streetscene)

10.1. The National Planning Policy Framework (NPPF) places significant emphasis on achieving high-quality design. Policy DP3(3) states that development proposals should be refused where, without clear justification, they conflict with the relevant design principles or explicit design standards set out in the development plan. The policy also states that substantial weight should be given to compliance with relevant development plan policies when assessing design quality.

10.2. This approach aligns with Policy SP9 of the Local Plan, which promotes placemaking and high-quality design, and Policies D1 and D2 of the Northaw and Cuffley Neighbourhood Plan (adopted May 2023), which seek to ensure that development responds positively to residential amenity and local character. Policy D2 specifically requires new and replacement housing to respond positively to the Northaw and Cuffley Design Code.

10.3. Paragraph 26.11 of the Local Plan confirms that the Council's Supplementary Design Guidance (SDG) (2005) continues to be used to inform planning decisions pending review. The SDG advises that new development should respond to existing building forms and patterns, use materials which enhance local distinctiveness, and have regard to scale, height, massing and the relationship with adjoining buildings.

10.4. Site Context

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- 10.5. Tolmers Road runs from Station Road to the south towards Home Wood to the north, with a number of roads intersecting the route and providing access to surrounding residential properties. The application site is located on the eastern side of Tolmers Road at its junction with Homewood Avenue, with Homewood Avenue located opposite the site.
- 10.6. Tolmers Road is characterised predominantly by sizeable detached dwellings set within spacious plots with open and verdant frontages. However, there is considerable variation in the size, architectural style, roof form, materials and scale of properties along the road. It is therefore not considered that Tolmers Road has a single prevailing architectural character or a uniform building and roof line against which the proposal should be assessed.

11. The Proposal

- 11.1. The proposal is for the erection of a replacement dwelling following demolition of the existing dwelling.
- 11.2. The proposed dwelling would be a detached two-storey property incorporating a front two-storey projection, crown roof and dormers to the front and rear.

12. Scale, massing and bulk

- 12.1. The proposed dwelling would be slightly taller and wider than the existing dwelling. However, sufficient space would be retained to either side of the building such that it would not appear cramped within the plot. The proposed dwelling would also retain a similar setback from the highway to the existing property, with appropriate separation from No. 110 Tolmers Road.
- 12.2. The Parish Council raises concerns regarding the excessive ridge height, scale, massing and bulk of the proposal. It states 'The proposed development, at approximately 2.5 storeys, would have a ridge line that is higher than that of the existing property. In combination with the proposed massing and bulk, this would result in a building that is overly dominant within its corner location.'
- 12.3. The Parish Council considers that: 'The proposal would therefore fail to respond appropriately to the established scale and character of the surrounding properties and would have an unacceptable visual impact on the street scene.'
- 12.4. It considers that the proposal would conflict with Policy D1, Appendix 2 and Table 5 of the Neighbourhood Plan.
- 12.5. Policy D1 states that "Ridge heights will be required to be in conformity with the adjacent properties to retain a continuous frontage." Appendix 2 and Table 5 state that "Any new development should respect the scale, building and roof line of neighbouring buildings or streets."
- 12.6. The Parish Council's concerns are noted. However, Tolmers Road is characterised by a varied mix of dwelling sizes, roof forms, ridge heights and architectural styles, including a number of substantial extended and replacement properties. The road also

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risers in elevation when travelling north towards No. 110, resulting in some dwellings appearing taller despite having a similar built height to the existing property.

- 12.7. The application site is situated on comparatively lower ground, with properties further north sitting at progressively higher elevations. The site itself appears broadly level with Nos. 110 and 106 Tolmers Road. The existing dwelling has a ridge height broadly level with No. 110, whilst No. 106 is currently considerably taller than the existing dwelling. A comparative street scene plan has been provided that shows a comparison between the existing immediate street scene, the existing scenario and the future arrangement.
- 12.8. The proposed dwelling would have a ridge height approximately 800mm higher than the existing dwelling. It would therefore sit slightly higher than No. 110 but remain lower than No. 106. In addition, a number of nearby dwellings appear taller than the proposed development, including Nos. 91 and 93 Tolmers Road on the opposite side of the road. Larger properties incorporating crown roofs and substantial projecting gables are also evident both north and south of the site.
- 12.9. The proposed ridge height would therefore sit within the range of heights already established within the immediate street scene. It would not result in an isolated or incongruous building height and, when considered alongside the varied character of the road and the changes in ground level, would not appear visually dominant.
- 12.10. It is also relevant that planning permission was granted at No. 57 Tolmers Road under reference 6/2026/0435/FULL for the replacement of a dwelling. The house immediately adjoining that property is a bungalow. This further demonstrates the variation in building form and height within the wider street.
- 12.11. Officers therefore do not consider that the street is defined by a single continuous roofline against which the proposal should be assessed. Rather, the character of Tolmers Road reflects a varied pattern of development in terms of scale, form and roof design. The proposed dwelling would contribute to this established variation without appearing discordant or harmful to the street scene.
- 12.12. Whilst the proposed dwelling would be larger than the existing property, it would remain appropriately proportioned within the plot. Sufficient space would be retained to either side, together with appropriate separation from neighbouring properties. It would not appear cramped, excessively dominant or represent an overdevelopment of the site.
- 12.13. Roof Form and Dormers
- 12.14. The proposed roof would incorporate a crown roof with dormer windows to the front and rear. Crown roofs are an established form of development within the locality. However, it is recognised that poorly designed crown roofs can appear visually harsh and detract from the appearance of a dwelling and the wider street scene.
- 12.15. In this case, the submitted section drawing indicates that a ridge tile would be used around the full perimeter of the roof. This would avoid the appearance of a harsh edge and give the crown roof the appearance of a more traditional ridge. The proposed roof

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height and form are therefore considered acceptable and would not introduce an intrusive design feature within the street scene.

- 12.16. Dormer windows are also an established feature within the locality and are present on a number of nearby properties at a similar level.
- 12.17. Page 52 of the Neighbourhood Plan, within Appendix 2 Design Code and Guidance, provides examples of acceptable and unacceptable roof alterations. The unacceptable examples include a wide, flat-roofed dormer which is described as “Loft conversions incorporating a long-shed dormer which is out of scale with the building”.
- 12.18. The front dormer would appear subservient to the main roof slope and would reflect the key features of the roof by being set level with the central upper-floor window.
- 12.19. The proposed rear dormer incorporates a flat roof but would be appropriately sized and set in from each flank, in accordance with the guidance at paragraph 5.2(vi) of the SDG and would be central within the roof form. It would appear subservient to the main roof form and would be faced in brick, assisting its integration with the overall appearance of the dwelling.
- 12.20. Both dormers would be in keeping with other dormers within the locality.
- 12.21. Established Building Line
- 12.22. The Parish Council also raises concerns regarding the positioning of the dwelling. It considers that this section of Tolmers Road currently forms a unified building line, creating a ‘harmonious and consistent view along the street’. It states that the proposal would:
- 12.23. ‘see the principal building line moved forward, with the garage being aligned with the neighbouring property rather than the main body of the proposed dwelling.’
- 12.24. The Parish Council considers that this:
- 12.25. ‘would disrupt the established relationship between the properties and would cause the proposed building to sit noticeably out of alignment with the prevailing building line.’
- 12.26. It further considers that, given the prominent corner location, this would form a visually dominant proposal which would erode the established character and cohesion of this section of the road.
- 12.27. The Parish Council's concerns are noted. However, the claimed continuous frontage is interrupted by Homewood Avenue and the immediate context does not demonstrate a consistent building line formed by the principal elevations of the adjoining properties. Both adjoining properties incorporate garages or other substantial built elements positioned forward of their principal house elevations.
- 12.28. The proposal incorporates a front projecting two-storey element with a pitched roof, whilst the main residential element remains set back. The main body of the proposed

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dwelling would be broadly level with No. 110 and would appear broadly level with the front of the garage at No. 106.

12.29. The proposed position is therefore considered appropriate in its immediate context and would assimilate satisfactorily with both the existing site and the wider street scene. It would not result in an unacceptable disruption to the established pattern of development.

12.30. Materials and Appearance

12.31. The proposed dwelling would be finished in brick, with a slate roof and aluminium fenestration. Whilst final details are not known at this stage, these materials are considered to be in keeping with the character and appearance of the site and wider area.

12.32. Subject to a condition securing details of the final materials, the proposed development would represent an acceptable standard of design and would respect and relate appropriately to the character and appearance of the application site and surrounding area.

12.33. Overdevelopment

12.34. The Parish Council considers that the combination of the increased ridge height, massing and bulk and the forward location of the dwelling would result in an excessive form of development on the plot.

12.35. These concerns have been considered above. The proposal is for one replacement dwelling on an established residential plot. It would retain off-street parking, landscaping and a private rear garden. The building would remain appropriately positioned within its plot and would not result in unacceptable separation distance or terracing issues.

12.36. Whilst the proposal is larger than the dwelling it replaces, scale alone is not determinative of whether a proposal constitutes overdevelopment. In this case, the building would remain well positioned within the plot and would not appear cramped or poorly designed as a result of its increased size. It would also incorporate design features and proportions which are reflected in other dwellings within the street scene.

12.37. Summary

12.38. The proposal would result in a replacement dwelling which is larger and slightly taller than the existing property. However, the surrounding area is characterised by considerable variation in dwelling size, scale, roof form, ridge height and architectural treatment.

12.39. The proposed dwelling would remain appropriately positioned within its plot, retain sufficient space around the building and respond satisfactorily to the scale and form of surrounding development. The proposed ridge height, roof form, dormers and positioning would not result in a visually dominant or discordant form of development.

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12.40. Overall, the proposal would respond appropriately to the evolving character of Tolmers Road and the wider character of Cuffley. It would respect and relate satisfactorily to the character and appearance of the application site and surrounding area and would not result in unacceptable harm to the street scene.

12.41. On this basis, the proposal is considered to accord with Policy SP9 of the Local Plan and Policies D1 and D2 of the adopted Northaw and Cuffley Neighbourhood Plan.

13. Residential amenity

13.1. Policy SADM11 requires that development proposals respect amenity and layout, ensuring a good standard of living conditions for both existing and future occupants.

13.2. This is further detailed in the Council's Supplementary Design Guidance (SDG), which sets out expectations for adequate sunlight and daylight provision, sufficient amenity space, and the minimisation of overlooking.

13.3. Additionally, Policy D2 of the Cuffley Neighbourhood Plan is relevant, reinforcing the importance of protecting residential amenity.

13.4. Neighbour Amenity

13.5. The application dwelling and dwellings on the same side of Tolmers Road have rear gardens broadly facing east. East facing gardens experience sunlight from the early morning to the early afternoon. The size, scale and positioning of the dwelling would not result in adjoining neighbours to experience a detrimental loss of sunlight, nor would the dwelling appear overbearing or unduly dominant.

13.6. The proposed dwelling would sit parallel to 112 Tolmers Road and would extend slightly beyond the existing rear line of development. The existing side windows appear to serve non habitable rooms and are obscure glazed. The expected loss of light to this windows is therefore considered acceptable.

13.7. In regard to privacy, the proposed dwelling would have a first floor window facing the adjoining neighbour No. 110. The scale and positioning of these windows would be unlikely to result in the occupiers of No. 110 experiencing a detrimental loss of privacy due to this window serving an ensuite bathroom. For security a condition will be included ensuring that this window remains obscure glazed.

13.8. No. 1 Homewood Avenue adjoins the rear of the application site. Whilst there are fenestration details in the proposed rear elevation a substantial distancing between the dwelling and No. 1 Homewood Avenue of approximately 29 metres would not result in the occupiers of No. 1 Homewood Avenue to experience a detrimental loss of privacy.

13.9. Future living conditions for occupiers

13.10. Policy SADM11 of the Local Plan, requires as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.

13.11. In terms of living conditions for occupiers the proposal is considered to provide adequate natural light, private outside space and all rooms would comply with the NDSS.

13.12. Overall, the proposal is considered to provide adequate amenity for both occupiers of neighbouring property and future occupiers of the proposed dwelling and is in compliance with both Policy SADM11 of the Local Plan and Policy D2 of the adopted neighbourhood plan.

14. Highways, access and parking

14.1. Policy SADM12 of the Local Plan is also relevant, as are the Council's Parking Standards 2004 and the Interim Policy for Car Parking Standards and Garage Sizes 2014.

14.2. The Council's Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. Considering the above, the Council have produced an Interim Policy for Car Parking Standards and Garage Sizes 2014 that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

14.3. The proposed dwelling would have four bedrooms. A four-bedroom dwelling in this location should provide three spaces per dwelling in line with the SPG.

14.4. The proposed dwelling would feature a garage, measuring approximately 5.5m by 6m, which would be suitable to park one vehicle. The proposal would provide parking on the driveway for approximately 4 cars and as such is in excess of the requirement as recommended by the council's parking standards guidance. Whilst no details of permeability have been provided it is considered likely that all drainage run off would be guided towards the dwelling due to the gradient of the site, it is therefore unlikely that any discharge would occur to public highway land. In the case of approval, a condition ensuring that discharge of surface water occurs within the application site only could be used.

14.5. Details of cycle parking within the existing garage has been shown and is supported.

14.6. Assessment of Hertfordshire Highway comments:

14.7. The submitted plans indicate a vehicular crossover to the front of the site from Tolmers Road, together with permeable surfacing to the front of the proposed dwelling and a new crossover to the rear. It was noted during the site visit that the front vehicular crossover with Tolmers Road has already been installed.

14.8. On consultation, Hertfordshire County Council as Highway Authority advised that it does not wish to restrict the grant of permission, subject to a condition requiring the applicant to make an agreement with the Highway Authority for the completion of the vehicular access as shown on the proposed site plan. This is because the Highway Authority has no record of the existing vehicular crossover having been authorised or

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lawfully constructed. The Highway Authority has also recommended a number of advisory notes relating to works affecting the highway. Subject to the recommended condition and informatives, the Highway Authority considers that the proposal would not materially affect the safety or operation of the wider public highway network.

15. Landscaping

- 15.1. Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals.
- 15.2. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of developments.
- 15.3. The site currently features minimal soft landscaping to the front of the site. Open frontage with soft landscaping is characteristic in this part of Tolmers Road and essential to the appearance of the area.
- 15.4. The provided site plan 10245-A108 Rev 3 provides some detail of soft and hard landscaping. Planting details have been provided for the hedging however the plant type and height are not known. The level of detail at this stage is considered acceptable however a soft and hard landscaping plan will be secured by condition.
- 15.5. In this case, subject to condition the proposal is considered to comply with Policy SADM16 of the Local Plan and the requirements of national policy.

16. BNG / Ecology

- 16.1. Biodiversity net gain
- 16.2. Policy SADM16 of the Local Plan requires all non-exempt development to deliver a biodiversity net gain uplift of at least 10%.
- 16.3. The policy text defines 'exempt' development as: "Development impacting on habitat of an area below a 'de-minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows, householder applications, biodiversity gain sites (where habitats are being enhanced for wildlife) - Gov UK Feb 2023".
- 16.4. The BNG Regulations introduce a new exemption for development carried out on a site with an area of no larger than 0.2 hectares, provided that the development does not impact onsite priority habitat. The Government's guidance confirms that this exemption applies to planning applications submitted on or after 6 August 2026.
- 16.5. Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021, establishes the statutory framework for biodiversity net

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gain, including the requirement for a 10% biodiversity net gain for development to which the statutory framework applies.

- 16.6. The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 ('the BNG Regulations') came into force on 6 August 2026. The application was submitted after this date and is therefore subject to the amended statutory BNG framework.
- 16.7. The application site has an area of approximately 622 metres (0.0662 Hectares), which is substantially below the aforementioned 0.2 hectare threshold. There is no known priority habitat on site, and it is therefore exempt from the statutory biodiversity gain condition.
- 16.8. In considering the relationship between the statutory BNG framework and local plan policies, paragraph N2(3) of the NPPF states that decision makers should not give weight to other plan policies which require biodiversity gains where those requirements are inconsistent with, or go beyond, the statutory framework.
- 16.9. Accordingly, the exemption introduced through the BNG Regulations takes precedence for the purposes of determining whether the statutory BNG requirement applies to this development.
- 16.10. The development is therefore not required to provide the statutory 10% biodiversity net gain, and it would not be appropriate to apply the 10% requirement in Policy SADM16 to this development where this would conflict with the current national BNG framework.
- 16.11. Ecology
- 16.12. Hertfordshire Ecology have been consulted on this planning application. After an assessment of the application and supporting ecological documents, it has been concluded that the proposal is unlikely to result in significant ecological impacts.
- 16.13. However, an informative has been recommended to be included in relation to bats.

17. Community Infrastructure Levy

- 17.1. Welwyn Hatfield Borough Council has set a local Community Infrastructure Levy (CIL). The purpose of the CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. CIL is non-negotiable and is charged at a variable rate per sqm of floorspace created, contingent on the location and use of the development. In this case, the development proposes chargeable floorspace and as such would be liable for a CIL charge.

18. Other matters

- 18.1. Refuse

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- 18.2. The proposal shows designated space within the frontage for the storage of refuse items however no details of enclosure have been provided. Bins and associated waste have the potential to form visual clutter in the front of sites and effort should be made to enclose refuse items.
- 18.3. A condition securing details of adequate bin storage within the site is to be used.
- 18.4. Removal of permitted development rights
- 18.5. The new dwelling would benefit from permitted development rights. Certain future extensions under permitted development would possibly cause harm in the above respects. In the interests of maintaining a high quality of design and neighbour amenity, it is considered necessary and reasonable for permitted development enlargements under Class A, Class AA, B and C of the General Permitted Development Order 2015 (as amended) for the new dwelling to be revoked through a planning condition.

Recommendation

Subject to the suggested conditions, it is considered that the proposed development would represent an acceptable standard of design, in accordance with National Policy, the Local Plan and the Neighbourhood plan. For these reasons officers request that the Committee resolves to grant planning permission subject to:

The conditions suggested below: and

Delegated powers be given to the Assistant Director (Planning) in consultation with the Chair of the Development Management Committee to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Development Management Committee has resolved to approve.

Conditions:

1. No development above ground level shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
The landscaping details to be submitted shall include:
 - (a) means of enclosure and boundary treatments
 - (b) car parking layout and markings
 - (c) vehicle and pedestrian access and circulation areas
 - (d) hard surfacing, other hard landscape features and materials
 - (e) 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
 - (f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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2. No development shall commence until the applicant has made an agreement with the Highway Authority for the completion of the vehicular access as shown on drawing number 10245-A108/1 (Site Plan), this agreement shall be made in 6 months from the date of this decision and evidence provided to the LPA within this time frame.
Appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Any other accesses or egresses shall be permanently closed, and the kerb shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.
Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).
3. No development above ground level 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.
4. No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to first occupation of the development and thereafter retained for this purpose.
REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A, AA, B, C and E of Part 1 of Schedule 2 shall take place.
REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.
6. The upper floor window serving the ensuite for bedroom 2 hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.
REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

1. POSITIVE AND PROACTIVE STATEMENT
POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the material planning considerations and these 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).

Informative:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The 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. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

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2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: a) a Biodiversity Gain Plan has been submitted to the planning authority, and b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission, would be Welwyn Hatfield Borough Council. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply.

In the opinion of the local planning authority, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun.

3. Your development may be liable for Community Infrastructure Levy (CIL) payments, and you are advised to contact the CIL Officer at cil@welhat.gov.uk for clarification.

If your development is CIL liable, even if an exemption or relief has been granted from the levy, please be advised that before commencement of any works, it is a requirement under Regulation 67 of the Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6: Commencement Notice must be completed, submitted, and acknowledged by Welwyn Hatfield Borough Council prior to the start of development.

Failure to submit a valid Commencement Notice before works begin will result in the loss of any right to pay by instalments (where applicable) and may lead to the imposition of a surcharge in accordance with the CIL Regulations.

Please note that a Commencement Notice is not required for residential extensions IF relief has been applied for and granted.

4. If bats or evidence of them are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
5. 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. 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

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possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

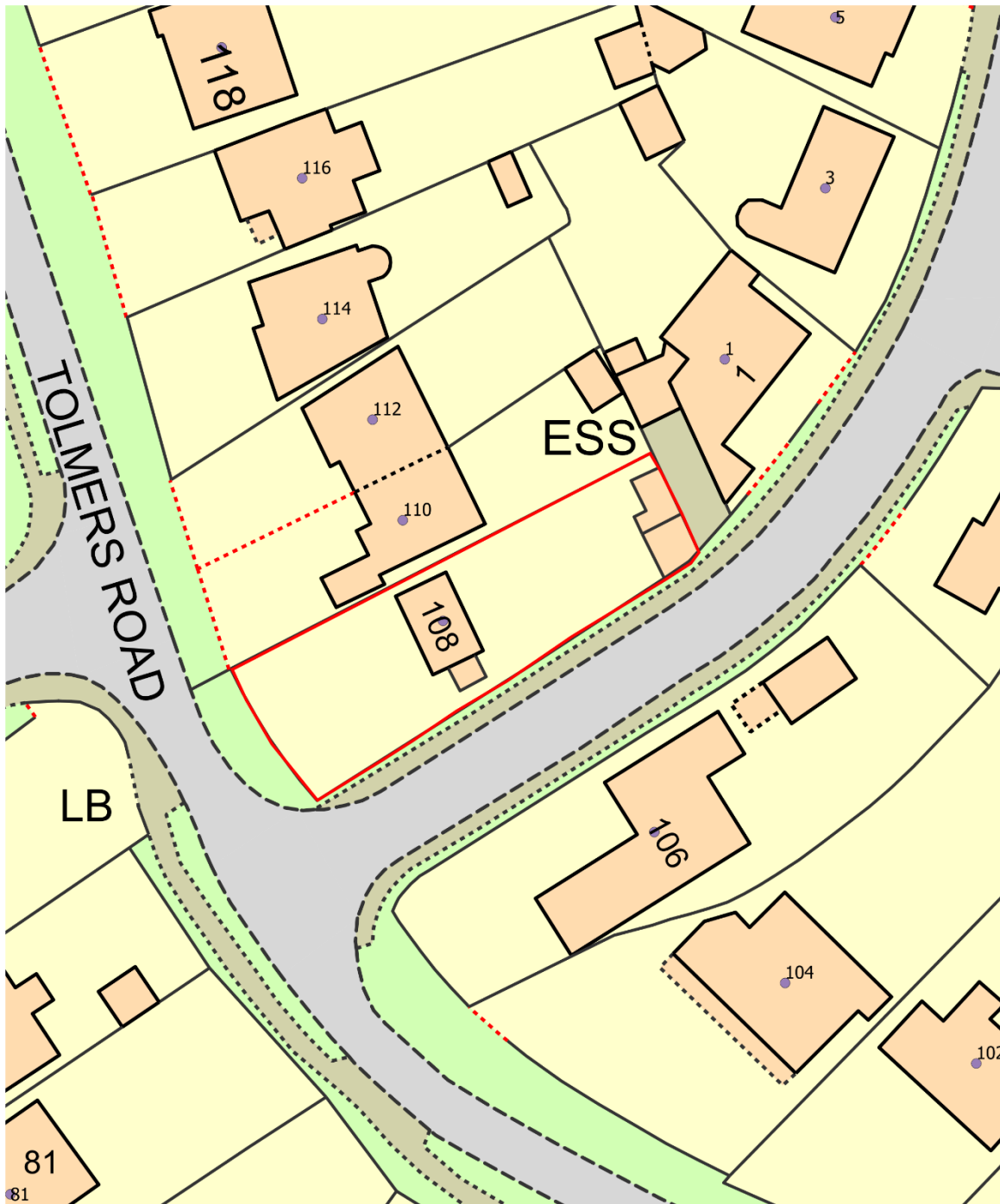
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

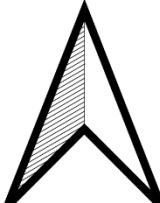
2. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
3. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority requires the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Edd Evans (Development Management)

Date: 5 October 2026



	108 Tolmers Road Cuffley Potters Bar EN6 4JR		Scale:
			Date: 07-10-2026
	Development Management Committee	6/2026/1474/FULL	Drawn: US
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Committee: Development Management**Report title:** 6/2026/0707/PIP – Cuffley Hills Barn, The Rigeway, Cuffley, EN6 4AY**Report author:** Edd Evans**Responsible Officer:** Executive Director (Place)**Cabinet Member(s) responsible:** Rose Grewal**Part 1 or 2:** Part 1**Executive Summary:**

This report recommends that the Development Management Committee resolves to grant planning permission for 6/2026/0707/PIP.

Recommendations:

It is recommended that Development Management:

Resolves to grant planning permission subject to the submission of the Technical Details Consent subject to the below approved drawings and informative.

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

This report supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

- 4.1 There are no known risk management implications.

5. Financial Implications

- 5.1 There are no known direct financial implications.

6. Legal and procurement implications

- 6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

- 7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

- 8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

- 9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

Appendix 1 – 6/2026/0707/PIP CUFFLEY HILLS BARN THE RIDGEWAY
CUFFLEY EN6 4AY

Part I

Main author: Edd Evans

Executive Member: Cllr George Michaelides
(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –22ND OCTOBER 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/0707/PIP

CUFFLEY HILLS BARN THE RIDGEWAY CUFFLEY EN6 4AY
PERMISSION IN PRINCIPLE APPLICATION FOR THE DEMOLITION OF EXISTING
BUILDINGS AND ERECTION OF FOUR DETACHED DWELLINGS

APPLICANT: MR G WILLIAMSON

1 Site Description

- 1.1 The application site is located to the south of Cuffley Hill Farm and is occupied by the structure of a portal framed building on a hard landscaped area, surrounding the building there is grassland and low-lying shrubs. This structure is known to have a B8 use as secured under the planning application 6/2017/1162/LAWE with the barn having a use for storage of building materials, machinery and equipment associated with a building contractor.
- 1.2 The site lies outside the settlement boundary of Cuffley which lies immediately adjacent to the site to the east.
- 1.3 Access to the site is via a private access track off The Ridgeway. The site is located in the Metropolitan Green Belt and Northaw Common Parkland Landscape Character Area.

2 The Proposal

- 2.1 A Permission in Principle (PiP) application is sought for the demolition of the existing building and redevelopment of the site to provide 4 residential dwellings
- 2.2 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provide opportunity for an applicant to apply to the Local Planning Authority to establish the principle of development for a site for housing.
- 2.3 The permission in principle route is an alternative way of obtaining planning permission for housing led developments which separates the consideration of matters of principle for the proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle for the development proposed and the second ('technical details consent' (TDC)) stage is when the detailed development proposals are assessed.

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- 2.4 The scope of 'permission in principle' is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the 'permission in principle' stage. Other matters should be considered at the 'technical details consent' stage. In addition, local authorities cannot list the information they require for applications for 'permission in principle' in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of 'permission in principle' nor can planning obligations be secured.
- 2.5 It is the technical detail stage which provides the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure are secured. If the technical details are not acceptable, the local authority can refuse the application.
- 2.6 A proposed site plan has been submitted which shows how 4 dwellings could come forward on the site. It shows an arrangement of four dwelling against the eastern boundary with the rear of the properties on Cranfield Crescent. The dwellings are shown as being access by a newly created access road.

3 **Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor George Michaelides has called-in the application for the following reasons:

I am calling in this application as I understand it does not comply with the adopted Local Plan's policies SADM 2 and SADM 12 or policy D1 of the Neighbourhood Plan among others.

It is also in violation of Table 5 of the NCNP, which explicitly states that

"development to the west of the ridgeline which forms the existing western edge of Cuffley should be avoided to protect the countryside gap between Northaw and Cuffley".

If approved, this development will cause immense traffic problems, in a already congested area, especially during peak times and will severely impact neighbouring properties through overlooking, loss of privacy, increased noise and light intrusion.

Based on the above the application should be refused.

4 **Relevant Planning History**

- 4.1 Application Number: 6/2017/2703/FULL
Decision: Granted
Decision Date: 20 February 2018
Proposal: Erection of 1 x 6-bedroom house following the demolition of existing portal framed storage buildings (B8)
- 4.2 Application Number: 6/2019/0987/FULL
Decision: Refused
Decision Date: 19 June 2019

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Proposal: Erection of 1x dwelling following the demolition of existing portal framed storage building (Class B8)

4.3 Application Number: 6/2019/1940/FULL

Decision: Granted

Decision Date: 14 October 2019

Proposal: Erection of 1x dwelling following the demolition of existing portal framed storage building (Class B8)

4.4 Application Number: 6/2020/0274/FULL

Decision: Granted

Decision Date: 26 March 2020

Proposal: Erection of 1x dwelling following demolition of existing storage building (Class B8)

4.5 Application Number: 6/2021/1733/FULL

Decision: Granted

Decision Date: 11 November 2021

Proposal: Conversion of existing building from commercial storage (Use Class B8) to a single residential dwelling

4.6 Application Number: 6/2022/1393/FULL

Decision: Granted

Decision Date: 16 September 2022

Proposal: Demolition of existing commercial building (Use Class B8) and erection of a new dwelling of the same size, form and design as the previously permitted conversion proposal approved under ref: 6/2021/1733/FULL

4.7 Application Number: 6/2024/0306/FULL

Decision: Granted

Decision Date: 21 November 2024

Proposal: Erection of two new dwellings following the demolition of the existing B8 commercial building

4.8 Application Number: 6/2025/2102/COND

Decision: Part Discharged (awaiting further details in respects to condition 1)

Decision Date: 11 March 2026

Proposal: Submission of details pursuant to conditions 1a-e (Site Characterisation, Remediation Scheme, Implementation of Approved Remediation Scheme, Reporting of Unexpected Contamination, Long Term Monitoring and Maintenance), & 2 (Tree Protection Plan and an Arboricultural Method Statement) on planning permission 6/2024/0306/FULL.

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF) (August 2026)

5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)

5.3 Supplementary Design Guidance 2005 (SDG)

5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

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- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.6 Sustainability Supplementary Planning Document (March 2025)
- 5.7 Community Infrastructure Levy 2025 (CIL)
- 5.8 The WHBC Regulation 19 Proposed Submission Local Plan (February 2026). It should be noted that the “Welwyn Hatfield Borough Council Regulation 19 Proposed Submission Local Plan” was agreed by Full Council on 16th September and will undergo public consultation between 23rd September and 4th November. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

6 Site Designation

- 6.1 The site lies within the Metropolitan Green Belt as highlighted in the Welwyn Hatfield Local Plan.

7 Representations Received

- 7.1 The application was advertised by means of neighbour consultation letters. The full extent of neighbour comments can be viewed on the Council’s website.
- 7.2 These are summarised as follows:

Principle of Development and Policy Compliance

- The proposal is considered contrary to the development plan, including the Northaw and Cuffley Neighbourhood Plan, Welwyn Hatfield Local Plan, and National Planning Policy Framework.
- Concern is raised that the development would extend built form into the countryside beyond the western ridgeline of Cuffley.
- Objectors consider the proposal would undermine the identified gap between Northaw and Cuffley.
- Concerns are raised regarding the cumulative impact of successive residential developments on the erosion of the rural character of the area.
- This proposes four houses; how do residents know that more dwellings won’t follow.

Green Belt

- The proposal is considered to result in harm to the openness and character of the Green Belt.
- The Green Belt should remain undeveloped.
- Concerns are raised that the replacement of the agricultural barn with four dwellings would represent a more intensive form of development within the Green Belt.
- Objectors consider that the proposal would contribute to encroachment into the countryside and the gradual erosion of Green Belt land.

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- It is argued that insufficient justification has been provided to demonstrate that very special circumstances exist to outweigh the perceived harm to the Green Belt.
- Damaging to the countryside.
- The development would extend the perceived edge of Cuffley and would be clearly visible from the public rights of way and wider.
- This would diminish the gap between Cuffley and Northaw.
- The site is not entirely previously developed land.

Landscape and Visual Impact

- The site occupies a prominent ridgeline location forming the western edge of Cuffley.
- Replacement of the existing agricultural barn with four dwellings is considered harmful to the rural character and appearance of the area.
- The development is considered to represent an urbanisation of open countryside.
- Concerns are raised regarding the scale, massing and visibility of the proposed dwellings within the landscape.
- Additional light pollution from domestic lighting and glazing is considered likely to harm the area's rural character and dark countryside setting. This would be a worse scenario than should the site be continued to be used as a farm building.
- The light created by the proposed 4 dwellings cannot be mitigated through design.
- Objections state that the submitted Landscape and Visual Impact Assessment relate to a previous scheme and does not adequately assess the current proposal.
- Detrimental on open views.
- The current building does not cause detriment on the landscape.

Residential Amenity

- Concerns are raised regarding overlooking and loss of privacy to neighbouring properties.
- The proposed dwellings are considered likely to result in increased noise and disturbance.
- There would be an increase in dust and contamination created through the proposal.
- Objections refer to additional activity associated with residents, visitors and deliveries.
- The proposed access road is considered likely to generate noise, vehicle emissions and disturbance adjacent to neighbouring gardens.
- Concerns are raised regarding light intrusion from vehicle headlights and domestic lighting.
- Assured by solicitors that this land could not be considered.
- This would ruin quality of life.
- If the council cannot clearly determine (based on the available information) whether the proposed development would avoid unacceptable harm to neighbours, it should refuse permission in principle. Granting it despite uncertainty would wrongly defer a key question (impact on amenity) to a later stage, after the main principle of development has already been accepted.

Highway Safety and Access

- The development is considered likely to increase traffic movements on the local highway network.
- Concerns are raised regarding the suitability and safety of the site access onto a classified road.
- This is a dangerous road with a blind access.
- Objectors refer to limited visibility and the presence of a nearby bend in the road.
- No Transport Statement, visibility assessment or swept-path analysis has been submitted.
- Concerns are raised regarding access for emergency vehicles and refuse collection arrangements.
- The driveway is too narrow, there would not be sufficient views for vehicles to see one and other before turning into / off the blind corner.
- Insufficient width for standard fire appliance, the current driveway is 2.5 metres wide and should be 3.7 metres wide to operate safely.
- The application conflicts with Paragraph 116 of the NPPF and should be refused on this matter.

Ecology and Biodiversity

- No ecological surveys have been submitted in support of the application.
- No Biodiversity Net Gain assessment has been provided contrary to the Environmental Act of 2021.
- No habitat baseline has been provided at this stage.
- Objectors consider that the ecological impacts of the development cannot therefore be fully assessed. This should form a refusal reason.
- Wildlife will likely explore the roof and voids of the building. This includes both bats and owls both of which are protected species.
- Reports of a Woodpecker in the area.
- The grassland on the site will likely be used for a range of invertebrate species.

Infrastructure and Supporting Information

- Concerns are raised regarding the capacity of local infrastructure and services to accommodate the development.
- General Practice and Dentist appointments are impossible to book.
- The application is considered to be supported by insufficient technical information.
- Objectors state that the absence of transport, ecological and other supporting assessments prevents a full assessment of the proposal.
- The relied on reports are outdated.
- Permission in principle applications are not a mechanism to stall major issues on planning applications. The wrong process has been followed.

Bin / Refuse

- No details of bin storage has been provided.
- The driveway is too narrow for waste freighters.

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- No bin collection point has been shown.
- Leaving bins at the junction with the Ridgeway would be too far for residents to carry.

8 **Consultations Received**

- 8.1 The following consultee has responded advising that they have objection to the proposals:

Northaw & Cuffley Parish Council: Objects as the scheme would result in unacceptable harm to the character and openness of the countryside, particularly through its prominent and intrusive lighting along the western ridgeline, this contrary to Table 5 of the neighbourhood plan. Furthermore, the proposal fails to adequately address serious highway safety risks associated with increased traffic and the constrained access on a sharp bend. Fails to comply with Policies SADM2 and SADM12 of the Local Plan and Policy D1 of the neighbourhood plan.

Campaign to Protect Rural England (CPRE): Objects to the proposal on the grounds that it constitutes inappropriate development within the Metropolitan Green Belt, contrary to local and national planning policy, and would erode the important separation between Cuffley and the surrounding countryside. It considers the Permission in Principle process inadequate, citing the absence of up-to-date landscape, visual and ecological assessments, and raises concerns regarding harm to rural character, biodiversity and the wider benefits of the Green Belt. CPRE also notes strong local opposition and concludes that no very special circumstances have been demonstrated to justify the development

- 8.2 No objection has been received from **Hertfordshire Highways**, with Highway issues falling to be a consideration of the Technical Details Consent stage.
- 8.3 No objection has been received from **Hertfordshire Ecology**. It is however noted that a BNG report should be provided subject to the determination of any subsequent Technical Details Consent application.
- 8.4 No objection has been received from the **Council's Public Health and Protection team**. If permission in principle is given, then the site is still subject to some contaminated land matters which are relevant to the previous application 6/2025/2102/COND - the information that is still required under the existing application, will have to be submitted to cover this development proposal (at technical detail consent stage).
- 8.5 No response was received from the following consultees:
- Councillor Barbara Fitzsimon
 - Hertfordshire County Council Minerals and Waste Team
 - Councillor Brian Seeger
 - Welwyn Hatfield Borough Council Landscape / Tree Officer

9 **Analysis**

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

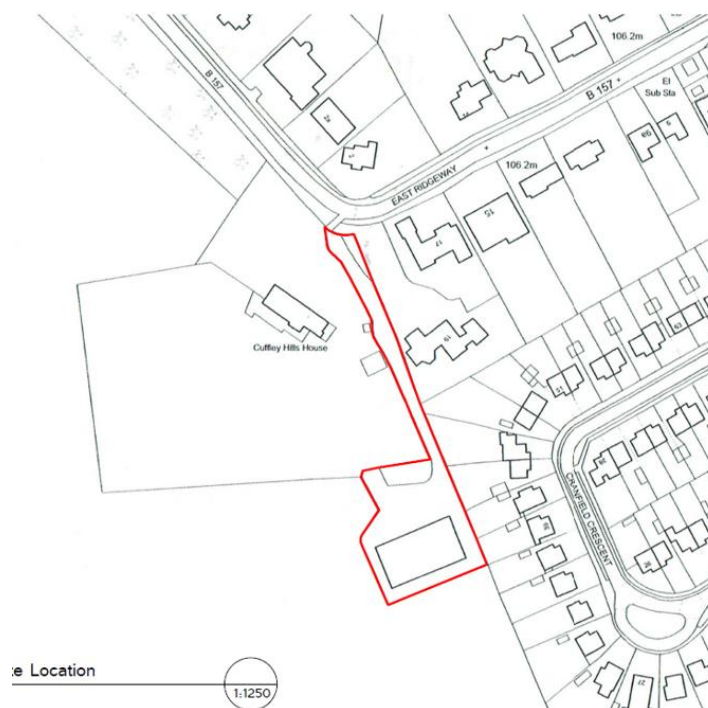
1. Location of the Development
 - i) Principle of development
 - ii) Green Belt
 - Appropriateness
 - Openness
 - iii) Purposes of the Green Belt
 - iv) Grey Belt
 - v) Other Green Belt purposes
 - vi) Overall conclusion on Green Belt
2. Acceptability of development
 - i) Location and proposed land use
 - ii) Amount of development
3. Response to objections

10 **Location of development**

Principle of development

- 10.1 It is a material consideration that there is planning permission for the erection of two new dwellings following the demolition of the existing B8 commercial building as per the application 6/2024/0306/FULL, this is however limited to the northern part of the site only. The southern part of the site remains undeveloped and free from existing permissions.

This is indicated below:



- 10.2 This permission remains extant and capable of implementation, with Conditions 1 and 2 having been discharged.
- 10.3 The southern and western part of the site does not benefit from any extant planning permission and given the material increase in the number of dwellings, the application should be assessed on its own merits.
- 10.4 Since the previous applications were granted for the north of the site, there have been no material changes to the application site or its surrounding context. However, the National Planning Policy Framework (NPPF) was revised in both December 2024 and August 2026 and introduced significant changes to Green Belt policy.
- 10.5 The acceptability of the proposal must be assessed against the revised national policy context, including the updated Green Belt provisions, together with all other relevant material planning considerations.
- 10.6 Policy S5 of the NPPF sets out the principle for development outside settlements, identifying a range of forms of development that may be acceptable where their benefits are not substantially outweighed by adverse effects, including the redevelopment of previously developed land, limited infilling, and development which would address an evidenced unmet need where it is physically well-related to an existing settlement and can be accommodated having regard to infrastructure. The policy also seeks to prevent isolated homes outside settlements or groups of houses, except where otherwise provided for by national policy.
- 10.7 However, Policy S5 expressly states that it does not apply to development proposals in the Green Belt, which should instead be assessed against the relevant Green Belt policies of the NPPF, including Policies GB6, GB7 and GB8. Where development in the Green Belt is not inappropriate through the application of those policies, proposals should be approved unless their benefits would be substantially outweighed by any adverse effects.

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- 10.8 Policy SP1 of the Local Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.
- 10.9 Policy SP2 outlines that the Council will support growth including but not limited to housing. Policy SP3 direct new development towards existing towns and settlements.
- 10.10 The application site is located outside of a town, village or settlement and is in the Green Belt. Policy SP3 says that in other rural areas of the borough that lie in the Green Belt, development will be restricted to be consistent with the type of development envisaged in national planning policy and other policies of the Local Plan.
- 10.11 As the site is not allocated, it comes forward as a windfall development. Policy SADM1 of the Local Plan states that all applications for windfall residential development on unallocated sites will be granted provided: The site is previously developed or is a small infill site within a town or excluded village.
- 10.12 In the Green Belt, Policy SADM34 will apply;
- I. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - II. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - III. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - IV. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.13 Policy SADM1 further states that windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services.
- 10.14 In respects to Criterion (i) the subject building and curtilage to be demolished has a B8 use as secured under the application 6/2017/1162/LAWE.
- 10.15 Therefore, the whole site put forward as part of this application is not previously developed land with the southern part of the site being free from built form.
- 10.16 In regard to criterion (ii) of Policy SADM1 the development of the northern part of the site was found to be sustainably located under the application 6/2024/0306/FULL, however an assessment must now be made to establish whether the current proposal as a whole would conform with this criteria.
- 10.17 The document Manual for Streets (MfS), at paragraph 4.4.1, indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 10 minutes' (up to approximately 800 metres) walking distance of residential areas, which residents can comfortably access on foot. However, this is not intended to represent an upper limit for walking trips. MfS recognises that walking has the greatest potential to replace short car journeys, particularly those of less than 2 kilometres, and that the 800-

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metre distance is a commonly used guide rather than a rigid maximum. The NPPF 2026 similarly identifies approximately 800 metres, or around 10 minutes' walking time, as a reasonable walking distance in the context of well-connected railway stations, whilst recognising that topography, route availability and quality, and physical barriers can affect the practical suitability of walking routes.

- 10.18 The site is located approximately 950 metres from the centre of Cuffley and its associated facilities. Whilst this exceeds the 800-metre walking distance referred to above, the additional distance is relatively modest and remains within a distance at which walking can reasonably be considered a practical mode of transport, particularly for individual trips where walking is appropriate.
- 10.19 The site is also accessible to frequent bus services, with the closest bus stop located on Plough Hill approximately 300 metres from the site. This provides future occupiers with a readily accessible alternative to the private car for journeys beyond the immediate walking catchment of the site.
- 10.20 Cuffley Railway Station and the Sopers Road Employment Area are located approximately 1 kilometre from the site. Whilst the railway station is beyond the 800-metre distance identified in the NPPF as a guide for a reasonable walking distance, this should not be considered in isolation or as a rigid maximum. The station remains within a distance that can reasonably be accessed on foot by many future occupiers, whilst the availability of bus services provides an additional sustainable transport option.
- 10.21 Having regard to the above, and consistent with the conclusion reached in approving 6/2024/0306/FULL, it is considered that the application is sustainably located and as such (ii) is complied with.
- 10.22 In relation to (iii) the site is located on the edge of an existing residential area. The extant permission 6/2024/0306/FULL concluded that there was to be no harm to existing infrastructure capacity. Comments of objection have been received in relation to infrastructure deficit and pressures that could be created as part of this application. An assessment has been made on the pressure of the addition of two additional homes over the current granted scheme in this location, and it is not considered that there is any evidence present to indicate that the existing infrastructure does not have the capacity to absorb the development. For this reason, the proposal is considered to comply with Policy (iii) of Policy SADM1. It is also a salient point that the proposed development also has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 10.23 The development would be required to pay the community infrastructure levy (CIL) at a rate dependant on the developable floor area of the site - which is to be established in the technical details stage of this application and would help to fund local infrastructure needed to support development, such as roads, schools, healthcare facilities, parks, and public transport improvements.
- 10.24 The proposal would not undermine the delivery of allocated sites or the overall strategy of the Local Plan; and due to the number of proposed units, it would not result in disproportionate growth, considering the position of a settlement within the settlement hierarchy, the proposal therefore accords with (vi) and (v).
- 10.25 For the above reasons, the proposal would not conflict with the requirements of Policy SADM1 of the Local Plan.

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Green Belt

- 10.26 The application site is washed over by the Metropolitan Green Belt as defined by Local Plan Policy SP3. 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. The NPPF, states, under Policy GB6 (2) that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to any harm in the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Appropriateness

- 10.27 Policy GB7 of the NPPF outlines that development is inappropriate in the Green Belt, apart from a limited number of exceptions. One of these exceptions is where development utilises previously developed land.
- 10.28 As discussed in the beginning of this report, the building and curtilage to the north of the proposed site has a lawful use as B8 as such this area of the site can be considered as previously developed land.
- 10.29 Criterion (1) (e) of Policy GB7 states: The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;
- 10.30 The NPPF explains that previously developed land (PDL) is: *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.*
- 10.31 It is considered that the north of the site can be considered under exception (1) (f) of GB7 as the redevelopment of previously developed land (PDL).
- 10.32 Whilst it is considered that the northern part of the site as outlined in the application 6/2024/0306/FULL constitutes PDL, the southern and western areas are free from existing built form and as such would not constitute PDL. As such, the entire site alone cannot be considered as previously developed land. Therefore, at this stage, the site cannot be considered entirely as PDL with the majority of the south to the south being undeveloped as such falls to be inappropriate development in the Green Belt for the purposes of GB7.
- 10.33 Notwithstanding whether the application is acceptable under Policy GB71(c) of the NPPF, it is the applicant's case that the application site constitutes 'grey belt' land and as such it is necessary to assess the application against the applicable provisions as set out within the NPPF.

Purposes of the Green Belt

- 10.34 Criterion 1 of Policy GB2 of the NPPF states that the five purposes of the green belt are to:

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- a) check the unrestricted sprawl of large built-up areas;
- b) prevent neighbouring towns merging into one another;
- c) assist in safeguarding the countryside from encroachment;
- d) preserve the setting and special character of historic towns; and
- e) assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.35 As set out above, the NPPF has changed since the determination of the previous application and has introduced the concept of Grey Belt, which is also an exception to development in the Green Belt. This is discussed below.

Grey Belt

10.36 Policy GB7 (g) advises that development will not be inappropriate where all of the following apply:

- i. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- ii. There is an evidenced unmet need for the type of development proposed;
- iii. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework; and
- iv. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

10.37 Grey Belt is defined in the NPPF under Annex 2 as the following:

10.38 “For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2.”.

10.39 An important distinction is the reference to “any other land” which does not restrict Grey Belt development to Previously Developed Land.

10.40 For reasons already discussed, the entire site cannot be classed as previously developed land.

10.41 Assessment of contribution to Green Belt purposes a) b) and d) of Policy GB2:

Purpose a) is to check unrestricted sprawl of large built-up areas:

10.42 The Planning Practice Guidance (PPG) makes clear that villages should not be regarded as large built-up areas. By implication, this distinction applies only to towns and cities, which are considered large built-up areas.

10.43 The application site lies on the southwestern periphery of Cuffley, an excluded village. To the west of the site lies Northaw, another village. The site outline is limited to a small parcel of land with some existing development and would not extend beyond the existing

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western boundary of Cuffley Hills House or the eastern most properties on the south side of the Ridgeway as such this site is not considered to contribute strongly to purpose a).

Purpose b) seeks to prevent neighbouring towns merging into one another:

- 10.44 The site is located on the western periphery of Cuffley is across the valley from Northaw. The site does not act entirely as a separation buffer between these two villages with their otherwise being more than 1.5km separating these two areas. Whilst the gaps between these villages help to restrict a chain of development between Cheshunt and Potters Bar the application site itself does not represent a substantial element of the gap between these towns and as such would not strongly contribute to purpose b).

Purpose d) seeks to preserve the setting and special character of historic towns:

- 10.45 The site is not located near to a historic town and therefore it does not contribute to purpose d).

Conclusion on Grey Belt

- 10.46 Based on the assessment above, the application site does not strongly contribute to any of the purposes outlined in Policy GB2 of the NPPF. It is therefore considered that the site can meet the definition of Grey Belt. An assessment against the remaining criteria under Policy GB7 (g) must be made.

Other Green Belt purposes:

Assessment of Policy GB7 (g):

- 10.47 Policy GB7 (g) (i) requires that a development would utilise grey belt land and does not fundamentally undermine the purposes (taken together) of the Green Belt across the plan area. The site's contribution to the Green Belt purposes as per a) b) and d) of Policy GB2 (1) have been referenced above have already been assessed above.
- 10.48 Policy GB2 (1) c) seeks to safeguard the countryside from encroachment. Welwyn Hatfield contains approximately 12,954 ha of land, of which approximately 9,936 ha (76.7 %) is Green Belt (AMR 2023/24). The development would impact on less than 0.1 % of the total Green Belt area., and as such would not fundamentally compromise the ability of the Green Belt across the plan area to fulfil this purpose.
- 10.49 As a result of the above, taken together, the proposal would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. Policy GB2 1) is satisfied.

Assessment of GB7 (g) (ii):

- 10.50 Policy GB7 (g) (ii) seeks to ensure that there is a demonstrable unmet need for the type of development proposed. The most recent Annual Monitoring Report (AMR) 2024/25 confirms that the Council does not have a five year housing land supply. It is therefore considered that the requirements of this criterion have been met.

Assessment of GB7 (g) (iii):

- 10.51 Policy GB7 (g) (ii) requires development would be in a sustainable location with particular reference to Policy TR3 of the NPPF. As set out in the preceding section of this report it is considered that the site is in a sustainable location.

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Assessment of GB6 (g) (iv):

- 10.52 Policy GB7 (g) (iv) states that in the case of major development involving the provision of housing, the development proposed complies with policy GB8 'The Golden Rules'.
- 10.53 The 'Golden Rules' apply where major housing development is proposed in the Green Belt. Major Development is referred to in the NPPF as 'For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more'. The site has been indicated on the provided application form as having a site area of 0.91 Ha and is as such larger than this threshold. Accordingly, the proposal must satisfy the 'Golden Rules' requirements set out in Policy GB8 a), b) and c). These require contributions to affordable housing, infrastructure and green space.

Affordable housing

- 10.54 The Golden Rules GB8 (1) a) i) refers to affordable housing which reflects either i) development plan policy requirements for major development on land within or released from the Green Belt (as established under policy HO5(1)(a)(ii)); or ii) Until such policies are in place, a contribution which is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of a 50% In the absence of a preexisting requirement for affordable housing, a 50% affordable housing contribution should apply by default.
- 10.55 In respect of affordable housing, Policy GB8(1)(a)(i) requires provision which reflects the development plan policy requirements for major development on land within or released from the Green Belt, as established under Policy HO5(1)(a)(ii) of the NPPF.
- 10.56 The affordable housing requirement under Policy SP7 of the adopted Welwyn Hatfield Local Plan however, as the site, is within the Green Belt and there is no explicit reference to Green Belt sites within this, the existing Local Plan was also adopted prior to the 2026 NPPF so Policy HOU5(1)(a)(ii) cannot apply. As such there is no explicit Local Plan position.
- 10.57 The alternative provision set out under Policy GB8(1)(a)(ii), requiring an additional 15 percentage points above the highest existing affordable housing requirement, applies only until the relevant development plan policies referred to under criterion (i) are in place. In the absence of such Policies a 50% affordable housing contribution should apply by default.
- 10.58 In the absence of any relevant Local Plan Policy for the proposed four dwellings, a 50% affordable housing requirement which equates to two dwellings should be applied.
- 10.59 In this case, the applicant has agreed that 2 of the dwellings would be provided as affordable housing and would be proposed as such as such at the Technical Details stage.
- 10.60 The provision of affordable housing can only be secured through a Section 106 Agreement which cannot be secured at the PiP stage, Nevertheless, a future scheme is capable of compliance and the affordable housing at 50% would be a requirement at Technical Details when the S106 would be secured. For the reasons discussed above the proposal is considered to comply at this stage with the requirements of GB8 (1)(a)(ii).

Infrastructure

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- 10.61 Given that this is an application for Permission in Principle for four dwellings, conditions and/or obligations cannot be secured.
- 10.62 Nevertheless, specific mitigations could be secured at Technical Details stage when a S106 would be agreed and as such a future scheme would be capable of compliance. Moreover, it is noted that the scheme would fall to be CIL liable whereby contribution could be used towards securing infrastructure improvements. For these reasons, at this stage, the proposal is considered in line with GB8 (1)(b).

Provision of new green space or improvements to existing green space

- 10.63 Given the 'in principle' nature of the application, the application does not currently provide details demonstrating how the proposal would satisfy the green-space element of the Golden Rules. However, given that this is a Permission in Principle application for four dwellings, it is not considered necessary at this stage to establish the detailed layout, landscaping or precise form of green-space provision.
- 10.64 The Council considers that the detailed form, location and specification of any green-space provision can be appropriately considered at the technical details stage, provided that the principle of meeting the requirements of Policy GB8(c) can be established and that a future scheme would be capable of compliance.

Overall conclusion on Green Belt

- 10.65 Taking all of the above into account, the site is considered to constitute Grey Belt development in accordance with Policy GB71(g) of the NPPF, and the proposed development can satisfy the requirements of the 'Golden Rules' in accordance with Policy GB8. For this reason, the proposed development can be considered as appropriate development and is therefore acceptable in Green Belt terms.
- 10.66 It is important to note that case law confirms that, once a development is accepted as appropriate (or not inappropriate) in the Green Belt, there is no requirement to undertake a separate assessment of its impact on openness.

11 Acceptability of development

- 11.1 As set out above, the scope of Permission in Principle is limited to establishing the acceptability of development in respect of the location of development, the proposed land use and the amount of development. The Permission in Principle process is not a mechanism for determining the detailed design or technical merits of a proposal. Those matters, where relevant, fall to be considered through any subsequent application for Technical Details Consent.
- 11.2 The applicant has submitted indicative plans to demonstrate one potential means by which up to four dwellings might be accommodated on the site. These drawings are illustrative only and do not form part of any permission granted. No approval is given to the proposed layout, siting, scale, appearance, landscaping or any other detailed aspect of the proposal. Furthermore, conditions cannot be imposed upon a grant of Permission in Principle, the terms of which are limited to the site's location, the proposed land use and the amount of development.

Location and proposed land use

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- 11.3 The first matter for consideration is whether the site is an appropriate location for the proposed development in principle.
- 11.4 The site lies adjacent to an established residential area and the principle of residential development in this location is informed by the planning history identified elsewhere within this report, including the extant planning permission under reference 6/2024/0306/FULL for two dwellings on the northern part of the site.
- 11.5 Whilst Table 5 of the Northaw and Cuffley Neighbourhood Plan advises that development to the west of the ridgeline forming the western edge of Cuffley should be prevented in order to protect the open character of the countryside gap between Northaw and Cuffley, this does not amount to an absolute prohibition on development.
- 11.6 Table 5 informs the assessment of whether the proposed development is acceptable in principle at the Permission in Principle stage. While the proposal does not fully accord with all of the requirements identified in Table 5, these requirements should be considered having regard to the nature and scale of the proposed development and the specific characteristics of the site. As set out above, it is considered that the proposal would achieve an acceptable relationship with the surrounding area and would not give rise to unacceptable impacts in respect of the matters identified within Table 5. On this basis, the proposal is considered acceptable in principle at this stage. The detailed manner in which the development would respond to the relevant design objectives and requirements would be considered through Technical Details Consent.
- 11.7 The location and land use in this location are acceptable.

Amount of development

- 11.8 The third matter is whether the proposed amount of development, namely up to four dwellings, is acceptable in principle.
- 11.9 Whilst detailed design matters fall outside the scope of this application, the Council must nevertheless consider whether there are any fundamental physical or policy constraints that demonstrate the site is incapable of accommodating the proposed quantum of development. This does not involve approving a detailed scheme but rather determining whether there is a realistic prospect that a policy-compliant form of development could come forward through a subsequent Technical Details Consent application.
- 11.10 The indicative plans demonstrate one potential means by which four dwellings could be accommodated on the site. However, these drawings are illustrative only and should not be interpreted as demonstrating that any particular layout or design would be acceptable. Matters including the precise siting of buildings, their scale, height, massing, architectural treatment, landscaping, parking provision and relationship with neighbouring properties remain matters for Technical Details Consent.
- 11.11 A number of objections have been received raising concerns regarding overlooking, loss of privacy, loss of light, overshadowing, noise, design, appearance and separation distances. These concerns are acknowledged. However, they relate principally to the detailed siting, layout and design of any future development and are therefore not matters capable of determination through this Permission in Principle application. The Council is not being asked to approve a detailed scheme, but rather to determine whether there is any substantive evidence that the proposed amount of development could not be accommodated on the site in principle.

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- 11.12 Having regard to the information before the Council, there is no substantive evidence to demonstrate that the proposed quantum of development would inevitably result in an unacceptable form of development or that the site is fundamentally incapable of accommodating up to four dwellings in a policy-compliant manner. The available evidence indicates that there is a realistic prospect that an acceptable scheme could be achieved, subject to detailed assessment through any subsequent application for Technical Details Consent.

12 **Response to objections**

- 12.1 Multiple representations objecting to the proposal have been received and are summarised at the beginning of this report.
- 12.2 Permission in Principle is a statutory consent limited to establishing the acceptability of development in terms of its location, land use and amount of development. It does not determine the detailed design or technical merits of a proposal, which are reserved for consideration through any subsequent Technical Details Consent application.
- 12.3 Accordingly, the following matters fall outside the scope of determination at the Permission in Principle stage:
- Design, appearance and architectural quality;
 - Layout, scale, massing and height;
 - Character and visual impact;
 - Residential amenity, including overlooking, overshadowing, noise and lighting;
 - Detailed highway design, access arrangements and parking provision;
 - Flood risk and drainage design;
 - Ecology, biodiversity and Biodiversity Net Gain;
 - Land contamination;
 - Landscaping;
 - Sustainable construction, energy efficiency and climate change measures; and
 - Planning obligations and infrastructure contributions, except where directly relevant to the principle of development.
- 12.4 Representations concerning the principle of residential development, Green Belt policy, the suitability of the site, settlement separation and the proposed amount of development are material considerations in determining this application and these matters have been addressed in the main body of this report.

13 **Conclusion**

- 13.1 Having regard to the above, the proposed development would accord with the relevant local and national planning policies in relation to the principle of the development. It is therefore recommended that permission in principle be granted.

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14 Recommendation

- 14.1 It is recommended that the Committee resolves to grant planning permission subject to the submission of the Technical Details Consent subject to the below approved drawings and informative.

Approved drawings

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
26_546 P 100		Proposed site layout	21 April 2026
26_546		Site location plan	21 April 2025

Positive and proactive statement

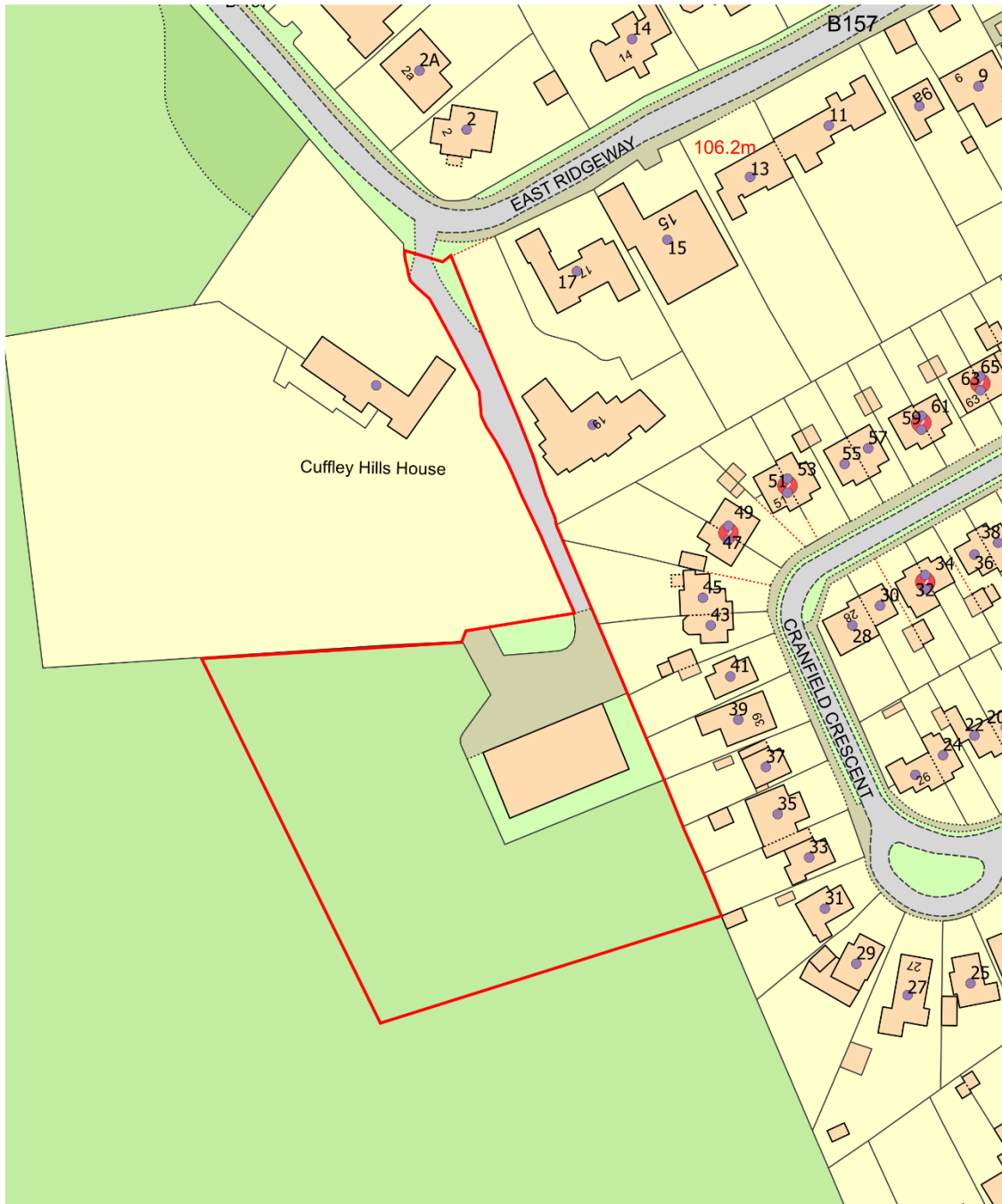
The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

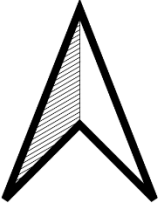
Permission in principle / Technical details consent

The grant of this Permission in Principle application does not authorise the commencement of development or any associated works. No development may take place until a subsequent application for Technical Details Consent has been submitted to and approved in writing by the Local Planning Authority.

Edd Evans (Development Management)

Date: 15 September 2026



	Cuffley Hills Barn The Ridgeway Cuffley EN6 4AY		Scale:
			Date: 07-10-2026
	Development Management Committee	6/2026/0707/PIP	Drawn: US
	© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2024		



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Committee: Development Management

Report title: 6/2026/0522/FULL - Land to the rear of 63 and 65 Pine Grove, Brookmans Park, AL9 7BL

Report author: Emily Kingswell – Senior Development Management Officer

Responsible Officer: Executive Director (Place)

-

Cabinet Member(s) responsible: Rose Grewal

Part 1 or 2: Part 1

Executive Summary:

This report recommends that the Development Management Committee resolves to grant planning permission for 6/2026/0522/FULL.

Recommendations:

It is recommended that:

Development Management Committee resolves to grant planning permission, subject to the conditions and informatives at the end of the committee report.

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

This reports supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

- 4.1 There are no known risk management implications.

5. Financial Implications

- 5.1 There are no known direct financial implications.

6. Legal and procurement implications

- 6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

- 7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

- 8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

- 9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

Appendix 1 – 6/2026/0522/FULL - Land to the rear of 63 and 65 Pine Grove Brookmans Park AL9 7BL

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22ND OCTOBER 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/0522/FULL

LAND TO THE REAR OF 63 AND 65 PINE GROVE, BROOKMANS PARK, AL9 7BL

ERECTION OF NEW DWELLING AND ASSOCIATED HARD AND SOFT
LANDSCAPING

APPLICANT: ANNETTE TONKIN

1 Site Description

- 1.1 The application site relates to a 606sqm plot of former garden land which has been subdivided from the gardens of 63 and 65 Pine Grove. The site is laid to lawn with mature trees, fencing and hedgerows along the boundaries of the site.
- 1.2 The application site is bounded by the car park for Chancellor's Secondary School to the southwest, a cul-de-sac road leading to the school and 61a Pine Grove to the southeast, the rear garden boundaries of 63 and 65 Pine Grove to the northeast and the side garden boundary of 67 Pine Grove to the northwest of the site. An electric substation is located between the car park for the secondary school and the southeast corner of the application site.
- 1.3 The immediate surrounding area is suburban in nature with large, two storey detached properties lining either side of Pine Grove on sizeable plots in a ribbon development formation. There are also examples of infill developments to the rear of properties, such as:
 - 61a Pine Grove
 - 4 The Drive
 - 8 The Drive

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a new dwelling and associated hard and soft landscaping.
- 2.2 This application follows the submission of two previous refused applications under delegated authority (S6/2000/1029/FP and S6/2001/0158/FP) and one withdrawn application (6/2025/1730/FULL). The historic reasons for refusal and reasons for the application being withdrawn are provided within section 4 (planning history) of this report.
- 2.3 The following amendments have been made to the current application since the previous withdrawn application:

- Access to the site has been altered from two-point access to a singular point of access onto the proposed driveway.
- Alteration of hard and soft landscaping at the site.
- Submission of a noise impact assessment.
- The new dwelling will be built as a market dwelling rather than as a self-build dwelling under the previously withdrawn application.

2.4 In relation to the two refused applications of S6/2000/1029/FP and S6/2001/0158/FP, these were for a larger detached dwelling on the plot than what is being proposed and both were assessed under now superseded national and local planning policy.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because North Mymms Parish Council have submitted a Major Objection below:

The positioning of the proposed dwelling and the overall layout of the development within the plot would not respect or reflect the established pattern and spatial arrangement of existing dwellings and plots along Pine Grove. As a result, the proposal would appear out of keeping with its surroundings and fail to contribute positively to local distinctiveness. The development would therefore be contrary to Policies SP9 and SADM11 of the Local Plan, the Council's Supplementary Design Guidance, and the National Planning Policy Framework. The proposed dwelling appears higher and larger in scale than neighbouring properties, resulting in a form of development that would not sit comfortably within the existing streetscape. Given the site's proximity to a secondary school, there are also concerns regarding parking pressures, which are already an ongoing and increasing issue along Pine Grove. In addition, NMPC note the presence of a Tree Preservation Order (TPO) on the site, which is not referenced within the current application.

3.2 **Officer Note:** Comments from the Council's Tree Officer confirm that the application site is not located within a Tree Preservation Order (TPO) area.

4 Relevant Planning History

4.1 Application Number: 6/2025/1730/FULL

Decision: Withdrawn

Decision Date: 21/11/2025

Proposal: Erection of new dwelling and associated hard and soft landscaping.

Reason(s) for the application being withdrawn:

- Major objection from North Mymms Parish Council and objections from UK Power Networks, WHBC Public Health and Environment and WHBC Officer relating to design, scale and layout of the dwelling and insufficient information being provided as part of the application.
- The application was submitted as a self-build dwelling whereby in the application form it stated that BNG would not apply. However, following legal advice and relevant appeal decisions, self-build exemption can no longer be secured via condition and instead has to be secured via a legal agreement. In the absence of a legal agreement, no robust mechanism is proposed to

secure that the self-build and custom build exemption would be complied with.

4.2 Application Number: S6/2001/0158/FP

Decision: Refused

Decision Date: 14/05/2001

Proposal: Erection of detached dwellinghouse

Reason for refusal:

1. *The residential plot that would be created would be significantly smaller than those surrounding it, and would result in the proposed dwelling having a very cramped visual appearance. Therefore, the proposed development would not reflect the character of this residential area and so would be contrary to Policy BEV 9 and the Res Criteria 17 of the Welwyn Hatfield District Plan Alterations No.1, 1998.*

4.3 Application Number: S6/2000/1029/FP

Decision: Refused

Decision Date: 25/09/2000

Proposal: Erection of one detached dwelling house.

Reasons for refusal:

1. *The proposal would, due to the size and bulk of the dwelling proposed and the relatively small size of the site, result in a development which does not reflect the existing pattern of development in this part of Brookmans Park and is therefore contrary to Policy BEV 9 and Res Criteria 17 of the Welwyn Hatfield District Plan Alterations No 1, 1998.*
2. *The proposed development would by reason of its height, bulk, design and proximity to adjoining properties result in a loss of residential amenities including privacy enjoyed by those properties contrary to Gen Criteria 3 of Welwyn Hatfield District Plan Alterations No 1, 1998.*

5 Relevant Planning Policy and Guidance

5.1 National Planning Policy Framework (NPPF)

5.2 National Design Guide

5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)

5.3 Supplementary Design Guidance 2005 (SDG)

5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

5.6 Sustainability Supplementary Planning Document (March 2025)

5.7 Community Infrastructure Levy 2025 (CIL)

5.8 The WHBC Regulation 19 Proposed Submission Local Plan (February 2026) (Draft Local Plan):

It should be noted that the “Welwyn Hatfield Borough Council Regulation 19 Proposed Submission Local Plan” was agreed by Full council on 16th September 2026 and will undergo public consultation between 23rd September 2026 and 4th November 2026. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

6 Site Designation

- 6.1 There are no constraints attached to the site. However, it is noted that there are individual trees covered by a Tree Preservation Order (TPO) on the opposite side of the road outside the front of 61a Pine Grove and the site is located adjacent to Chancellor’s School and an electric substation.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and a site notice. In total, five representations have been received. All representations received are published in full on the Council’s website and are summarised below:

7.2 *Objections*

- Applications for a similar proposal at the application site have been refused in the past.

Officer note: *The above comment is noted. However, applications are assessed on a case-by-case basis and in relation to the two refused applications of S6/2000/1029/FP and S6/2001/0158/FP, these were assessed under superseded national and local planning policy.*

- Concerns over increased parking pressure along Pine Grove and access to the property during the start and end of the school day from Chancellor’s Secondary School.
- The proposed design of the dwelling and size of the plot does not relate well to the immediate surrounding area of residential dwellings.
- Inadequate provision of garden land for the proposed dwelling.
- The proposed floor area of the property would be larger than 63 and 65 Pine Grove.
- The proposed dwelling would be 1.5m higher than the existing properties at 63 and 65 Pine Grove.
- Issues with parking along the road to the Secondary School.
- Reduction in the movement of wildlife through the area and owls are known to nest in the oak tree of neighbouring 67 Pine Grove in which the branches overhang into the application site.
- Inaccuracies noted within the submitted supporting documents for the proposal.

Officer note: *An amended Noise Impact Assessment was received on 10/08/2026 which removed reference to “conversion of a barn to a dwelling” at the end of the document.*

- The proposed dwelling would result in overlooking and loss of privacy.
- Concern over pedestrian safety due to proposed driveway and drop kerb which will cut across the pavement to the secondary school.

7.3 *Comments*

- Concern over the safety of children, parents and staff entering and exiting Chancellor's Secondary School.

7.4 *Other matters*

- Access to the property is on Trust owned land (Chancellor's School) and would require permission from the Trust to use the road for construction vehicles, deliveries and access to the application site.

8 **Consultations Received**

8.1 UK Power Networks – Objection – Summarised as follows:

- The distance between buildings and substations should be greater than 7m or as far as is practically possible.
- Care should be taken to ensure that the footings of the new dwelling are kept separate from the substation structures.
- Buildings should be designed so that habitable rooms do not overlook or have windows opening out over the substation. The minimum separation distance for a habitable room facing out towards a substation is 10m.
- If noise attenuation methods are deemed necessary, UK Power Networks would expect to recover the costs from the applicant/developer.
- UK Power Networks require 24 hour vehicular access to their substations which should not be blocked at any time.
- Building materials and construction vehicles should not be left in a position where it may compromise the security of the substation or it could be used as climbing aids to get over the substation surround.
- There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Therefore, accurate records of the cables should be obtained from UK Power Networks prior to the commencement of works at the application site.
- All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground Services. The document is available from local HSE offices. Should any diversion works be necessary as a result of the development, the enquiries should be made to the Customer Connections department of UK Power Networks.

8.2 Councillor Mark Short – Neither support nor object to the application – Summarised as follows:

- Concerns over the construction phase and interaction of the construction and occupation of the property with the single pedestrian and vehicular access to Chancellor's Secondary School.
- The proposal must include a robust Construction Management Plan.

8.3 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:

- HCC Ecology
- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Landscapes Team
- Heathrow Airport
- WHBC Planning Obligations and CIL Officer

8.4 No response was received from the following consultees:

- Hertfordshire Fire and Rescue Service

8.7 **Officer note:** Comments from the Council's Tree Officer and reviewing the Council's mapping data confirm that the application site is not located within a Tree Preservation Order.

9 **Analysis**

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

1. Principle of development
2. Quality of design and impact on the character of the area
3. Residential amenity
4. Highways and parking considerations
5. Other considerations:
 - i) Ecology and biodiversity
 - ii) Flood risk and sustainable drainage
 - iii) Sustainable Design and Construction
 - iv) Landscaping
 - v) Refuse and recycling
 - vi) Local Community Infrastructure Levy
 - vii) PD removal
 - viii) Any other issues

1. Principle of the development

9.2 In terms of decision making, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:

- The Welwyn Hatfield Borough Council Local Plan 2016-2036;
- Hertfordshire Waste Development Framework 2012;
- Hertfordshire Waste Site Allocations Development Plan Document 2014; and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

9.3 The NPPF is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026.

- 9.4 The site is within the settlement of Brookmans Park. Paragraph S3 of the NPPF advises that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- a) Policy S4 in this NPPF should be applied when considering development proposals within settlements;
 - b) Outside settlements, policy S5 should be applied; and
 - c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this NPPF should be approved without delay.
- 9.5 As the site is within the settlement of Brookmans Park, Policy S4 of the NPPF applies to this proposal, which states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the decision-making policies in this Framework.
- 9.6 Policies SP1, SP2 and SP3 of the Council's Local Plan outline the spatial strategy for the distribution of housing development within the Borough.
- 9.7 Policy SP1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk. Moreover, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF, as well as the principles set out within Policy SP1.
- 9.8 Policy SP2 makes provision for the development needs of the Borough and sets out that the Council will support levels of growth which are consistent with the vision and objectives of its strategy and the principles of sustainable development.
- 9.9 Policy SP3 sets out the settlement hierarchy and framework for settlement objectives. The settlement strategy directs growth to the most sustainable locations at a scale which is consistent with the settlement hierarchy.
- 9.10 The site is not allocated as a housing site in the Local Plan. It therefore must be considered as a windfall site. As a windfall site, the development must be considered against Policy SADM1 of the Local Plan.
- 9.11 Policy SADM1 of the Local Plan is set out as follows:

Planning permission for residential development on unallocated sites will be granted provided:-

- i. The site is previously developed or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;*
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;*

iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

- 9.12 Windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services.
- 9.13 An assessment to the criterion will be made below:
- 9.14 The application proposes the erection of a dwelling on subdivided garden land from the rear of 63 and 65 Pine Grove. Whilst residential gardens in built up areas are excluded from the definition of previously developed land, this does not mean they cannot be built on in any circumstances. The site could also be classed as a small infill site within an excluded village. Given the site's location within the established residential area of Brookmans Park, the proposed development would comply with criterion i and ii. The site is accessible by means of transport other than the private car with bus stops available along A1000 Great North Road to Birchwood, Borehamwood, Brookmans Park and Potters Bar. Brookmans Park Railway Station is also located 1.5 miles away with trains to Moorgate and Welwyn Garden City. Shops and services and Brookmans Park Primary School are also available close the railway station and the proposed dwelling will be located adjacent to Chancellor's Secondary School.
- 9.15 Policy TR3 of the National Planning Policy Framework 2026 states that so that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- a) Development proposals which could generate a significant amount of movement, in the context of area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;
 - b) Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
 - c) Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach; and
 - d) The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to

avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution;

- 9.16 The application site is located within the existing residential area of Brookmans Park and there is no evidence that existing infrastructure does not have the capacity to absorb the development. The proposed development has the potential to support and provide demand (albeit very limited) for nearby services and facilities. The proposal is therefore considered to meet criteria iii of Policy SADM1 of the Local Plan.
- 9.17 The development would not undermine the delivery of allocated sites because of its limited nature, nor would it result in disproportionate growth, as such it is considered that the development would comply with Criterion iv and v of Policy SADM1 of the Local Plan.
- 9.18 For the above reasons, the principle of a new dwelling is acceptable, subject to meeting other relevant planning policies which are discussed below.

2. Quality of design and impact on the character of the area

- 9.19 Policy DP3 of the NPPF states that development proposals should respond to their context (the history, character and features of the site and its setting), so that they integrate with and enhance their surroundings.
- 9.20 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis, amongst other things, of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character.
- 9.21 Policy SP9 of the Local Plan 2016-2036 states that proposals will be required to deliver a high-quality design that fosters a positive sense of place by responding to the sites character and context so they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. Policy SP9 goes on to state that development proposals should respect neighbouring buildings and the surrounding context in terms of height, mass and scale and be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 9.23 Regarding policy implementation, paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance Parking Standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both these documents require review to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.
- 9.24 In terms of the character of the area, paragraph 2.4 of the Supplementary Design Guidance (2005) outlines, amongst other things, that new development should:
- Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place;
 - Use local materials and building methods/details to enhance local distinctiveness; and

- Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered.
- 9.25 The application site forms part of former garden land which has been subdivided from 63 and 65 Pine Grove. Pine Grove is characterised by large two storey detached dwellings located on sizable plots in a ribbon formation along the road which vary in design, size and scale. The proposed dwelling would be classed as an infill residential development on an offshoot road from Pine Grove to Chancellor's School. This part of the road includes 61a Pine Grove on the opposite side of the road which is of a similar style of infill residential development and there are a further two examples of infill development within proximity, at 4 and 8 The Drive. Given the site's location off the main road of Pine Grove and the presence of an infill residential development on the opposite side of the road, the proposal for a detached two storey dwelling would be consistent with the character and appearance of the streetscene.
- 9.26 The proposed design of the dwelling would be similar to 61a Pine Grove with a two-storey pitch roof front entrance and two dormer windows on the first-floor front elevation, albeit with a hipped roof rather than a pitch roof. The hipped roof dormer windows are continued on the first floor rear elevation of the property to add a level of symmetry and although the new dwelling would be located on a smaller plot size compared to properties along Pine Grove, the size and layout of the dwelling would not appear cramped within the plot and there are sufficient separation distances from neighbouring properties along Pine Grove. The dwelling would adjoin a school and electric substation, but it is not uncommon for residential development to be situated adjacent to these uses.
- 9.27 A neighbour objection was received in relation to the height and floor area of the new dwelling exceeding the height and floor area of neighbouring 63 and 65 Pine Grove. Whilst the neighbour's comments are noted, each application is assessed on a case-by-case basis and there are several examples of dwellings along Pine Grove with the overall height of the dwelling being greater than 8.6m at the property and there are varying floor areas for the properties along the road, especially given several have been extended or rebuilt.
- 9.28 There is also a variation in external materials and fenestration along Pine Grove, although most dwellings are brick built with either full or part external render. The proposed external materials for the dwelling include grey roof tiles, black aluminium double glazed windows and off-white silicon-based render to the walls with brick quoins to the corners. In the case of the proposed two storey front element, the external materials include exposed brickwork, high level glazing over first floor landing and void and a flat roof open entrance with pre-cast columns renders to match the external walls. In terms of other external materials proposed, these include composite cladding around part of the single storey rear protrusion on the rear and side (northeast elevation) and black aluminium bi-folding doors. An entrance wall and gate are proposed on the front elevation which would extend to 600mm in height, with 2m fencing along the boundary adjoining the electric substation and the secondary school. Planting would be added behind the wall to soften the overall appearance.
- 9.29 The proposed external materials and fenestration are therefore considered to compliment the proposed dwelling and the surrounding area. However, as the not all of the proposed external materials and colours have been included on the elevation plans, a condition will be placed for details of external materials and

fenestration to be submitted to and approved in writing by the Local Planning Authority.

- 9.30 Overall, subject to conditions, the proposed development would be of a sufficient standard of design and would be in accordance with Policy SP9 of the Local Plan, the Supplementary Design Guidance and the National Planning Policy Framework.

3. Residential amenity

- 9.31 Policy P3 of the NPPF requires development to be appropriate to its location, taking account of the likely direct and cumulative effects of pollution on health, living conditions and the natural environment. It requires proposals to provide healthy living conditions for occupiers and users, with consideration given to matters including daylight and sunlight, noise, air pollution, artificial light, water quality, and for unacceptable impacts to be avoided or appropriately mitigated.
- 9.32 Policy SADM11 of the Local Plan provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's Supplementary Design Guidance (2005) which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised. Policy SADM18 also states that proposals that result in or be subject to noise pollution and/or vibration, should either be refused or should mitigate the harm to people or the environment. With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwelling.

Impact on neighbours

- 9.33 One objection has been received on privacy and overlooking towards the rear garden of 67 Pine Grove. Whilst the neighbour comment is noted, the views out towards the end of the rear garden are not considered to be unacceptable in terms of privacy and overlooking and there is a separation distance varying from 3.1m to 4.2m from the rear elevation of the property to the adjoining garden boundary between the two properties. The proposed block plan also shows sufficient separation distances between the rear elevations of 63, 65 and 67 Pine Grove and the proposed dwelling. This will prevent any undue impacts from occurring from overshadowing or the new dwelling appearing unduly dominant. There are also similar relationships in the surrounding area from small infill plots being created at the end of residential gardens.
- 9.34 The proposed scheme itself would not result in a significant increase in noise and disturbance from the activities of the future occupants over and above that of the existing situation given that it would result in an uplift of one dwelling. Therefore, this is not viewed to be unacceptable to the surrounding residents.

Living Conditions of the Future Occupiers

- 9.35 Policy SADM11 of the Local Plan requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or

viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.

- 9.36 The floorspace is shown to exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards document for the proposed 4-bed dwelling. The bedroom sizes would also exceed the standards in the national documents. All habitable rooms have windows and doors which would allow good levels of light and outlook. Whilst neighbour comments have been raised on the proposed smaller plot size and garden land in comparison to properties along Pine Grove, the proposed U-shape rear garden would be a total of approximately 228sqm and a width of 9.7m between the proposed northeast elevation of the property and the side garden boundary and 4.2m separation distance between the rear elevation of the property and the rear garden boundary. The largest proposed garden depth would be to the side of the northeast elevation of the property at approximately 16m and a wraparound patio, lawn and pond is proposed. In addition, there are examples of infill dwellings with smaller plot sizes at numbers 4 and 8 The Drive, both of which are in proximity to the application site.
- 9.37 UK Power Networks have objected to the application on several grounds due to the site's proximity to an adjoining electric substation. A Noise Impact Assessment (NIA) was submitted as part of the application. The NIA referred to no detectable noises from the electric substation during site visits and school activity along the road is limited to short peak periods (08:15 – 09:00 and 15:15 – 16:00). Therefore, the outcome of the NIA is that the proposal is acoustically suitable for residential use and that it meets the NPPF, BS 8233:2014 standards and World Health Organisation health guidelines without requiring specialist acoustic mitigation and that the prevailing sound environment is typical of suburban settings. In addition, no objection was raised from the Borough Council's Public Health and Protection Officer. The informative(s) referred to in UK Power Networks letter will also be included if the application is supported by members at committee.
- 9.38 Overall, the internal and external space for the proposed dwelling would result in satisfactory living accommodation for the future occupants. Subject to the suggested condition, the proposal is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space, in accordance with the NPPF and Policies SP9, SADM11 and SADM18 of the Local Plan.

4. Highways and parking considerations

- 9.39 Policy TR2 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 9.40 Policy TR3 of the NPPF recognises that opportunities to maximise sustainable transport vary according to the location of the site, and the decision maker must assess the actual effects of this particular proposal proportionately. In terms of highway safety, Policy TR3(c) states that *"any significant impacts from the development on the transport network (in terms of capacity or congestion, or*

highway safety, should be mitigated to an acceptable degree using a vision led approach.”

- 9.41 Policy TR6(4) additionally states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
- 9.42 The Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 9.43 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a. The site's location and accessibility to public transport, services and facilities;
 - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
 - c. The need to promote more sustainable forms of travel within the borough.

Parking

- 9.44 The proposal seeks to erect a 4-bedroom dwelling at the application site. The Council's car parking standards (now treated as guidelines) require a dwelling with four or more bedrooms to have on-site provision for 3 cars in this area. The proposed ground floor plan shows a parking space within the garage of 6.5m x 3m which meets the Interim document's requirements and two visitor parking spaces to the righthand side of the proposed driveway. Therefore, the proposed provision for parking at the property meets this requirement.
- 9.45 In terms of cycle parking, it is considered that secure cycle parking can be provided within the site. Therefore, no concerns are raised in this regard. The proposed ground floor plans suggests that cycle parking could be accommodated within the proposed garage.
- 9.46 It is noted from neighbour comments there is a concern regarding parking pressures along the access road to the secondary school. Whilst this is noted, the proposed plans show ample offroad parking being provided and although a new access point to the road is being created, double yellow lines run along one side of the road adjacent to the property, meaning on street parking will not be lost from the proposal.

Highway Safety

- 9.47 The Highway Authority has been consulted on this application and noted that the section of road the application site is located on is unadopted and only one minor collision has occurred on the unclassified 30mph road of Pine Grove within a five-year period.
- 9.48 Concerns have been raised by neighbours, the Parish Council and a Councillor in relation to highway safety due to the site's proximity to Chancellor's School. The County Highway Officer has recommended a condition for a Construction Transport Management Plan to be submitted prior to commencement of works onsite, including evidence that the arrangements have been co-ordinated with Chancellor's School. In addition, Highways have commented that that access road to the school has been redesigned as a single (rather than an in and out) driveway, which will reduce potential conflict points with pedestrians and concluded that subject to condition for a CTMP, the proposal would not materially affect the safety and operation of the wider highway network. Given the small scale of the development comprising the provision of one dwelling only, the imposition of a CTMP would not ordinarily be proportionate to the nature or extent of construction activity involved. However, in this case the proximity of the application site to the access to a school presents a scenario whereby this is justified.
- 9.49 Increased footfall and vehicular traffic along the road would be limited to certain times, mainly before and after the school day, and the comings and goings from the dwelling would be minimal with the submitted swept path analysis showing a sufficient turning circle on the driveway so that vehicles do not have to reverse out onto the road.
- 9.50 Both the Highways Officer and Chancellor's School have referenced the road being in the ownership of the school and the applicant has not yet made contact about access arrangements to the site. Alongside the CTMP condition, an informative is recommended for the applicant to seek permission from the school to access the site during construction works. However, this is not a material planning consideration.
- 9.51 In addition, informatives can be added to ensure access is not blocked to the adjoining electric substation owned by UK Power Networks, as stated within their submitted comments.
- 9.52 Overall, subject to condition, the development would not have a severe impact on the operation of the wider highways network and parking would be sufficient. No objections are therefore raised in regard to the SPG Parking Standards, the Council's Interim Policy for Car Parking Standards, Policies SADM2 or SADM12 of the Local Plan or the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 9.53 Policy N2 of the NPPF requires developments to contribute positively to the natural environment and support nature's recovery. Paragraph 1(a) of the policy requires proposed development to "consider the environmental qualities of land proposed for development, including habitats, landscape character and the

natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through the requirements for biodiversity net gain where these apply)". Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.

- 9.54 As part of this submission, an Ecology report, Biodiversity Net Gain report and Biodiversity Net Gain calculator have been provided. Hertfordshire Ecology (LEADS) have advised that the findings of these surveys are acceptable with no evidence of European protected species found onsite. Suitable informatives relating to the protection of European protected species and birds during building works have been recommended can be added to any grant of planning permission.

Biodiversity Net Gain (BNG)

- 9.55 The application is subject to the mandatory requirement for Biodiversity Net Gain (BNG) under the Environment Act 2021.
- 9.56 A biodiversity net gain assessment has been submitted as part of this application.
- 9.57 Hertfordshire Ecology (LEADS) have been consulted on this proposal, and the submitted documentation shows a net loss of 10.55% for habitats, and 38.24% hedgerows has been shown, and the trading rules have not been met. This equates to a unit deficit of 0.19 for habitat units and 0.13 for hedgerow units.
- 9.58 Hertfordshire Ecology have also confirmed that the minimum requirements pre-determination have been met. As such, the application can be determined accordingly.
- 9.59 The statutory Biodiversity Gain Plan condition will automatically apply. This is a pre-commencement condition, and these matters will be addressed post determination stage, along with an updated metric showing how a net gain can be delivered using an off-site location. Hertfordshire Ecology have commented that, at the biodiversity gain plan stage, an updated metric will need to be submitted showing how net gain can be delivered. This could be either by the provision of further onsite enhancements or by the use of an off-site location. If an off-site location cannot be found, biodiversity credits would need to be purchased.
- 9.60 Whilst the statutory Biodiversity Gain Plan condition is a post determination matter, as the proposed development does not currently demonstrate a 10% net gain on or off-site and the trading rules have not been met, there is insufficient information available for the Local Planning Authority to be confident that the general Biodiversity Condition can be discharged. However, in line with government guidance, it would generally be inappropriate for concerns about the ability to discharge the condition to be a reason to refuse an application. The general biodiversity gain plan condition is a pre-commencement condition; therefore, these matters will need to be addressed at the post determination stage.

9.61 The proposed on-site BNG habitat would be non-significant as would be made up of habitats that cannot be secured by the planning process because their type and scale is comprised of vegetated garden land and developed land. A management plan is not required for the onsite habitat creation for this reason.

9.62 Consequently, subject to the above, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.

ii) Flood risk and sustainable drainage

9.63 Policy F7 of the NPPF requires development proposals to not present a risk from flooding to potential occupiers, users, or visitors and should not increase flood risk elsewhere. Flood Zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. The application site is located entirely within Flood Zone 1 and therefore represents a very low probability of flooding. Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management are consistent with the NPPF.

9.64 Although the submission lacks a flood risk assessment, as the site is in Flood Zone 1, this is only required for sites of one hectare or more, land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment or the Flood Map for Planning as being at increased flood risk in future; or land that may be at risk of flooding from any source whether now or in the future. The application site is not identified as an area which is at risk of surface water flooding, and it would continue to be used for residential purposes. Therefore, no concerns are raised in this regard.

iii) Sustainable Design and Construction

9.65 Policy DP3 2(b) of the NPPF states that development should contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating. Policy SP10 Sustainable Design and Construction of the Local Plan requires proposals to adopt sustainable design and construction principles within an integrated design solution through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.

9.66 A Sustainability Supplementary Planning Document (SPD) was adopted by Welwyn Hatfield Borough Council on 7 March 2024. Whilst regulation and policy exist to set certain standards, developers and applicants often seek to go beyond that, and the Sustainability SPD outlines requirements and highlights opportunities to seek a higher standard of development in Welwyn Hatfield. In addition, there are some areas where policy would benefit from greater clarity and this document seeks to provide this where possible. At Appendix A, the Sustainability SPD includes a Sustainability Checklist which should be completed in full and submitted as part of a formal application.

9.67 In terms of energy and climate change, this includes the layout and design of the site and building to reflect the energy hierarchy to maximise opportunities to reduce carbon emissions; the use of renewable and low carbon energy infrastructure is used; and proposals are responsive to how the climate will

change over their lifetime and minimise their contribution to the urban heat island effect.

- 9.68 Further to this, Policy SADM13 of the Local Plan states all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply. It is also recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources.
- 9.69 A sustainability checklist has been submitted to claim compliance with above policies. It is therefore appropriate to impose a condition requiring an energy statement to be submitted to and approved in writing by the Local Planning Authority for further details on this. The statement must set out how the development will maximise energy conservation, incorporate measures to generate renewable energy and measures for long term water efficiency.

iv) Landscaping

- 9.70 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of a development.
- 9.71 Existing trees and hedgerows are located around the boundaries of the site. The application site is not subject to a Tree Preservation Order, but there are individual Tree Preservation Orders outside the front of 61a Pine Grove on the opposite side of the road.
- 9.72 The applicant has submitted an Arboricultural Impact Assessment (AIA) alongside a proposed planting shown on the proposed ground floor plan.
- 9.73 Up to seven trees are to be removed. In addition, some of the root protection areas for the tree are impacted by proposed ground/surfacing works. The AIA does not specify how the Root Protection Areas (RPA) will be mitigated and the low impact RPA only details how the overall loss of tree can be mitigated through replacement planting. However, it is noted that hand dig methods will be utilised within the RPAs to mitigate some of the impact into the RPAs.
- 9.74 Concerns were initially raised by the Council's Tree Officer regarding trees not being shown on the proposed street view plan and the protection fencing not fully protecting the Root Protection Area's.
- 9.75 Following the initial objection being received from the WHBC Tree Officer, an amended AIA was received on 09/10/2026 whereby the tree protection plans on pages 15 and 24 of the document have been updated so that the tree protection fencing is not located within the Root Protection Area, as per the Tree Officer's request. An amended proposed streetscene plan was also submitted on 09/10/2026 to include a label at the bottom of the plan stating "T1-T14 trees

excluded/omitted from the drawing to show the proposed elevations and boundary treatments for garden”, confirming that these trees are not being removed as part of the application. Therefore, a compliance condition is recommended for construction works to be carried out in accordance with the amended AIA.

- 9.76 In terms of proposed landscaping, the arboricultural report recommends planting to offset some of the removed trees, but they have not been included on the submitted proposed ground floor plan, where some of the indicative plantings are shown, but no details, such as species and sizes, have been provided. It is also noted within the Design and Access Statement that approximately 100 shrubs and trees are proposed, mostly around the boundary lines, but again no planting plans with details of species, sizes and heights are noted within the supplied information.
- 9.77 Therefore, conditions are recommended for a hard and soft landscaping plan, including details of species, size of planting material and height, to be submitted to and approved in writing by the Local Planning Authority. Details of establishment of planting to impendence must also be provided. Conditions are also recommended for trees and hedgerows to be retained for five years and for boundary hedgerows to be retained in perpetuity and for construction works to be carried out in accordance with the AIA.

v) Refuse and recycling

- 9.78 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:
- Perform their role effectively without prejudicing or being prejudiced by other functions and users;
 - Maintain an attractive and coherent street scene and protect visual amenity; and
 - Avoid creating risk to human health or an environmental nuisance.
- 9.79 The proliferation of bins can create a considerable amount of clutter on the frontage of sites, which in turn can have a harmful impact upon the visual amenity of the streetscene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements, contrary to the NPPF.
- 9.80 The Council’s Waste and Recycling Team (Client Services) have been consulted on this application and have not objected to the proposal. The proposed block plan and proposed ground floor plan identifies a refuse storage unit adjacent to the side garden boundary within the proposed front driveway. An appropriate condition relating to further details relating to the refuse storage is recommended.

vi) Local Community Infrastructure Levy (CIL)

- 9.81 On the 12th of March 2025, Welwyn Hatfield Brough Council adopted its Community Infrastructure Levy (CIL) and the CIL Charging Schedule took effect on the 1st of October 2025. When a development includes a planning obligation, it must follow Regulation 122 of the Community Infrastructure Levy Regulations 2010. This regulation limits when and how planning obligations can be used.
- 9.82 The Council's CIL Charging Schedule was adopted following an independent examination by a Government appointed Inspector. The examination concluded that the rates set in the Charging Schedule are viable for the particular areas in which they are set and would not threaten delivery of the Local Plan. The rates are adapted to specific geographical areas on the basis of the viability of developing in those locations (i.e. reflecting development differences in development values across the Borough as a whole).
- 9.83 The CIL Charging Schedule was supported in the examination by the Council's Infrastructure Funding Gap Schedule which identified the infrastructure requirements for the Local Plan (including schools, roads, sports facilities etc) against which there is a current funding shortfall. This includes infrastructure which was previously (before 1st October 2025) funded through S106 obligations on a site-by-site basis.
- 9.84 In accordance with the CIL Charging Schedule, the development falls within CIL Zone 3 and the development would accrue a charge of £230 per square metre of development (gross internal area). In the event planning permission is granted in the year 2026, the CIL liability (including indexation) would amount to approximately £43,764.70.

vii) PD removal

- 9.85 Given that the proposed dwelling would be located on a constrained site, it is considered reasonable and appropriate to impose a planning condition withdrawing the permitted development rights under Classes AA, A, B, C, D and E of Part 1, Schedule 2 of the GPDO for the resultant dwelling. This is to enable the Local Planning Authority to fully consider the effects of the development normally permitted by that Order in the interests of the visual amenity of the area and the appropriateness of any future extensions or outbuildings for the property.

viii) Any other issues

- 9.86 Neighbour comments were received highlighting that the address should be amended to "Land to the rear of 63 and 65 Pine Grove" instead of "Land to the rear of 63 Pine Grove", As previous applications for a similar proposal referred to both 63 and 65 Pine Grove, and due to the location of the site, the address was amended and a full re-consultation of consultees and neighbours took place on 21/07/2026 and expired on 11/08/2026. Another site notice with the amended address was also displayed on 21/07/2026.

10 Planning balance

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary to consider

whether there are other material planning considerations which would justify approval of the application.

- 10.2 Policy SP1 of the Welwyn Hatfield Local Plan states that proposals will be permitted where it can be demonstrated that principles of sustainable development are satisfied and that they accord with the objective and policies of the development plan.
- 10.3 Policy SP3 of the Local Plan relates to the borough's Settlement Strategy and Green Belt boundaries and states inter alia that the primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and that in villages and other rural areas of the borough that lie within the Green Belt, development will be restricted so as to be consistent with the type of development envisaged in national planning policy and other policies of this plan.
- 10.4 The NPPF is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026.
- 10.5 Paragraph S3 of the NPPF advises that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- a) Policy S4 in this Framework should be applied when considering development proposals within settlements;
 - b) Outside settlements, policy S5 should be applied; and
 - c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.
- 10.6 The site is within the settlement of Brookmans Park and as such, Policy S3(a) is relevant. Policy S4(1) states development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Policy S4(2) states that in applying Policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by effects include (but are not restricted to) situations where the development proposal would:
- a. Have a substantial adverse impact in relation to:
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).
 - b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

Summary of adverse impacts

- 10.7 In this case, no adverse harm arising from the development has been identified and the proposal does not engage the specific circumstances identified in Policy S4(2) stated above.

Summary of benefits

- 10.8 The following benefits would arise from the proposed development:

Social benefits

- 10.9 It is important to note that Annex D – Housing supply and delivery of the 2026 NPPF sets out the approach to assessing housing land supply which applies in this case. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The assessment should take account of the deliverability of identified sites and the extent to which they are capable of delivering housing within the relevant period. The Council's current housing land supply position is therefore an important consideration in determining whether an evidenced unmet need for housing exists.
- 10.10 Policy HO7 of the NPPF states that in applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence.
- 10.11 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authorities HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authorities HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations. This will be in addition to the preparation of an Action Plan.
- 10.12 The latest HDT results published by the Ministry of Housing, Communities and Local Government in 2025 identifies that Welwyn Hatfield Borough Council delivered 46% of homes against its target, falling significantly below its 75% threshold. The Council must apply a 20% buffer in its five-year housing supply calculations, and it also needs to produce an Action Plan to boost housing delivery.
- 10.13 The Council also published its Annual monitoring Report 2024/2025 (AMR) covering April 1st, 2024, to March 31st, 2025. The AMR outlines that the Council cannot demonstrate a five-year supply of deliverable housing sites, and that supply is at most 2.5 years. The AMR considers this and explains this by noting that 'delays and slower than anticipated progress at some of the larger strategic

sites means that the supply is lower than previously expected... however, the position is improving as an increasing number of allocated sites are now coming forward following the adoption of the Local Plan’.

10.14 Therefore, alongside failing the HDT, the Council cannot demonstrate a five-year housing supply of deliverable housing sites with the current shortfall being considerable and significant. The provision of one dwelling is a clear benefit, however, due to the small scale of the development, moderate weight is attributed to this benefit.

10.15 The provision of a family sized unit would also attract moderate weight in favour of the proposal.

Environmental benefits

10.16 The proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not significantly harm that amenity of neighbouring occupiers. However, only limited weight is afforded to this as it is compliant with policy in this regard.

Economic benefits

10.17 Some economic benefits will arise from this proposal. These include the provision of jobs during the construction phase of development by creating employment opportunities on site and indirectly supporting businesses through the supply chain. However, the economic benefit in terms of construction will be short term and therefore limited. Local business will derive some long-term economic benefit from the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

11 Conclusion

11.1 As set out above, Officers are clear that there are no adverse impacts arising from approving the application that would substantially outweigh the benefits of doing so and as such, the application should be approved in accordance with Policy S4 of the NPPF. Furthermore, having considered all material planning considerations, it is concluded that the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the NPPF taken as a whole. Accordingly, planning permission is recommended for approval.

12 Recommendation

12.1 It is recommended that the Committee resolves to grant planning permission subject to:

- a) The conditions suggested below: and
- b) Delegated powers be given to the Assistant Director (Planning) in consultation with the Chair of the Development Management Committee to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the

development that the Development Management Committee has resolved to approve.

Conditions

1. **Biodiversity Net Gain**

The development hereby permitted shall not commence until:

a) a biodiversity gain plan (the Biodiversity Gain Plan) has been submitted to the Council which:

- (i) relates to the development hereby permitted;
- (ii) specifies the matters referred to in sub-paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990; and
- (iii) is prepared in accordance with the Biodiversity Net Gain Report (January 2026) prepared by Coyne Environmental Limited and the Statutory Biodiversity Metric (dated 28th January 2026) received by the Local Planning Authority on 23rd March 2026.

b) the Council has approved the Biodiversity Gain Plan in accordance with paragraph 15 of Schedule 7A of the Town and Country Planning Act 1990.

REASON: To ensure compliance with the terms of Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. **Construction Transport Management Plan**

No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Plan would need to include details of access routes and timings for construction-related vehicles travelling to the site, and evidence that the arrangements have been co-ordinated with Chancellor's School.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan, Policies SADM2 and SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. **Samples of materials**

No development above ground level 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Energy Statement

No above ground development shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the proposed development would be designed and constructed to achieve a reduction in carbon emissions (dwelling emission rates) which would exceed Part L Building Regulations baselines, in addition to any renewable energy sources to be installed or other measures to secure the sustainability credentials of the development. The statement shall also include locations, specifications and noise levels of any plant/equipment. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Details of storage for refuse and recycling

No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to first occupation of the development and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Hard and soft landscaping plan

No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of 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;
- (b) means of enclosure and hard/soft boundary treatments;
- (c) hard surfacing, other hard landscape features and materials with photographs and specifications; and
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

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 SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Works to be carried out in accordance with the Arboricultural Impact Assessment

The development must not be carried out other than in accordance with the approved 211688r_AIA-AMS001_2526.02 Arboricultural Impact Assessment received by the Local Planning Authority on 9th October 2026, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the implementation of the approved landscaping details and protection of retained planting in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Obscure glazing and non-opening windows

The ground floor side elevation window serving a W.C and first floor rear elevation windows serving a bathroom and en-suite hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Replacement of planting within five years

The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Retention of hedgerows

The hedge[s] marked on drawing number P1 "Proposed Ground Floor Plan" shall be maintained and retained in perpetuity. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the Local Planning Authority.

REASON: In the interest of maintaining the character and amenity of the area and minimising the impact of development in terms of ecology, biodiversity and climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. Removal of Permitted Development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification), no development within Classes AA, A, B, C, D or E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12 Approved Plans

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
P9	B	Proposed Street View	9 October 2026
P1		Proposed Ground Floor Plan	23 March 2026
P2	A	Proposed First Floor Plan	23 March 2026
P3		Proposed Roof Plan	23 March 2026
P4		Proposed Front Elevation	23 March 2026
P5		Proposed Rear Elevation	23 March 2026
P6		Proposed Side Elevation	23 March 2026
P7		Proposed Side Elevation	23 March 2026
P8		Proposed Section A-A	23 March 2026
3201-001		SWEPT PATH ANALYSIS USING A 4.845M ESTATE CAR	23 March 2026
P0	A	Existing Location Plan, Proposed Block Plan	25 March 2026
E0	A	Existing Site and Block Plan	25 March 2026

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 Policy DM3 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. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Welwyn Hatfield Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply. Please note that, depending on the measures proposed within the biodiversity gain plan, it may be necessary for a legal agreement to be entered into under section 106 of the Town and Country Planning Act 1990 to bind the relevant land or for a conservation covenant to be entered into in order to meet the requirements of Schedule 7A of the Town and Country Planning Act 1990. Early engagement with Welwyn Hatfield Borough Council is recommended to establish whether such a legal agreement will be required.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- i the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
- ii the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i the application for planning permission was made before 2 April 2024;
- ii planning permission is granted which has effect before 2 April 2024; or

iii planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:
i does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i consists of no more than 9 dwellings;

ii is carried out on a site which has an area no larger than 0.5 hectares; and

iii consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2. Your development may be liable for Community Infrastructure Levy (CIL) payments, and you are advised to contact the CIL Officer at cil@welhat.gov.uk for clarification.

If your development is CIL liable, even if an exemption or relief has been granted from the levy, please be advised that before commencement of any works, it is a requirement under Regulation 67 of the Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6: Commencement Notice must be completed, submitted, and acknowledged by Welwyn Hatfield Borough Council prior to the start of development.

Failure to submit a valid Commencement Notice before works begin will result in the loss of any right to pay by instalments (where applicable) and may lead to the imposition of a surcharge in accordance with the CIL Regulations.

Please note that a Commencement Notice is not required for residential extensions IF relief has been applied for and granted.

3. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
4. 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.
5. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

6. If European Protected Species (EPS), including bats and great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
7. To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
8. In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
9. UK Power Networks:
 1. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
 2. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
 3. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
 4. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.
 5. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.
10. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

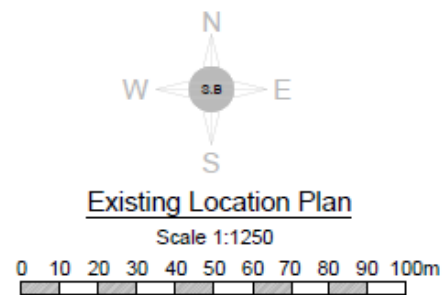
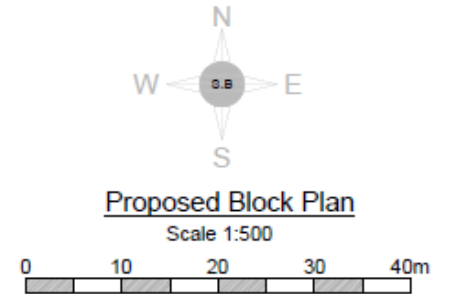
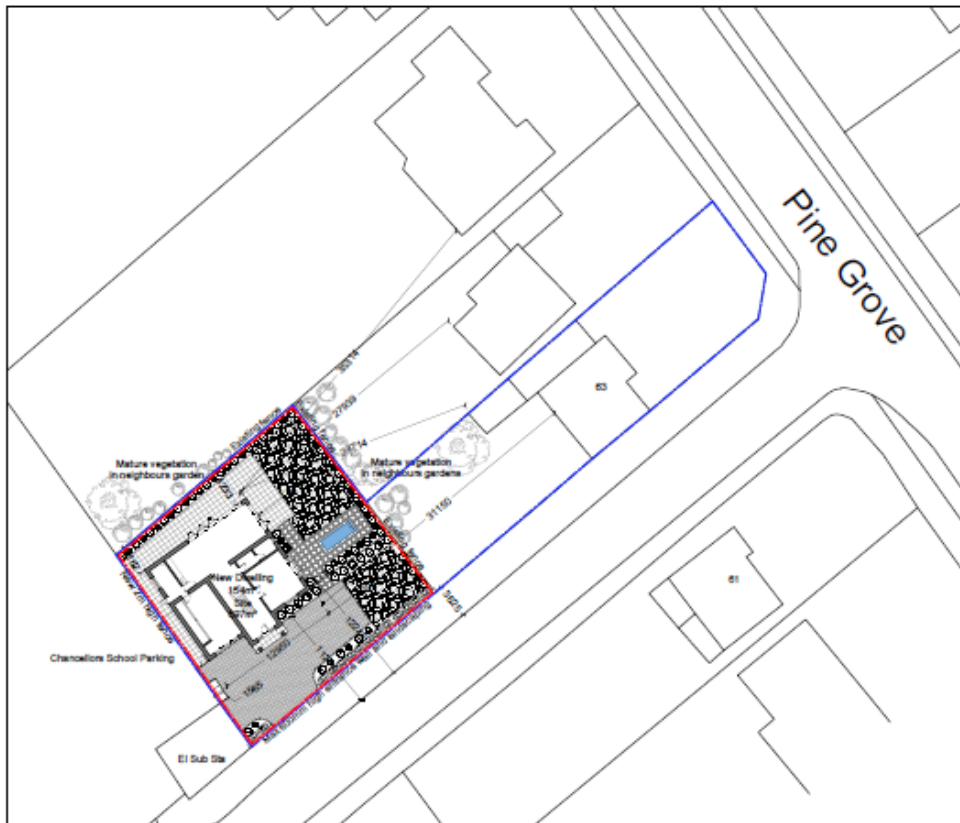
The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

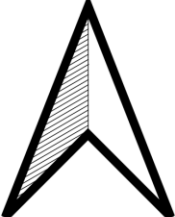
As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Emily Kingswell (Development Management)
Date: 12/10/2026





	Land to the rear of 63 and 65 Pine Grove Brookmans Park AL9 7BL		Scale:
			Date: 13-10-2026
	Development Management Committee	6/2026/0522/FULL	Drawn: US
	© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2024		

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Committee: Development Management**Report title:** 6/2026/0991/FULL, 1 Hollybush Close Welwyn AL6 0PZ**Report author:** Sarah Madyausiku**Responsible Officer:** Executive Director (Place)**Cabinet Member(s) responsible:** Rose Grewal**Part 1 or 2:** Part 1**Executive Summary:**

This report recommends that the Development Management Committee resolves to grant planning permission for the erection of single detached 3 bedroom dwelling to the north east of the original dwelling.

Recommendations:

It is recommended that:

- a) There are no adverse impacts arising from approving the application that would substantially outweigh the benefits of doing so and as such the application should be approved in accordance with Policy S4 of the NPPF. Furthermore, having considered all material planning considerations, the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the NPPF taken as a whole, the Local Plan and the Neighbourhood Plan. Accordingly, planning permission is recommended for approval subject to suggested conditions.
- b) Delegated powers be given to the Assistant Director (Planning) in consultation with the Chair of the Development Management Committee to amend or add to the suggested draft conditions set out in this report, prior the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Development Management Committee has resolved to approve.

2. Background and key issues

- 2.1 The full background and key issues are set out fully within the main body of the report at Appendix 1.

3. Corporate Priorities

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This reports supports the council in meeting the corporate priority/priorities of:

- Homes to be proud of
- Enable an economy that delivers for everyone
- Action on climate change

4. Risk Management Implications

- 4.1 There are no known risk management implications.

5. Financial Implications

- 5.1 There are no known direct financial implications.

6. Legal and procurement implications

- 6.1 There are no known legal or procurement implications.

7. People, Community and Consultation

- 7.1 Public consultation has been undertaken in line with the Council's statutory duties for planning application publicity, the details of which are set out fully in the main body of the report at Appendix 1.

8. Equalities Implications

- 8.1 Due regard has been had to the Public Sector Equality Duty (the Duty) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - and Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. Climate Change, Biodiversity and Sustainability Implications

- 9.1 The application has been assessed against relevant Climate Change, Biodiversity and Sustainability requirements of the Development Plan, as well as the National Planning Policy Framework. Full details are set out in the main body of the report at Appendix 1.

10. Appendices

Appendix 1 – 6/2026/0991/FULL, 1 Hollybush Close Welwyn AL6 0PZ

Part I

Main author: Sarah Madyausiku

Executive Member: Councillor Rose Grewal
(Welwyn West)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22 OCTOBER 2026
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2026/0991/FULL

ERECTION OF SINGLE DETACHED 3 BEDROOM DWELLING TO THE NORTH EAST
OF THE ORIGINAL DWELLING

APPLICANT: MR GEOFF FOSTER

1 Site Description

- 1.1 The site contains a dwelling and a large garden that is located to the west side of Canonsfield Road. The dwelling itself is one of 5 dwellings located within a short cul-de-sac known as Hollybush Close. Each of the 5 houses are of a similar scale but the application site, known as number 1 Hollybush Close is of a slightly different detailed design to the other 4, being of a brick finish, rather than of a rendered finish. The cul-de-sac is tree lined which gives a visually pleasing appearance upon entering the road. The side garden of the application site also contains a number of trees and other shrubs forming a small wooded area to the east of the site.

2 The Proposal

- 2.1 The proposed development is for a detached 3 bedroom dwellinghouse following the sub-division of the existing plot (1 Hollybush Close). A new access driveway is proposed off the cul-de-sac of Hollybush Close. The new plot would have a front, rear and side garden, with the existing plot (1 Hollybush Close) retaining a section of rear garden.

Reason for Committee Consideration

- 2.2 This application is presented to the Development Management Committee because Welwyn Parish Council has submitted a major objection to the application for the following reasons:

By using approximately 50% of the existing dwelling site this would cause a cramped

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and contrived form of backland garden development including the loss of tree's resulting in overdevelopment. We request the tree officer also inspects the site as no photographs of the tree's have been provided. Our tree warden believes the 5 trees mentioned are in fact Category A tree's not Category B tree's.

3 Relevant Planning History

Application Number: N6/1952/0437/
Decision: Granted
Decision Date: 16 September 1952
Proposal: Builder's store and nursery store.

Application Number: N6/1953/0638/
Decision: No Information
Decision Date: 31 December 1953
Proposal: Site for dwelling

Application Number: N6/1954/0006/OP
Decision: Granted
Decision Date: 16 February 1954
Proposal: Outline application. Erection of a dwelling.

Application Number: N6/1954/0071/OP
Decision: Granted
Decision Date: 25 May 1954
Proposal: Outline application. Five houses and garages.

Application Number: N6/1955/0628/
Decision: Granted
Decision Date: 21 September 1955
Proposal: Dwellinghouse and garage.

Application Number: N6/1959/0246/
Decision: Granted
Decision Date: 21 April 1959
Proposal: Erection of dwellinghouse.

Application Number: N6/1963/0691/
Decision: No Information
Decision Date: 31 December 1963
Proposal: Outline application, 1 determined dwelling, garden land.

Application Number: N6/1969/0368/OP
Decision: Refused
Decision Date: 21 May 1969
Proposal: Outline application for one dwelling

Application Number: E6/1972/3871/OP
Decision: Refused
Decision Date: 18 October 1972

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Proposal: Outline application for the demolition of the existing bungalow and erection of four detached bungalows and garages.

Application Number: N6/1987/0103/FP

Decision: Granted

Decision Date: 18 May 1987

Proposal: Two storey front extension

4 Relevant Planning Policy

- 4.1 National Planning Policy Framework (NPPF 2026)
- 4.2 National Design Guide 2021 (NDG)
- 4.3 The Housing Delivery Test 2025
- 4.4 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 4.5 Supplementary Design Guidance 2005 (SDG)
- 4.6 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 4.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 4.8 Sustainability Supplementary Planning Document (March 2025)
- 4.9 Community Infrastructure Levy 2025 (CIL)
- 4.10 Welwyn Parish Neighbourhood Plan 2025-2036
- 4.11 The WHBC Regulation 19 Proposed Submission Local Plan (February 2026) (Draft Local Plan)

It should be noted that the "Welwyn Hatfield Borough Council Regulation 19 Proposed Submission Local Plan" was agreed by Full Council on 16th September and will undergo public consultation between 23rd September and 4th November. Thereafter, the Plan will move towards submission and independent examination. At this stage of the Local Plan process, the emerging plan carries limited weight in decision making.

5 Site Designation

- 5.1 The site is within the settlement boundary of Oaklands and Mardley Heath as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2036.

6 Representations Received

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6.1 The application was advertised by means of neighbour notification letters and a site notice. Three representations have been received, each objecting to the application. All representations received are published in full on the Council's website and are summarised below:

- Highway and pedestrian safety, including increased vehicle movements, visibility at the junction with Canonsfield Road, emergency vehicle access, and the impact of the proposed access arrangement.
- Additional pressure on the private unmade road, including potential damage from construction traffic, maintenance responsibilities and reduced manoeuvring space.
- The effect of the proposal on the character of Hollybush Close, with objectors considering the development to represent overdevelopment of the site and be out of keeping with the established pattern of development.
- Impacts on neighbouring amenity arising from increased activity, noise and disturbance.
- Drainage concerns, including the adequacy of the proposed soakaway and the potential for increased surface water flooding.
- Potential impacts on ecology, biodiversity and existing trees.
- Objectors also refer to matters relating to covenant restrictions, private road ownership and maintenance obligations; however, these are private legal matters and are not material planning considerations.

7 Consultations Received

7.1 The following consultees have responded advising that they have no objections to the proposal, subject to conditions being applied:

- Hertfordshire County Council- Transport Programmes and Strategy
- Welwyn Hatfield Borough Council- Trees & Hedgerows

7.2 The following consultee has no objections and has commented that the new dwelling could be incorporated into the existing refuse and recycling scheme:

- Welwyn Hatfield Borough Council Client Services

7.3 A major objection from following consultee:

- Welwyn Parish Council

7.4 The following consultee has not commented:

- Hertfordshire Ecology

8 Analysis

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

- 1. Principle of development**
- 2. Impact on the character of the area**
- 3. Residential amenity**
- 4. Highways, access and parking**
- 5. Other considerations**
 - i) Tree impacts
 - ii) Flood risk and sustainable drainage
 - iii) Ecology and biodiversity
 - iv) Sustainability requirements
 - v) Community Infrastructure Levy (CIL)
 - vi) Onsite Waste and Recycling
 - vii) PD Removal
- 6. Planning balance**
- 7. Conclusion**
- 8. Recommendation**

1 Principle of development

- 8.2 In terms of decision making, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:
- The Welwyn Hatfield Borough Council Local Plan 2016-2036;
 - Hertfordshire Waste Development Framework 2012;
 - Hertfordshire Waste Site Allocations Development Plan Document 2014; and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).
- 8.3 The NPPF is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026.
- 8.4 The site is within the settlement of Oaklands and Mardley Heath. Paragraph S3 of the NPPF advises that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- a) Policy S4 in this NPPF should be applied when considering development proposals within settlements;
 - b) Outside settlements, policy S5 should be applied; and
 - c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this NPPF should be approved without delay.
- 8.5 As this site is within the settlement of Oaklands and Mardley Heath, Policy S4 of the NPPF applies to this proposal, which states that development proposals within

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settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

- 8.6 Policies SP1, SP2 and SP3 of the Council's Local Plan outline the spatial strategy for the distribution of housing development within the Borough.
- 8.7 Policy SP1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk. Moreover, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF, as well as the principles set out within Policy SP1.
- 8.8 Policy SP2 makes provision for the development needs of the Borough and sets out that the Council will support levels of growth which are consistent with the vision and objectives of its strategy and the principles of sustainable development.
- 8.9 Policy SP3 sets out the settlement hierarchy and framework for settlement objectives. The settlement strategy directs growth to the most sustainable locations at a scale which is consistent with the settlement hierarchy.
- 8.10 The application site has not been allocated for residential development in the Local Plan. Accordingly, the proposal would come forward as a windfall housing site. Policy SADM1 would therefore apply. This policy states that all applications for windfall residential development on unallocated site will be granted provided:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 8.11 Policy SADM1 further states that windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services.
- 8.12 Regarding criteria i of Policy SADM1, the proposal would result in a net increase of a single dwelling to the side of the existing plot (1 Hollybush Close). Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances.

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Although gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective.

- 8.13 With regards to criteria ii of Policy SADM1, the site is situated within an existing residential area in the settlement of Oaklands and Mardley Heath, which is classified as a small, excluded village/settlement in the Local Plan. These areas are a secondary focus for a limited amount of new development where this is compatible with the scale and character of the village. This area benefits from bus services on the Great North Road, as well as Oaklands primary school. The site is also within reasonable walking distance (approximately 500m) of a small range of local shops which include a convenience store, butchers and a post office that can be reached along footpaths.
- 8.14 Policy TR3 of the National Planning Policy Framework 2026 states that, so that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:
- a) Development proposals which could generate a significant amount of movement, in the context of area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;
 - b) Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
 - c) Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach; and
 - d) The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution;
- 8.15 Due to the application site being located within the settlement, there will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development and the proposal is therefore considered to meet criteria iii of Policy SADM1.

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- 8.16 Regarding criteria iv and v of Policy SADM1, the scale of the proposal is modest and would neither undermine the delivery of allocated sites nor conflict with the Local Plan's spatial strategy. It would also not result in disproportionate growth.
- 8.17 Therefore, subject to the proposals satisfying site-specific and design considerations, the principle of one additional dwelling is acceptable. The proposal accords with the NPPF's presumption in favour of sustainable development and is consistent with the sustainable development principles set out in Policy SP1.
- 8.18 For these reasons, the proposed development would comply with the sustainability requirements of the NPPF and Policies SP1 and SADM1 of the Local Plan. The physical and environmental constraints on development of the land are discussed below.

2. Impact on the character of the area

- 8.19 The National Planning Policy Framework (NPPF 2026) places significant weight on high-quality design, green infrastructure and the retention of existing trees where possible, recognising their contribution to character, biodiversity, climate resilience and the quality of places.
- 8.20 Policy DP3(1) of the NPPF states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.21 NPPF Policy DP3(3) goes on to states that: Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 8.22 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis, amongst other things, of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character
- 8.23 Policy SP9 Place Making and High Quality Design of the Local Plan states that proposals will be required to deliver a high quality design that fosters a positive sense of place by responding to the sites character and context so they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. Policy SP9 goes on to state that development proposals should respect neighbouring buildings and the surrounding context in terms of height, mass and scale and be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.

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- 8.24 The landscape section of Local Plan Policy SADM16 outlines that proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. Policy SP9 of the Welwyn Hatfield Local Plan requires proposals to be informed by a thorough analysis of a site's character and context, ensuring that new development relates well to its surroundings and reinforces local distinctiveness, including the wider townscape and landscape. The policy seeks to enhance the sense of place and expects proposals to achieve an appropriate density, typically between 30 and 50 net dwellings per hectare (dph), balancing efficient use of land with high-quality design that respects character and context. Higher-density development is encouraged in accessible locations, such as around transport hubs or within town and neighbourhood centres, where appropriate. The policy also recognises that some locations may be suited to higher-density forms such as flats, while others may be more appropriate for larger family housing. The NPPF aligns with this approach.
- 8.25 Regarding policy implementation, paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance Parking Standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both these documents require review to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.
- 8.26 Policy No. 8 of the Welwyn Neighbourhood Plan requires small-scale developments of detached larger homes to complement the character of the local area.
- 8.27 The proposed development involves the sub-division of the existing plot that is associated with the donor dwelling of 1 Hollybush Close. The area is characterised by detached properties on spacious plots and comprises of both two storey and chalet style dwellings. Based on the planning history of the site, the principle of back land development was not previously supported. It is however acknowledged that the previous decisions pre-date the NPPF and the current Local Plan.
- 8.28 In terms of size and layout, the dwelling being proposed would not be excessive in height and scale in relation to the size of the plot, and it would maintain the density characteristics of the existing properties immediately adjacent to the site, including the subdivided donor plot at 1 Hollybush Close.
- 8.29 In terms of appearance, the proposed design would provide living accommodation in the roof space. Its design and scale would be similar to and would complement the design of the other dwellings in the cul-de-sac and would not be at odds with the scale and design of the donor dwelling at 1 Hollybush Close. Furthermore, the proposed elevations would utilise materials of a colour palette that would be in keeping with other properties in the cul-de-sac. As such, it is not considered that the proposed dwelling would appear dominant or incongruous in the streetscene.
- 8.30 The amenity area for the resultant dwelling and the existing donor dwelling at 1 Hollybush Close would be appropriate when compared to the sizes of neighbouring plots.

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- 8.31 One new access point for vehicular access would be formed. This has been designed limited the impact on the surrounding street and trees, whilst providing a usable and suitable access route for the dwelling.
- 8.32 Overall, the design of the proposed dwelling would correspond well to the sites character and context and would preserve the sense of place in accordance with the requirements of Policies SP1 and SP9 of the Local Plan, Supplementary Design Guidance (2005), the Welwyn Neighbourhood Plan and the NPPF.

3. Residential amenity

- 8.33 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. Policy P3 of the NPPF says that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity.
- 8.34 Policy SADM11 Amenity and Layout of the Local Plan provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's Supplementary Design Guidance (2005) which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised.
- 8.35 Design Principle A of the Welwyn Neighbourhood Plan states that development should be designed to avoid undue harm to the amenity of neighbouring sites, including through loss of privacy or visual intrusion.
- 8.36 With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwelling.

Impact on Neighbours

- 8.37 In this case, due to the location of the proposed dwelling, the neighbours most likely to be affected would be the nearby occupiers of 5 Hollybush Close and those at number 47 Canonsfield Road located to the north and south of the site. It is also important to consider the impacts on the donor dwelling, 1 Hollybush Close.
- 8.38 In terms of light and outlook, the section plans indicate that the proposal would be broadly in line with the building heights of the neighbouring dwellings and there would be a separation distance of approximately 1.0m between the new dwelling and the donor dwelling at 1 Hollybush Close. It appears that the side windows on the donor dwelling, that would be approximately 2.8 away from the flank elevation of the new property, are secondary windows that serve living accommodation on the ground floor and bedrooms on the first floor. It is considered that the separation

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distance would be unlikely to cause significant impacts upon light or outlook to the donor property of any nearby occupiers.

- 8.39 With respect to perceived/actual overlooking from the new garden area/property, the submitted plans show windows on the rear elevation that would allow overlooking towards the donor dwelling. A new boundary fence is shown on the “external views” elevation, and appears to be a picket fence of approximately 1m in height. A condition is recommended to secure additional information about boundary treatments. This will ensure boundary treatments do not negatively impact neighbouring occupiers, whilst also securing adequate privacy.
- 8.40 It is noted from the submitted elevation plans that there would not be any side windows proposed on the proposed dwelling which would directly overlook neighbours. Windows in the rear elevation of the proposed dwelling would be approximately 15m from number 47 Canonsfield Road, and over 20m from the front elevation looking towards number 5 Hollybush Close. The views obtained from these proposed front and rear windows would not give rise to harmful overlooking given the distances involved and also because there are already similar views that can be obtained from number 1 Hollybush Close. Therefore, privacy would be maintained.

Living Conditions of the Future Occupiers

- 8.41 Policy SADM11 requires, as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS, 2015), unless it can be robustly demonstrated that this would not be feasible or viable.
- 8.42 The NDSS outlines the minimum requirements for floor space and storage for new dwellings. The proposal provides good living accommodation in accordance with Policy SADM11 of the Local Plan. It is considered that all other relationships between habitable windows for future residents are considered acceptable.
- 8.43 In terms of private amenity space, Policy SADM11 and the Supplementary Design Guidance (2005) requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes for gardens.
- 8.44 In this instance, it is considered that the potential usability of the available amenity space would be sufficient for the occupiers, subject to boundary treatments/landscaping ensuring an adequate level of privacy.
- 8.45 Subject to appropriate boundary treatment and landscaping being secured by condition, there would be sufficient opportunity to provide functional private gardens for the future occupiers. The relationship between the proposed dwelling and the respective gardens is acceptable. Overall, having regard to the size and configuration of the proposed gardens for the new dwelling and the donor house at 1 Hollybush Close, it is considered that the development would provide an adequate level of private external amenity space for the future occupiers of the proposed dwellings, in accordance with the relevant requirements of the Council's design guidance, Local Plan policies, Welwyn Neighbourhood Plan and the NPPF.

4. Highways, access and parking

- 8.46 Policy TR2 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 8.47 Policy TR4 of the NPPF requires transport to be integral to the design of development, with priority given first to walking, wheeling and cycling, and then to access to high-quality public transport. Development should provide features such as permeable street networks, continuous footways, suitable cycle facilities and parking, and good public transport waiting facilities. Streets should be safe, inclusive and attractive, minimise conflict between pedestrians, cyclists and vehicles, meet the needs of disabled people, older people and children, and avoid unnecessary street clutter. They should also provide efficient access for servicing and emergency vehicles.
- 8.48 Policy TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
- 8.49 Policy SADM12 Parking, Servicing and Refuse of the Local Plan regarding parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG (2004) uses maximum standards that are not consistent with the NPPF and are therefore afforded less weight. Considering this, the Council have 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 SPG should be taken as guidance only. This means that higher or lower car parking provision than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 8.50 In terms of car parking, the proposed dwelling would have 3 bedrooms. The SPG guidance suggests that a 3-bed dwelling should provide 2.25 spaces. Design Principle B (Parking Provision Standards) of the Welwyn Neighbourhood Plan states that for Class C3 residential development, parking provision should have regard to the locally informed standards, where relevant to the nature and scale of development. Approximately 2.75 spaces per three-bedroom dwelling, of which two spaces would typically be on-plot, is required in accordance with this design principle.
- 8.51 The submitted plans show a driveway and demonstrate that there would be sufficient space to accommodate at least 3 car parking spaces within the site. Given the scale of the dwelling proposed and the sustainable location of the site, there would be suitable parking provision.

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- 8.52 Hertfordshire County Council, as Highway Authority (HA), has been consulted on the application. They confirm that the proposal would not materially affect the safety or operation of the wider public highway network and therefore raised no objection.
- 8.53 The HA suggested the inclusion of a Construction Traffic Management Plan (CTMP) condition. However, given the small scale of the development comprising the provision of one dwelling only, the imposition of a CTMP would not be proportionate to the nature or extent of construction activity involved. National planning policy and guidance require planning conditions to meet the tests of being necessary, relevant, and reasonable. In this case, a CTMP is not necessary to make the development acceptable in planning terms, as the limited works proposed would not give rise to impacts that justify such a requirement. As such, a CTMP condition would not meet the statutory and policy tests for applying planning conditions and is therefore not recommended in this case.
- 8.54 With respect to bicycle parking, in the interest of sustainable development, the Council's Parking Standards require secure and weatherproof cycle storage to be provided within the site to accommodate 1 cycle parking space per dwelling. Bicycle storage is shown and is considered acceptable.
- 8.55 In the absence of any justified or proportionate requirement for a CTMP, and noting the HA's confirmation that the proposal would not materially affect the safety or operation of the wider public highway network, the development is considered acceptable in highway terms. The proposal complies with Policy SADM12, the Council's Interim Policy for Car Parking Standards, and the relevant provisions of the NPPF.

5. Other considerations

i) Tree impacts

- 8.56 Welwyn Parish Council have objected to the impact on trees. Policy No. 4 of the Welwyn Neighbourhood Plan states:

Proposals for all developments must:

- Retain ancient, veteran and mature trees (particularly in ancient woodland) or trees or hedgerows of ecological, arboricultural or amenity value and be accompanied by a survey that establishes the health and longevity of any affected tree. Existing trees should be retained and proposals include any appropriate protection by barriers and root protection zones as recommended in BS 5837 (2012); and
- Involve no net reduction of trees. Trees whose removal is permitted within development sites, must be replaced with like-for-like trees in the categories defined in BS 5837 section 4 and use preferred native species that will encourage wildlife. If replacement is not practical within a specific site, then the shortfall shall be made up by new tree planting at the developer's cost in areas specified elsewhere in the Parish; and

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- Incorporate tree, shrub and hedge planting as part of the design and relate to a vision of that landscape at the end of the Plan period, using locally-suitable species; monoculture must be avoided.

- 8.57 The proposed development has been informed by an Arboricultural Method Statement and Tree Protection Plan, prepared in accordance with BS5837 and dated February 2026. The Council's Tree Officer has confirmed that there are no arboricultural or hedgerow objections to the proposal. The trees and hedgerows on or adjacent to the site are not subject to statutory protection. The submitted arboricultural assessment identifies the removal of a number of trees. The Tree Officer raises no objection to these removals, having regard to the BS5837 category grading.
- 8.58 The Tree Officer has requested the works comply with the recommendations of the Arboricultural Method Statement and Tree Protection Plan. This should be secured through an appropriate condition.
- 8.59 Subject to these measures, the proposed tree removals are considered to have a localised effect on the existing tree and hedgerow onsite, with the retention and protection of higher-value trees helping to maintain the established landscaping at the site.
- 8.60 Overall, the Council's specialist Tree Officer has raised no objection on arboricultural or hedgerow grounds, subject to the aforementioned conditions.
- 8.61 Conditions are proposed towards the end of this report requiring the hard and soft landscaping works to be fully implemented within six months and thereafter retained in perpetuity.

ii) Flood risk and sustainable drainage

- 8.62 Policy F7 of the NPPF requires development proposals to ensure that potential occupiers, users and visitors are not placed at risk from flooding and that flood risk is not increased elsewhere. Where development is proposed in an area known to be at risk of flooding, it should demonstrate that the development will be safe throughout its lifetime, taking account of the vulnerability of users; that the most vulnerable development is located in areas of lowest flood risk; that residual flood risk can be safely managed, including through safe access and escape routes where appropriate; and that the development is appropriately flood resistant and resilient. The proposal should also demonstrate that flood risk will not be increased elsewhere.
- 8.63 Policy F8(1) of the NPPF states that development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity. The systems used should:

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- a) Be designed in accordance with the National Standards for Sustainable Drainage Systems have appropriate proposed minimum operational standards;
- b) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- c) In the case of proposals for major development, take account of advice from the Lead Local Flood Authority.

8.64 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management is broadly consistent with the NPPF.

8.65 The application site is located within Flood Zone 1. A suitable soakaway is proposed.

iii) Ecology and biodiversity

- 8.66 Policy N2 of the NPPF requires development proposals to make a positive contribution to the natural environment and support nature recovery. Proposals should consider and, where possible, conserve and enhance the environmental qualities of the site, including habitats, landscape character, natural beauty, agricultural land, trees and hedgerows. They should strengthen ecological networks, use green infrastructure and nature-based solutions, minimise biodiversity impacts and incorporate features for priority species such as swifts, bats and hedgehogs. Swift bricks are now specifically expected in development unless there are compelling technical reasons why they cannot be used. Where significant biodiversity harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, the development should be refused.
- 8.67 Policy SADM16 Ecology and Landscape of the Local Plan seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement on all developments that are not otherwise exempt. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies.
- 8.68 The proposal is subject to the national requirement for mandatory Biodiversity Net Gain (BNG), introduced through the Environment Act 2021, which places a statutory duty on most major developments to deliver at least a 10% measurable net gain in biodiversity compared to the pre-development baseline.
- 8.69 The application is supported by an Ecological Appraisal, Biodiversity Net Gain (BNG) Report and the Statutory Biodiversity Metric. The ecological appraisal did not identify any protected species on the site during the preliminary surveys.
- 8.70 In respect of Biodiversity Net Gain, the submitted statutory metric identifies a baseline of 1.71 habitat units and 0.07 hedgerow units. This metric advises that an updated metric will be required at the Biodiversity Gain Plan stage, demonstrating how the required biodiversity net gain will be delivered. This is expected to include the purchase of appropriate offsite biodiversity units in accordance with the statutory trading rules.
- 8.71 The statutory BNG requirements can be addressed through the Biodiversity Gain Plan and associated offsite provision. Subject to the securing of the necessary

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ecological and biodiversity measures by condition and through the statutory BNG process, the proposal is considered acceptable in ecological terms.

iv) Sustainability requirements

- 8.72 Policy DP3 2(b) of the NPPF states that development should contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating. Policy SP10 Sustainable Design and Construction of the Local Plan 2016-2036 requires proposals to adopt sustainable design and construction principles within an integrated design solution through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.
- 8.73 A Sustainability Supplementary Planning Document (SPD) was adopted by Welwyn Hatfield Borough Council on 7 March 2024. Whilst regulation and policy exist to set certain standards, developers and applicants often seek to go beyond that, and the Sustainability SPD outlines requirements and highlights opportunities to seek a higher standard of development in Welwyn Hatfield. In addition, there are some areas where policy would benefit from greater clarity and this document seeks to provide this where possible. At Appendix A, the Sustainability SPD includes a Sustainability Checklist which should be completed in full and submitted as part of a formal application.
- 8.74 In this case, the house will be fitted with solar panels on the roof. There are no other details provided to demonstrate compliance with above policies. It is therefore appropriate to impose a condition requiring an energy statement to be submitted to and approved in writing by the Local Planning Authority. The statement must set out how the development will maximise energy conservation, incorporate measures to generate renewable energy and measures for long term water efficiency.

v) Community Infrastructure Levy

- 8.75 Welwyn Hatfield Borough Council has set a local Community Infrastructure Levy (CIL). The purpose of the CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. CIL is non-negotiable and is charged at a variable rate per sqm of floorspace created, contingent on the location and use of the development. In this case, the development proposes chargeable floorspace and as such would be liable for a CIL charge.

vi) Onsite Waste and Recycling

- 8.76 Policy SADM12 states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. The Council's Waste and Recycling Team (Client Services) have been consulted on this application and have not objected to the proposal as the properties could be incorporated onto the existing ARRC scheme. The proposed block plan indicates that there is sufficient space for storage of bins.

vii) Permitted Development removal

- 8.77 Given the size and configuration of the garden serving the proposed dwelling, there is scope for further enlargement of the property which might reduce the amount of usable private amenity space available to future occupiers. Accordingly, it is recommended that permitted development rights are removed, as appropriate, in respect of relevant classes of development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This would ensure that any future extensions or alterations that could materially affect the scale of the dwelling or the availability of private amenity space are subject to separate consideration by the Local Planning Authority. This can be secured via a suitably worded condition.

6. Planning balance

- 8.78 Policy SP1 of the Welwyn Hatfield Local Plan states that proposals will be permitted where it can be demonstrated that principles of sustainable development are satisfied and that they accord with the objective and policies of the development plan.
- 8.79 Policy SP3 of the Local Plan relates to the borough's Settlement Strategy and Green Belt boundaries and states inter alia that the primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and that in villages and other rural areas of the borough that lie within the Green Belt, development will be restricted so as to be consistent with the type of development envisaged in national planning policy and other policies of this plan.
- 8.80 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary to consider whether there are other material planning considerations which would justify approval of the application.
- 8.81 The NPPF is a material consideration to be considered in determining this application. A revised NPPF was published in August 2026.
- 8.82 Paragraph S3 of the NPPF advises that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- d) Policy S4 in this Framework should be applied when considering development proposals within settlements;
 - e) Outside settlements, policy S5 should be applied; and
 - f) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.
- 8.83 The site is within the settlement of Oaklands and Mardley Heath and as such, Policy S3(a) is relevant. Policy S4(1) states development proposals within settlements should be approved unless the benefits of doing so would be substantially

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outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Policy S4(2) states that in applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

- a. Have a substantial adverse impact in relation to:
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).
- b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or
- c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

- 8.84 It is therefore necessary to undertake a planning balance exercise to determine if the benefits of approving development would be substantially outweighed by adverse effects.

Summary of adverse impacts

- 8.85 In this case, no adverse harm arising from the development has been identified and the proposal does not engage the specific circumstances identified in Policy S4(2) stated above.

Summary of benefits

- 8.86 The following benefits would arise from the proposed development:

Social Benefits

- 8.87 It is important to note that Annex D – Housing supply and delivery of the 2026 NPPF sets out the approach to assessing housing land supply which applies in this case. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The assessment should take account of the deliverability of identified sites and the extent to which they are capable of delivering housing within the relevant period. The Council's current housing land supply position is therefore an important consideration in determining whether an evidenced unmet need for housing exists.

- 8.88 Policy HO7 of the NPPF states that in applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence.
- 8.89 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authorities HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authorities HDT score is less than 85% of its housing requirement, the council must incorporate a 20% buffer into its housing supply calculations. This will be in addition to the preparation of an Action Plan.
- 8.90 The latest HDT results published by the Ministry of Housing, Communities and Local Government in 2024 identifies that Welwyn Hatfield Borough Council delivered 46% of homes against its target, falling significantly below its 75% threshold. The Council must apply a 20% buffer in its five-year housing supply calculations, and it also needs to produce an Action Plan to boost housing delivery.
- 8.91 The council published its Annual monitoring Report 2024/2025 (AMR) covering April 1st, 2024, to March 31st 2025. The AMR outlines that the Council cannot demonstrate a five-year supply of deliverable housing sites, and that supply is at most 2.5 years. The AMR considers this and explains this by noting that 'delays and slower than anticipate progress at some of the larger strategic sites means that the supply is lower than previously expected... however, an increasing number of allocated sites are now coming forward following the adoption of the Local Plan'.
- 8.92 Therefore, alongside failing the HDT, the Council cannot demonstrate a five-year supply of deliverable housing sites with the current shortfall being considerable and significant. The provision of one new dwelling is a clear benefit, however, due to the small scale of the development, moderate weight is attributed to this benefit.
- 8.93 The provision of a family sized unit would also attract moderate weight in favour of the proposal.

Environmental benefits

- 8.94 Turning to the environment, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not significantly harm the amenity of neighbouring occupiers. However, only limited weight is afforded to this as it is compliant with policy in this regard.

Economic benefits

- 8.95 Some economic benefits will arise from this proposal. These include the provision of jobs during the construction phase of the development by creating employment

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opportunities on site and indirectly supporting businesses through the supply chain. However, the economic benefits in terms of construction will be short-term and therefore limited. Local business will derive some long-term economic benefit from the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

9 Conclusion

- 9.1 As set out above, officers are clear that there are no adverse impact arising from approving the application that would substantially outweigh the benefits of doing so and as such the application should be approved in accordance with Policy S4 of the NPPF. Furthermore, having considered all material planning considerations, it is concluded that the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the NPPF taken as a whole, the Local Plan and the Neighbourhood plan. Accordingly, planning permission is recommended for approval.

10 Recommendation

- 10.1 It is recommended that the Committee resolves to grant planning permission subject to:
- a) The conditions suggested below: and
 - b) Delegated powers be given to the Assistant Director (Planning) in consultation with the Chair of the Development Management Committee to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Development Management Committee has resolved to approve.

Conditions

1. Biodiversity Net Gain

No development shall commence until details of:

- a) a biodiversity gain plan (the Biodiversity Gain Plan) has been submitted to the Local Planning Authority which:
 - i) relates to the development hereby permitted;
- ii) specifies the matters referred to in sub-paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990; and
- iii) is prepared in accordance with the Biodiversity Net Gain assessment document dated 30 September 2025 prepared by Cherryfield Ecology; and
- b) the Local Planning Authority has approved the Biodiversity Gain Plan in accordance with paragraph 15 of Schedule 7A of the Town and Country Planning Act 1990.

REASON: To ensure compliance with the terms of Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the National Planning Policy Framework and the Welwyn Hatfield Local Plan.

2. Soft and hard landscaping plan

Notwithstanding the submitted Landscape Plan, no development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of 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;
- (b) means of enclosure (including terrace screens) and hard/soft boundary treatments;
- (c) hard surfacing, other hard landscape features and materials with photographs and specifications;
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (e) details of hardsurfacing materials to manage surface water runoff via the use of Sustainable Drainage Systems

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 SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

3. Materials as detailed on the submitted application form

The development must not be carried out other than in accordance with the details of external materials specified on the submitted application form. Details of any alternative materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to above ground development. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Landscaping retained

The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Energy Efficiency

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No development above ground level shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the proposed development would be designed and constructed to achieve a reduction in carbon emissions (dwelling emission rates) which would exceed Part L Building Regulations baselines, in addition to any renewable energy sources to be installed or other measures to secure the sustainability credentials of the development. If noise generating equipment is installed the sound levels emitted from any equipment shall not exceed 37dB LAeq, T, 1m in front of the window to any habitable rooms of any neighbouring residential properties.

The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Protection of Trees

The development shall be constructed in accordance with the Arboricultural Method Statement dated 8 February 2026 and authored by arbtech.

REASON: In the interest of maintaining the character and amenity of the area and minimising the impact of development in terms of ecology, biodiversity and climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. PD revoked A-E + AA

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification), no development within Classes AA, A, B, C, D or E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Approved Drawings

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
PL350	A	External Views	5 June 2026
PL210	B	Proposed Elevations	5 June 2026
PL315	A	Proposed Sections	5 June 2026
PL300	B	Proposed Floor Plans	5 June 2026
PL213		Proposed Site Elevations	5 June 2026
PL212	A	Proposed Site Elevations	5 June 2026
PL201	C	Proposed Site Plan	5 June 2026

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PL110	A	Existing Site Elevations	5 June 2026
PL001	B	Existing Site Plan	5 June 2026
PL001	B	Site Location Plan	5 June 2026
44225765 _TPP_01		Tree Protection Plan	5 June 2026
44225765 _AIA_01		Arboricultural Impact Assessment	5 June 2026
44225765 _TCP_01		Tree Constraints Plan	5 June 2026

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

INFORMATIVES

1. INF Biodiversity Net Gain

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Welwyn Hatfield Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply. Please note that, depending on the measures proposed within the biodiversity gain plan, it may be necessary for a legal agreement to be entered into under section 106 of the Town and Country Planning Act 1990 to bind the relevant land or for a conservation covenant to be entered into in order to meet the requirements of Schedule 7A of the Town and Country Planning Act 1990. Early engagement with Welwyn Hatfield Borough Council is recommended to establish whether such a legal agreement will be required.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
- i the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - ii the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
- 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
- i the application for planning permission was made before 2 April 2024;
 - ii planning permission is granted which has effect before 2 April 2024; or
 - iii planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
- 4.2 Development below the de minimis threshold, meaning development which:
- i does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- i consists of no more than 9 dwellings;
 - ii is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
- Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

2. INF Biodiversity Net Gain Continued

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Community Infrastructure Levy

Your development may be liable for Community Infrastructure Levy (CIL) payments, and you are advised to contact the CIL Officer at cil@welhat.gov.uk for clarification.

If your development is CIL liable, even if an exemption or relief has been granted from the levy, please be advised that before commencement of any works, it is a requirement under Regulation 67 of the Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6: Commencement Notice must be completed, submitted, and acknowledged by Welwyn Hatfield Borough Council prior to the start of development.

Failure to submit a valid Commencement Notice before works begin will result in the loss of any right to pay by instalments (where applicable) and may lead to the imposition of a surcharge in accordance with the CIL Regulations.

Please note that a Commencement Notice is not required for residential extensions IF relief has been applied for and granted.

Bats

You are advised that if bats or evidence of them are discovered during the course of works,

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work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

Breeding birds

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

Wildlife

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

Newts

If great crested newts, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

Storage of Materials - Informative

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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway - Informative

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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway - Informative

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Debris and deposits on the highway. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Other Legislation

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

INF Ownership

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.

INF Street Numbering

The development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

Noise and dust control from demolition/construction works

All noisy 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

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

1.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

2.All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

3.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.

4.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.

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5. 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.
6. All pile driving shall be carried out by a recognised noise reducing system.
7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
9. '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.
10. Any emergency deviation from these conditions shall be notified to the Council without delay
11. 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.
12. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum.
2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

INF Building Control

In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

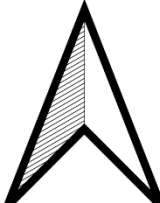
Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Sarah Madyausiku (Development Management)

22 October 2026
Date: 23 September 2026

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	1 Hollybush Close Welwyn AL6 0PZ		Scale:
			Date: 07-10-2026
	Development Management Committee	6/2026/0991/FULL	Drawn: US
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WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – **22 October 2026**
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 01/09/2026 to 08/10/2026

6/2025/2144/TPO	
DCLG No:	APP/TPO/C1950/11005
Appeal By:	Mr Anthony James
Site:	1 Juniper Gardens Welwyn AL6 0XH
Proposal:	T3 Hornbeam to 25% crown thin.
Decision:	Appeal Allowed
Decision Date:	03/08/2026
Delegated or DMC Decision:	Delegated
Summary:	Application 6/2025/2144/TPO was a tree work application to crown thin a hornbeam by 25% at 1 Juniper Gardens, Welwyn, AL6 0XH for the reason of potential damage to guttering. The application was refused as the crown has had a significant amount of tree works in recent years. It was not physically encroaching onto the neighbouring dwelling, as it has previously been 'sculpted' or profiled around the walls and roofline as still had more than 1m clearance (airgap) even in high winds. Therefore, the proposed works were unnecessary. The proposed tree works, a crown thin, would not alleviate the reason given for the pruning, encroachment onto adjacent dwelling. A crown thin should not reduce the radius of the crown as if undertaken as per the British Standard 3998:2010 Tree work. Recommendations. Therefore, this is the wrong prescription to mitigate the reason or justification for works. The accumulation of tree works in recent years is numerous and frequent and is in effect whittling the crown for no particular reason. Pruning is a form of tree damage, albeit 'controlled' and 'potentially 'optimised' for woody physiology. A build up of pruning operations can affect the medium to long term health and structural condition of a tree and diminish its longevity. The tree still has an amenity value and contributes to the sylvan character of the neighbourhood. The appeal inspector allowed the appeal (APP/TPO/C1950/11005). The inspector agreed with the assessment of the trees amenity value. The appeal inspector believed that the crown thinning, would not materially alter

	the tree's overall size, outline or silhouette and therefore would not result in any appreciable harm to the character and appearance of the area. The appeal inspector believed that not regard physical contact between the tree and the dwelling as a necessary precondition for reasonable management in this case. Given the close relationship between the tree and the neighbouring property, together with the established history of similar works. The inspector imposed two conditions onto the appeal decision. The standard two-year expiry timeframe for undertaking works and standard works to be carried out to BS3998:2010 Tree Work – Recommendations.
6/2026/0189/HOUSE	
DCLG No:	6012516
Appeal By:	Mr James Drucker
Site:	6 Meadow Green Welwyn Garden City AL8 6SS
Proposal:	Erection of first floor side extension and alterations to first floor rear elevation windows on the existing dwelling
Decision:	Appeal Allowed
Decision Date:	04/09/2026
Delegated or DMC Decision:	Delegated
Summary:	The appeal relates to the erection of first floor side extension and alterations to first floor rear elevation windows on the existing dwelling. The proposal was not supported under 6/2025/0660/PA, but an application was subsequently submitted with the same proposal under 6/2026/0189/HOUSE and refused on heritage grounds. The main issue related to the effect of the proposed development on the character and appearance of the host dwelling and its surroundings within Welwyn Garden City Conservation Area. The Inspector concluded that the proposed extension would complement and reflect the design and character of the original dwelling and the symmetrical composition of the original dwelling would not be harmed. Furthermore, the extension would be subordinate in scale and not cause harm to the conservation area. The appeal was allowed. Please note, the decision was issued prior to changes to the NPPF.
6/2025/2623/HOUSE	
DCLG No:	6010292
Appeal By:	Ms Sally Fitzgerald
Site:	Rose Cottage Kentish Lane Hatfield AL9 6JP
Proposal:	Replacement of an outbuilding (retrospective)

Decision:	Appeal Dismissed
Decision Date:	09/09/2026
Delegated or DMC Decision:	Delegated
Summary:	This householder appeal relates to a refusal to grant retrospective planning permission for works that have been started for a replacement outbuilding at the above site. The application site is located within the Green Belt. The Inspector considered the main issues in this appeal to be the following: • Whether the proposal would comply with the relevant policies relating to development in the green belt; • the effects on the character and appearance of the area; • and the effects on living conditions at the adjoining property, Cherry Tree Cottage. The Inspector concluded that despite the almost identical footprint, the increased height and alterations to the roof shape add significantly to the new building's overall height and volume and therefore the building would be materially larger than the original. It was also determined that the previous building was not of permanent or substantial construction failing to meet the relevant exception under GB7(1)(b) of the NPPF and LP Policy SADM34. The Inspector also considered that as the outbuilding is in a garden outside a built-up area that the appeal site could potentially be considered under the exception for previously developed land GB7(1)(e). However it was judged that the increase in built form would result in a considerable loss of openness in both spatial and visual terms and therefore the resultant harm to the Green Belt would be substantial. As such GB7(1)(e) would not be applicable. It was also noted that the relevant exception for extensions would not apply due to existing existences to the property. The proposal therefore constitutes inappropriate development in terms of NPPF Policy GB6. Regarding design, the Inspector concluded that the proposed development would result in an unattractive and unpleasing building, out of scale with its neighbours, and at odds with their architectural style. As such the scheme would cause harm to the area's character and appearance, contrary to LP Policy SP9, which requires a high quality of design and respect for the site's local context. It was concluded that amenity impact is acceptable. In weighing up the planning balance, no benefits or very special circumstances to the proposal were identified by the Inspector and the harm to the Green Belt is not outweighed. For the above reasons the appeal was dismissed.
6/2026/0721/HOUSE	
DCLG No:	6016213

Appeal By:	Mr Jay Patel
Site:	4 The Chase Welwyn AL6 0QT
Proposal:	Reduction in height of the existing retaining boundary wall and alteration to and extending the garden boundary fencing.
Decision:	Turned Away (other reason)
Decision Date:	01/10/2026
Delegated or DMC Decision:	Delegated
Summary:	Invalid appeal
6/2026/0215/FULL	
DCLG No:	6009892
Appeal By:	Mr Callum Durran
Site:	Land adjacent 2A Whitehill Welwyn AL6 9AF
Proposal:	Erection of a detached, self-build dwelling with associated access and parking
Decision:	Appeal Dismissed
Decision Date:	05/10/2026
Delegated or DMC Decision:	Delegated
Summary:	This application relates to the erection of a detached self-build dwelling with associated access and parking. The site is within the green belt. At the appeal stage, in the interests of fairness by the Inspector, the applicant was offered a further opportunity to submit evidence about their health. The Inspector has taken the submitted information into account. In addition, the appellant's statement is accompanied by various other appendices and documents. The Council objected to a number of these, suggesting they represent a material change to the scheme, but the Inspector disagreed and had no objection to any of the submitted documents being considered as part of the appeal. The appeal was dismissed. In respect of green belt, the Inspector found, on balance, that it would be reasonable to regard the site as PDL. But they considered that the scheme would result in a substantial loss of openness. Consequently, the policy exception for PDL, under GB7-1e, is unavailable in this case. In respect of the requirement in GB7-1g for the site to support sustainable patterns of movement, the Inspector concluded that the location of the site is not conducive to sustainable travel, and not one that could be considered compliant with the relevant provisions in GB7-1g in this regard. They found the development to be inappropriate in green belt terms.

In terms of the design of the dwelling the Inspector found it to be generally in keeping with the area, but at the site's southwestern boundary the Inspector considered this to be particularly sensitive and concluded that seen from this direction the dwelling would be unsympathetic in appearance. This view could not be screened or satisfactorily managed in the long term.

The Inspector concluded that there would be no harmful impact on neighbouring properties. They considered that at ground floor level, overlooking could be easily prevented by means of 1.8m boundary fencing, supplemented if necessary, by the planting of a new hedge. All of these mitigations could be secured by condition.

In respect of highway safety, the Inspector concluded that given the likely low number of traffic movements, the risk to highway safety would not be materially worsened by the development.

Regarding trees the Inspector noted that there would be the potential for the development to cause damage to tree roots close to the northwestern boundary. The Inspector said that the method of construction to be used in the vicinity of the trees could be controlled by condition. So too could protective measures be required during construction, including any necessary fencing and ground protection. The Inspector commented that "it might have given the Council greater reassurance on these matters if an arboricultural survey and method statement had been submitted prior to determination" but that the trees could have been safeguarded by means of condition.

Considering ecology and biodiversity the Inspector found that the site is not designated for its habitat value, at either local, national or international level. A condition could have been applied in respect of any risks. They noted that the county ecological officer suggested that badger and bats may be within the wider area. But these species are legally protected, irrespective of any planning permission.

The Inspector did not consider the lack of a Section 106 in respect of self-build (for the purpose of BNG) a justified reason for refusal.

In weighing up the benefits of the proposal to be able to provide accommodation for the applicant to remain on site in future years, the Inspector concluded that if permission were granted, the absence of any legal undertaking would mean that the occupation of the dwelling would be unrestricted.

In planning balance, the Inspector deemed that the development would be inappropriate in the green belt. The very special circumstances of the applicant were considered but the benefits would not clearly outweigh the harm to the green belt.

An application for costs had been made by the appellant against the Council, but the application was received outside the normal time limit for such applications. The SOS gave the late application careful consideration, but that was no good reason for accepting the application for consideration. The decision for cost is also attached.

6/2026/0299/HOUSE	
DCLG No:	6012577
Appeal By:	Mr & Mrs Chris & Helen Ward & Gothard
Site:	6 Chelveston Welwyn Garden City AL7 2PW
Proposal:	Replacement windows and door to black, and the installation of air conditioning unit to first floor side elevation
Decision:	Appeal Allowed
Decision Date:	06/10/2026
Delegated or DMC Decision:	Delegated
Summary:	This appeal was allowed for replacement windows and a door to black, plus the addition of an air conditioning unit to side elevation at 6 Chelveston, Welwyn Garden City. In respect of the windows and door the Inspector noted that there were examples of windows frames that had been altered with darker shades in the area and that the leaded lights had been removed in some windows. It was noted that the changes from brown wooden frames to black frames as proposed would “merely add a subtle change to the already existing mix”. In respect of the air conditioning unit, the Inspector noted that the air conditioning unit (that was already in place at the time of their visit) “was modest in size and not overtly intrusive. It was concluded that it appeared as “a typical residential accoutrement, no more obvious than the range of satellite dishes, solar panels, tv aerials and stainless-steel flues that were all visible to the backs and sides of properties along the length of Lysander Way”. The Inspector was mindful of the Council’s Public Health and Protection Officers comments in relation to noise levels, but they were not presented with any evidence to justify any specific level of control. They further commented that “given the domestic scale and function of the apparatus, along with its position on the outside flank wall of the dwelling facing Lysander Way, I am satisfied that no such control is necessary”.