

Part I

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(Brookmans Park & Little Heath)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 27 JULY 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/2317/MAJ

VIDENE, HAWKSHEAD ROAD, LITTLE HEATH, POTTERS BAR, EN6 1LX

DEMOLITION OF THE DWELLINGS KNOWN AS VIDENE AND TANUM FARM AND OUTBUILDINGS
TO THE REAR OF STUDLANDS AND THE ERECTION OF 63 DWELLINGS WITH ASSOCIATED
ACCESSES, PARKING, AMENITY AND OPEN SPACE AND LANDSCAPING

APPLICANT: CALA HOMES (NORTH HOME COUNTIES) LTD & ACRE LITTLE HEATH LTD

1 Site Description

- 1.1 The site is located adjacent to the northern edge of the town of Potters Bar. It has an area of approximately 2.9 hectares and is made up of several compartments including a large dwelling and outbuildings located in the south-east corner of the Site known as 'Videne'. To the north-west, the site is predominantly formed by the garden curtilages and buildings at Tanum Farm.
- 1.2 The site is well landscaped along its edges through a combination of both trees (of varying value) and hedgerow. A large area of grassland, treed pond and mature trees lie in between Videne and the garden plots forming the largest compartment of the site.
- 1.3 It is bounded to the north by an open field which is regularly used on Sundays for car boot sales. The publicly accessible Grade II Registered Park and Gardens at Gobion (Gubbins) Woods lies further north beyond Swanley Bar Lane.
- 1.4 Adjoining the eastern boundary are two buildings and their curtilages. The first is a former barn which was converted into two dwellings (The Glass Barn and Silver Gables. Application Number: S6/2015/0185/FP). The second is a former stable which was converted into a single dwelling (The Stables. Application Number: S6/2015/0179/FP).
- 1.5 To the immediate south-east, planning permission was recently granted for the erection of 34 dwellings to include landscaping, engineering, and associated works (Application Number: 6/2021/3304/MAJ).
- 1.6 Hawkshead Road runs adjacent and parallel to the southern boundary of the site and on the opposite side of the road is the Grade II listed Osborne House.
- 1.7 To the immediate south-west are two large dwellings named Studlands and Tantum House. Little Heath Playing Field adjoins the site to the north-west and so too does part of the hard surfaced curtilage of Kingdom Hall.

- 1.8 A significant majority of the application site comprises proposed allocation HS47 (LHe4/5) for 63 dwellings, as identified in the 'Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating the Proposed Main Modifications (January 2023).
- 1.9 At the meeting of Full Council (December 22nd, 2022) the Council resolved that Main Modifications consultation based on the housing supply of 13,392 dwellings (with a 10-year supply of 9,209 dwellings) be undertaken. This contained LHe4/5 for allocation.
- 1.10 The remaining land within the application site does not extend beyond the proposed amendment to the Green Belt boundary for Little Heath in the Draft Local Plan. The Green Belt boundary in this location was adjusted in line with the Inspector's comments in order to achieve a more legible and logical boundary.

2 The Proposal

- 2.1 The proposal is for the erection of 63 dwellings of which 40% would be affordable (25 units). The scale of the buildings would be 2 storey and 2.5 storeys with hipped and gable roofs. The proposed density for the site is 21.7 dwellings per hectare comprising 2 and 3-bed semi-detached and terraced houses, 4-bed detached and semi-detached houses, and 5-bed detached houses. 20% of the dwellings are designed to meet building regulations Part M4(2) Accessible and Adaptable Dwellings with 1.5% of the dwellings designed to meet Part M4(3) Wheelchair User Dwellings.
- 2.2 Two vehicle access points are proposed into the site - both from Hawkshead Road. The existing vehicle access to Videne would be retained and serve Plots 1-3 only. The main access would be located further along Hawkshead Road. Cyclists and pedestrians will share a separate 3-metre-wide route into the site.

3 Reason for Committee Consideration

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

4 Relevant Planning History

- 4.1 Application Number: 6/2020/0549/FULL
Decision: Refused and appeal dismissed
Decision Date: 23 June 2020 & 23 December 2020
Proposal: Erection of dwelling following demolition of all buildings on site
- 4.2 Application Number: 6/2019/2218/FULL
Decision: Refused
Decision Date: 06 December 2019
Proposal: Erection of dwelling following demolition of existing dwelling and commercial building
- 4.3 Application Number: 6/2017/0242/LAWE
Decision: Granted
Decision Date: 09 May 2017
Proposal: Certificate of lawfulness for use as a dwellinghouse and residential curtilage

- 4.4 Application Number: E6/1971/3802/
Decision: Refused
Decision Date: 30 December 1971
Proposal: Site for residential development
- 4.5 Application Number: E6/1962/0518
Decision: Refused
Decision Date: 04 April 1962
Proposal: Site for residential development
- 4.6 Application Number: E6/1960/1700/
Decision: Refused
Decision Date: 20 October 1960
Proposal: Site for four dwellings
- 4.7 Application Number: E6/1959/0298/
Decision: Refused
Decision Date: 19 March 1959
Proposal: Site for residential development
- 4.8 Application Number: E6/1955/1363/
Decision: Refused
Decision Date: 19 November 1955
Proposal: Site for residential development
- 4.9 Application Number: E6/1954/0444/
Decision: Granted
Decision Date: 04 June 1954
Proposal: House and private garage

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 of Little Heath as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notice. In total 14 representations have been received, comprising 13 objections together with 1 comment. All representations received are published in full on the Council's website and are summarised below:

Objections

- Unsustainable location
- Development will cause traffic and safety issues
- Inclusion of 3-storey houses (two-storey + habitable loft space) is inappropriate in a rural location
- Local vernacular is not grey roof tiles
- Tree/landscaping plans unclear as to what trees will be removed and preserved
- Application is speculative and premature
- Harm to Green Belt and no very special circumstances
- Approval would set a dangerous precedent
- Detrimental impact on character of the locality and wildlife
- Infrastructure unable to cope
- Noise, disturbance, light and exhaust pollution from rear parking court adjacent to The Glass Barn
- Not appropriate to alter Green Belt boundaries in the context of individual site applications
- Overdevelopment of site
- Potential parking overspill
- The site plays an important role in preventing coalescence of settlements between Potters Bar and Brookmans Park

Comment

- Measures should be taken to ensure that swift nest bricks are incorporated as a biodiversity enhancement.

8 Consultations Received

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

- HCC Water Officer
- Hertfordshire Constabulary
- Thames Water
- HCC Growth Team
- WHBC Public Health & Protection
- HCC Minerals & Waste
- HCC Historic Environment

- Affinity Water
- Place Services (Conservation)
- Place Services (Landscapes)
- WHBC Client Services
- Lead Local Flood Authority
- HCC Highways
- NHS East Ambulance Service

8.2 The following consultees have not responded:

- Hertfordshire Ecology (Re-consulted on 17 January 2023 but no response)

8.3 The following consultees have responded with comments:

- WHBC Housing Development Department – Comment that while the overall on-site provision (40%) is policy compliant, there is no identified need for shared ownership.

9 Town/Parish Council Representations

9.1 North Mymms Parish Council have raised a major objection to the proposed development for the reasons set out below:

“In the Draft Local Plan, the density of houses in LHe4 was specified as 7/9 houses per hectare (0.49 hectares in size). No number was specified for LHe5 (2.09 hectares in size). If the site is 2.58 hectares it should accommodate a maximum of 47 houses. If the site is 2.98 hectares (by including the space behind Tantum Farm) then it would accommodate 53 houses.

When NMPC responded to the Local Plan in 2019 it was to comment that 7/9 houses on LHe4 could possibly be acceptable. Site LHe5, as commented in 18 June 2019 Local Plan response, might be acceptable as a small-scale development.

This development appears to be over-densified. NMPC would support a maximum of 47 houses (or 53 houses if 2.9 hectares) of which 35% must be affordable housing.

This is not a fully sustainably site in spite of it being included in the Emerging Local Plan.

- *It is located remotely from shops, transport (such as rail and there are few buses) and other community facilities such as medical centre/library which are approx. 1 mile away.*
- *Little Heath Primary School is 1-form entry with no extra capacity or space to extend. Therefore, children from this development will have to travel (by car owing to lack of buses) for both primary and secondary education.*
- *The cycle path shown is over existing pavement and leads nowhere!*
- *The Statement of Community Involvement clearly indicates the lack of consultation as only 33 responses were received and North Mymms Parish Council were approached after the Planning Application had been submitted.*

The development will cause traffic issues as most residents will have one or more cars owing to remoteness of public facilities and amenities. Whilst the site appears to accommodate cycle parking and EVs are to be provided, the loss of garden space to hardstanding is unsatisfactory both for visual amenity but also as a climate change factor, soft landscaping is far preferable, therefore it needs two points of access and egress to the main site which could be achieved with fewer houses.

The inclusion of 3-storey houses is inappropriate in a rural location and will affect the openness of the Green Belt in a detrimental effect on visual amenity. (There is no such thing as a 2.5-storey house – people don't live in half height space!) The local vernacular is not grey roof tiles.

Treatment of the boundary with North Mymms Parish Council's open space would need careful treatment. No approach has been made to North Mymms Parish Council to discuss access to the open space nor permission granted.

North Mymms Parish Council request that Permitted Development Rights should be removed”.

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 transport considerations**
- 5. Other considerations**
 - i) Ecology**
 - ii) Flood risk and sustainable drainage**
 - iii) Renewable energy**
 - iv) Contaminated land**
 - v) Archaeology**
 - vi) Housing mix**
 - vii) Fire hydrants**
 - viii) Environmental impact assessment**
 - ix) Other considerations**
- 6. Planning obligations**
- 7. The planning balance and conclusion**

1. Principle of the development

Status of emerging Local Plan

- 10.2 The Welwyn Hatfield District Plan 2005 remains the adopted development plan for the Borough. The Council has prepared a new Local Plan to replace the District Plan. The Council does not currently have a five-year supply of deliverable housing sites, a position which the Emerging Local Plan seeks to remedy through its site allocations.
- 10.3 The site forms part of Draft Local Plan proposed site allocation HS47 (LHe4/5) Part of Studlands/Videne.
- 10.4 Sites LHe4 and LHe5 were promoted as possible housing allocation sites in the 2019 Call for Sites. As part of the Housing and Economic Land Availability Assessment 2019 it was considered that LHe4 would need to be delivered alongside LHe5 due to access issues. As a result, the two sites were merged.
- 10.5 In the Site Selection Background Paper 2019 it was considered that only the southern section of site HS47 (LHe4/5) could be delivered, for a total of 36 dwellings, due to high harm to the Green Belt in the northern section of the site.

- 10.6 Following the Stage 9 Hearing sessions, the Inspector concluded that for HS47 (LHe4/5):
- These adjacent sites are located on the northern side of Hawkshead Road. Access considerations suggest that they would benefit from being planned on a comprehensive basis.
 - The stage 3 Green Belt assessment considered that the development of these sites, when considered together and along with the Swanley Bar area to the north, would have a moderate impact on the purposes of the GB. However, the proposed new boundary to the Green Belt is erratic and not clearly defined to follow recognisable features that are likely to be permanent. The proposed development area would leave a narrow finger of land between itself and two new dwellings that have recently been provided on land to the east. Whilst this land was not independently assessed by the Green Belt studies, it clearly demonstrates the same characteristics as the proposed development sites and would most likely have been given the same rating.
 - I have asked the Council to revisit the Green Belt boundary in this area, in order to achieve a more legible and logical boundary that excludes the developable parts of the finger of land from the Green Belt and includes it either within the development area or as safeguarded land. Additionally, as the adjacent built development makes no contribution to the Green Belt's openness, it is appropriate for it also to be outside the Green Belt.
 - The movement sustainability credentials of these sites are very similar to those discussed above in the context of site HS24 [Land south of Hawkshead Road]. Nevertheless, despite the comparatively poor movement sustainability credentials of this site, there is a need for some new development at Little Heath if local needs are to be satisfied locally. Development in this area would be less harmful to the GB's purposes than development at site HS24.
- 10.7 Following the Stage 9 Hearings, the green belt boundaries were adjusted in line with the Inspector's comments (Examination Document EX268) removing the northern section of the site from the green belt. As a result, the site was enlarged and the total capacity for site HS47 (LHe4/5) increased to 63 dwellings.
- 10.8 The red line of the application site is larger than site LHe4/5 and includes some existing buildings to the west of LHe4/5. However, it does not extend beyond the proposed amendment to the Little Heath green belt boundary in the Draft Local Plan.
- 10.9 Following the Stage 9 hearing sessions in 2021, the Inspector requested the Council submit additional sites from those examined, sufficient to at least provide a Full Objectively Assessed Housing Need (FOAHN) of 15,200 dwellings to 2036.
- 10.10 At the meeting of Full Council (December 22, 2022) the Council resolved that Main Modifications consultation based on the housing supply of 13,392 dwellings (with a 10-year supply of 9,209 dwellings) and a early review of the Plan be undertaken. The Inspector has confirmed he is satisfied that the identified Modifications are necessary to make the plan sound (Examination Document EX292 December 8, 2022). Consultation on the Main Modifications commenced on 4 January 2023 and concluded on 15 February 2023.
- 10.11 Following the consultation on proposed Main Modifications to the Local Plan, the Inspector issued a schedule of Further Proposed Main Modifications. Consultation of these changes is ongoing and set to conclude on 30 July 2023. The Inspector's final report on the Local Plan will

follow and the Council will consider adoption of the Plan in Summer 2023 (as set out in the Local Development Framework, January 2023).

- 10.12 The 'Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023)' identifies the site as HS47 (LHe4/5) for 63 dwellings to be delivered in the first five years following adoption of the plan.
- 10.13 There are several site-specific considerations included as Main Modification these include a requirement for the submission of a heritage statement (due to proximity to Grade II Listed Osbourne House), a preliminary ecological assessment, and a noise survey at planning application stage. Retention of existing trees and additional planting along Hawkshead Road and the green belt boundary.
- 10.14 In line with Paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 10.15 The Emerging Local Plan is at an advanced stage and the examination is ongoing, and the relevant policies in the emerging Local Plan are consistent to the policies in the Framework.
- 10.16 Officers consider that there are no unresolved objections. Site LHe4/5 was included in a modification to SADM 32 which was consulted upon as part of the Main Modification consultation (January and February). The proposed Further Main Modifications (consultation on which is ongoing), does not include any changes specific to HS47 (LHe4/5).
- 10.17 Prior to the consultation on the proposed Further Main Modifications, the Council has been asked a subsequent question by the Inspector in relation to the proposed new Green Belt boundary to HS47 (LHe4/5, and the response is set out in examination document EX301 in which the Council reiterated that it has robustly considered the Green Belt boundary in this location both in terms of the boundary to the north-west of the site and in the vicinity of the Kingdom Hall (Examination document EX268).
- 10.18 Paragraph 49 of the NPPF sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 10.19 The significant majority of the application site is a proposed allocation in the draft Local Plan and the examining Inspector has not objected to its inclusion or the proposed amended Green Belt boundary in this location. It is therefore considered that the granting of permission would not undermine the plan-making process. Therefore, the determination of this application would not be premature.

Current development plan (District Plan)

- 10.20 Policy R1 of the District Plan states that to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land.
- 10.21 A significant majority of the site is greenfield land, and, on this basis, it is considered that the site is not previously developed. While the applicant has not demonstrated that no suitable opportunities exist on previously used or developed land, it is appreciated that the Council's current housing land supply position together with the likely need to release Green Belt land to accommodate residential development, are clear signs that previously used or developed land within the borough is not available for a development of such scale.
- 10.22 Policy H2 of the District Plan outlines that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
 - iii. The capacity of existing and potential infrastructure to absorb further development;
 - iv. The ability to reinforce existing communities, including providing a demand for services and facilities; and
 - v. The physical and environmental constraints on development of land.
- 10.23 Policy SADM1 of the emerging Local Plan applies a similar approach to windfall development but adds that planning permission for residential development on unallocated sites will be granted provided: Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.24 Criteria (i) is discussed above.
- 10.25 In terms of criteria (ii), the site is located adjacent to the northern edge of the settlement of Potters Bar. Approximately 1 mile from the site are the main services and facilities in Potters Bar (High Street and Drakes Lane) which include a strong mix of services and facilities, including a bus and train station. The bus station provides a frequent service (route 84) to St Albans and the train station serves several main towns and cities north and southbound.
- 10.26 Pedestrian routes via the public highway are in good condition, with good lighting and dropped kerbs at crossing points. The site is within convenient walking distance to Little Heath Primary School and the neighbourhood is considered conducive to walking and cycling.
- 10.27 Having regard to the above, it is considered that the site is sustainable from a movement perspective. It is also important to note that planning permission was recently granted at Osborne House Farm which adjoins the application site to the south-east for 34 dwellings (site HS25) and no objection was raised from a location and accessibility perspective (application reference: 6/2021/3304/MAJ).

10.28 The proposal would form a new community and this community would help strengthen existing communities nearby and provide a material increase in demand for services and facilities. Accordingly, there would not be any conflict with criteria (iv).

10.29 Criteria (iii) and (v) are discussed in detail later in this report.

10.30 In terms of the additional criteria in Policy SADM1 of the emerging Local Plan, noting the site is allocated in the emerging Local Plan (as modified) for 63 dwellings, it is not considered that the proposal would undermine the delivery of allocated sites or the overall strategy of the Plan, nor result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

Green Belt

10.31 The site is located to the north of Little Heath, where District Plan Policy GBSP1 -Definition of the Green Belt applies. Policy GBSP1 defines the extent of the Green Belt. Policy GBSP2 - Towns and Specified Settlements defines Little Heath as a specified settlement where development will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. This site lies outside the settlement boundary for Little Heath and is in the Green Belt.

10.32 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.33 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt;
- whether there is conflict with the Green Belt purposes; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

10.34 In terms of appropriateness, The NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in Paragraph 149. The proposal does not fall within any of the exceptions to the general presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development by definition.

10.35 Regarding openness, paragraph 137 of the NPPF defines the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both a spatial (physical) dimension and a visual aspect.

- 10.36 Spatially, while there is built development on the site (two dwellings and associated outbuildings) a significant majority is open. Therefore, the scheme would result in a significant reduction in existing openness simply by the extent of built development involving 63 dwellings.
- 10.37 Visually, the proposal would introduce built development to the site in the form of 63 dwellings with associated access roads and pavements, residential gardens, open space and driveways. Even taking into account the potential for boundary treatment and landscaping, this would have the effect of a considerable reduction in the openness of the site. This harm, in addition to the harm by inappropriateness, carries substantial weight against the proposal.
- 10.38 Now turning to purposes of including land in the Green Belt. Paragraph 138 of the NPPF states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.39 The proposal would not result in the unrestricted sprawl of a large built-up area having regard to the scale of development and surrounding Green Belt designation. A substantial area of Green Belt would be retained between Potters Bar and surrounding settlements, such that the development would not result in neighbouring towns merging. Neither would the proposal harm the setting and special character of historic towns. In respect of this fifth purpose of the Green Belt, *“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”* it is notable that the draft Local Plan proposes a number of urban regeneration sites, some of which already have planning permission. However, there is no substantive evidence to suggest that the development at this site would disincentivise the urban regeneration of sites elsewhere. Given the scale of development proposed to be located within the Borough, it is not considered that the proposal would be likely to adversely impact on the regeneration of urban redevelopment sites elsewhere. There would as a result be no conflict with this purpose.
- 10.40 Although there is an absence of harm to purposes a), b), d) and e), this is a neutral factor which weighs neither in favour nor against the appeal proposals.
- 10.41 The proposed development would, however, introduce a large amount of additional built form into what is at present a predominantly grassland beyond the edge of the settlement. The scale and extent of the development would urbanise the site and result in the encroachment of residential development into the countryside. Developing open land, which would be the case here, would not assist in safeguarding the countryside from encroachment, in conflict with purpose c).
- 10.42 In terms of the impact of the proposal on the wider area, the development would result in localised effects on receptors in close proximity to the site, but more limited effects in the wider landscape. Accordingly, it is considered that the proposed development would not cause substantial harm to the wider Green Belt.
- 10.43 The Stage 3 Green Belt Study assessed that the southern part of the site when considered together and along with the Swanley Bar area to the north, would have a moderate harm rating for its release from the Green Belt. The northern section of the site was assessed as having a

high harm rating in the same Study and for this reason, the northern section was not included in the LHe4/5 promotion as a possible housing allocation site in the 2019 Call for Sites.

- 10.44 However, as highlighted in 'status of the emerging Local Plan' section above, the examining Inspector considered that the resultant proposed new boundary to the Green Belt in this location would be erratic and not clearly defined to follow recognisable features that are likely to be permanent. The Inspector also commented that the proposed development area would leave a narrow finger of land between itself and two new dwellings that have recently been provided on land to the east (covering much of the northern section of the site) and, whilst this land was not independently assessed by the Green Belt studies, it clearly demonstrates the same characteristics as the proposed development sites and would most likely have been given the same rating (i.e. moderate). The Green Belt boundary in this location has been adjusted in line with the Inspector's comments and the application site encompasses the enlarged LHe4/5 site and some land also contained within the proposed amendment to the green belt boundary in the Draft Local Plan.
- 10.45 There are several site-specific considerations for the site included as Main Modifications and informed by the examining Inspector. This involves (amongst other things): retention and protection of existing trees, particularly along the green belt boundary and Hawkshead Road; and additional planting as necessary to create a strong and robust green belt boundary, and to minimise the impact on the openness of the green belt. The proposal would meet these site-specific considerations in the emerging Local Plan.

Summary of Green Belt harm

- 10.46 As inappropriate development the application would constitute definitional harm to the Green Belt. It would also cause harm to the physical and visual aspects of openness of the Green Belt. Substantial weight must be attributed to this harm.
- 10.47 One of the NPPF's defined purposes for the Green Belt is to safeguard the countryside from encroachment. Whilst development of this site would not have an effect on the integrity of the wider Green Belt due to its existing containment, built form would replace existing predominantly open countryside and encroachment would thereby be incurred. Given the site and scheme characteristics, and particularly the immediate relationship to the existing built form of the settlement, it is considered that the harm would be moderate. No conflict has been identified with other purposes.
- 10.48 The proposal is therefore contrary to Section 13 of the NPPF. Similarly, the proposal would be contrary to Policies SP3, and SADM34 of the draft Local Plan which have similar aims.

Very Special Circumstances

- 10.49 Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.50 What constitutes very special circumstances will depend on the weight of each of the factors put forward and the degree of weight to be afforded to each is a matter for the decision taker, in this case the Development Management Committee, acting within the "Wednesbury Principles". A reasoning or decision is Wednesbury unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it.

- 10.51 A number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances. However, the test is a stringent and demanding one. Very special circumstances requires a set of circumstances that are compelling and outside the norm. These must clearly outweigh the harmful effects of the development, and harmful effects to the Green Belt must be given substantial weight. In forming its judgement, it is essential therefore that the Members have a full understanding and appreciation of those harmful effects as well as all relevant positive planning benefits of the development and that the weighing up of these factors is transparent and rationally made.
- 10.52 What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime.
- 10.53 In this case, the applicant accepts that the proposal is inappropriate development and have set out their case for very special circumstances within the submitted Planning Statement.
- 10.54 The Applicants very special circumstances are summarised below:
- i. Emerging Local Plan Allocation*
 - ii. Provision of Market and overprovision of Affordable Housing*
 - iii. Suitability of the Site*
 - iv. Sustainable Design Measures*
 - v. Off-Site Highways Works*
- 10.55 In the case of *Redhill Aerodrome Ltd v SSCLG [2014]* the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.

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

- 10.56 Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality and that the design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the SDG.
- 10.57 The Council has adopted a design-led approach to new development, in which it will seek to apply the following design principles:
- Character (Policy D2)
 - Continuity and Enclosure (Policy D3)
 - Quality of the Public Realm (Policy D4)
 - Ease of Movement (Policy D5)
 - Legibility (Policy D6)

- 10.58 Policy D2 of the District Plan states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 10.59 The above approach is not inconsistent with Policy SP9 of the Council's emerging Local Plan and the NPPF.
- 10.60 Policy RA10 of the District Plan states that proposals for development in rural areas will be expected to contribute, as appropriate, to the conservation, maintenance, and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment 2005 (LCA). The site lies within Potters Bar Parkland Landscape Character Area (PBLCA) in the LCA. Key characteristics of the PBLCA as set out in the LCA include: relic estate planting and landscape features; relic estate architecture; extensive areas of recreation; urban edge influences; ridgelines and valleys; open views; and mixed farming.
- 10.61 Officers have worked with the developer during the life of the application to amend the layout to ensure that concerns regarding relationships between properties have been overcome appropriately, and to provide a suitable and effective landscaping scheme.
- 10.62 Residential development in the surrounding area is varied. This part of Hawkshead Road includes two-storey detached, semi-detached and terraced dwellings, detached bungalows and chalet style dwellings of varying design and appearance. Estates leading off the main road include cul-de-sacs and there are some examples of back-land development. There is no clear pattern of development.
- 10.63 The proposal includes 2-storey detached, semi-detached, and terraced dwellings, and 2.5 storey detached and semi-detached dwellings. Roof would be pitched and/or hipped, and the 2.5 storey dwellings include a modest single dormer to the front and rear roof slope.
- 10.64 Two vehicle access points are proposed into the site - both from Hawkshead Road. The existing vehicle access to Videne would be retained and serve Plots 1-3 only. The main access would be located further along Hawkhead Road. Cyclists and pedestrians will share a separate 3-metre-wide route into the site.
- 10.65 The primary access road follows the tree line along the pond feature and connects to the centre of the site which has a loop road with three cul-de-sacs leading off it. The second access to Plots 1-3 is also a cul-de-sac. All dwellings follow the road layout and provide active street frontages. While the SDG states that the use of streets is preferred outside the two new towns of Welwyn Garden City and Hatfield, it is noted that the cul-de-sacs are kept short, and this pattern of development is evident in the immediate locality. Furthermore, it is a salient point that the provision of more streets would likely reduce the number of dwellings on site - resulting in a less efficient use of the site.
- 10.66 The designated cycle and pedestrian path links between Hawkshead Road and the centre of the site and the cul-de-sacs would have a shared surface. A proposed footway is also illustrated to the north-east side of the site linking to Little Heath Playing Field. While it is understood that no approach has been made to North Mymms Parish Council to discuss access to the open space, this feature (if realised) will aid permeability and ease of movement (should agreement be reached with North Mymms Parish Council). The location of parking spaces are also varied which ensures that the road and public realm will not be dominated by vehicles. Courtyard parking and parking bays would also be adequately overlooked.

- 10.67 The layout of the site aids legibility, mainly through the retention of the pond and mature trees surrounding it as a key landscape feature, strategic location of the largest dwelling at the main central junction point, and siting of 2.5 storey dwellings acting as markers.
- 10.68 Public open space will be provided to the front and rear of the site which are well overlooked. The use of these areas will likely be limited to sitting and relaxation due to the presence of a pond and attenuation feature. Notwithstanding this, these areas of public open space would be useable and valued by future residents and it is noted that the site adjoins a large area of open space, as well as a playground, for more formal and informal sport and recreational use. The inclusion of street furniture in the proposed areas of open space within the site will promote their use and this public realm feature can be secured by condition. It is considered that the nature and extent of open space within the site would be appropriate and acceptable.
- 10.69 Proposed hard boundary treatments to enclose the rear gardens of the proposed dwellings include a 1.8 metre Brickscreen wall between 2 metre piers and 1.8 metre close boarded fencing. Trees and/or hedging would be planted in front of the Brickscreen walls to soften their impact. A 1.1 metre post and rail fence was originally proposed to enclose the pond feature but was changed to knee rail fence (following feedback from Officers) to ensure this space is not closed off and can be enjoyed by future occupiers. The proposed boundary treatments would not dominate the layout and their appearance would be acceptable.
- 10.70 In terms of hard landscaping, the application is accompanied by a Boundary & Surface Treatment Plan. Different types of hard surfacing are proposed to distinguish between adoptable highway, shared surfaces and private driveway which help create a hierarchy of streets.
- 10.71 Others matters relevant to layout include spacing distances between buildings; rear garden sizes; privacy/overlooking and outlook; and landscaping. These are discussed below.
- 10.72 In terms of landscaping, Policy D8 of the District Plan states that development should include landscaping as an integral part of the overall design. Policy R17 outlines that the Council will seek protection and retention of existing trees and hedgerow where applicable.
- 10.73 Paragraph 131 of the NPPF states that planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 10.74 A total of 12 individual trees (2 category U; 1 category B; and 9 category C) and 5 tree groups (1 category B and 4 category C) would be removed to facilitate the development. Although the removal of B category trees is not ideal, T43 and G24 are located on the interior of the site, and it is considered that their removal would not have an adverse impact on the wider landscape.
- 10.75 A significant majority of the trees along the edges of the site and to the southern side (adjacent to Hawkshead Road) would be retained. The only trees requiring removal adjacent to Hawkshead Road are limited to part of a wider tree group (G38). A strong tree buffer adjacent to Hawkshead Road would be maintained.
- 10.76 A neighbour representation has raised concern that the tree studies and plans relating to the existing trees along the north side of Hawkshead Road omit a significant number of trees, especially on the north-westerly side of the proposed new access road into the site (opposite Wain Close) and, therefore, it is not known whether such trees would be retained. In response, the tree survey does include all the trees along the boundary with the highway. They have been recorded as a single large tree, T39, and then a large group of trees, G38. The tree survey

report sets out that group G38 includes “*Populus tremula (Aspen), Quercus robur (Common Oak), Crataegus monogyna (Hawthorn), Tilia sp. (Lime), Aesculus hippocastanum (Horse Chestnut), Chamaecyparis lawsoniana (Lawson Cypress)*” and comments that “*Group of mixed species broadleaves including a row of Lawson Cypress trees. Poplars in group exceed average height due to nature of growth. Other dimensions still fit the rest of group. All dimensions are an estimated average.*” The trees are deliberately not shown on the street-scene drawing as otherwise the houses would not be visible.

- 10.77 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) and landscaping scheme which have been reviewed by the Council’s Landscape Consultant at Place Services.
- 10.78 The landscaping scheme includes suitable and sufficient tree planting along sensitive edges to fill in gaps and further restrict views into the site. The internal areas will include effective tree, hedge and scrub planting and there will be a good balance between soft and hard landscaping as a result. The soft and hard landscaping scheme incorporates the principles of continuity and enclosure to distinguish between public and private space. The compensatory planting is considered acceptable to mitigate against the trees which would be lost. The submitted Planning Plans and Landscape Masterplan requires minor amendments (re-positioning of Plot 55 and replacement of gate with landscaping) and this can be secured through a condition.
- 10.79 The submitted tree protection plan has also been reviewed by the Council’s Landscapes Department and is acceptable. There are minor discrepancies with the submitted tree protection plan insofar as some hedging is indicated to be removed but the planting plans show them to be retained, and the location of some dwellings have been altered to ensure satisfactory living conditions. It is confirmed by the applicant that the hedging in question will be retained. A revised tree protection plan correcting these errors can be secured by condition.
- 10.80 The Council’s Landscape Consultant has commented that based on the submitted findings in the LVIA and their own assessment, the site and immediate surroundings would have a medium value and medium landscape sensitivity. Visually, at the baseline the main impacts will be from localised views but, importantly, from the wider landscape of the PBLCA, views will be restricted owing to the combination of landform and mature vegetation.
- 10.81 It is the professional opinion of the Council’s Landscape Consultant that the development would have an adverse impact on both landscape character and visual amenity, but the proposed landscaping scheme would effectively mitigate such impacts caused by the development and would present the proposed development with the opportunity to positively contribute towards the peri-rural and rural qualities of the area.
- 10.82 Subject to conditions requiring a corrected tree protection plan, implementation of the proposed landscaping scheme, and its long-term maintenance, it is considered that the proposal is acceptable in landscaping terms.
- 10.83 In terms of scale, the proposed dwelling would not appear out of place relative to existing built development in the context of the site and, in combination with the proposed landscaping scheme, the proposal would not be prominent in the landscape from either localised or wider viewpoints.
- 10.84 In terms of appearance, the design of dwellings in the area varied and this includes the external materials used. The buildings comprising ‘The Glass Barn’, ‘Silver Gables’ and ‘The stables’ to the immediate east of the site are faced in black timber boarding below a standing seam metal roof. Dwellings in the immediate locality along and adjacent to Hawkshead Road are faced in

render (of varying colours), buff-brick, red brick, or pebble dash. Roof tiles include clay, concrete in red, brown, and grey colours, as well as slate. Window frames are mainly white uPVC, although there are examples of different materials in brown, grey and black tones.

- 10.85 The palette of materials on the proposed dwellings would be mixed but traditional and complementary materials would be used for each dwelling. This includes red, orange and buff brick; red tiles or light or dark grey tiles. Parts of some dwellings would also be faced in ivory render or composite cladding. These materials would respect the character and appearance of the area. The variety of materials would also create visual interest within the development.
- 10.86 Details of the appearance of the windows and dormers have not been provided, however samples/precise details of all external materials can be reserved by condition in the interest of ensuring high quality design.
- 10.87 Taking account of the above, and subject to the suggested conditions, it is considered that the proposed development would represent an acceptable standard of design and the area's character would be respected. The proposal would therefore accord with the above design policies in this respect.

Impact on setting of listed building

- 10.88 The site is located to the north of Osborne House, a Grade II listed villa dating from the 1850s (list entry no. 1380272). The Grade II Registered Park and Garden (list entry no. 1000495) Gobions is also located c.280m to the north of the site.
- 10.89 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.90 Also, paragraph 206 of the NPPF outlines that local planning authorities should look for opportunities for new development including those within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.91 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant as it requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting.
- 10.92 Policy SADM15 of the emerging local plan is consistent with the above.
- 10.93 The application has been supported by a Heritage Statement which concludes that with necessary close attention to the essentials of scale and massing, selection of sympathetic materials and harmonious architectural detailing, the proposed development of the site will fully accord with local planning and national policy in terms of NPPF paragraph 202.
- 10.94 The application has been reviewed by the Council's Conservation Advisors who state that the proposal would not result in harm to the significance of the Grade II listed Osborne House or Gobions Registered Park and Garden.
- 10.95 Additional tree planting to better filter views of the proposed houses and better preserve the verdant appearance of this part of Hawkshead Road is advised by the Conservation Advisor.

Compensatory tree planting is included which would maintain the appearance of this part of Hawkshead Road.

3. Residential amenity

- 10.96 Ensuring that new residential developments create acceptable living conditions for future residents and protect the living conditions of neighbouring properties is a key part of good design. Key principles covering sunlight/daylight, overlooking/privacy, amenity spaces, and noise, are set out in the Council's SDG which supplements Policy D1 of the District Plan.
- 10.97 Policy SADM11 of the emerging Local Plan refers to the above principles and also the Nationally Described Space Standards (NDSS). While full weight cannot be given to the NDSS at this time (due to the emerging Local Plan not being adopted), it is a material planning consideration and provides a helpful baseline from the Government regarding gross floor area for dwellings, as well as floor areas of bedspaces.
- 10.98 Paragraph 130(f) of the NPPF outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Impact on living conditions of future residents

- 10.99 All dwellings would accord with the NDSS, and rear gardens would be functional and useable having regard to their orientation, width, depth, and shape.
- 10.100 The dwellings would not appear overbearing in relation to one another, outlook would be acceptable, and each dwelling would receive satisfactory levels of sunlight and daylight.
- 10.101 Subject to a condition requiring upper floor side windows to be obscure glazed and non-opening below 1.7 metres from internal finished floor level, there would be no overlooking/privacy issues between the proposed dwellings. This is apart from certain side elevations where there would be no adverse impact if windows were clear glazed. The design, orientation and positioning of the proposed residential development will also ensure that the privacy of existing residents within their homes would not be adversely affected.
- 10.102 In terms of noise, some properties will be located within close(?) proximity to Hawkshead Road. The Council's Public Health & Protection Officer (PH&P Officer) has been consulted for this application. While no noise assessment has been submitted with the application, the PH&P is comfortable that a scheme can be submitted for approval by condition to ensure that future residents of properties close to Hawkshead Road are not subject to unacceptable levels of transport noise. This will likely be limited to appropriate glazing.

Impact on living conditions of future residents

- 10.103 The curtilages of several dwellings adjoin the application site. These are: Studlands, Tantum Farm, The Glass House, Silver Gables, and The Stables. Furthermore, whilst planning permission 6/2021/3304/MAJ has not been implemented, it remains an extant permission and, as such, the impact of the development on living conditions of future occupiers of that development must also be considered.
- 10.104 There would be no adverse impact on the living conditions of residents of Studlands, Tantum House or approved dwellings under planning permission 6/2021/3304/MAJ due to their separation distance from the nearest proposed dwellings.

- 10.105 The owners and occupiers of The Glass Barn have lodged an objection to the proposal due to the proximity of the parking court to facing habitable windows at their property and consequential impacts in terms of noise and disturbance (engine noise, headlights, door slamming and raised voices), light pollution from headlights and necessary lighting to the parking area, and potential for pollution from car exhausts.
- 10.106 Based on the planning permission for The Glass Barn, the ground floor habitable rooms are a drawing room and snug/study, and the first-floor habitable rooms are bedrooms and dressing rooms.
- 10.107 The nearest car parking spaces would be separated from the shared boundary with The Glass Barn by approximately 5-5.4 metres and based on the approved plans, the facing elevation of The Glass Barn would be set-in approximately 2.3-2.7 metres from the shared boundary. The total separation distance between the nearest car parking spaces and the facing elevation of The Glass Barn would be approximately 7.7 metres.
- 10.108 There is a continuous line of hedgerow and trees along the shared boundary which mask views of the ground floor windows from the application site. There is however limited to no boundary screening of the first-floor windows.
- 10.109 The submitted planting plans show that an evergreen hedge would be planted directly behind the car parking spaces in a continuous line. Two hawthorn trees would also be planted in the gap between the parking spaces and the facing elevation of The Glass Barn.
- 10.110 Given its use (as parking to serve single dwellings), vehicle movements would not be constant, and the use of car lights would be short lived. It is also noted that parking spaces directly facing The Glass Barn would be limited to 6 vehicles serving 3 dwellings.
- 10.111 It is considered that the above spacing distances, in combination with intervening existing and proposed planting will be effective in minimising light spill and there would be no conflict with Policy R20 of the District Plan. In terms of fixed external lighting, none is proposed in the submission and a planning condition can be imposed with a grant of planning permission to ensure that any external lighting intended is approved in advance of installation by the Local Planning Authority.
- 10.112 Noting its use and separation distance of the parking spaces from The Glass Barn, it is considered that noise levels associated with car parking in this case would not be unacceptable and would not harm the living conditions of the occupiers of The Glass Barn. For the same reasons and noting the intervening landscaping (both existing and proposed) local air quality would unlikely be affected. Accordingly, it is considered that there would be no conflict with Policies R18 and R19 of the District Plan.
- 10.113 The nearest proposed dwellings would be generously separated from The Glass Barn. The levels of sunlight and daylight received to The Glass Barn would be protected and outlook would be acceptable. Overlooking would also be minimised and ensure that the privacy of the occupier would also be protected.
- 10.114 Taking account of all the above, it is considered that the proposed development would not harm the living conditions of the occupiers of the Glass Barn and would therefore accord with all relevant planning policies.
- 10.115 'Silver Gables' adjoins 'The Glass Barn' and is a mirror image in design terms. The circumstances at 'Silver Gables' would be similar to that of 'The Glass Barn' and for the same

reasons as explained above, it is considered that the living conditions of the occupiers of this dwelling would be protected.

- 10.116 Regarding The Stables, this is a single storey dwelling which also lies adjacent to the eastern boundary of the site. The rear elevation of The Stables backs onto the site. The flank wall of the dwelling at Plot 16 is proposed to be sited between approximately 1.4-1.9 metres from the shared boundary and nearest flank-to-rear separation distance would be approximately 3.5 metres. While this separation distance is close, it is noted that the space between the rear wall and rear boundary of The Stables is not amenity space and its nearest windows, based on the approved floor plans, serve non-habitable spaces (an en-suite and dressing room). Outlook from habitable rooms or outdoor amenity space would not be compromised. Furthermore, given the orientation of the dwelling at Plot 16 relative to The Stables, satisfactory levels of sunlight would be maintained. It is also considered that daylight received to this part of The Stables would not be adversely affected.
- 10.117 An upper floor window of the dwelling at Plot 16 (serving a bathroom) would face toward The Stables and a condition can ensure that this window is non-opening below 1.7 metre from internal finished floor level and obscure glazed to prevent direct overlooking of the garden of The Stables and protect the privacy of the occupiers of this dwelling.
- 10.118 The dwelling at Plot 6 would also be in close proximity to The Stables and its flank wall would face onto a large terrace/garden area of this neighbouring property. This dwelling would be set in from the shared boundary by between 1.6-2 metres. The nearest windows of The Stables would serve a gym and snug. Existing landscaping on the boundary would be retained and partly screen views of up to approximately half of the flank elevation.
- 10.119 The flank wall of the dwelling at Plot 6 would be clearly apparent from the garden of The Stables owing to its location, height, length, and proximity to the shared boundary. Views from nearest habitable rooms would be limited. It is noted however that the garden area is large, and the terrace is set in from the shared boundary. The retained boundary landscaping will also reduce its visual impact from this neighbouring property. Having regard to all these factors, it is considered that the dwelling at Plot 6 would not be unduly dominant from the garden or internal living spaces of The Stables and an acceptable level of outlook maintained. Levels of sunlight and daylight received to internal and external spaces at The Stables will also be acceptable having regard to the scale of the dwelling at Plot 6, its location, and orientation relative to this neighbouring property. In terms of privacy, the facing flank wall would be blank, so overlooking would not be an issue.

4. Highways and transport considerations

- 10.120 This application is accompanied by a Transport Assessment (TA) which has been assessed against the transport elements of the following national/local policies and technical guidance documents:

- National Planning Policy Framework (NPPF) 2021
- Hertfordshire's Local Transport Plan 4 (LTP4) 2018
- Welwyn Hatfield Local Plan
- Southeast Hertfordshire Growth & Transport Plan
- Design Manual for Roads and Bridges
- Manual for Streets and Manual for Streets 2
- Hertfordshire County Council's Planning Obligations Toolkit

- 10.121 Paragraph 110 of the NPPF states that developments should ensure “*safe and suitable access to the site can be achieved for *all* users*”, and that “*appropriate opportunities to promote sustainable transport modes can be – or have been – taken up*”. It references the new National Model Design Code, of which key quotes include: “*New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes*” and “*all streets should be accessible to all members of the community*” (paragraph 59 part 1); plus “*walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less*” (paragraph 33 part 2).
- 10.122 Paragraph 111 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 10.123 Paragraph 112 goes on to states that “*Within this context, applications for development should:*
- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.*

Trip generation

- 10.124 A summary of the trip rates and predicted trip generation, by all modes of travel, is provided in the submitted TA. On a weekday the proposed residential development is likely to generate 28 two-way vehicle trips during the weekday AM peak hour and 30 two-way vehicle trips during the PM peak hour. The level of traffic generation is accepted by the Highway Authority.

Junction assessment

- 10.125 The applicant has demonstrated that the proposed site access and existing junction of Hawkshead Road/Great North Road will operate well below the recognised desirable maximum threshold in all situations including with the proposed development. The Highway Authority conclude that the predicted development traffic associated with the proposed development is unlikely to result in congestion on the local highway network.

Highway safety

- 10.126 The Highway Authority have reviewed the proposed traffic calming measures, as amended, and consider that they will have a positive effect and help to reduce traffic speeds. The detailed design including the exact form and crossing type can be secured by condition.

Access

- 10.127 The applicant has demonstrated that the vehicle accesses would be safe. The internal layout is not proposed to be adopted and has been based around a design speed of 20mph with traffic calming features. Measures to prevent surface water runoff onto the public highway can be secured by condition.
- 10.128 In terms of cycling and pedestrian access, the proposal includes shared surfaces and the number of dwellings this surface gives access to would accord with published standards (Road Design Criteria of the Highway Design Guide - 3rd Edition)
- 10.129 The Highway Authority have raised concerns with the shared surface treatment and that it would provide a low-quality pedestrian connection. Further consideration to demonstrate a safe and inclusive accessibility (particularly for users with mobility needs) was requested. The applicant responded stating that shared surfaces provide at level access with no dropped kerbs or driveways (with associated footway gradients) and could provide better facilities for people with mobility issues than compared to standard access roads with undulations and level differences at junctions and driveways. The applicant also stated that shared surfaces are provided towards the end of developments where there are no through roads with a limited of number of dwellings and as a result are very lightly trafficked. The Highway Authority maintain their concern but go on to say that as the shared surface is internal to the site and it is not intended that the internal road layout adopted by the Highway Authority, they are content to leave the matter with the Local Planning Authority to decide.
- 10.130 A block paved shared surface is proposed and it is noted that the Department for Transport Inclusive Mobility Guidance 2021 states that for footways and footpaths, pavers should be not less than 2mm, and not more than 5mm to be appropriate. This is a matter which can reasonably be secured by condition to ensure a safe surface is provided for all users.
- 10.131 Having regard to all the above, it is considered, on balance, and subject to the suggested condition, that the proposed shared surface would be acceptable in this case.
- 10.132 Regarding the proposed footway connection with Little Heath Playing Field, the Highway Authority state that this will improve walking connectivity and is an important element of the scheme and recommend this is secured by condition.
- 10.133 The 'Strand 1' off-site highway works (directly outside the site) include a range of traffic calming measures, relocated bus stop and a new crossing. No in principle concerns have been raised by the Highway Authority. The applicant has confirmed commitment to additional works including both bus stops being upgraded with Kassel kerbing and shelters as requested by the Highway Authority as well as design improvements to ensure that a clear and safe environment is provided for road users. Officers are satisfied that the detailed design of the off-site highway works can be secured through a pre-commencement condition.
- 10.134 The Highway Authority outline that the surrounding roads mainly provide and good environment for pedestrians but that some would benefit from drop kerbs with tactile paving. Such works can be accommodated in the 'Strand 2' contributions to wider sustainable transport works.
- 10.135 The 'Strand 2' package consists of:
- Implementation of integrated ticketing to facilitate train-bus transfers at Potters Bar station;
 - Increase cycle parking facilities at Potters Bar station to facilitate cycle-bus and cycle train transfers;

- Upgrades to increase capacity at Potters Bar bus station;
- Improvement of bus services in Potters Bar, particularly services connecting to north London, as well as reinstating Cranborne Road services; and
- Dropped kerbs and tactile paving at Hawkshead Road junctions with Osbourne Road, Gresley Court, Grangewood and Cranmer Close.

Refuse and Service Delivery

- 10.136 The submitted refuse collection arrangements show that the refuse vehicle can get within 15m of each dwelling/collection point. The refuse collection and service delivery approach is acceptable to the Highway Authority. The Council's Client Services Team have also been consulted and have not objected.
- 10.137 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Environment Management Plan (CEMP) will be required. A CEMP can be appropriately secured by condition.
- 10.138 Hertfordshire County Council's Minerals and Waste Team have also been consulted for this application and recommend that the development is subject to a Site Waste Management Plan (SWMP) with the aim to reduce the amount of waste being produced on site, as well as the type and amount of waste removed and location where the waste is being taken to. This is in the interest of sustainable development by virtue of minimising waste generation and maximising on and off-site reuse and recycling of waste material.
- 10.139 The justification is in accordance with Policy 12 of the Hertfordshire Waste Core Strategy, the Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework. All are material planning considerations, and a condition would, therefore, be reasonable in this scale given the nature and scale of the development proposed.

Car parking

- 10.140 Paragraph 107 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; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. This approach is consistent with Policy SADM12 of the emerging Local Plan.
- 10.141 Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF or emerging Local policy and are therefore afforded less weight.
- 10.142 The Council have produced an interim Policy for Car Parking Standards (Interim Parking Policy) 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.
- 10.143 National and Local Planning Policy is clear that parking standards must be balanced against the promotion of sustainable trips and a move away from car dependency.

- 10.144 The application site has a Zone 4 designation in the Council's SPG which has a range of 75-100% of the maximum demand-based standard. The range identifies the degree of restraint that will normally be applied to new development in this Zone.
- 10.145 The maximum car parking standards for the proposed development would equate to 159 spaces (with 75% being 119). The proposal would provide 126 resident spaces (2 per dwelling) and 24 visitor spaces. In addition, there is a minimum of one extra parking space for all plots with garages, although it is acknowledged that these will likely be used, in most instances, for storage.
- 10.146 The site is in a reasonably sustainable location from a movement perspective and, taking this into account, it is considered that the proposed level of car parking provision is acceptable.
- 10.147 A condition is required to ensure that the parking space/s for each dwelling are provided prior to their occupation and retained for that use thereafter.
- 10.148 In terms of EV charging, the TA states that parking associated with the proposed dwellings, with garages, will have electric vehicle charging points. The TA also states electric vehicle charging points are to be provided for each residential dwelling. A condition will be required to provide electric vehicle charging points for each residential dwelling.

Cycle parking

- 10.149 Policy M6 of the District Plan requires parking for cycles and, where appropriate, secure waterproof storage. This is consistent with Policy SADM3 of the emerging Local Plan.
- 10.150 Policy SADM12 of the emerging Local Plan outlines that cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of the sustainability of the location, need to promote sustainable travel, and nature and degree of parking demand.
- 10.151 The SPG states that one long term cycle space should be provided per dwelling if no garage or shed is provided. In this case, any dwelling without a garage will have a shed. This is illustrated and annotated on the proposed site layout plan.
- 10.152 The proposed cycle provision is therefore acceptable, and a condition can ensure that the sheds are implemented prior to first occupation of respective dwellings.

5. Other considerations

i) Ecology

- 10.153 The application has been supported by a Preliminary Ecological Appraisal Report, Ecological Impact Assessment, Biodiversity Net Gain Report (and accompanying Metric 3.1).
- 10.154 Policy R11 of the District Plan requires development to contribute positively to the biodiversity of the site. The proposed further modification to Policy SADM16 of the emerging Local Plan states that proposals will be expected to maintain, protect, conserve, and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments (as set out in the Environment Act 2021) will be required deliver a measurable biodiversity net gain of at least 10%.
- 10.155 The NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating

on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 10.156 The NPPF does not quantify net gains for biodiversity, rather that net gains should be provided. Furthermore, the Environment Act 2021 is not yet mandatory. Therefore, reduced weight is given to the emerging Policy position currently.
- 10.157 Hertfordshire Ecology have been consulted for this application. Sufficient information on European protected species (bats) within existing structures has been submitted. Further information was requested regarding the location and number of trees with potential roosting potential, and this was subsequently provided by the applicant. Five trees were identified as offering either low or moderate suitability for bats, but all would be retained so no further surveys are required. A condition can secured details of habitat/feature creation proposed, maintenance, management and protection of biodiversity.
- 10.158 The development would however result in a loss of biodiversity and the submitted Biodiversity Net Gain Results Report (and accompanying Metric 3.1) quantifies a loss of 58.58% for habitats. The Report concludes and recommends that for the proposals to achieve a net gain in biodiversity, two possible solutions to be considered include an offsite solution, or a financial contribution to an existing offsetting scheme.
- 10.159 It is necessary in this case for a planning obligation to be included requiring the owner (or nominee arranged via the owner) to submit for approval a biodiversity offsetting scheme to achieve the proposed net gain for biodiversity of 10%. The obligation will also require delivery as well as long term management and maintenance.
- 10.160 Subject to conditions and a planning obligation, it is considered that the proposal would be acceptable in ecology and biodiversity terms.
- ii) Flood risk and sustainable drainage*
- 10.161 Paragraph 167 of the NPPF outlines that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- 10.162 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 10.163 Policy SADM14 of the emerging Local Plan is in accordance with the NPPF.
- 10.164 The application has been supported by a Flood Risk Assessment & Drainage Statement, Site Drainage Plan, SUDS Management Strategy, Site Levels, Drainage construction details, Drainage asset ownership plan, work phase plan, and Indicative plot access sections.

10.165 The Lead Local Flood Authority have been consulted for this application and present no objection to the proposed development subject to conditions. The conditions require: information to demonstrate that finished floor levels are raised a minimum of 150 mm above the surrounding proposed finished ground levels unless measures are agreed; compliance with the approved documents; details and a method statement for interim and temporary drainage measures during the demolition and construction phases; details of the maintenance and management of the sustainable drainage scheme; and a final Completion and Verification Report to demonstrate that the sustainable urban drainage measures have been implemented as per the details. All of these conditions are considered necessary and reasonable to ensure that the development would comply with relevant local and national planning policy.

iii) Renewable Energy

10.166 Policy R3 of the District Plan states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...' Policy SD1 of the District Plan states that 'development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'. This approach is reflected in Policies SP 10 and SADM 13 of the emerging Local Plan.

10.167 Policy SP10 of the emerging Local Plan sets out the strategic approach to promoting more environmentally sustainable development within the borough, supported by more detailed criteria set out in SADM 13 and SADM 14 and also the NPPF.

10.168 The application has been supported by an Energy Strategy Statement (ESS) which calculates the total energy demand and associated CO₂ emissions arising from the development and demonstrates that a Building Regulation standards or better reduction can be achieved through air source heat pumps and improved fabric efficiency measures. The site will be entirely gas free. To this end the ESS concludes by stating:

"The proposed strategy will provide a 36.84% carbon reduction over a development built to comply with the CO₂ targets under the latest revision of the Building Regulations, Part L 2021. This also represents a 51.70% energy demand reduction."

10.169 It is considered that the application has demonstrated compliance with the above policies and is acceptable. A planning condition can be imposed to ensure compliance with the renewable and energy efficient measures and targets proposed.

iv) Contaminated land

10.170 Policy R2 of the District Plan outlines that on sites which are or may be contaminated, applications must be accompanied by a full survey of the level of contamination and proposals for remediation measures. In considering whether planning permission should be granted, the Council will need to be satisfied that there will be no unacceptable risk to health or the environment arising from the remedial works or the proposed use of the site in relation to the type of contamination. This approach is broadly consistent with the NPPF.

10.171 Policy R7 of the District Plan states that planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater.

10.172 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of soil and water pollution and remediating and mitigating contaminated land, where appropriate.

- 10.173 Policy SADM18 of the emerging Local Plan applies a similar approach to contamination.
- 10.174 The proposed development site is located near an Environment Agency defined groundwater Source Protection Zone (1) (SPZ1) corresponding to Pumping Station (NORM). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 10.175 A contaminated land report has not been submitted with this application, but the Council's PH&P Officer, Affinity Water and Thames Water have been consulted.
- 10.176 The PH&P Officer states the councils mapping system does not indicate any historic use on the site that could have led to the ground being contaminated. However, this does not mean that there is no contamination present. Considering the intended end use for the site, I recommend that an unexpected finds condition is used. This will instruct the developer on the appropriate actions to take if contamination is found at any point during the development. This can be secured by condition.
- 10.177 Affinity Water, noting the proximity of the site to a defined SPZ1 have recommended pre-commencement conditions requiring the submission and approval of the following: an intrusive ground investigation risk assessment, and method statement; and details to demonstrate that the surface water drainage scheme will not cause contamination of public water supply abstractions present. An unexpected finds condition, similar to that recommended by the PH& Officer is also advised. These conditions are required to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water. All these conditions are reasonable and necessary and can be secured by condition.
- 10.178 Thames Water do not object to the proposed development having regard to both foul and surface water.

v) *Archaeology*

- 10.179 Policy R29 of the District Plan states that where a proposal for development may affect remains of archaeological significance or may be sited in an area of archaeological potential, developers will be required to undertake an archaeological assessment, if necessary, with a field evaluation, and to submit a report on the findings to the Local Planning Authority, before an application is determined. This approach is broadly consistent with Policy SADM15 of the emerging Local Plan and the NPPF.
- 10.180 The application has been supported by an Archaeological Desk Based Assessment and Hertfordshire County Council's Historic Environment Advisor (HEA) has been consulted accordingly.
- 10.181 The HEA has advised that although the historic environment record does not show any records close to the site, this may be a reflection of the lack of archaeological investigation in the vicinity. The site has been relatively undisturbed during the modern period, so any earlier archaeological remains are more likely to have survived. the HEA recommends provisions to be made, including: a field evaluation and, if required, mitigation measures. The condition recommended is both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal, in accordance with the above policies.

vi) *Housing mix*

- 10.182 The development plan does not stipulate the mix of housing required in the Borough, but emerging policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive and mixed communities. Proposals should, according to the latest wording in the main modifications to the emerging Local Plan, demonstrate how the mix of tenure, type and size of housing proposed has had regard to the Council's latest evidence of housing need and market demand with the aim of meeting the various needs of different households.
- 10.183 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:
- 1-bed – 14%
 - 2-bed – 23%
 - 3-bed – 41%
 - 4+bed – 22%
- 10.184 The proposed mix is as follows:
- 1-bed – 0%
 - 2-bed – 16%
 - 3-bed – 32%
 - 4+bed – 52%
- 10.185 While the proposed overall housing mix would not accord with the Council's latest evidence, it is clear from the Council's Strategic Housing Market Assessment that the implied housing mix requirement in the emerging Local Plan should not be applied as an absolute requirement for individual schemes. It is a Borough-wide requirement to be achieved over the plan period and there will inevitably be sites that lend themselves to higher density schemes with a high proportion of smaller units and other sites where the opposite is true.
- 10.186 The proposed development would provide mainly 3 and 4+ bed dwellings but a not-insignificant quantity of 2 and 3 bed dwellings are also proposed such that there is some variation in house types and sizes proposed.
- 10.187 The application has been supported by a Housing Statement which states that market demand in this area should be focused on the provision of larger family housing with 4 or more bedrooms in conjunction with a small number of 3-bedroom market homes to assist with diversifying the local owner occupier mix.
- 10.188 20% of the dwellings are designed to meet building regulations Part M4(2) Accessible and Adaptable Dwellings with 1.5% of the dwellings designed to meet Part M4(3) Wheelchair User Dwellings. This exceeds the Council's emerging policy for accessible and adaptable housing.
- 10.189 40% of the housing provision would be affordable housing which exceeds the Council's policy and, furthermore, a majority would be for 3-beds where there is a clear identified need. The tenure and split of affordable housing is deemed acceptable.
- 10.190 With the above in mind, the development would likely be attractive and/or available to a wide variety of prospective occupants, not confined to only a small section of the housing market.
- 10.191 The proposed scheme has had regard to the latest evidence available in relation to housing need and market demand and would deliver housing that would contribute towards meeting that

Borough-wide need. It would also provide a suitable proportion of affordable housing. As such, there would be no conflict with Policy SP 7 of the emerging Local Plan.

vii) Fire hydrants

- 10.192 Hertfordshire County Council's Water Officer has been consulted on this application and requests fire hydrant provision to ensure adequate water supplies for use in the event of a fire at the site.
- 10.193 This infrastructure requirement is considered necessary, reasonable, relevant to planning and to the development. It would be in line with Policy IM2 of the District Plan, Policy SP13 of the emerging Local Plan, and the NPPF. It is considered appropriate for such provision to be secured through a condition.

viii) Environmental impact assessment

- 10.194 A screening opinion has not been sought at this site for the development proposed to determine whether it is likely to have a significant effect on the environment and therefore require an EIA.
- 10.195 The proposed development is not contained within Schedule 1 or 2 of the EIA Regulations. It is however Schedule 2 development by virtue of the overall area of the development exceeding 5 hectares. It is considered that the proposal would not be likely to have significant environmental effects subject to normal planning controls. Accordingly, the proposal is not considered to be EIA Development and does not require full environmental assessment.

ix) Other considerations

- 10.196 North Mymms Parish Council, in their major objection, have requested that Permitted Development Rights are removed.
- 10.197 Paragraph 54 of the NPPF outlines that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
- 10.198 Recent expanded permitted development rights to allow for additional storeys to dwellings would not apply in this case as the eligibility limit is for dwellings constructed up to 28 October 2018.
- 10.199 All dwellings would be set within satisfactory sized plots and spacing distances for those dwellings which have a gap between their flank walls and boundary, would not allow for anything more than a very modest extension. It is not considered that extensions/additions to the footprint of the dwellings under permitted development would reduce outdoor amenity space to an unacceptable degree or result in dwellings appearing cramped within their plots. Dormers or enlarged dormers would be unlikely to add undue bulk to dwellings. It is considered that potential extensions/enlargements/additions to the dwellings under permitted development would not harm their design or character, and nor would there be a materially greater impact on the openness of the Green Belt relative to the proposed situation.
- 10.200 In terms of boundary treatments/means of enclosure, their height would be limited to 1 metre adjacent to a highway (road or footpath) and this will ensure that should any future occupiers seek to add such features, their impact on the visual amenity and character of the street-scene would be limited. To the rear of dwellings, the proposed means of enclosure are within the limits of permitted development, so any proposal to increase their height would require planning permission.
- 10.201 Having regard to all of the above, it is considered that the removal of permitted development for this development would not be justified.

6. Planning obligations

- 10.202 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.
- 10.203 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.
- 10.204 Policy IM2 of the District Plan states that in order to satisfy the sustainability aims of the Plan and secure the proper planning of the area, development will be required to provide for the infrastructure, services and facilities which are directly related to it and necessary to the granting of planning permission. This includes on-site facilities, off-site improvements, services and facilities and affordable housing.
- 10.205 The Planning Obligations SPD expands on Policy IM2 of the District Plan and relates to new development in the borough. It provides detailed guidance on the type and scale of planning obligations sought, in addition to setting out Welwyn Hatfield Borough Council's approach to securing planning obligations, with the aim of establishing a transparent, fair and consistent process for negotiating and monitoring planning obligations.
- 10.206 Policy M3 of the District Plan requires the submission of a Green Travel Plan for large scale development. Policy M4 requires necessary development to include provision for alteration to existing or new transport infrastructure or services.
- 10.207 The above approach is broadly consistent with Policies SADM1 and SP13 of the Emerging Local Plan.
- Affordable Housing*
- 10.208 District Plan Policy H7 seeks the provision of affordable housing on sites above 1 ha or with 25 or more units with a minimum of 30% subsidised housing. The proportion type and mix will be based on the latest housing needs survey.
- 10.209 Draft Policy SP7 states that for sites falling within excluded villages, which includes Brookmans Park, a minimum of 35% of units should be affordable housing, subject to viability. Whilst Policy SP7 has not yet been adopted, it is based upon evidence that identifies a need for this level of affordable housing to be provided. It is therefore considered appropriate and reasonable to seek this higher figure.
- 10.210 40% of the proposed dwellings would be affordable housing and exceeds the emerging policy complaint provision. 51% of the policy complaint level (11 dwellings) will be social rent. The remaining will be an intermediate tenure (shared ownership). The comments from the Council's Housing Development Team are noted but there is no evidence to substantiate the claim that there is no need for shared ownership housing.

Hertfordshire County Council Contributions

10.211 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects to mitigate the impacts of the development including:

- Secondary Education - £874,285.00 toward the expansion of Chancellor's Secondary School and/or provision serving the development.
- Special Educational Needs and Disabilities - £85,753.00 toward providing additional Severe Learning Difficulty (SLD) special school places (WEST) through the relocation and expansion of Breakspeare School and/or provision serving the development.
- Library Service - £15,705.00 toward increasing the capacity of Oakmere Library and/or provision serving the development.
- Youth Services - £20,559.00 toward increasing the capacity of Hatfield Young People's Centre and/or provision serving the development.
- Waste Service Recycling Centre - £22,132.00 toward increasing the capacity of the recycling centre at Potters Bar and/or provision serving the development.
- Sustainable travel - £430,038 toward Strand 1 and 2 offsite works.
- Travel Plan - £6,000 monitoring and support fee.
- Monitoring fee - based on the number of triggers within the legal agreement.

WHBC Contributions:

10.212 WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of:

- Open space/green space - £9,596.52 toward the planting of mature trees at Little Heath Open Space to create a copse or orchard.
- Play space - £25,171.20 toward adult outdoor gym equipment at Little Heath Open Space
- Waste and recycling - £6,063.75 for on-site provision.
- Indoor bowls - £972.00 toward improvement/maintenance/ purchase of equipment at Hatfield bowls club.
- Sports Halls – £36,036.00 toward improvement/maintenance at either of the following sites: Hatfield Leisure Centre, Birchwood Leisure Centre, or Chancellors school; or refurbishment of showers and toilets at Burns Pavilion, Welham Green.
- Swimming pools - £37,855.00 towards maintenance, repairs, or improvements at the Hatfield swim centre.
- Adult football pitch - £4,550.00 toward pitch maintenance repairs to improve the pitch quality at either of the following sites: Welham Green recreational ground, Chancellors School, or Birchwood Playing Field.
- Adult football changing rooms - £16,357.00 toward upgrading/building changing rooms at either Birchwood leisure centre or Welham green recreational ground.
- Youth football pitch - £5,538.00 toward either of the following: upgrading/building changing rooms at either of the following sites: Birchwood leisure centre or Welham green recreational ground.
- Youth football changing rooms - £13,665.00 toward either of the following: maintenance/refurbishment works or building changing rooms at either of the following sites: Welham green recreational ground, Birchwood leisure centre or Chancellors school.
- Mini soccer - £1,539.00 toward pitch maintenance repairs to improve the pitch quality at either Welham Green recreational ground or Chancellors School.

- Rugby union pitch - £1,836.00 toward improving the maintenance and drainage on either Roe Hill Playing Field or Chancellors School; or toward new floodlights at Roe Hill Playing Field.
- Rugby union changing rooms - £4,331.00 toward maintenance/refurbishment of the changing facilities at Roe Hill Playing Field.
- Cricket pitch - £3,184.00 towards either pitch improvements and or additional cricket wickets/cricket squares and cricket nets at either Newgate Street, North Mymms Cricket club, or Chancellors School; or towards funds for North Mymms Cricket Club to install a non turf pitch on site to help off-set demand on the fine turf as the site is currently over capacity for grass wickets.
- Cricket changing room - £3,642.00 towards maintenance/refurbishment at either of the following sites, North Mymms cricket club or Newgate street.
- Sand based pitch - £1,511.00 toward maintenance/repairs at either of the following sites: Chancellors School or University of Hertfordshire; or toward installing lights on the hockey pitch at Chancellors school.
- Sand based changing room - £663.00 toward maintenance/repairs at either Chancellors School or University of Hertfordshire
- 3G pitch - £9,040.00 toward either of the following: maintenance/repairs at either Hatfield football academy, Birchwood leisure centre or Breaks Manor (Link Drive); a new facility at either Chancellors School or Birchwood leisure centre; or replacing the Astro turf at Roe Hill Playing Fields or pitches at Hatfield leisure centre.
- 3G changing rooms - £3,175.00 towards upgrading facilities at either Birchwood leisure centre, Breaks Manor, or the University of Hertfordshire.
- Monitoring fee - £5,000.00.

10.213 The NHS Ambulance Service have requested a sum of £23,367.00 to absorb the additional patient growth and demand generated by the development on emergency ambulance health services. The justification has been reviewed by Officer and, in this case, is not considered that such a request meets the relevant planning obligation tests as set out in paragraph 10.202 above.

10.214 All S106 financial obligations are subject to indexation.

10.215 The requested contributions (save for NHS Ambulance Service) are 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.

10.216 The applicant has agreed to the requested contributions, which need to be secured through a Section 106 Agreement. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

10.217 Members should note that all the Hertfordshire County Council and Welwyn Hatfield Borough Council contributions, as set out, are indicative at this stage and subject to change as they are based on up-to-date evidence.

10.218 The proposal, subject to the completion of a Section 106 Agreement, would comply with District Plan policies IM2, M3 and M4; emerging policies SADM1 and SP13; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

7. Planning balance and conclusion

10.219 In decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in Paragraph 11(d) of the NPPF.

10.220 The recent Annual Monitoring Report (2021/22) indicates the current position of the five-year housing land supply in the Borough which is 3.2 years.

10.221 In addition, the Government published the housing delivery test results on 14 January 2022. It confirmed that Welwyn Hatfield had built 1,488 homes in the period 2017/18-2019/20-2020/21 against a target of 2,244 which equates to 66% of its delivery.

10.222 In accordance with paragraph 11(d) of the NPPF, this means that the policies which are most important for determining the application are to be considered to be out-of-date as Footnote 8 clarifies that:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

10.223 For decision taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

10.224 However, in accordance with Footnote 7 to Paragraph 11(d)(i), land that is designated as Green Belt is specified as a policy that protects areas or assets of particular importance. It is common ground that the proposal represents inappropriate development in the Green Belt, therefore, this provides a clear reason for refusing the development proposed except in ‘Very Special Circumstances’. Therefore, the presumption in favour of sustainable development (also known as the tilted balance) does not apply in this case.

Very special circumstances

10.225 It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal. This includes an assessment of the overall benefits of the scheme and the weight that should be attributed to them. It is for the decision maker to determine the amount of weight that should be attributed to each respective element.

10.226 For the reasons outlined in this report, the proposal would cause harm to the Green Belt by reason of inappropriateness. It would also cause harm to the physical and visual aspects of openness of the Green Belt. Substantial weight must be attributed to this harm. Whilst development of this site would not have an effect on the integrity of the wider Green Belt due to its existing containment, built form would replace existing predominantly open countryside and

encroachment would thereby be incurred. Given the site and scheme characteristics, the immediate relationship to the existing built form of the settlement, and the examining Inspector's observations regarding LHe4/5 and the amended Green Belt boundary, such harm is considered moderate.

- 10.227 No 'other harms' would be caused. Subject to conditions, the proposal would represent an acceptable standard of design which respects the areas character, good quality living conditions would be provided for future residents and the existing living conditions of neighbours would be protected and an acceptable level of parking provision would be provided. The setting of heritage assets in the locality would also be preserved.
- 10.228 In terms of highways impacts, it is acknowledged that several residents have expressed concerns regarding local congestion, safety, and highways impacts. However, considering the likely vehicular traffic to be generated by the development, necessary off-site highway works, and the conclusions reached by the supporting transport assessments, the development would not have a severe impact on the operation of the wider highways network or highway safety.
- 10.229 Subject to conditions and obligations, the proposal would be acceptable in terms of its impact on ecology and flood risk. A net gain for biodiversity can be secured.
- 10.230 Subject to conditions, the proposal would also be acceptable in terms of impact on existing landscaping, archaeology, and contamination.
- 10.231 The Applicant's very special circumstances are summarised below together with officer's conclusions on them:

Emerging Local Plan Allocation

- 10.232 As discussed in section 10(1) of this report, at the meeting of Full Council (December 22nd, 2022) the Council resolved that Main Modifications consultation based on the housing supply of 13,392 dwellings (with a 10-year supply of 9,209 dwellings) be undertaken. This includes proposed allocation LHe4/5 for 63 dwellings which covers a significant majority of the application site, with the remaining land not extending beyond the proposed amendment to the green belt boundary in the emerging Local Plan. Exceptional circumstances have been demonstrated by the Council to release land from the Green Belt to meet development needs over the plan-period which includes the application site.
- 10.233 For the reasons set out above, the draft Local Plan policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan is a considerable way through the process. This factor is afforded **significant weight** in favour of the proposal.

Provision of Market and Affordable Housing

- 10.234 Paragraph 60 of the NPPF seeks to support the Governments objective of significantly boosting the supply of homes. To achieve this, the NPPF notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.235 The Council cannot demonstrate a five-year supply of deliverable homes and the shortfall is considerable and significant.

- 10.236 The delivery of housing represents a benefit, and this development would boost the supply within the Borough. This is not a position on which there would be any marked improvement on in the short to medium term. For this reason and, noting the number of market dwellings proposed and the fact that the application is submitted in full (not outline), **substantial weight** is afforded the provision of market housing which would make a positive contribution to the supply of market housing in the Borough.
- 10.237 It is acknowledged that the persistent under delivery of affordable housing in the Borough presents a critical situation. This proposal would increase supply by providing 25 affordable dwellings, equivalent to 40% of the total proposed. The overall affordable housing provisions exceed policy compliant, and the tenure split is deemed acceptable. Taking into account the extremely acute affordable housing position in Borough, the delivery of up to 25 affordable homes in this location is afforded **very substantial weight** in favour of the proposal.

Suitability of the Site

- 10.238 The Applicants outline that *“the site forms a natural extension to the adjacent residential area, affording opportunities for social interaction and allowing convenient and safe access to a good range of local amenities (including primary and secondary schools, key local shops and employment opportunities), as well as public transport services to access facilities in neighbouring settlements (see Sections 2.4.0 & 2.5.0 above). The residential allocation of the Site in the Emerging Local Plan by the Council supports this view. Moderate positive weight is attached to this factor.”*
- 10.239 Ensuring development proposals are in sustainable locations is an existing policy requirement – Policy H2 of the District Plan, Policy SADM1 of the emerging Local Plan, and paragraph 8 of the NPPF. It is not therefore considered that the location of the site should represent a benefit to contribute toward the Applicants very special circumstances case.

Sustainable Design Measures

- 10.240 The sustainable design measures proposed have been discussed in the ‘renewable energy’ section of this report. Acknowledging the level of exceedance above building regulations, **moderate** weight is afforded to this benefit in favour of the proposal.

Off-site highway works

- 10.241 The applicants explains that the provision of a shared footway/cycle from the site to Osborne Road to the east and the proposed traffic calming / pedestrian & cycle crossing, will deliver benefits to both prospective and existing residents which would not otherwise have resulted, and it is their view that moderate positive weight should be attributed to this factor.
- 10.242 The provision of suitable footway/cycle assess connecting the site to the adjacent highway as well as off-site works both adjacent the site and in the locality are necessary to comply with existing planning policies – Policies IM2, M4, M5, M6 and M9 of the District Plan; Policies SP4, SADM2, SADM3 and SP13 of the emerging Local Plan; and Section 9 of the NPPF.
- 10.243 It is however appreciated that the benefit of off-site highway works in promoting sustainable travel would not be restricted to future occupiers. Existing users in the area would also benefit and, to this end, **limited weight** is afforded to this other consideration in favour of the proposal.
- 10.244 In terms of other benefits, while the proposed development would result in a loss of biodiversity on-site, a net gain of 10% through offsetting is proposed and would be secured as a planning obligation. This goes beyond current policy and statutory requirements noting that the

Environment Act is not yet in force. This factor is afforded **limited weight** in favour of the proposal.

- 10.245 The proposal would have an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long-term economic benefit from the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have **limited weight** in favour of the proposal.
- 10.246 Taking all matters into consideration, Officers find that the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances do exist to justify inappropriate development in the Green Belt. Accordingly, the test in Paragraph 148 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.
- 10.247 If Members are minded to approve the application, the application will have to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2021 as the proposals represent inappropriate development on land allocated as Green Belt and the buildings proposed exceeds 1,000sqm and would have a significant impact on the openness of the Green Belt. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.
- 10.248 If Members are minded to refuse the application there would be no requirement to refer the application to the Secretary of State. In this case clear reasons for refusal must be given.

11 Recommendation

- 11.1 It is recommended that planning permission be approved subject to:
- a) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
 - b) Referral to Secretary of State; and
 - c) the following conditions:

PRE-COMMENCEMENT

1. Development must not commence until an amended Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The development must be carried out in accordance with the approved details.

REASON: To correct errors with the submitted Tree Protection Plan relating to hedging to be retained and layout, and ensure that the health and longevity of retained trees are not harmed from the development and in the interest of high-quality design, in accordance with Policy R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.”

2. Development must not commence (excluding demolition works) until amendments to the following submitted Plans have been submitted to and approved in writing by the Local Planning Authority:

Submitted Plans

- Phase Plan (drawing no: 0001 P01);
- Proposed Hardstanding Area Plan (drawing no: 0004 P01);
- Typical SUDS Details Plan (drawing no: 0008 Rev P01);
- Site Drainage Plan (drawing no: 3001 Rev P03)
- Drainage Asset Ownership Plan (drawing no: 3002 Rev P01)

The development must be carried out in accordance with the approved details.

REASON: The forementioned Plans, as submitted, do not match the approved Planning Layout and Surface Treatment Plan (drawing no: SK07-1001 Rev M).

To ensure the submitted details/Plans are consistent and, for the avoidance of doubt, to ensure the development does not increase flood risk and remains safe, in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

3. Development must not commence (excluding demolition works) until amended Planting Plans and an amended Landscape Masterplan have been submitted to an approved in writing by the Local Planning Authority.

The approved details must be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and 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: The layout of the submitted Landscape Masterplan and a number of the submitted Planting Plans do not match the approved Planning Layout and Surface Treatment Plan (drawing no: SK07-1001 Rev M).

To ensure the submitted Plans are consistent and to ensure proper implementation of the agreed landscape details in the interest of high-quality design in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

4. Development must not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to.

The development must be carried out in accordance with the approved SWMP.

REASON: To promote sustainable development and 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 Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework.

5. Development must not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority.

This information must provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided.

The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

PRE-COMMENCEMENT (EXCLUDING DEMOLITION WORKS)

6. A. Development must not commence (excluding demolition works) until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme and methodology of site investigation and recording as required by the evaluation;
 - iii. The programme for post investigation assessment;
 - iv. Provision to be made for analysis of the site investigation and recording;
 - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The development must not take place other than in accordance with the approved programme of archaeological works set out in the Written Scheme of Investigation.

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

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. 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. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

7. Prior to the commencement of the development (excluding demolition works), no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:
- i. An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
 - ii. A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
 - iii. A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The development must be carried out in accordance with the approved details.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

REASON: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. In accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

8. Development must not commence (excluding demolition works) until details of a Surface Water Drainage Scheme preventing contamination of any public water supply abstractions present has been submitted to and approved in writing by the Local Planning Authority.

The development must be carried out in accordance with the approved Surface Water Drainage Scheme

REASON: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply. In accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

9. Prior to commencement of the development (excluding demolition works), information must be submitted to the Local Planning Authority to show that all new residential dwellings will have a Damp Proof Course level raised a minimum of 150 mm above the surrounding proposed finished ground levels in line with Building Regulations. All ground levels shall slope away from vulnerable access points, doorways, or air bricks to avoid ponding next to the building. Where the topography does not allow this, a suitable drainage mitigation measure is to be agreed in writing with the Local Planning Authority.

The development must be carried out in accordance with the approved information and measures.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

10. Development must not commence (excluding demolition works) until a highway scheme which has been subject to a Stage 1 Road Safety Audit along Hawkshead Road, as indicatively marked on drawing number 2202410-005 Rev A (within the Designer's Response to the Stage 1 Road Safety Audit, by Ardent Consulting Engineers, Report Ref: 2202410-07, June 2023), has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include traffic calming measures, a shared footway/cycleway, suitable crossing points for pedestrians, tactile paving across Grangewood, Cranmer Close and Gresley Court, and upgraded bus stops on both sides of the road (raised kerbing, shelters).

Prior to first occupation of the development, detailed engineering drawings of the approved highway scheme must be submitted to and approved in writing by the Local Planning Authority.

The approved scheme must also be implemented prior to first occupation of the development.

REASON: To ensure users of the development can travel safely, freely, and sustainably to Potters Bar and other key destinations, in accordance with Policies M4, M5, M6, M9 and IM2 of the Welwyn Hatfield District Plan 2005; Policy SP13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

11. Development must not commence (excluding demolition works) until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the construction of the development must be carried out in accordance with the approved CTMP. The CTMP must set out:

- i. the phasing of construction and proposed construction programme.
- ii. the methods for accessing the site, including wider construction vehicle routing.
- iii. the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- iv. the hours of operation and construction vehicle movements.
- v. details of any highway works necessary to enable construction to take place.
- vi. details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- vii. details of any hoardings.
- viii. details of how the safety of existing public highway users and existing public right of way users will be maintained.
- ix. management of traffic to reduce congestion.
- x. control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- xi. the provision for addressing any abnormal wear and tear to the highway.
- xii. the details of consultation with local businesses or neighbours.
- xiii. the details of any other Construction Sites in the local area.
- xiv. waste management proposals.

REASON: To minimise the impact of the construction process on the on local environment and local highway network, in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT OF HARDSTANDING

12. Prior to commencement of the hardstanding (block paving) as shown on drawing number: SK07-1001 Rev M, details of the spacing between pavers and how the joints will be filled, must be submitted to and approved in writing by the Local Planning Authority.

The approved details must be implemented prior to first occupation of the development.

REASON: To ensure that the road surface gives priority to pedestrian movements and is suitable for people with reduced mobility (vision impaired and wheelchair users), in accordance with Policy SADM3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

NO DEVELOPMENT ABOVE GROUND LEVEL

13. No development above ground level (excluding demolition works) shall take place until a scheme for the provision of fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority.

The development must not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure water infrastructure provision is made for the local fire service to discharge its statutory firefighting duties, in accordance with Policy IM2 of the Welwyn Hatfield District Plan, Policy SP13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

14. No development above ground level (excluding demolition works) shall take place until a scheme to protect future occupiers from noise associated with Hawkshead Road has been submitted to and approved in writing by the Local Planning Authority, in accordance with the following requirements:

- i. Indoor ambient noise levels in living rooms and bedrooms from the railway should meet the standards within BS 8233:2014;
- ii. Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms (Relaxed noise levels will be considered if it can be shown that good acoustic design has been implemented and all steps have been taken to achieve the non-relaxed noise levels in BS8233:2014);
- iii. If opening windows raise the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. Mechanical ventilation can be considered but only as a last resort; and
- iv. Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through measurements that a suitable place is available within 5-minute walk from the development that complies with the amenity noise level.

The development must be carried out in accordance with the approved scheme.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to the transport noise source, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

15. No development above ground level shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP must include:

- i. A description of the objectives;
- ii. Habitat/feature creation measures proposed
- iii. Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
- iv. Lighting strategy (aim to ensure that illumination of the existing hedgerows, tree belts and ancient woodland does not exceed 0.5 lux); and
- v. A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

The development must be carried out in accordance with the approved LEMP.

REASON: To assist in suitably addressing the biodiversity impacts of the development, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

16. No development above ground level shall take place until samples of the materials to be used in the construction of the dwellings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. No development above ground level (excluding demolition works) shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The details must include:

- i. Metrically scaled elevations of the types of external lighting;
- ii. A site plan showing the location of the external lighting; and
- iii. Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site.
- iv. The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

The approved details must be implemented prior to first occupation of the development.

REASON: To protect the living conditions of future occupiers and neighbouring properties in terms of light spill, in accordance with Policy R20 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO FIRST OCCUPATION

18. The development permitted by this planning permission shall be carried out in accordance with the following approved documents:

- Flood Risk Assessment & Drainage Statement, (Rep No: 680675-R1(5)-FRA), (Rev: R1(5)), prepared by RSK Land & Development Engineering Ltd, dated April 2023.
- Report- SUDS Management Strategy, (680675-R2(2)), prepared by CALA Homes, dated March 2023.
- Drawing – Drainage construction details (drawing numbers: 0005 P01; 0006 P01; and 0007 P01) prepared by RSK Land & Development Engineering Ltd, dated 8 February 2023.
- Drainage Asset Ownership Plan approved under Condition 2. (

And the following mitigation measures detailed within the strategy:

- i. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 6.7 l/s during all storm events.
- ii. Providing attenuation storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1% Annual Exceedance Probability plus climate change storm event.
- iii. Discharge of surface water from the private network to the ordinary watercourse (The Glass Barn) located to the east of the site.

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

REASON: To ensure the development does not increase flood risk and remains safe; to ensure the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events; and to ensure the SuDS proposed operates as designed for the lifetime of the development, in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

19. Prior to first occupation of the development, timing/phasing arrangements of the approved sustainable drainage scheme/measures and details of the maintenance and management of the sustainable drainage scheme, must be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall be implemented in accordance with the approved timing/phasing arrangements and thereafter managed and maintained in accordance with the approved details in perpetuity.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation,
- ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located

- iii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located
- iv. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

20. Upon completion of the drainage works for the site in accordance with the timing/phasing arrangements approved under Condition 17, Completion and Verification Reports to a specification agreed and defined by the Local Planning Authority, signed off by an appropriate, qualified person or body demonstrating that the sustainable drainage systems measures have been implemented as per the details approved under condition 16 must be submitted to and approved in writing by the Local Planning Authority.

The Completion and Verification Reports shall include the following:

- i. Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the approved surface water drainage scheme. The verification 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.
- ii. Provision of a complete set of as built drawings for site drainage.
- iii. Post-construction surveys including a CCTV survey for any underground features and piped networks.
- iv. A management and maintenance plan for the SuDS features and drainage network.
- v. Final arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents, ensure the future maintenance of the Sustainable Urban Drainage System in perpetuity, in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

21. Prior to first occupation of the development, details of furniture for open spaces must be submitted to and approved in writing by the Local Planning Authority. Details of the furniture must include their location, type, and appearance. The development must be implemented in accordance with the approved details.

REASON: To promote the use of the public open spaces within the application site in the interest of good design, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Design Guidance 2005, Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

22. Prior to first occupation of the development, all on site vehicular areas, including internal access roads, forecourts, garages, and external parking spaces, shall be accessible, surfaced, marked out

and fully completed in accordance with the approved plans. This includes the details approved under Condition 9.

Arrangements must be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005, Policies SADM2 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

23. Prior to first occupation of the development, detailed engineering designs and construction of the site access and associated highway works, as shown indicatively on drawing number 2202410-005 Rev A (within the Designer's Response to the Stage 1 Road Safety Audit, by Ardent Consulting Engineers, Report Ref: 2202410-07, June 2023), must be submitted to, and approved in writing by the Local Planning Authority.

The approved details must be completed prior to first occupation of the development. This must include the permanent provision of visibility splays in both direction of 2.4m x 43 metres, within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway level.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users, in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

24. Prior to first occupation of the development, the refuse collection points as shown on drawing number: SK07-1001 Rev M, must be laid in hardstanding and marked as Refuse Collection Points.

The refuse collection points must be retained as approved in perpetuity.

REASON: To ensure appropriate siting, design and provision of refuse storage and collection areas, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

25. The car parking spaces, as shown on drawing number: SK07-1001 Rev M, must be provided prior to first occupation of each corresponding dwelling, and be permanently retained thereafter.

REASON: In the interest of providing and retaining acceptable car parking provision, in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance Parking Standards 2004, Interim Policy for Car Parking Standards and Garage Sizes 2014, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

26. Prior to first occupation of the development, the electric vehicle charging points as denoted on drawing number: SK07-1007 (within the submitted Highways Response by Ardent Consulting Engineers, AJT/2202410-05 – 10.01.2023) must be installed and retained thereafter in perpetuity.

All dwellings with garages or integral parking spaces must have electric vehicle charging points built in.

REASON: To ensure adequate provision of electric vehicle charging points and to promote sustainable transport, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

COMPLIANCE

27. If contamination is found at any time when carrying out the approved development, works must stop, it must be reported in writing immediately to the Local Planning Authority, and the following components of a scheme to deal with the risks associated with contamination of the site must each be submitted to and approved in writing by the Local Planning Authority:
- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv. A verification plan providing details of the data that will be collected to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Works must only re-commence in accordance with the approved scheme.

- v. Following completion of measures identified in the approved remediation strategy and prior to the first occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme must be implemented.

Works must only re-commence in accordance with the approved scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies R2 and R7 of the

Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

28. Any upper floor window located in a wall forming a side elevation of any dwelling hereby approved (save for: south facing elevation of Plot 2; north facing elevation of Plot 5; south facing elevation of Plot 8; west facing elevation of Plot 13; west facing elevation of Plot 17; west facing elevation of Plot 26; south facing elevation of Plot 29, south facing elevation of Plot 34, north facing elevation of Plot 35; south-west facing elevation of Plot 39; south facing elevation of Plot 47; west facing elevation of Plot 51; east facing elevation of Plot 54; east facing elevation of Plot 58; north-east facing elevation of Plot 59; and south-west facing elevation of Plot 63) must be obscure glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

The side elevation of the dwelling at Plot 6 (facing The Stables) must not include upper floor windows.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

29. The units denoted as 'M4 Cat 2' in submitted drawing number: SK07-1003 Rev E must comply with Part M4(2) 'accessible and adaptable dwellings' of the Buildings Regulations 2010. In the same drawing number, the units denoted as 'M4 Cat 3' must comply with Part M4(3) 'wheelchair user dwellings' of the Building Regulations 2010.

Written verification of compliance must be supplied to the local planning authority within 30 days of the practical completion.

REASON: To comply with the level of accessible and adaptable housing which was applied for and to ensure that suitable housing is provided for households in need of accessible and wheelchair housing in accordance with Policy SP 7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

30. In accordance with the approved Energy Strategy Statement, the houses are to achieve at least a 36.84% reduction in carbon emissions when compared to the Building Regulations (Part L 2021) compliance, and at least a 51.70% reduction in energy demand when compared to the Building Regulations (Part L1 2021) compliance. Following completion of measures identified in the approved Energy Strategy Statement, a verification report which demonstrates the effectiveness of the measure installed must be submitted to and approved in writing by the local planning authority.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005; Policies

SP1, SP10 & SADM13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

DRAWING NUMBERS

31. 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
SK07-1000		Site Location Plan	04 October 2022
LS-HA4-PL1	A	HA4 Floor Plans & Elevations	14 July 2023
LS-WAL-A-4-PL1	A	Walnut Type A Floor Plans	14 July 2023
LS-WIL-5-PL1	A	Willow Floor Plans	14 July 2023
LS-YEW-5-PL2	A	Yew Elevations	14 July 2023
SK07-1002	D	Materials & Boundary Treatment Layout	14 July 2023
SK07-DG1	A	Double Garage Plans & Elevations	14 July 2023
SK07-TG1	B	Double Garage Plans & Elevations	14 July 2023
LS-MUL-3-PL1	B	Maulberry Plans	14 July 2023
LS-WAL-A-4-PL2	A	Walnut Type A Elevations	14 July 2023
LS-WIL-5-PL2	A	Yew Elevations	14 July 2023
LS-YEW-5-PL1	A	Yew Floor Plans	14 July 2023
SK07-1003	E	Mobility & Affordable Housing Tenure Plan	14 July 2023
SK07-SG1	B	Single Garage Plans & Elevations	14 July 2023
LS-MUL-3-PL2	B	Maulberry Elevations	14 July 2023
LS-PIN-A-4-PL1	A	Pine Type A Floor Plans	04 July 2023

Classification: Unrestricted

SK07-1004		Street Scene	04 October 2022
SK07-BG1		Bespoke Garage Plans & Elevations	04 October 2022
LS-HA2-PL1		HA2 Floor Plans & Elevations	04 October 2022
LS-HA5-PL1		HA5 Floor Plans & Elevations	04 October 2022
LS-PIN-4-PL1		Pine Floor Plans	04 October 2022
LS-PIN-4-PL2		Pine Elevations	04 October 2022
LS-PIN-A-4-PL2		Pine Type A Elevations	04 October 2022
LS-TWI-A-4-PL1		Twinberry Type A Floor Plans	04 October 2022
LS-TWI-A-4-PL2		Twinberry Type A Elevations	04 October 2022
LS-WAL-B-4-PL1		Walnut Type B Floor Plans	04 October 2022
LS-WAL-B-4-PL2		Walnut Type B Elevations	04 October 2022
LS-WAL-C-4-PL1		Walnut Type C Floor Plans	04 October 2022
LS-WAL-C-4-PL2		Walnut Type C Elevations	04 October 2022
LS-WHI-A-5-PL1		Whitebeam Type A Floor Plans	04 October 2022
LS-WHI-A-5-PL2		Whitebeam Type A Elevations	04 October 2022
2202410-004	A	Site Layout Visibility & Swept Paths	17 July 2023
CALA23780-01		Tree Survey Plan	04 October 2022
0006	P01	Drainage Construction Details (Sheet 2 of 3)	03 April 2023
0007	P01	Drainage Construction Details (Sheet 3 of 3)	03 April 2023
0005	P01	Drainage Construction Details (Sheet 1 of 3)	03 April 2023
LS-HA4-PL2		HA4 Plans & Elevations	14 July 2023
LS-WIL-5-PL4		Willow Elevations	14 July 2023

Classification: Unrestricted

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

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

1. 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 [https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pave ments.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pave%20ments.aspx) or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pavements.aspx> 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 <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to

work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

5. Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
7. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907

OR

- 11.2 It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed S106 agreement for the following reason and subject to the application not being called in by the Secretary of State:
 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 contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.

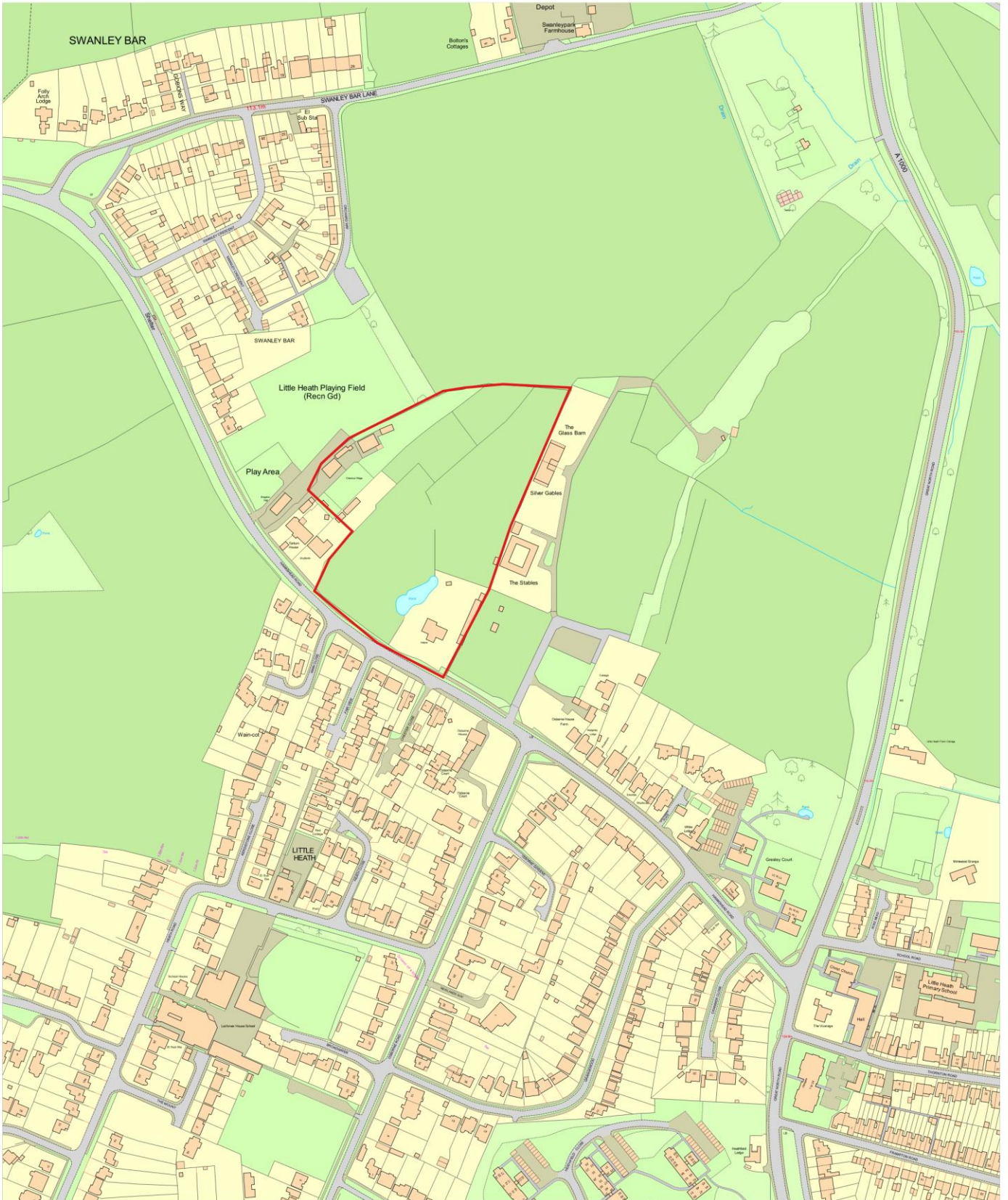
Together with the above drawing numbers to also be included.


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.

David Elmore (Development Management)

Date: 17 July 2023



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: Videne, Hawkshead Road, Little Heath, Potters Bar EN6 1LX		Scale: DNS
			Date: 13-07-2023
Project: Development Management Committee		Drawing Number:	Drawn: T Walker
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