

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 21 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/0192/MAJ

LAND ACCESSED FROM GREEN CLOSE, BROOKMANS PARK, HATFIELD, AL9
7ST

ERECTION OF 12 RESIDENTIAL UNITS COMPRISING 3NO. 1-BED AND 9NO. 2-
BED FLATS WITH ASSOCIATED CAR PARKING, CYCLE STORE, REFUSE STORE
AND LANDSCAPING

APPLICANT: Morris Investment and Property

(Brookmans Park & Little Heath)

1 Site Description

- 1.1 The application site is situated on the north west side of Green Close on an irregular shaped parcel of land of approximately 0.14ha in size. Green Close is a cul-de-sac road which has a junction with Station Road.
- 1.2 Bordering the site to the east is the East Coast railway line and beyond this, is designated Green Belt. To the north of the site are the rear gardens of No.17 and No.19 Peplins Way and to the north east is a garage court and parking. To the south and east of the garage court are 16 dwellings under construction (approved under ref S6/2013/2231/MA) in an area which formerly comprised three blocks of maisonettes. Further to the south, on the other side of Green Close, there are recently constructed flats and townhouses (approved under ref S6/2013/0830/MA). A concurrent application is proposed to redevelop the garage court to provide a two storey dwellinghouse (6/2016/0683/FULL).
- 1.3 The surrounding area is residential in character although the scale and nature of development within Green Close has changed over recent years. Buildings are mainly 2-3 storeys with pitched roofs. The dominant material is brick, although the more recent development is a contemporary interpretation of the local vernacular.

2 The Proposal

- 2.1 The application seeks full planning permission for the erection of 12 residential units comprising 3 x 1-bed and 9 x 2-bed flats with 12 car parking, 12 cycle spaces, a refuse store and landscaping.
- 2.2 It is intended that this proposal reflect the local vernacular, complementing the neighbouring development within Green Close. A simple palette of materials is proposed, two different tones of brickwork are used to break down the scale, with deep reveals to add depth and shadow to the facades. Pitched roofs create a string form and rhythm, reflecting the character of the local area.

- 2.3 Materials would comprise dark buff/brown multi stock facing brickwork with a lighter colour brick on the recessed second floor level and recessed false window detail. Roof tiles would also be brown roof with photovoltaic panels positioned on the west facing elevation. The glazed entrance lobbies and windows would be framed on dark grey brushed metal.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because North Mymms Parish Council have objected to the proposal.

4 Relevant Planning History

- 4.1 No planning history applies to this site, but extensive history exists on the two adjoining sites and is listed below:

Appeals

- 4.2 Application Number: S6/2009/1260/MA Decision: Appeal Dismissed

Decision Date: 18 May 2010

Proposal: Erection of 14 Residential Units Comprising of 9x2 Bed and 5x3 Bed in Two/Three Storey Blocks Incorporating Undercroft Car Parking, Surface Car Parking and Landscaping

Planning

- 4.3 Application Number: 6/2016/0683/FULL Decision: Under Consideration

Decision Date: Not yet determined

Formation of two storey dwellinghouse with garage and associated landscaping following demolition of existing greenhouse

- 4.4 Application Number: S6/2013/2231/MA Decision: Approval Subject to s106

Decision Date: 25 June 2014

Proposal: Demolition of the existing dwellings and redevelopment to provide 16 residential dwellings (comprising 8 x 3 bedroom and 8 x 4 bedroom houses) with associated car parking, access and landscaping

- 4.5 Application Number: S6/2013/0830/MA Decision: Approval Subject to s106

Decision Date: 30 July 2013

Proposal: Redevelopment to provide 12 new residential units comprising 8 x three bedroom houses, and 3 x two bedroom and 1 x one bedroom flats in two/three storey block, incorporating under-croft car parking and accommodation within roofscape, together with amenity terraces and balconies, works to alter and extend adopted highway along with provision of surface car parking, landscaping and associated works

- 4.6 Application Number: S6/2011/2654/MA Decision: Refused

Decision Date: 26 April 2012

Proposal: Demolition of 12 Maisonettes and erection of 18 apartments with basement car parking; 6 town houses with integral garages; surface level car parking; amenity space; bin storage area and alteration to highway

4.7 Application Number: S6/2009/1260/MA Decision: Refused

Decision Date: 23 September 2009

Proposal: Erection of 14 Residential Units Comprising of 9x2 Bed And 5x3 Bed in Two/Three Storey Blocks Incorporating Undercroft Car Parking, Surface Car Parking and Landscaping

5 Planning Policy

5.1 National Planning Policy Framework

5.2 Welwyn Hatfield District Plan 2005

5.3 Supplementary Design Guidance, February 2005

5.4 Supplementary Planning Guidance, Parking Standards, January 2004

5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

5.6 Planning Obligations, Supplementary Planning Document, February 2012

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters, press notice and site notice. Two representations have been received from Peplins Way and one from Cole Green Lane. Their objections may be summarised as:

- Loss of privacy
- Loss of light
- Encroachment on tree foliage
- Detract from view
- Flood risk
- Density higher than the rest of Brookmans Park
- Increase in traffic
- Concern regarding water supply and sewerage capacity
- Cycle store is too small. It needs to hold at least 21 cycles in line with current best practice

7.2 Representations were also received from North Mymms Residents Association and North Mymms Green Belt Society. Their objections may be summarised as:

- Density exceeds recommendations for an area of land this size
- Overdevelopment and dominant effect on some properties in Peplins Way

- Loss of privacy as a result of overlooking towards the gardens of some properties in Peplins Way
- Design is inappropriate to a rural location
- Materials proposed are inappropriate for a village location
- Insufficient car parking space
- The entry and exit onto the main road is via an already cramped and dangerous corner and is insufficient for the extra vehicles anticipated
- The proposed building by virtue of its bulk, design, scale and mass would be an unduly dominant and prominent feature within the urban edge and would cause harm to the character and appearance of the surrounding area

8 Consultations Received

- 8.1 **Hertfordshire Historic Environment Advisor & Lead Local Flood Authority & Welwyn Hatfield Borough Council Environmental Health & Welwyn Hatfield Borough Council Contract Services:** No objection subject to suggested conditions and informatives.
- 8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** No objection subject to suggested conditions and planning obligations sought towards sustainable transport.
- 8.3 **Hertfordshire County Council Development Services:** Planning obligations are sought towards library services and the provision of a fire hydrant.
- 8.4 **Hertfordshire Minerals & Waste, Hertfordshire Fire and Rescue, Hertfordshire Constabulary, Network Rail, Affinity Water and Thames Water:** No objection subject to informatives.
- 8.5 **Environment Agency:** No objection.
- 8.6 **Welwyn Hatfield Borough Council Landscape & Ecology:** No comment.

9 Town / Parish Council Representations

- 9.1 North Mymms Parish Council has objected to the proposal for the following reason:

“NMPC: North Mymms Parish Council again OBJECTS to this planning application. It is a 3 x 3 storey development which is far in excess of the recommended densities for an area of land this size. The materials for mortar, windows and balconies are inappropriate for a village location. There are not enough car parking spaces for the size of the development. Lastly the development overlooks the gardens in Peplins Way and hence there is a loss of privacy in these dwellings which is unacceptable.”

10 Analysis

- 10.1 The main planning issues to be considered are:

- 1. The principle of the development (National Planning Policy Framework 2012 and Policies SD1, H1, H2, R1, GBSP2 of the Welwyn Hatfield District Plan 2005)**

2. **Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) and relates to the character and context of the area (D1, D2, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))**
3. **The impact of the proposal on the residential amenity of the adjoining properties (H4, D1 and Supplementary Design Guidance (SDG))**
4. **Highway and Parking (M14 and Supplementary Planning Guidance)**
5. **Other Considerations**

1. The principle of the development

- 10.2 Policies R1 and GBSP2 of the Welwyn Hatfield District Plan 2005 encourages development to take place on previously used or developed land and directs new development towards existing towns and specified settlements. This is in line with the National Planning Policy Framework 2012 (NPPF) which encourages the provision of more housing within towns and settlements and encourages the re-use of land which has previously been developed.
- 10.3 The site has not been allocated as a housing site within the District Plan (H1), and as such is considered to be a “windfall site” (H2). Policy H2 directs assessment of suitability against the following criteria –
- i. The availability of previously-developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
 - iii. The capacity of existing and potential infrastructure to absorb further development;
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
 - v. The physical and environmental constraints on development of land.
- 10.4 Whilst the Council have a 5 year housing supply, as outlined in the Annual Monitoring Report, the national situation has changed to the extent that it is considered that the country is not building sufficient housing to meet its needs. It is therefore considered that the windfall residential development proposed could make a small but valuable contribution to housing land supply.
- 10.5 The application site lies within the settlement of Brookmans Park as designated within GBSP2 of the Welwyn Hatfield District Plan. The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policy H2 subject to an assessment of the scheme against the following policies having regard to design, parking, and means of access as well as amenity of the occupiers of adjoining premises.
- 10.6 Overall, it is considered that the site is, in principle, acceptable as a residential windfall site. The site complies with Policy H2 of the Welwyn Hatfield District Plan in regards the criteria of suitability.

2. Whether or not the scheme incorporates high quality design and relates to the character and context of the area

- 10.7 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. GBSP2 requires proposals to be compatible with the maintenance and enhancement of the character of the area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the National Planning Policy Framework (NPPF) that planning should seek to secure high quality design. Of particular relevance in this instance is the policy contained in paragraphs 60 and 61 of the NPPF, which states, amongst other things, that design policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiatives through unsubstantiated requirements to conform to certain development forms or styles. However, it does then state that it is proper to seek to promote or reinforce local distinctiveness.
- 10.8 The surrounding area is residential in character although the scale and nature of development within Green Close has changed over the recent years. Buildings are mainly 2-3 storeys with pitched roofs. The dominant material is brick, although the more recent development, currently under construction, is a contemporary interpretation of the local vernacular. It is intended that this proposal reflect this, complementing the neighbouring development within Green Close. A simple palette of materials is proposed, two different tones of brickwork are used to break down the scale, with deep reveals to add depth and shadow to the facades. Pitched roofs create a string form and rhythm, reflecting the character of the local area.
- 10.9 The density and pattern of development within Green Close varies significantly from the wider character of Brookmans Park. The evolving character of Green Close follows the development land to the south of Green Close and more recently the development on land which formerly comprised maisonettes at 1-12 Green Close. The garages immediately to the east of the application site were constructed for those 12 maisonettes. Under consideration as part of this Committee agenda is an application proposing to redevelop the garages to form a two storey dwellinghouse. Regard should be given to the adjoining development currently under consideration and the implications of this development – be it approved or refused.
- 10.10 The application site is somewhat constrained by the railway and surrounding development. The design of the proposal is considered to make efferent use of the land whilst also respecting the context of the site. Although relatively high density, the application proposal is considered to reflect the emerging character and massing of the context and surrounding buildings.
- 10.11 In terms of the impact on character of the surrounding area, it is also necessary to assess where the main public viewpoints will exist. Whilst Station Road rises westwards over the railway, which historically provided an elevated vantage point towards the site, this viewpoint is now screened by the recent development on the intervening parcel of land (S6/2013/0830/MA). The main views of the site will

therefore be from Green Close itself, along with more distant views from the properties in Peplins Way and public views from the west, across the railway line.

- 10.12 Due to the relationship of the application site with the existing properties in Peplins Way, with a resultant separation distance of at least 40m between the rear elevations of the existing dwellings and the new building, it is considered that the key context assessment comes from Green Close and views from across the railway line.
- 10.13 In terms of views from across the railway line, the proposed development will be significantly less prominent when compared to the recently completed flats which front onto Station Road and abut the railway. In particular, it is noted that the proposed building will be the same height (10.2m) as the building fronting Station Road, but significantly, the new building would be set back 10m from the boundary with the railway line. This set back will reduce the building's prominence and also allow for intervening landscaping and boundary planting further softening its visual impact.
- 10.14 With the exception of the garage block, the nearest building opposite the application site is plot 9 of the development under construction (S6/2013/2231/MA). Plot 9 is a detached two storey dwelling with accommodation provided within the steeply pitched roof. This building is also 10.2m in height. Further west, beyond the intervening garage block, the nearest building is plot 16. This end terrace dwelling measures 11m in height, whilst the adjoining dwellings, plot 15, 14 and 13 are 11.4m in height. In this context, the height of the proposed development, being 10.2m, will not appear excessive or out of character.
- 10.15 Whilst the design of the proposal is modern in appearance, the resultant building would not appear incongruous given its siting within the context of Green Close. Furthermore, this development site when viewed from the wider streetscene of Station Road and beyond railway is much less prominent than the other recently completed development which has a frontage onto Station Road and also abuts the railway.
- 10.16 The proposed building has to be carefully designed to meet the contextual challenges which exist, whilst meeting the requirement of making the best use of otherwise underused land. Subject to careful adherence to quality external materials used in its finish, which can be controlled by condition, on balance, it is concluded that the proposed development would not materially harm the character and appearance of the surrounding area, rather it would enable a modern form of development, using suitable materials to reflect the setting. The proposal thereby conforms to both local and national planning policy.
- 10.17 Local Plan Policy D8 requires landscaping to form an integral part of the overall design and this is supported by National Planning Practice Guidance. Landscaping can, in some respects, protect and enhance the existing visual character of the area and reduce the visual and environmental impacts of a development. This is especially pertinent in this case given the concerns raised by neighbouring occupiers. It is important that an appropriate balance between hard and soft landscaping is maintained to reduce the visual prominence of hard surfacing and parked vehicles.

10.18 The submitted Design and Access Statement refers to associated new landscaping “to ensure that a level of natural green screening is maintained to the rear, to the properties over the boundaries”. Whilst existing landscaping features are shown on the submitted drawing, no details of tree protection measures have been provided and only limited details have been provided in terms of new landscaping features. It would therefore be reasonable to attach a planning condition requiring a detailed landscaping scheme to be submitted and approved by the Local Planning Authority in order to reduce the visual and environmental impacts of the development. A landscaping scheme include the following:

- means of enclosure and boundary treatments;
- hard surfacing and other hard landscape features and materials;
- existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of construction;
- planting plans including specifications of species, sizes, planting centres, number and percentage mix;

10.19 Overall, subject to a landscaping and materials condition, the proposal is considered to be of a high standard of design which would be adequately compatible with the maintenance of the character and context of the area. In this respect, no objections are raised with regard to Local Plan Policies GBSP2, D1, D2 and D8 and the SDG.

3. The impact of the proposal on the residential amenity of the adjoining properties

10.20 Dwellings are currently being constructed on land to the east of the application site. To the south, on the other side of Green Close, there are recently constructed flats and townhouses. A concurrent application also proposes to redevelop the adjacent garage court to provide a two storey dwellinghouse. Due to the separation distance that would be maintained from these neighbouring developments, together with the orientation of the proposal and the positioning of windows, there would be no loss of privacy or impacts in relation to loss of sun or daylight etc. to neighbouring occupiers in Green Close.

10.21 Existing residential properties in Peplins Way are situated to the north and east of the application site. Two objections have been received from occupiers of No.15a and No.19 Peplins Way. Following negotiations with the Case Officer, the proposal was amended to reconfigure the siting of the proposed building and to remove windows within the north facing flank elevation. As a result, between 10-12m separation distance would be maintained between the front of the building and the rear boundary of the garden opposite, which serves No.15 Peplins Way. It is notable that the gardens serving the neighbouring dwellings within Peplins Way are between 30m – 40m in length. This is sufficient to ensure that there will be no significant loss of privacy between the rear elevations of these existing and new dwellings. There is also relatively mature landscaping within the rear gardens of these properties. Although this screening will be less effective during winter months, there would be no direct overlooking between windows due to the orientation of the proposed buildings relative to the neighbouring properties.

- 10.22 In terms of being overbearing, due to the distances involved and regard to landscaping, the proposed development would not be unduly overbearing.
- 10.23 It is therefore concluded that the proposal will comply with Local Plan Policy D1 and will retain the amenity currently enjoyed by existing as well as for future occupiers.

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

- 10.24 At present Green Close provides access to 29 dwellings (some under construction). Formerly Green Close was inadequate in terms of width to enable two-way vehicle flow. The junction of Green Close with Station Road was also insufficient to enable two-way flow, nor access by refuse vehicle and visibility from the access constrained. Such deficiencies have been dealt with through the recent planning permissions on neighbouring sites. The approved scheme reference S6/2013/0830/MA provided for widening of Green Close to accommodate two way traffic including. The approved scheme reference S6/2013/2231/MA provided a shared surface route of 6m for the length of Green Close fronting units numbered 1 to 8, and then a minimum width of 5.1m on approach to the 6m access road providing access to units 10-16. Access to the site involves land in separate private ownership forming part of the adjoining residential development approved under planning applications S6/2013/2231/MA.
- 10.25 Works associated with the junction widening and radii/visibility have been completed to the satisfaction of the Highway Authority. Works in respect of providing shared surface route along Green Close have not yet been approved and no S278 signed in respect of such works.
- 10.26 This proposal represents 12 additional dwellings on land to the west of the Green Close, and would fall to the west of the route to access units 10-16 of the adjacent scheme. The application is supported by a Transport Statement prepared by WYG Transport dated December 2015.
- 10.27 Hertfordshire County Council, Transportation Programmes and Strategy (HCCTPS), initially objected to the proposal over concerns regarding the ability of the access to accommodate the traffic associated with the development. In response, the applicant provided additional information, including details of a scheme for improvement of the private section of Green Close. The improvements are shown on Drawing No. A095540-01 rev D which identifies that the access is to be provided as a shared surface, reflecting the scheme forming part of the approval to the adjacent development, and that the access is to a width that overcomes the concerns of HCCTPS.
- 10.28 HCCTPS confirmed that a development of up to 50 dwellings may be served adequately by a shared surface access. This proposal, together with the other developments within Green Close (permitted and under consideration) would result in 42 dwelling in total. The resulting level of associated vehicle movements interacting with pedestrians is deemed sufficiently low to not present a highway safety concern.
- 10.29 Due to the proposed access improvements falling outside of the application site and not on public highway, their implementation would not be within the gift of the applicant. A "Grampian" condition is therefore suggested preventing the

development from taking place until the access to the site from Station Road has been constructed in accordance with details which have been approved by the Local Planning Authority. The wording of the suggested condition is similar to that applied to the adjacent development site (S6/2013/2231/MA).

- 10.30 In respect of Grampian conditions, Planning Practice Guidance (PPG) states that *“Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.”* In this case the applicant has provided evidence of an agreement with the adjacent land owner to provide a full vehicular right of way across its roadway and land to enable and facilitate the development as submitted.
- 10.31 Turning to access for refuse vehicles, whilst the Transport Statement provides details of the ability for a refuse vehicle to manoeuvre, it is reliant upon the road being formed under permission S6/2013/2231/MA, but as above, has little regard to carriageway widening provided under the same scheme. To ensure appropriate access is provided, a pre-commencement condition is suggested requiring details of the access road required for use by the refuse collection vehicle. To ensure that the access road is built to a technical specification that can be reasonably expected to withstand usage by a normal refuse collection vehicle usage, it is suggested that the condition should also require construction details of the road sufficient to demonstrate compliance with the standards normally required for highway adoption.
- 10.32 In terms of parking, paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 10.33 The parking area serving the development would be provided to the southern end of the site. In terms of car parking provision, 12 spaces are proposed, equating to one space per unit. This level of parking is considered appropriate in this instance, given the location of the development would be highly accessible for local amenities and public transport.
- 10.34 Opportunities exist to improve local bus stop facilities, including, but not limited to the provision of RTPI (Real Time Passenger Information) and/or Kassel (accessible) kerbing, in order to encourage the use of such modes over the use of private vehicle trips and specifically shall include bus stops within Brookmans Park reasonably serving the development. This is discussed in more detail under the heading “Planning Obligations” at paragraph 10.40 of this report.
- 10.35 A condition is suggested requiring site management details to be approved in order that construction activities do not compromise the ability for access to be maintained to any other users of this section of Green Close.

5. Other Considerations

10.36 *i) Noise*

Policy R19 of the District Plan addresses noise and vibration pollution and seeks, among other things to control any impacts of noise generated from land-uses adjacent to the development. In this case, the site is in close proximity to a train line, which abuts part of the western site boundary. The potential for noise disturbance to future residents therefore needs to be addressed. The acoustic report provided with the application shows that internal noise levels will be able to meet those found within BS8233:2014. The acoustic report recommends the installation of acoustic trickle ventilation. Opening windows in the summer months to gain purge ventilation would negate any benefits provided by the glazing specification. For this reason a planning condition is suggested requiring a suitable glazing and mechanical ventilation specification to be installed in habitable rooms (or servicing habitable rooms) where opening windows would raise the noise level above those within BS8233:2014.

It is not clear from the information submitted if the external amenity areas will meet the 55dB World Health Organisation (WHO) Community Noise Guideline Level. The plans show that the outdoor amenity space would be located between the new building and the railway line. Façade levels are 56dB which makes it likely that levels in the outdoor amenity area will be higher than 56dB (due to less distance attenuation and reflections) and therefore almost certainly above the 55dB WHO noise level. For this reason a planning condition is suggested requiring details of noise mitigation measures (such as acoustic fencing) to be installed to ensure that the outdoor amenity areas meet the 55dB WHO Community Noise Guideline Level.

10.37 *ii) Flood Risk / Surface Water Drainage*

The Environment Agency flood map indicates that the site is located within Flood Zone 1, whereby the annual probability of flooding from fluvial or tidal sources is classified as less than 1 in 1000. The nearest area of fluvial floodplain is located 455m southwest of the site, associated with Ray Brook. The Environment Agency Risk of Flooding from Surface Water map indicates that the site is at a 'high' surface water flood risk. This corresponds with an annual probability of flooding that is greater than 1 in 30. No groundwater flooding incidents have been recorded at the site. Whilst 21 sewer flooding events have been recorded within the borough in the last 21 years, only 4 (two internal, two external) have been recorded in the last 10 years.

10.38 The Lead Local Flood Authority were consulted on this proposal and removed their initial objection following the review of Flood Risk Assessment and Sustainable Drainage System strategy prepared by RPS reference HLEF38875/001Rv.2, dated 26 February 2016. The applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage methods. No objections have been raised with regard to the impact on surface water flooding either on site or further afield and the proposed development has been found to be acceptable in principle, subject to suggested planning conditions in accordance with Local Plan Policy R7, R10 and the NPPF.

10.39 *iii) Contaminated Land*

A phase 1 site assessment has been included with the planning application and concludes that there is a low risk low risk of significant impact upon the development and groundwater receptors from potential contamination beneath the site. This report recommends further investigation is carried out, for this reason it is suggested that the standard phased contaminated land condition is applied so that further investigation is carried out in accordance with Local Plan Policy R2 and the NPPF.

10.40 *iv) Archaeology*

Saved Policy R29 and Section 12 of the NPPF seek to prevent developments from having a detrimental impact on remains of archaeological significance. The Historic Environment Record (HER) notes that the application site lies in the approximate area of Bradmore Farm (HER9699). During the 18th Century this was occupied by the noted agricultural reformer Arthur Young. In addition, post medieval farms are frequently found to have medieval origins. Hertfordshire County Council's Historic Environment Advisor confirmed that the proposed development is therefore likely to have an impact on heritage assets with archaeological interest. For this reason a planning condition is suggested which would provide the level of investigation that this proposal warrants.

10.41 *v) Planning Obligations*

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. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

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

10.42 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and, therefore, it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012. National policy is set out at paragraphs 203-205 of the NPPF.

10.43 Hertfordshire County Council (Development Services) have requested the provision of a fire hydrant and a financial contribution of £1,392 towards Library Services. This amount has been calculated in accordance with the "Planning Obligations Guidance - Toolkit for Hertfordshire" (Hertfordshire County Council's requirements) January 2008 and justification has been provided by County in their consultation response.

10.44 In addition, Hertfordshire County Council, Transportation Programmes and Strategy (HCCTPS) have requested a financial contribution of £8,675 towards

the improvement of local bus stop facilities, including, but not limited to the provision of RTPI (Real Time Passenger Information) and/or Kassel (accessible) kerbing, in order to encourage the use of such modes over the use of private vehicle trips and specifically shall include bus stops within Brookmans Park reasonably serving the development. This amount has been calculated in accordance with Hertfordshire County Council's toolkit and justification has been provided by County in their consultation response.

- 10.45 Welwyn Hatfield Borough Council's Planning Obligations Supplementary Planning Document (SPD) triggers the provision of waste and recycling facilities, Green Space and Play Facilities linked to a development of this nature.
- 10.46 The provision of 2 x 1100 litre bins and a mini recycling bank system, the bins at a cost of £390 plus VAT and the cost of the manufacture and installation of a mini recycling bank is £560 plus VAT. These elements are justified and in accordance with the Planning Obligations SPD.
- 10.47 In terms of the Green Space and Play Facilities, this development triggers a contribution of £1,263 and £3,312 respectively (subject to indexation from Q1 2012). In terms of Green Space, the Council's Landscaping Team does not have any projects in the area. However, Herts. & Middlesex Wildlife Trust manage the nearby Gobions Wood and may be able to identify a project. In terms of Play Facilities, the nearest recreation ground to the application site is The Gobions, which is managed by North Mymms Parish Council. Officers will need to confirm that whether a request for funding from Herts. & Middlesex Wildlife Trust or North Mymms Parish Council meets the CIL Regulations test and will report verbally to the Development Management Committee.
- 10.48 The Planning Obligations SPD also notes that a monitoring fee is required, which equates to 5% of the total value of the planning obligation, capped at a maximum of £5,000. Provision for a monitoring fee (5% of total contributions) equates to £812.50.
- 10.49 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL regs.
- 10.50 The applicant has agreed the planning contributions outlined above and at the time of writing this report, a draft legal agreement had been produced.

Conditions

- 10.51 The National Planning Practice Guidance (NPPG) governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning

permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

11 Conclusion

- 11.1 The impacts of the proposal have also been considered in terms of the impact on the amenity of future occupiers and neighbours, access, highway capacity, parking provision and other material considerations.
- 11.2 The application site forms an appropriate site for the proposed residential development, would appropriately maintain the character and appearance of the surrounding area, would be of an appropriate density, layout and design. Furthermore, giving consideration to the scale of the proposal, orientation and its setting, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. Additionally the proposed development would be served by suitable parking provision and would not unduly impact on highway safety.
- 11.3 In conclusion, subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, Supplementary Parking Guidance, the Interim Policy for Car Parking and the relevant chapters of the National Planning Policy Framework.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Legal Agreement on or before the 30 September 2016 to secure the following obligations:

£8,675 – Sustainable Transport
£1,392 – Library Services
£1,608 – Refuse and Recycling Facilities
£1,263 – Green Space
£3,312 – Play Facilities
£812.50 – Monitoring Fee
Fire hydrants

Conditions

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

500 & (20) 300 P2 & 200 b & (20) 110 P & (20) 102 P1 & 200 & (20) 101 P received and dated 4 February 2016 & Flood Risk Assessment and SUDS strategy prepared by RPS reference HLEF38875/001Rv.2 received and dated 1 March 2016 & (20) 200 P4 & (20) 100 P3 & (20) 201 P3 & (20) 103 P3 & (20) 101 P3 received and dated 17 June 2016 & A095540-01 rev D received and dated 05 July 2016.

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development must be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. No development shall take place until detailed plans and sections of the proposed access to the site from Station Road including gradients and method of surface water disposal as shown in principle on drawing A095540-01 rev D have been approved by the Local Planning Authority. Subsequently, no development shall take place until the access to the site from Station Road has been constructed in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with the National Planning Policy Framework.

4. Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority, specifying the parts of the site to be used for the stationing of site huts, storage of materials, and plant and parking of employees cars during the construction period, and any proposal for fencing of a site compound. The development must not be carried out other than in accordance with the approved details.

REASON: In the interest of highway safety and free and safe flow of traffic in and to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. Prior to commencement of development, and notwithstanding the details shown on the approved plans, proposals for the collection and storage of refuse and recycling for each approved dwelling must be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling storage areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter. The submitted details must include:

- (i) details of the location, design and specification of the refuse and recycling storage area
- (ii) details of a safe and level access between the refuse and recycling storage area and the refuse collection vehicle
- (iii) the areas of access road required for use by the refuse collection vehicle
- (iv) construction details of the road areas required for use by the refuse collection vehicle as part of the above approved collection scheme sufficient to demonstrate compliance with the construction standards required for highway adoption

REASON: To ensure a satisfactory standard of refuse and recycling provision and that the new access road is built to a technical specification that can be reasonably expected to withstand the normal refuse collection vehicle usage and to protect the visual amenity of the area and the residential amenity of adjoining and future occupiers in accordance with Policies GBSP2, D1, D2, IM2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved details. The landscaping details to be submitted must include:

- (b) means of enclosure and boundary treatments;
- (e) hard surfacing, other hard landscape features and materials;
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Prior to the commencement of the development the applicant must submit to, for approval by the Local Planning Authority details of the glazing scheme and ventilation systems required to be installed to meet the internal noise levels within BS8233:2014 and the ventilation standards within Approved Document F of the Building Regulations (taking into account the information from noise assessment KR04907). The mechanical ventilation system must provide a ventilation rate of at least the purge rate within Approved Document F (4 air changes per hour) when required to maintain thermal comfort. The development must not be carried out other than in accordance with the approved details.

REASON: To protect the residential amenity and living conditions of future occupier in accordance with Local Plan Policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework. The development must not be carried out other than in accordance with the approved details.

8. Prior to the commencement of the development the applicant must submit to, for approval by the Local Planning Authority details of the mitigation measures to be installed to ensure that the outdoor amenity areas meet the 55dB WHO Community Noise Guideline Level. The development must not be carried out other than in accordance with the approved details.

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

9. No development shall take place, other than that required to be carried out as part of an approved scheme of remediation, until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

10. Prior to the commencement of the development the final design of the drainage scheme must be submitted to and approved by the Local Planning

Authority. The development must not be carried out other than in accordance with the approved scheme. The design of the drainage scheme must include:

- (i) Details of how the attenuation volume will be distributed between permeable pavements and the pond.
- (ii) Final engineering details of the design of the proposed pond and permeable pavements.

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

11. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved Scheme. The Scheme must include an assessment of archaeological significance and research questions; and:

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

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

POST-DEVELOPMENT COMMENCING

12. No deliveries shall take place and no work shall be undertaken at the site before 08.00 or after 18.00 on weekdays; before 08.00 or after 13.00 on Saturdays, or at any time on Sundays, Bank Holidays and recognised Public Holidays

REASON In the interests of residential amenity and in accordance with policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. All planting seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the

development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards.

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

PRIOR TO OCCUPATION

14. Prior to occupation details of the location, design and specification of secure cycle storage on site must be submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle storage must be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure that there is adequate bicycle storage provision, encouraging alternative modes of transport, in accordance Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance Parking Standards 2004 and the National Planning Policy Framework.

15. The area set aside for car parking must be laid out surfaced and marked out, in accordance with a scheme (showing spaces that are allocated to specific dwellings) which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and must be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development permitted and must not be used for any other purpose.

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

Positive and Proactive Statement

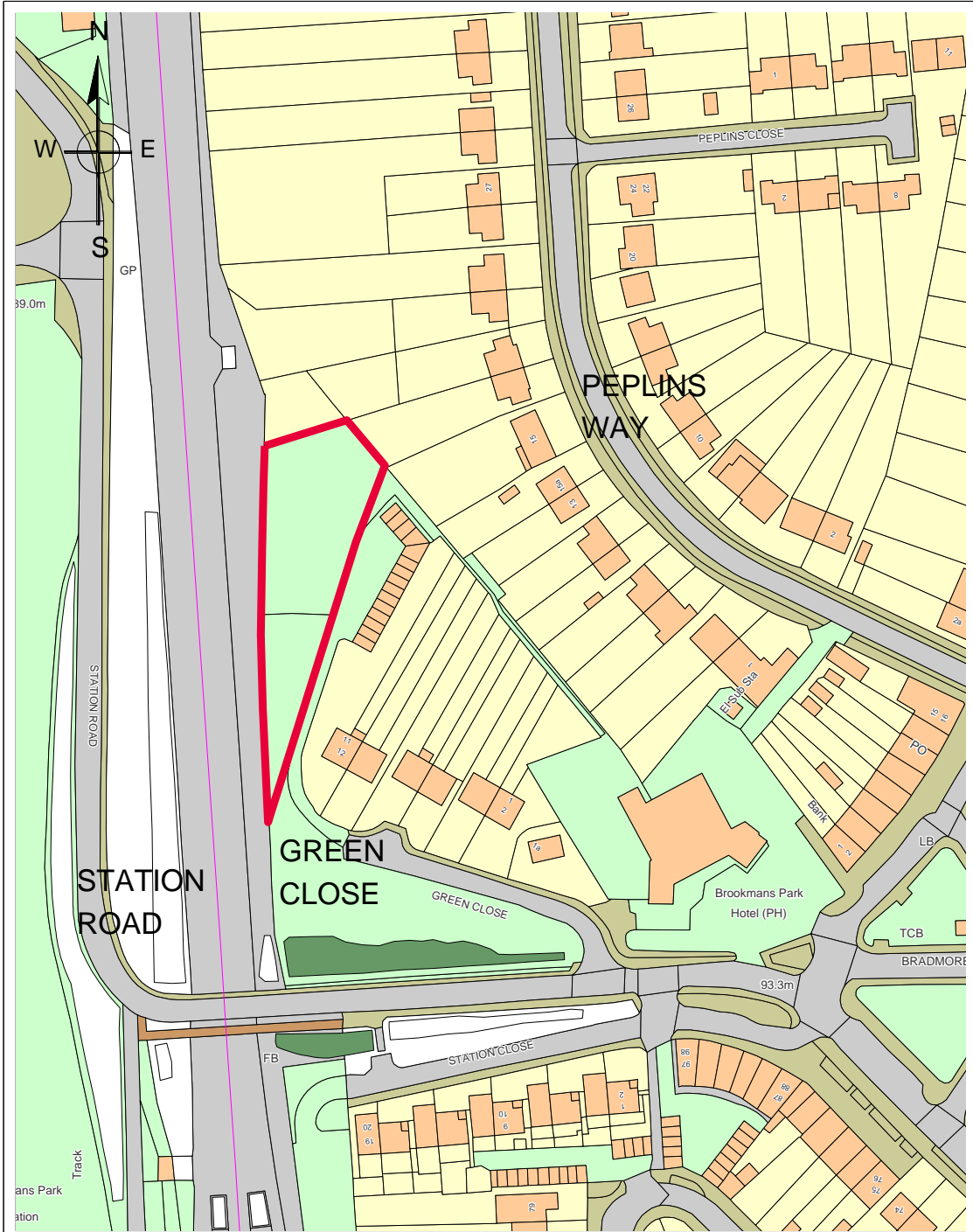
The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed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


Informatives

1. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
 3. Road deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by Telephoning 0300 1234047.
- 12.2 OR REFUSE if a S106 Agreement is not completed on or before 30 September 2016 for the following reason:
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Mark Peacock, (Strategy and Development)
Date: 4 July 2016



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Land accessed from 1 Green Close, Brookmans Park	Scale: DNS
	Project: DMC Meeting	Date: 2016
	Drawing Number: 6/2016/0192/MAJ	Drawn: Andrew Windscheffel
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