

Part I

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(Hatfield Central)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 23 APRIL 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/2430/MAJ

1 AND 1A TOWN CENTRE AND 3-9 TOWN CENTRE, HATFIELD, AL10 0JZ

DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION 3 X BUILDINGS  
COMPRISING OF 71 X FLATS AND 1,110 SQM OF FLEXIBLE COMMERCIAL USES  
(USE CLASS: A1, A2, A3, A4, D1 & D2) (INCLUDING A SMALL OFFICE ELEMENT  
(B1A)) AND ASSOCIATED WORKS TO INCLUDE CAR AND BICYCLE PARKING,  
PLANT AND REFUSE STORAGE AND PUBLIC REALM WORKS

APPLICANT: WELWYN HATFIELD BOROUGH COUNCIL

**1 Site Description**

- 1.1 The site (which is some 0.71 hectares in size) is located at the eastern end of Hatfield Town Centre, bounded to the east by Wellfield Road and Queensway. Much of the application site is currently vacant (following the demolition of the building at no. 1 Town Centre), although a two storey building currently exists at nos. 3 – 9 Town Centre. Pedestrian access runs through the site into the town centre from Wellfield Road, Queensway and the town beyond. The site is also occupied by an existing short stay public car park (the car park contains 74 spaces and is operated by the Borough Council) which is accessed from Kennelwood Lane.

**2 The Proposal**

- 2.1 This application seeks permission for the demolition of the existing building on the site and the erection of 3 buildings, of between 3 and 6 storeys in height, with commercial uses at ground floor and residential above. A total of 71 flats are proposed (27 1-bed and 44 2-bed) and 1,100 sqm of flexible commercial uses (Use Classes A1, A2, A3, A4, D1 and D2) including a small office element. Associated works are also proposed which includes some reconfiguration of the Kennelwood Lane car park, the provision of a car park (providing 12 spaces) in the northern part of the site and public realm works.
- 2.2 Planning permission was previously sought for the erection of 2 buildings on the site comprising 1,194sqm commercial floor space (A1 & A3) and 70 flats (15 1-bed, 55 2-bed) (ref. 6/2017/0606/MAJ). Following concerns raised in respect of the impact of the proposal on heritage assets, the application was withdrawn and the applicant undertook discussions with the relevant statutory consultees and third parties to seek to agree parameters for development on this site.

### **3      Reason for Committee Consideration**

- 3.1      This application is presented to the Development Management Committee because the application is a major development and the Borough Council is the applicant, and Hatfield Town Council have submitted a Major Objection.

### **4      Relevant Planning History**

- 4.1      Application Number: 6/2019/2378/FULL  
Decision: Granted with conditions  
Decision Date: 10 January 2020  
Proposal: Formation of temporary car park to accommodate for 48 spaces, for a duration of two years with associated physical works
- 4.2      Application Number: 6/2019/1312/PN14  
Decision: Prior Approval Not Required  
Decision Date: 28 June 2019  
Proposal: Prior approval for the demolition of existing building
- 4.3      Application Number: 6/2017/0606/MAJ  
Decision: Withdrawn  
Decision Date: 20 September 2019  
Proposal: Erection of 2 buildings to provide 1,194m<sup>2</sup> (GEA) commercial floor space (A1 & A3), 70 flats (15 x 1 bedroom, 7 x 2 bedroom, three person and 48 x 2 bedroom, four person) with associated car/bicycle parking, plant and refuse storage and including the improvement of public realm, following the demolition of existing buildings.
- 4.4      Application Number: S6/2004/0001  
Decision: Granted subject to S106 agreement and conditions  
Decision Date: 15 March 2007  
Proposal: Redevelopment of eastern end of Hatfield Town centre, comprising demolition of existing buildings and provision of new mixed use development including new retail (A1, A2, A3, A4, A5), non-residential institution uses (D1), 275 residential units, new 'market hall', public realm and bus interchange, together with associated provision for access, servicing, parking (including multi-storey car park) and landscaping. Partial retention of White Lion House and retention, alteration and change of use of Kennelwood House. Temporary uses of site including; contractors compound, public car park, site accesses and associated security fencing.

### **5      Relevant Planning Policy**

- 5.1      National Planning Policy Framework (NPPF)
- 5.2      Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3      Draft Local Plan Proposed Submission 2016 (Emerging 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)

## **6 Site Designation**

- 6.1 The site lies within the settlement boundary of Hatfield, Hatfield Town Centre, primary retail core and mixed use frontage as designated in the Welwyn Hatfield District Plan 2005. The site also forms part of a larger site at the eastern end of Hatfield town centre which is identified in the District Plan for comprehensive redevelopment for a mixed-use retail-led scheme.

## **7 Representations Received**

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total 4 representations have been received, comprising 2 objections together with 2 in support of the proposal. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- The proposed cycle route is completely isolated from the rest of the local network and fails to meet the needs of residents for access to the railway station, Onslow School and other safe cycle routes, and fails to encourage trade into the town centre from commuters walking and cycling to and from the station;
- Where will the new residents go to school as there are not sufficient school places in Hatfield. It is already hard enough to get a GP appointment and the QEII has been removed as a proper hospital.

### *Support*

- The development is critical to the wider regeneration of Hatfield;
- Encourage swift delivery of the proposal in order to continue to move forward the comprehensive regeneration of the town centre.

## **8 Consultations Received**

- 8.1 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:
- Herts Constabulary
  - WHBC Client Services
  - Historic England
  - WHBC Public Health and Protection
  - HCC Historic Environment Advisor
  - Thames Water
  - HCC Transport Programmes and Strategy
  - Cadent Gas
  - WHBC Housing
  - WHBC Parking
  - Gardens Trust
  - WHBC Street Naming and Numbering
  - NHS

- HCC Growth Team
- Ramblers Association
- Place Services
- WHBC Landscape
- Lead Local Flood Authority
- Hertfordshire Fire and Rescue Service

8.2 No response was received from the following consultees:

- Herts & Middlesex Wildlife Trust
- Environment Agency
- Affinity Water
- Herts Ecology
- HCC Spatial Planning
- HCC Rights of Way

## **9 Town/Parish Council Representations**

9.1 Hatfield Town Council have raised a major objection to the proposed development for the reasons set out below:

*“The Committee wish to make a major objection due to this application having insufficient allocated car spaces. The car parking also needs to be shared with shops and a health centre. The Committee wished to encourage and suggest underground parking for this application”.*

## **10 Analysis**

10.1 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) Flood risk and sustainable drainage**
  - ii) Energy Efficiency**
  - iii) Landscaping**
  - iv) Contaminated Land**
  - v) Archaeology**
  - vi) Refuse facilities**
  - vii) Electric car charging points**
  - viii) Other matters**
- 6. Environmental Impact Assessment**
- 7. Planning obligations**
- 8. The planning balance**

### **1. Principle of the development**

10.2 The site lies within the settlement of Hatfield, where in accordance with policy GBSP2 of the adopted District Plan there is no objection in principle to development.

- 10.3 The site also lies within the defined town centre boundary and primary retail core (Policy TCR16), and is part of a wider site allocated in the District Plan for a mixed-use retail-led redevelopment (Policy TCR14). The Council published the Hatfield Town Centre East Redevelopment Planning Brief in July 2002 which was produced to guide the formulation of development proposals for the eastern sector of Hatfield Town Centre. Whilst this Brief is material to the consideration of any proposal at this site, it should be noted that the requirements set out in the Brief relate to a wider site.
- 10.4 The emerging Local Plan proposes to retain the site within the Town Centre Boundary (Policy SADM 4) and the Core Retail Zone (Policy SADM 4). The site is also proposed to be allocated as a mixed use site, and Policy SADM 22 of the emerging Local Plan states that the site is allocated for high density, mixed use development comprising approximately 1200sqm of retail and including 66 dwellings to meet the requirement for retail floorspace in the town centre. Having regard to the stage of preparation of the emerging Local Plan limited weight can be attached to the policies within it. However, the policies in the emerging plan relevant to Hatfield town centre take into account the findings of the Welwyn Hatfield Retail and Leisure Needs Assessment (2016) which updated the retail evidence base to inform both plan-making and decision-taking in the Borough. Therefore it is considered that the weight that can be given to these policies is increased.
- 10.5 In considering the principle of development, regard should also be had to the Hatfield New Town Renewal Framework July 2016 published by the Hatfield Renewal Partnership which includes a long term strategy for the regeneration of Hatfield town centre.

#### Retail

- 10.6 Turning firstly to the retail element of the proposed development, the application proposes 1,110sqm of flexible commercial space which would comprise of A1, A2, A3, A4, D1 and D2 uses. A small office element (B1 use) is also proposed which would be used as a parking office.
- 10.7 Policy SP 5 (Quantity and Location of Retail Development) of the emerging Local Plan states that retail floorspace requirements for Hatfield town centre up to 2026 are 400sqm for convenience goods and 1,600sq for comparison goods. Whilst the proposed development would contribute towards meeting the identified need for retail floorspace, permission is sought for flexible commercial space and may not be used for A1 purposes.
- 10.8 The site is currently designated as part of a mixed use frontage in the adopted District Plan where Policy TCR17 states that planning permission will be granted for changes of use to Class A1, A2 and A3 uses and for uses which provide community, leisure and cultural facilities. The policy goes on to state that a minimum of 50% of any one linear frontage must remain in Class A1 retail use and a minimum of 80% in uses within Class A. Emerging Policy SADM 22 states that at ground floor level, development on the site will become primary retail frontage following the relevant criteria set out in Policy SADM 4. Policy SADM 4 states that within the defined Primary Frontage, the Council will support proposals for change of use provided that at least 70% of the defined Primary Frontage (by length) will remain in class A1 retail use; there will be no more than

two adjoining units in uses other than A1 retail; and there will be no loss of an existing active frontage to a non-active frontage.

- 10.9 Both the adopted and emerging policies seek to retain predominantly A1 uses within the shopping frontage, however the application proposes a mix of commercial uses (A1, A2, A3, A4, D1 and D2 uses). The application is accompanied by a Retail Market Report (September 2019). The report states that the 'prime' location favoured by traditional retail occupiers is to the western end of the town centre. Therefore, there is currently limited demand for new retail units in the vicinity of the application site, particularly from national or regional retailers with requirements for larger units. The Report considers that retail, leisure, health and service orientated uses all contribute to the broader mix of facilities required to create a sustainable, active and healthy High Street, and that a degree of flexibility in this case in respect of the range of uses that can be permitted is considered imperative to enable the best possible mix of high quality occupiers.
- 10.10 Policy SADM 4 of the emerging Local Plan does state that the Council will support proposals for new development or change of use, subject to them not having a detrimental impact on the vitality and viability of that centre, and Policy SP 5 states that the Council will promote a range of activities in town centres that cater for the whole community, creating a balanced evening economy including entertainment and late night shopping as well as the provision of a range of eating and drinking establishments. Support is also found in Policy SP 20 for a mix of uses in the town centre.
- 10.11 Whilst there is therefore some support for a range of uses within town centres, dependent on the mix of uses that would occupy the retail frontages, there may be some conflict with policy TCR17 of the adopted District Plan and emerging policies SADM 4 and SADM 22 which require between 50% and 70% of the retail frontage to remain within A1 use. Having regard to the retail evidence submitted with the application, it is considered that in this case a mix of uses may be acceptable on this site, provided that the mix does not have a harmful impact on the vitality and viability of the town centre, and contributes to the footfall within the town centre.
- 10.12 No information has been submitted with the application to indicate the exact mix of proposed uses. In allowing future flexible uses as requested, individual units may change use within those specified use classes for a period of 10 years without express planning permission, and so the balance of uses could change over time between the following range of uses - Use Classes A1 (retail); A2 (professional services); A3 (food and drink); A4 (drinking establishments); A5 (hot food and takeaway); D1 (Non-residential institutions) and D2 (Assembly and Leisure). Such flexibility in future uses as requested in the application could result in the Council's policy objective of securing a minimum of between 50% and 70% of units in a linear frontage within A1 retail use at any one time being diluted.
- 10.13 Therefore, to allow the Council to retain control over the mix of uses within the retail frontages it is recommended that a condition is attached to any permission granted requiring the mix of uses to be agreed prior to the first occupation of the commercial element of the development. It is recommended that the condition specifies that at least 50% of the retail frontage (by length) is retained within A1 use. Such a condition is considered to be reasonable and necessary in this case.

## Residential

- 10.14 Turning now to the proposed residential element of the development, the application proposes a total of 71 flats, of which 25% would be affordable. Policy H1 of the adopted District Plan identifies this site as part of the Hatfield Town Centre site which it was estimated would provide 165 units, however as set out above this relates to a larger site than that now proposed. Emerging Policy SADM 22 states that the mixed use development at the site would include 66 dwellings, and this application therefore proposes a greater number of dwellings than set out in the policy.
- 10.15 Policy H6 of the adopted District Plan states that in central areas and areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan. A similar approach is continued by Policy SP 9 of the emerging Local Plan.
- 10.16 The proposed development would result in a density of 100 dwellings per hectare, which would therefore exceed the 50 dwellings per hectare figure specified in the policies. The sustainable location of the site is such that higher density development would be acceptable in principle in this location, and the provision of flats will also generally result in a higher density of development than when compared to houses. Furthermore an increased density will be required to ensure a variety and mix of uses and the viability of the development. However, the main consideration in determining the acceptability of the density of the proposed development, will be in relation to the size, scale and design of the proposed development, and this will be considered later in this report.
- 10.17 Policy SP 7 of the emerging Local Plan states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
14%	23%	41%	22%

This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.

- 10.18 The application proposes the following dwelling mix, all of which are proposed to be flats:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
38%	62%	0%	0%

The proposal would not therefore meet the requirements of the latest evidence of housing need and market demand. It is noted however that the size of the site and its location within the town centre will impact upon the type and mix of

development proposed, and development of this nature is unlikely to be able to fully meet the latest housing need. The NPPF states that decisions should promote effective use of land in meeting the needs for homes and other uses, and should encourage multiple benefits from land, including through mixed use schemes. The benefits associated with the proposed development therefore need to be balanced against the mix of dwellings proposed.

- 10.19 Policy H7 of the adopted District Plan requires that a minimum of 30% subsidised housing should be provided on suitable sites. However, Policy SP 7 of the emerging Local Plan states that 25% of dwellings on development sites in Hatfield should be affordable. The requirement set out in Policy SP 7 is based on up to date evidence. Whilst due to the stage of preparation of the plan limited weight can be given to some of its policies, in this case having regard to the up to date evidence base, and in accordance with the requirement of the NPPF that policies should be informed by local housing need assessment, it is considered that the requirements of Policy SP 7 should be followed in this case, and 25% of dwellings should be affordable. The application proposes that 25% of the dwellings would be affordable in accordance with Policy SP 7, of which 51% would be for social rent and 49% intermediate product, for example shared ownership. The exact mix of property sizes will be agreed during the drafting of the S106 agreement.
- 10.20 Policy H10 of the adopted District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards. Policy SP 7 of the emerging Local Plan requires that at least 20% of all new dwellings on sites involving 5 or more dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. To ensure the requirements of these policies are met, it is recommended that a condition is attached to any grant of permission that requires a scheme for the delivery of accessible and adaptable homes is submitted and approved.

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

- 10.21 Policies D1 and D2 of the adopted District Plan aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.22 The siting of the proposed buildings would be similar to the siting of existing buildings, or those that have now been demolished, and would follow the layout of surrounding buildings with frontages onto the main pedestrian route through the town centre. The development would also provide active frontages onto the open area between blocks 1 and 2 (between no. 1 and nos. 3-9 Town Centre). Much of the existing town centre turns it back on the surrounding area. In this case, the development provides an opportunity to provide active frontages along



important pedestrian routes into the town centre making these routes more attractive, particularly when accessing the town centre from the south via French Horn Lane. It is anticipated that this access point to the town centre will be improved further in the future by the provision of a pedestrian crossing across Queensway.

- 10.23 The building proposed on the site of no. 1 Town Centre (block 1) would be sited slightly further to the north than the building proposed on the site of nos. 3-9 Town Centre. It would be deeper than the building which previously occupied the site and it is proposed to be built closer to Queensway. However Policy SADM 22 of the emerging Local Plan seeks the creation of a high quality landmark building to address the Wellfield Road and Queensway frontages and to terminate the key vista along the Old St Albans Road from Asda to improve the legibility of the town centre.
- 10.24 The building is proposed to be between 4 and 6 storeys high, with the 6 storey element being located within the southern part of the site closer to the boundary with Queensway. The building would be a maximum height of 20 metres. The proposed building will result in a significant change to the height and scale of development within this part of the town centre, where the majority of surrounding buildings are between 2 and 3 storeys in height, although some are higher and permission has recently been granted for a 5 storey building at nos. 41-43 Town Centre (ref. 6/2019/1665/MAJ). The impact of the height and scale of the development will be particularly evident when viewed from the Queensway/Wellfield Road roundabout, and when approaching the site along St. Albans Road East.
- 10.25 It is acknowledged however that the impact of the height and scale of the building needs to be balanced against the desire to regenerate the town centre and the nature and scale of development that is required to achieve this objective. Both Policy TCR14 of the adopted District Plan and Policy SADM 22 of the emerging Local Plan promote the redevelopment of this part of the town centre, and the amount of development sought through these policies would inevitably result in an increase in the scale of development within this part of the Town Centre. The Hatfield Town Centre East Redevelopment Planning Brief in July 2002 states that in order to justify the capacity of the development proposed through the Brief and to provide a sustainable solution to the redevelopment of the town centre, high density will be appropriate, and this can be achieved by efficient space planning, robust building typologies and an increase in height.
- 10.26 The increase in the scale of development within this part of the town centre will result in a change in the hierarchy of buildings and will clearly identify that the site forms part of the town centre. Such a change it is considered, will improve legibility especially on the route from the train station to the town centre – the development will in effect announce the arrival in the town centre.
- 10.27 As set out above, the building (block 1) is proposed to range from 4 to 6 storeys and the massing of the building will therefore be broken up by its varied height. The use of different materials, the extent of glazing and the use of balconies will add interest to the building, and will also assist in breaking up the mass and scale of the building.
- 10.28 The building is proposed to be 4 storeys in height at its northern end to respect the setting of the Grade II St Luke's Church and to allow views from the town

centre to the Church to be maintained. Further consideration of the impact of the proposed development on the setting of this heritage asset is set out later in this report.

- 10.29 Block 2 is proposed to be sited adjacent to no. 11 Town Centre (on the existing site of nos. 3-9 Town Centre). This block is proposed to be between 4 and 5 storeys in height. The existing buildings on the site and the adjacent buildings to the west are 2 storeys in height. However, as set out above, the height and scale of development within the town centre does vary and it is considered that this element of the proposal would not appear unduly dominant or out of keeping with the height and scale of surrounding buildings. When viewed from outside of the town centre, this block will be obscured somewhat by block 1 and the Queensway Health Clinic (which is situated adjacent to Queensway), which will reduce the impact of this building on the character and appearance of the surrounding area.
- 10.30 Block 3, which is situated within the northern most part of the site adjacent to no. 17 Town Centre, is proposed to be 3 storeys in height. The height of the proposed block would not be out of keeping with the height and scale of existing buildings adjacent to this part of the site, and due to the set back from Wellfield Road, the building would not be a prominent addition to the streetscene.
- 10.31 The appearance of all 3 buildings is proposed to be similar, with a uniform pattern of fenestration, inset balconies which adds articulation to the buildings and a mix of similar materials. All buildings would have flat roofs. The appearance and design of the proposed buildings would represent modern additions to the Town Centre. The appearance of existing buildings within the town centre is mixed. Therefore it is considered that the appearance of the proposed development would not result in harm to the varied appearance of the town centre and there would be no objection to the proposed development in this respect.
- 10.32 The proposed development also seeks to achieve significant improvements to the public realm in this part of the town centre. It is proposed to create a public space between blocks 1 and 2, which with the right mix of commercial uses at ground floor could achieve a vibrant and well used public space. The hard surfacing materials and design to be used as part of this development, are proposed to be of the same specifications as found elsewhere in the town centre, which would ensure that the development appears as a continuation of the town centre. The public realm is also proposed to be enhanced by additional planting and appropriate street furniture. It is considered that the enhancements to the public realm proposed by this development should be considered as a benefit of the proposal.
- 10.33 Turning now to the impact of the development of heritage assets, other than St Luke's Church (Grade II), there are no other designated heritage assets on or adjacent to the site. However, the site is within the wider landscape setting of Hatfield House (Grade I), the Old Palace (Grade I), St Etheldreda's Church (Grade I), and Hatfield Park Registered Park and Garden (Grade I). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.34 The specific historic environment policies within the NPPF are contained within paragraph 184-202. Paragraph 192 of the NPPF states:

*In determining planning applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

10.35 The wireframe diagrams submitted with the application as part of the Heritage, Townscape and Visual Assessment demonstrate that at its highest point the proposed development may be partially visible in longer views from Hatfield House and Park, but such views would be largely filtered by existing intervening trees and buildings. Therefore, Places Services have commented that the proposed development will not become a prominent or detracting feature within long views from Hatfield House, Old Palace, St Etheldreda's or Hatfield Park. Whilst the development may be visible in some viewpoints, it will be partially filtered and will become part of the wider landscape setting, which already incorporates views of other buildings.

10.36 Historic England have also commented on the application and have stated that they have no objections to the application on heritage grounds. Following concerns raised by Historic England to the 2017 application, the applicant entered into discussions with Historic England to seek to address the concerns raised. Parameters were established in terms of the height of the proposed development and also architectural expression. Historic England have commented in respect of this application that the proposal is in line with the agreed parameters and that the elevational approach would be more in keeping with the predominant aesthetic of the town centre. They consider that the development would be more appropriate to its wider setting. Furthermore, both The Gardens Trust and Gascoyne Estates have not raised any objections to the application.

10.37 With regards to St Luke's Church, Place Services have commented that its setting has been compromised by the loss of the Victorian Newtown it was intended to serve and the construction of the road and roundabout in such close proximity. The road provides a very distinct break between the immediate setting of the church and the application site. Whilst the corner of the site (where Queensway meets the roundabout) provides an opportunity for a higher building, stepping the development down as it gets closer to the church (the building is reduced in height to 4 storeys at this part) is supported in ensuring the new development does not loom over the church, further reducing its prominence. Place Services have therefore not raised any objections to the application.

10.38 To ensure however that the proposed development respects its setting and the nearby heritage assets, it is recommended that a condition is attached to any permission granted requiring details of materials, windows and doors to be agreed.

### **3. Residential amenity**

- 10.39 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. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.40 Policies D1 and R19 of the adopted District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.41 The proposed development by reason of its siting and relationship to nearby buildings, is not considered to result in any significant harm in terms of loss of light, overbearing impact or impact on outlook to the occupiers/users of those buildings. The surrounding buildings are predominantly in commercial use, with some residential above.
- 10.42 Turning now to the future occupiers of the proposed development, it is proposed that all residential units will meet the nationally described space standards, both in terms of the gross internal area of the dwellings and the floor areas and dimensions of individual rooms.
- 10.43 The application site is in close proximity to an existing road junction and commercial businesses, and the application proposes a mix of commercial and residential units. The application was accompanied by a Noise Assessment (April 2019), which recommends a number of mitigation measures, such as suitable glazing and ventilation scheme, that can be used to mitigate the impact from the noise sources identified. Subject to an appropriately worded condition requiring details of noise mitigation measures to be submitted and agreed, Public Health and Protection have raised no objection to the application in this respect. Furthermore, it is recommended that a condition is attached to any grant of permission controlling the hours allowed for deliveries to the commercial premises proposed at ground floor.
- 10.44 The proposed commercial premises also have the potential to impact on the proposed residential units due to odour. To mitigate any impact, Public Health and Protection recommend that any permission granted is subject to a condition requiring details of any required extraction systems to be submitted and approved in writing.
- 10.45 Details of any proposed external lighting has 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. Public Health and Protection have requested that a condition is attached to any permission granted requiring the submission of an external lighting scheme.
- 10.46 Policy R18 of the adopted District Plan requires the potential effects of a development on air quality to be considered. Public Health and Protection have commented that a baseline air quality impact assessment should be carried out prior to the commencement of the development and monitoring should be undertaken during the construction phase of the development, to assess and monitor the potential impact the development will have on the surrounding area

and the potential effect on future occupiers of the development. Any mitigation measures required should then be identified and undertaken. A condition requiring the assessment and monitoring to be carried out is considered to be reasonable and necessary in this case, so that the development accords with the requirements of Policy R18.

#### **4. Highways and parking considerations**

- 10.47 The Highway Authority have been consulted on the application, and following the submission of additional information they do not wish to restrict the grant of planning permission.
- 10.48 Turning firstly to the traffic generation associated with the proposed development and the impact on the local highway network, the submitted Transport Statement states that the residential element of the proposed development would generate 4 inbound vehicle trips and 15 outbound vehicle trips in the AM peak, and 11 inbound and 15 outbound vehicle trips in the PM peak. The Highway Authority consider that such a level of trips would not present an unacceptable impact on local highway conditions.
- 10.49 In respect of the commercial element of the development, the Highway Authority recognise the findings of the Transport Statement in which it is stated that the retail elements are proposed to be of a size/nature that will provide additional choice to visitors to the town centre, rather than be an 'anchor' store generating significant new trips to the town centre. The proposal will therefore add to the existing retail offer within the town centre. The Highway Authority consider that the development would not generate an unacceptable, or severe impact on local roads, and are satisfied that there are no grounds for specific junction modelling to be undertaken.
- 10.50 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the adopted District Plan and 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. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 10.51 The parking for the residential element of the proposed development will be provided in the existing Kennelwood Lane car park. This car park currently contains 74 short stay car parking spaces (some of which are permit only spaces). Part of the car park is proposed to be reconfigured as part of the application to provide 57 car parking spaces. 17 spaces within the existing car park (adjacent to the Queensway Health Centre) are not included within the application site and are proposed to be retained as part of the development.

These 17 spaces include 11 permit only spaces and 6 disabled spaces. The application also proposes a 12 space car park accessed from Wellfield Road.

- 10.52 The site is located in Zone 1 as defined in the SPG, where 25-50% of maximum demand-based standard may be permitted. The site is in a highly accessible location to services and facilities, with good access to public transport provision and the pedestrian and cycle network. For the residential element of the proposed development the SPG advises maximum parking requirements in zones 1 and 2 of 0.75 spaces per 1 bedroom dwelling and 1 space per 2 bedroom dwelling, which would equate to a total of 64.5 spaces (65 spaces are proposed for the residential element of the development). The number of parking spaces proposed for the residential element of the development would therefore meet the parking requirements set out in the SPD.
- 10.53 The existing car park at Kennelwood Lane is currently used, along with other car parks within the town centre, by members of the public visiting the town centre. Whilst the application proposes a small car park (accessed from Wellfield Road and containing 12 spaces) for use by members of the public visiting the town centre, to retain parking during the day for visitors to the town centre, it is proposed that the spaces within the Kennelwood Lane car park are shared during the day between residents and visitors to the town centre. At night, it is proposed that the spaces will revert to residents use only. This would be controlled by way of a permit for the residential occupiers which entitles them to park within a defined zone between designated hours, and non-permit holders will have the opportunity to use the vacant spaces for a short term period. It is recommended that a condition is attached to any permission granted requiring details of the parking arrangements to be submitted and agreed in writing. The Parking Services Team have confirmed that they support the application, including the dual use of the car park.
- 10.54 The Highway Authority have not raised any concerns with the proposed parking layout, nor the access to the car parks. They do however recommend that conditions are attached to any permission granted which require details of the signing of the car park access and egress and details of parking provision for disabled drivers. Such conditions are considered to be reasonable and necessary in this case.
- 10.55 Whilst the objection from Hatfield Town Council on the grounds of insufficient allocated car parking has been noted, for the reasons set out above, it is considered that the proposal makes sufficient provision for car parking, taking into account the accessible location of the site.
- 10.56 The application proposes a total of 71 cycle parking spaces. In accordance with the adopted standards, 1 cycle parking space should be provided for each residential unit, in a secure location. The application therefore accords with the requirements in this respect.
- 10.57 The Highway Authority has provided cycle facilities along Wellfield Road and on French Horn Lane. These routes provide linkages to Hatfield Business Park to the north and Hatfield Station to the south. The Highway Authority is committed to improving routes for cycling, and has identified that routes are not presently linked through the town centre. It is therefore recommended that a shared pedestrian/cycle route is provided around the eastern periphery of the application site. However, the width of the route is insufficient to provide a shared route (a

shared route should be 3 metres wide, and the majority of the proposed route is only 2.55 metres wide). The Highway Authority have therefore advised that the route can be used for cycles only, and recommend that any permission granted is subject to a condition requiring the submission of a scheme for the designation of the route as cycle only.

- 10.58 It is unfortunate that the layout of the development is such that a shared pedestrian and cycle route cannot be provided in this location to integrate with the surrounding network. However, pedestrian access around the eastern perimeter of the application site is currently provided by the subway and this would not be affected by the proposed development. Following the submission of additional justification the Highway Authority do not object to the proposal on these grounds.
- 10.59 The Highway Authority have also recommended a condition which requires the applicant to link the proposed cycle route around the eastern periphery of the application site with existing cycle facilities within and near to the town centre. Such works are considered to be reasonable and necessary in this case to ensure the site is integrated with local cycle facilities in the interest of sustainable development. It is considered that such a condition would also address the objections raised by WelHatCycling to the proposal.
- 10.60 Footpath 001 (within Kennelwood Lane car park) crosses part of the application site, however the proposal is unlikely to result in any change to the impact on this footpath as compared to the existing situation. It is recommended however that an informative is added to any permission granted to remind the applicant that the public right of way is not affected as a result of the development or the works associated with it. If it is necessary a temporary closure should be sought.

## **5. Other considerations**

### *i) Flood risk and sustainable drainage*

- 10.61 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.
- 10.62 Policy R10 of the adopted District Plan requires new development to incorporate water conservation measures wherever applicable, and para. 165 of the NPPF states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Lead Local Flood Authority initially objected to the application, but following the submission of additional information (in relation to the drainage strategy layout, pollution treatment and clarification on modelling), they have now removed their objection.
- 10.63 The proposed drainage strategy (which includes blue roofs, attenuation tanks and areas of permeable paving) is now considered to be acceptable subject to conditions requiring the development to be undertaken in accordance with the principles of the submitted drainage strategy, the submission of a detailed surface water drainage scheme, the submission of verification details that the drainage scheme has been constructed in accordance with the approved details, a management and maintenance plan for the SuDS features and drainage

network and measures to secure the operation of the scheme throughout its lifetime. Such conditions are considered to be reasonable and necessary in this case.

*ii) Energy Efficiency*

- 10.64 District Plan Policy R3 expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The application is accompanied by an Energy Statement which sets out that the proposed development would meet and exceed Part L (conservation of fuel and power) of Building Regulations. The Statement also assesses the technical viability of low and zero carbon technologies and found that only solar technologies may be suitable. Such technologies have not been proposed as part of the development however, evidence has been provided to demonstrate that the proposal already exceeds Part L requirements. Furthermore, solar technologies are likely to impact on the use of blue roofs which forms part of the drainage strategy for the development. It is therefore considered that the proposal would as best it can accord with Policy R3 of the adopted District Plan.

*iii) Landscaping*

- 10.65 Policy R17 of the adopted District Plan seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 10.66 The application proposes that 11 trees are required to be removed to facilitate the development. However, the Landscape Officer has commented that the landscape proposals are appropriate and sufficient to mitigate the loss of these trees, and there is no objection to the proposal on landscape grounds. The Landscape Officer recommends that any permission granted should be subject to conditions relating to adherence to the Tree Protection Plan and Arboricultural Method Statement and submission of details relating to planting methods and aftercare of the proposed landscaping scheme. Such conditions are considered to be reasonable and necessary in this case.

*iv) Contaminated Land*

- 10.67 Policy R2 of the adopted District Plan states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.
- 10.68 The Phase I and II Geo-Environmental Assessment submitted with the application states that there will be no risk to health for future occupiers of the site, and Public Health and Protection have not raised any concerns in respect of contaminated land. As contamination has been found in one area of the site, it is recommended that any permission granted is subject to a condition requiring the Local Planning Authority to be notified of any contamination found during the construction of the development and a remediation scheme submitted. Such a condition is considered to be reasonable and necessary.



*v) Archaeology*

10.69 Policy R29 of the adopted District Plan states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.

10.70 The Historic Environment Advisor has commented that the proposed development, while large in scale, will be on land much of which has been built on since the mid 19<sup>th</sup> century and the proposed buildings would be largely situated on the footprints of existing buildings, which are to be or have been demolished. Details of ground investigations submitted with the application demonstrate that the site has been disturbed by modern development. Such circumstances have therefore lessened the likelihood of the survival of archaeological layers, and in this instance it is considered that the development is unlikely to have an impact on heritage assets of archaeological interest. The Historic Environment Advisor therefore commented that they have no comments to make on the proposal.

*vi) Refuse facilities*

10.71 Client Services have confirmed that the proposed bin stores are sufficient to provide for the required number and size of bins. Access to the proposed bin stores is also considered to be acceptable.

*vii) Electric car charging points*

10.72 There are no policies within the adopted District Plan which require the provision of electric vehicle charging points. Policy SADM 12 (Parking, Servicing and Refuse) of the emerging Local Plan states that electric vehicle charging points will be incorporated into parking areas for new neighbourhood centre and the necessary infrastructure provided for major residential schemes. It is therefore recommended that any permission granted should be subject to a condition requiring details of electric charging points to be provided as part of the development to be submitted and agreed.

*viii) Fire safety*

10.73 Following an independent review of building regulations and fire safety, the Government have recently published their response to the 'Building a Safer Future' consultation - A reformed building safety regulatory system. This response states that the Government will legislate for the recommended reforms in new primary legislation through the Building Safety Bill and further secondary legislation where necessary, however this legislation is not yet in place to require the recommendations to be undertaken.

10.74 In this case the applicant consulted with both Hertfordshire Fire and Rescue and Hertfordshire Building Control prior to the submission of the application to review and agree the required fire safety measures, and their requirements were incorporated into the final design of the development. Hertfordshire Building Control, in consultation with Hertfordshire Fire and Rescue, were then requested by the applicant to produce a Fire Strategy Report for the development to demonstrate that the functional requirements of Building Regulations have been satisfied in the design of the development.

10.75 Hertfordshire Fire and Rescue were consulted on the application and have not raised any objections to the proposed development.

*ix) Other matters*

10.76 Policy D7 of the adopted District Plan requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. The Architectural Liaison Officer of Hertfordshire Constabulary has commented that crime prevention measures have been incorporated into the design of the proposed development, and they therefore fully support the application. In light of these comments it is considered that the proposal would not result in any conflict with the requirements of Policy D7.

10.77 Policy 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 (Waste Local Plan) requires the submission of a Site Waste Management Plan (SWMP) to assist in reducing the amount of waste produced on site. Having regard to the requirements of Policy 12 of the Waste Local Plan a SWMP should be required as a condition of any permission granted, and such a condition is reasonable and necessary in this case.

## **6. Environmental Impact Assessment**

10.78 A request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was submitted to the Council in July 2019 to establish whether the proposed developments which formed part of the Council's town centre renewal programme (The Common, 1-9 Town Centre and Link Drive) constituted environmental impact assessment development (ref. 6/2019/1804/EIA). It was determined that the proposed developments would not have significant environmental effects by virtue of factors such as their nature, size or location and would not therefore constitute environmental impact assessment development.

## **7. Planning obligations**

10.79 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

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

10.80 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

10.81 Below are the S106 heads of terms sought by the Council and other relevant bodies. The applicant has been made aware of required contributions.

<b>Contributions/Matter</b>	<b>Contribution</b>
Affordable Housing	18 units
Open space/Green space	£7,211.42
Play space	£18,915.20
Waste and recycling	£5,416.00
Indoor and outdoor sports facilities	£4,552 Artificial Grass pitch £2,814 Indoor Bowls £23,137 Sports Hall £23,855 Swimming Pool
Childcare Service	£2,796.00
Nursery Education	£9,558.00
Primary Education	£42,333.00
Secondary Education	£18,411.00
Youth Service	£557.00
Library Service	£6,957.00
Highways	£38,625.00
Travel Plan	Submission of Travel Plan document
Green Travel Plan Evaluation and Monitoring fee	£6,000
GP Provision	£50,254.03
Mental health	£14,963.00
Community Healthcare	£14,380.00
Monitoring fee	£5,000

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

10.83 The NHS did also request a contribution of £157,227 towards acute healthcare costs (refurbishment of wards and update of communal areas at Lister Hospital). However it was considered that the requested contributions and works would not meet the test identified above, and therefore this contribution cannot be included in the S106 agreement.

10.84 If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, a S106 agreement will be completed in accordance with the specified heads of terms. Subject to the completion of a Section 106 Agreement, it is considered that the proposal would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010 (as amended).

## **8. The planning balancing**

10.85 Whilst there is no objection in principle to development on this site, it is acknowledged that some aspects of the proposal are not fully compliant with the relevant policies of the adopted District Plan i.e. dwelling mix, non-retail uses are proposed. Furthermore it is acknowledged that the scale and height of the development will result in a significant change to the character and appearance

of the site and its surroundings, and that the layout of the development fails to achieve a shared pedestrian and cycle route around its eastern edge.

- 10.86 However, these matters must be balanced against the benefits of the proposed development. The Hatfield Town Centre East Redevelopment Planning Brief (July 2002) and the more recent Hatfield New Town Renewal Framework (July 2016) both seek to secure a redeveloped and revitalised town centre, and acknowledge the importance of residential development in achieving this. The development proposed by this application is important in achieving this aim, and in regenerating this part of the town centre.
- 10.87 The amount and scale of development required to ensure that any development proposal on this site meets the requirements of Policy TCR14 of the adopted District Plan and Policy SADM 22 of the emerging Local Plan and is viable and optimises the development potential of the site, will result in a scale of development which is greater than existing development within the town centre. This must be balanced against the impact of development of this scale. However, whilst the development will result in an impact on the character and appearance of the site and its surroundings, it also provides an opportunity to create a landmark building within the town centre and would facilitate public realm improvements which would enhance the appearance of this part of the town centre.
- 10.88 Having regard to the size of the site and the need to provide some retail development, it is inevitable that any residential element of development on the site would consist of flats, and would be unlikely to meet the requirements for a mix of dwelling types and sizes. The Council's position in respect of housing land supply is acknowledged, and this development would provide much needed homes and would result in an increase in population within the town centre, with the associated benefits of increased footfall and activity within the town centre from future occupiers of the development.
- 10.89 Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Taking into account all of the considerations relevant to the determination of this application, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

## **11 Conclusion**

- 11.1 There is no objection in principle to development on this site, and the proposal would facilitate the regeneration of this part of the town centre and would provide the mixed use, retail and residential development, sought by policies in both the adopted District Plan and emerging Local Plan.
- 11.2 Subject to conditions and a planning obligation the proposal would have no significant adverse impact upon designated heritage assets, residential amenity, highways, flood risk and sustainable drainage, air quality and other relevant matters. Some conflict with the development plan has been identified in respect of dwelling mix, the mix of commercial uses, pedestrian access around the eastern edge of the site and in terms of the visual impact on the development,

but for the reasons set out above it is considered that these conflicts are outweighed by the benefits of the proposed development in this case.

- 11.3 Accordingly and for the reasons given, the proposal is recommended for approval.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement for:

1.	Affordable Housing	18 units
2.	Open space/Green space	£7,211.42
3.	Play space	£18,915.20
4.	Waste and recycling	£5,416.00
5.	Indoor and outdoor sports facilities	£4,552 Artificial Grass pitch £2,814 Indoor Bowls £23,137 Sports Hall £23,855 Swimming Pool
6.	Childcare Service	£2,796.00
7.	Nursery Education	£9,558.00
8.	Primary Education	£42,333.00
9.	Secondary Education	£18,411.00
10.	Youth Service	£557.00
11.	Library Service	£6,957.00
12.	Highways	£38,625.00
13.	Travel Plan	
14.	Green Travel Plan Evaluation and Monitoring fee	£6,000
15.	GP Provision	£50,254.03
16.	Mental health	£14,963.00
17.	Community Healthcare	£14,380.00
18.	Monitoring fee	£5,000

and the following conditions:

### **PRE-COMMENCEMENT CONDITIONS**

1. Prior to commencement of the development hereby permitted a Construction Management Plan (or Construction Method Statement) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement 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 loading / unloading and turning areas);
  - 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.

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 (adopted 2018) and the National Planning Policy Framework.

2. Prior to commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan as approved shall be implemented throughout the construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Hertfordshire Waste Core Strategy and Development management Policies DPD 2012 and Policy R5 of the Welwyn Hatfield District Plan 2005.

3. Prior to the commencement of the development hereby approved, an air quality impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include a baseline air quality assessment undertaken prior to the commencement of the development, a scheme for the monitoring of air quality during the construction of the development and details of the impact of air quality on future occupiers of the development and the identification of any necessary mitigation measures. The assessment should consider pollutants Nitrogen Dioxide, PM10 and PM2.5. Thereafter the development shall accord with the approved details.

REASON: To mitigate the impact of the development on air quality in accordance with Policy R18 of the Welwyn Hatfield District Plan 2005.

4. Prior to commencement of the development hereby approved, a scheme for the designation of the route to the south east flank of the site as 'cycle only' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details and best practical endeavours shall be made to secure the Traffic Regulation Order prior to first occupation of the development.

REASON: To ensure that the site is integrated with local cycle facilities in the interest of sustainable development and in accordance with Policy 1, Policy 5 and Policy 8 of Hertfordshire County Council Local Transport Plan 4 (May 2018).

5. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

1. Final detailed drainage layout with removed and diverted any proposed surface water drainage pipes running under a building (especially Block 1). This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and should also include invert and cover levels.
2. Final, detailed modelling for up to and including the 1 in 100 year rainfall event including 40% for climate change allowance. Total storage volume provided within each catchment should be included.
3. Full condition survey of the existing petrol interceptor located within catchment 2. Any maintenance, repair or replacement works should be clarified.
4. Detailed engineered drawings of the proposed SuDS features including their cross sections, size, volume, depth and any inlet and outlet features including any connecting pipe runs.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO ABOVE GROUND DEVELOPMENT

6. Prior to any above ground development, a scheme to protect the proposed development from noise due to traffic and the existing and proposed commercial businesses, shall be submitted to and approved in writing by the Local Planning Authority. For traffic noise, the scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS8233:2014. For commercial noise, the scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms are 10dB below the standards within BS 8233:2014 and L<sub>Amax</sub> levels are not to exceed 40dB internally with windows closed. If opening windows raises the noise levels above those listed above, then mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975. Alternative methods and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed and the ventilation rate for the system being substituted for those within Appendix P. Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. Thereafter, the development shall be constructed in accordance with the approved details.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

7. Prior to any above ground development, details identifying the location of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric car charging points shall be installed as approved prior to first occupation of the development and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM 12 of the Draft Local Plan Proposed Submission August 2012.

8. Prior to commencement of above ground works, details of the external materials of construction of the development hereby approved, including details of windows, doors and balconies, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: In the interest of the appearance of the development in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. Prior to commencement of above ground works, a scheme setting out the arrangements for the delivery of accessible housing for the development shall be submitted to and approved by the local planning authority in accordance with the following requirements:
  - a) No development of residential development above ground level shall take place until a schedule of units, together with appropriate plans and drawings, has been submitted to and approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010.
  - b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.
  - c) For each block all units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval for that block and in compliance with the corresponding part of the Building Regulations in that regard.
  - d) Written verification of implementation of units in para c) will be supplied to the local planning authority within 30 days of the practical completion of the block it forms part of.

REASON: To ensure that suitable housing is provided to households in need of accessible or wheelchair housing in accordance with Policies D1, H10 of the Welwyn Hatfield District Plan 2005.

10. Upon completion of the drainage works for the site in accordance with the timing/ phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:
  1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
  2. Provision of a complete set of as built drawings for site drainage.
  3. A management and maintenance plan for the SuDS features and drainage network.
  4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.



REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

11. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved surface water drainage assessment carried out by Conisbee, drawing number 190222-CON-X-00-DR-C-1000, revision P5, dated 26.02.2020 and the following mitigation measures detailed within the Flood Risk Assessment and Surface Water Drainage Strategy report:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water runoff rate of 3.5 l/s from Catchment 1 and 2 l/s from Catchment 2 during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event providing a minimum of 468 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume.
3. Discharge of surface water from the private drainage network into the Thames Water sewer network via two discharge connections.

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

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

12. Prior to use/occupation of any individual commercial unit(s) within Use Classes A3 or A5, details of any air ventilation, extraction and odour control systems shall be submitted to and approved in writing by the Local Planning Authority. Such details must include the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development.

The proposed system will need to adhere to the Defra guidance on the Control of Odour and Noise from Commercial Kitchen Extract Systems. The individual unit shall not be occupied until the facilities have been provided in accordance with the approved details.

REASON: To protect the amenities of the occupiers of residential accommodation in the vicinity from fumes and odours and in accordance with the objectives of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan.

13. Prior to use/occupation of any part of the development off-site highway works, being the necessary works to link the proposed cycle route with existing cycle facilities shall be delivered to the Highway Authorities specification. For the avoidance of doubt, the Offsite highway works shall include:

- kerb alterations at Wellfield Road service road north access including tactile paving provision and new centre splitter island and associated signage changes; - kerb alterations at Wellfield Road service road south access including tactile paving provision and new centre splitter island and associated signage changes - Extension of cycle route to Queensway Toucan Crossing including alterations to Kennelwood Lane junction including tactile paving, relocation of existing ADS sign, relocation of lamp columns and associated works.

REASON: To ensure that the site is integrated with local cycle facilities in the interest of sustainable development and in accordance with Policy 1, Policy 5 and Policy 8 of Hertfordshire County Council Local Transport Plan 4 (May 2018).

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

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

15. Prior to the first use/occupation of the development hereby approved, a car parking plan showing the position of disabled car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: To provide accessible parking bays and a high standard of design of the development in line with Policy D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

16. Prior to the first use/occupation of the development hereby approved, a scheme for the signing of the car park access and egress shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

REASON: To ensure clear and safe access and egress of the car park, in the interests of highway safety in accordance with the National Planning Policy Framework.

17. Prior to the first use/occupation of the development hereby approved, details of the use of the car parking spaces as shown on drawing ref. M9728-HUN-A-03-0005 Rev A by both the residential occupiers of the development and members of the public visiting the town centre shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the use of the car park shall accord with the approved details.

REASON: To ensure that sufficient parking is available to both occupiers of the development and users of the town centre, in accordance with policy M15 of the Welwyn Hatfield District Plan 2005.

18. Prior to the first use/occupation of the development hereby approved, waste bins/bin storage facilities shall be provided as shown on the approved

application plans, including the provision of a coded lock on the doors of the storage facility, and thereafter retained in accordance with the approved details.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

19. Prior to the first use/occupation of the development hereby approved, details of the planting methods (to include the design of tree planting pits) and aftercare shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall accord with the approved details and the submitted Landscape Masterplan (drawing no. 2279 01) unless otherwise agreed in writing by the Local Planning Authority. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1 and D8 of the Welwyn Hatfield District Plan 2005.

20. Prior to first use/occupation of the development hereby approved, secure cycle parking for the residential element of the development shall be undertaken in accordance with the submitted application plans, and thereafter retained in accordance with the approved plans.

REASON: To ensure the provision of secure long term cycle storage for each residential unit, in accordance with Policy M6 of the Welwyn Hatfield District Plan 2005.

21. Prior to the first use of the commercial element of the development hereby approved, a plan showing the proposed first use/users of the ground floor commercial units with at least 50% of the retail frontage (by length) within A1 use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter those unit(s) initially identified for use in the A1 Retail Use Class shall not benefit from the flexible uses applied for, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) neither shall those units initially occupied in A1 retail use be changed to other uses under Schedule 2, Part 3 Classes D, G, J and M Class of the Order without the express planning permission of the Local Planning Authority.

REASON: In order to ensure the A1 retail function of Hatfield town centre remains and is not lost/diluted by flexible changes of use in accordance with Policy TCR16 of the Welwyn Hatfield District Plan 2005.

OTHER

22. Premises falling within Use Classes A3, A4, A5, D1 and D2 hereby approved shall only be open to the public between 07:00 hrs and 23:00 hrs. Any members of public remaining in the buildings must have left the premises by 23:30 hours.

REASON: In order to protect the living conditions of local residents, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

23. There shall be no deliveries to or from the business premises hereby permitted outside the hours of 07:00 – 19:00 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays unless an individual delivery plan serving the individual business unit has first been submitted to and approved in writing by the Local Planning Authority. Deliveries to and from that business unit shall thereafter adhere to the times specifically agreed for that business premise.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

24. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

REASON: To protect the amenity of residents in the locality, in accordance with the Supplementary Design Guidance 2005.

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

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

REASON: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005.

26. Prior to the installation of any external lighting, a scheme of external lighting installations (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals

guidance notes for the reduction of obtrusive lighting. Thereafter the development shall accord with the approved details.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with the objectives of Policies D1, D2 and R20 of the Welwyn Hatfield District Plan.

27. No gate/door/ground floor window if installed shall open outwards over the highway.

REASON: In the interests of highway safety and in accordance with Policy 5 of Hertfordshire County Council Local Transport Plan 4 (May 2018).

28. The development hereby approved shall accord with the submitted Arboricultural Impact Assessment Report (Sept 2019), including the Tree Protection Plan and the Arboricultural Method Statement contained within the report, unless otherwise agreed in writing by the Local Planning Authority.

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

29. The development hereby approved shall accord with the details within the submitted Energy Strategy (Sept 2019), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with Policy SD1 of the Welwyn Hatfield District Plan.

#### DRAWING NUMBERS

30. 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
2279 01		OTC Landscape Masterplan	1 October 2019
2279 02	F	General Arrangement	1 October 2019
2279 05		OTC Tree planting proposals	1 October 2019
M9728-HUN-A-05-0002		Proposed Floor Plan level 02	24 October 2019
M9728-HUN-A-05-0003		Proposed Floor Plan level 03	24 October 2019
M9728-HUN-A-05-0004		Proposed Floor Plan level 04	24 October 2019
M9728-HUN-A-05-0005		Proposed Floor Plan level 05	24 October 2019
M9728-HUN-A-05-0006		Proposed Roof level 06	1 October 2019
M9728-HUN-A-11-0001		Streetscene Proposed Elevation 1 & 2	1 October 2019
M9728-HUN-		Streetscene Proposed	1 October 2019

A-11-0002		Elevation 3 & 4	
M9728-HUN-		Streetscene Proposed	1 October 2019
A-11-0003		West Elevation 5	
M9728-HUN-		Existing Site Location	24 October 2019
A-03-0001		Plan	
M9728-HUN-		Existing Site Plan	1 October 2019
A-03-0002			
M9728-HUN-		Streetscene Existing	1 October 2019
A-03-0003		Elevation 1 & 2	
M9728-HUN-		Streetscene Existing	1 October 2019
A-03-0004		Elevation 3 & 4	
M9728-HUN-	C	Proposed Floor Plan level	20 February 2020
A-05-0000		00	
M9728-HUN-		Proposed Floor Plan level	22 October 2019
A-05-0001		01	
M9728-HUN-		Proposed Floor Plan Flat	1 October 2019
A-15-0001		Types Sheet 1	
M9728-HUN-		Proposed Floor Plan Flat	1 October 2019
A-15-0002		Types Sheet 2	
M9728-HUN-		Proposed Floor Plan Flat	1 October 2019
A-15-0003		Types Sheet 3	
M9728-HUN-		Proposed Floor Plan Flat	1 October 2019
A-15-0004		Types Sheet 4	
M9728-HUN-		Proposed Elevations 3&4	1 November 2019
A-11-0008		Block 2	
M9728-HUN-		Proposed Elevations 1&	1 November 2019
A-11-009		2 Block 3	
M9728-HUN-		Proposed Elevations 3&4	1 November 2019
A-11-0010		Block 3	
M9728-HUN-		Proposed Elevations 1&	1 November 2019
A-11-0005		2 Block 1	
M9728-HUN-	A	Proposed Elevations 3&4	1 November 2019
A-11-0006		Block 1	
M9728-HUN-		Existing Elevations 5&6	1 November 2019
A-03-0006			
M9728-HUN-		Proposed Elevations 1&	1 November 2019
A-11-0007		2 Block 2	
M9728-HUN-	A	Enclosure 10 -	30 January 2020
A-03-0007		Construction Site	
		Boundaries	
190222-	P5	Enclosure 5- Drainage	26 February 2020
CON-X-00-		Layout	
DR-C-1000.			
M9728-HUN-	B	Block Plan	30 March 2020
A-03-0005			

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

#### INFORMATIVES

1. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be found on Thames Water's website using the following link:

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

2. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
3. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
4. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.  
If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.  
If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.  
All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.  
Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588
5. The footpaths, where they adjoin or run across the proposed works, should not be affected as a result of the works. Furthermore, during the works, and beyond, full continuous safe access to, and use of, the footpaths should be maintained, with safety signage when appropriate during the works. If one or more temporary closures become unavoidable during the works, any such temporary changes should be kept to the minimum and be carried out in full compliance with the law, through Hertfordshire County Council's CROW Service.  
Where the footpaths coincide with access roads or car parks, following the works there should be permanent appropriate safety and directional signage to ensure the safety of footpath users.
6. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays

and at no time on Sundays and Bank Holidays

7. 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.
8. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
9. 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.
10. 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.
11. 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.
12. All pile driving shall be carried out by a recognised noise reducing system.
13. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
14. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
15. '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.
16. Any emergency deviation from these conditions shall be notified to the Council without delay.
17. 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.
18. Permissible noise levels are not specified at this stage.
19. All efforts shall be made to reduce dust generation to a minimum.
20. 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.
21. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.



22. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
23. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
24. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
25. The applicant is encouraged to contact the Highway Authority in respect of removing highway rights over any areas of land affected. No works may occur on areas presently within the extent of highway boundaries without authority of the Highway Authority. It is recommended that a stopping up order application under S247 of the TCPA 1990 is made to have highway rights extinguished across any part of the development, is made to the Secretary of State for Transport.
26. The planning authority has determined the application as very low risk from chalk mining, on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take a watching brief during construction for any chalk mines. Should evidence be found, expert advice from properly qualified experts should be sought, to ensure that the historic chalk mining activities in the area will not adversely affect the development. Details should be submitted to the Local Planning Authority for approval.

## 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.

Liz Aston (Development Management)

Date: 12 March 2020



 <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 1 and 1A Town Centre and 3 - 9 Town Centre		Scale: DNS
	Project: Development Management Committee		Date: 2020
	Drawing Number: 6/2019/2430/MAJ		Drawn: Emma Small
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