

Part I

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(Hatfield South West)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0759/VAR

CAR PARK HIGH VIEW HATFIELD HERTFORDSHIRE AL10 8HZ

REMOVAL OF CONDITION 27 (CAR CLUB) AND VARIATION OF APPROVED
DRAWINGS ON PLANNING PERMISSION 6/2022/0059/VAR TO INCLUDE:

- ADDITION OF FOUR NEW CAR PARKING SPACES
- CHANGES TO EV CHARGING POINT LOCATIONS
- CHANGES TO KERBS AND SPLAYS ON HIGH VIEW
- CHANGES TO CHURCH SQUARE
- CHANGES TO THE CYCLE STORAGE OUTSIDE THE BLOCK CH HOUSES
- CHANGES TO THE REAR GARDEN LAYOUT FOR THE BLOCK CH HOUSES

APPLICANT: LOVELL PARTNERSHIPS LTD

1 Site Description

- 1.1 The site is located in South Hatfield on the eastern side of Bishops Rise. In July 2020 planning permission was granted under reference 6/2019/1067/MAJ for the redevelopment of the site to provide 18 retail units (Class A1, A2, A3, A5, B1 and sui generis) a Doctors' Surgery (Flexible use class A1, A2, A3, A5, and D1) 146 residential units (Class C3) new public open space including children's play area, new public square, associated parking, highways and drainage works and public realm improvements following demolition of existing.
- 1.2 In June 2021, a variation of condition application was approved under reference 6/2021/0529/VAR for the variation of the approved plans on planning permission 6/2019/1067/MAJ comprising changes to: Cycle path extended to be continuous along High View, the footpath material to be changed to Tarmac on the shared cycle and footpath, ground floor layouts – lobbies to cycle stores added in Blocks B, C, D and E and paved terraces added to the back of private houses.
- 1.3 Application reference 6/2022/0059/VAR for a further variation of condition application was approved in May 2022. This permission permitted changes to a number of conditions, involving the following elements:
 - Revisions to the Parking Strategy to reflect an amended allocation of parking spaces, comprising a change from designated commercial spaces to shared commercial and residential parking (no loss of parking spaces from previous approval).
 - Changes to the internal street layout to control access to private areas by imposition of automatic, fob operated, bollards to create a private parking area outside the Controlled Parking Zone (CPZ) and a raised table for traffic calming.

- Introduction of a temporary bin collection point for the houses on Harrier Way.
- Amended landscaping detail to reflect the above revisions.

2 The Proposal

2.1 Permission is now sought to remove condition 27 (car club) and vary the approved plans condition on planning permission 6/2022/0059/VAR. This application, submitted under Section 73 of the Town and Country Planning Act (S73), seeks to substitute a range of approved plans with new plans which include a number of revisions. The changes to the plans can be summarised as follows:

- Addition of four new car parking spaces
- Changes to EV charging point locations
- Changes to kerbs and splays on High View
- Changes to Church Square – increased space for a hearse and the addition of retractable bollards
- Changes to the cycle storage outside the block CH houses – these now have cycle stores in front of the units
- Changes to the rear garden layout for the block CH houses

2.2 S73 applications allow applicants to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not the operative part of the development. For example, planning permission cannot be granted under S73 to change the description of the development or to extend the time limit within which a development must be started. Permission granted under S73 takes effect of a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

2.3 In determining an application under this section, Officers have to have regard to the development plan and all other material considerations, but the principle of development should not be re-assessed since that is not an issue in relation to the variation of the condition.

2.4 Since the previous applications, Welwyn Hatfield Borough Council have adopted a new Local Plan, and as such, the application is subject to assessment against the new policies.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because the Council has an interest in the land.

4 Relevant Planning History

4.1 Application Number: 6/2019/1067/MAJ
Decision: Granted
Decision Date: 9th July 2020

Proposal: Redevelopment of part of the Hill-Top shopping centre at High View to provide 18 retail units (Class A1, A2, A3, A5, B1 and sui generis) a Doctors' Surgery (Flexible use class A1, A2, A3, A5, and D1) 146 residential units (Class C3) new public open space including children's play area, new public square, associated parking, highways and drainage works and public realm improvements following demolition of existing

4.2 Application Number: 6/2020/1064/PN14

Decision: Prior Approval Not Required

Decision Date: 17th June 2020

Proposal: Prior approval for demolition of High View buildings and garages

4.3 Application Number: 6/2020/2590/FULL

Decision: Granted

Decision Date: 2nd February 2021

Proposal: Temporary car park associated with the High View redevelopment to provide for staff and deliveries to existing retail units through the construction period

4.4 Application Number: 6/2021/0529/VAR

Decision: Granted

Decision Date: 29th June 2021

Proposal: Variation of approved plans on planning permission 6/2019/1067/MAJ comprising changes to: Cycle path extended to be continuous along High View, the footpath material to be changed to Tarmac on the shared cycle and footpath, ground floor layouts – lobbies to cycle stores added in Blocks B, C, D and E and paved terraces added to the back of private houses

4.5 Application Number: 6/2021/3529/FULL

Decision: Granted

Decision Date: 10th October 2022

Proposal: Temporary change of use of Units 1 & 2 of Block B1, as permitted by planning permission 6/2021/0529/VAR, from residential use (Class C3) to commercial use (Class E)

4.6 Application Number: 6/2022/0059/VAR

Decision: Granted

Decision Date: 27th May 2022

Proposal: Variation of condition 6 (updated plan references for landscaping details), 13 (updated plan references for landscaping details), 14 (updated plan reference for car changing points in revised travel plan), 26 (development carried out in accordance to revised travel plan), 27 (development carried out in accordance to revised parking strategy) and 35 (amended plan list to reflect new plans) on planning permission 6/2021/0529/VAR

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF)

5.2 Welwyn Hatfield Local Plan (Local Plan)

5.3 Supplementary Design Guidance 2005 (SDG)

5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

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

6 Site Designation

6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield Local Plan.

7 Representations Received

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total, two representations have been received, comprising one objection and one comment. All representations received are published in full on the Council's website and are summarised below:

Objections

- Revised plan shows a continuous standard height kerb along High View (west side) all the way from Harrier Way to Northdown Road. There needs to be two sections of dropped kerb to allow access to the ramp at St John's House garage, and to the six parking spaces on the south side of the square. This will also enable a hearse to access the front of the church for funerals.

Comments

- Would like to know more about the shared commercial and residential parking spaces. Parking for the retail units to be successful will need to be available for customers without the spaces being completely used by residents during business hours. Some restrictions during these hours would be great help to the shops as many spaces are being misused throughout the day all ready.

8 Consultations Received

8.1 There are no objections to the proposal.

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

- WHBC Public Health and Protection
- WHBC Parking Services
- WHBC Landscape
- WHBC Estates
- WHBC Client Services
- HCC Transport Programmes and Strategy

8.3 No response was received from the following consultees:

- Hatfield Town Council

9 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Planning obligations**
- 6. Re-imposition of conditions**

1. Principle of the development

9.2 It is a material consideration that the application site benefits from planning permission granted under application 6/2019/1067/MAJ (and varied under applications 6/2021/0529/VAR and 6/2022/0059/VAR). The principle of development has therefore already been assessed and was considered acceptable. Since the granting of these previous permissions, there have been no material changes to the application site or surrounding context which would raise new issues to consider this application differently. Whilst the new Local Plan has been adopted, no policy conflict has been identified.

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

9.3 Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”

9.4 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site’s character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place.

9.5 Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.

9.6 Each of the changes proposed within this variation application are discussed below:

Changes to the rear garden layout for the block CH houses

- 9.7 For houses in block CH, the rear gardens are proposed to be altered by way of amending the dimensions of the gardens. As a result, some plots will benefit from slightly larger rear gardens, whilst others will be slightly smaller. The gardens serving all units would continue to provide an acceptable area of outdoor amenity space for future occupiers.

Changes to the cycle storage outside the block CH houses

- 9.8 The cycle storage for houses in block CH have also been amended. The stores are to be located to the front of these properties, set back from the footpath and enclosed within the front gardens, whereas in the approved scheme these were located to the rear.

Changes to Church Square

- 9.9 Amendments to Church Square are proposed. This involves increasing the space outside St John's Church to include retractable bollards outside the front of the church to allow unobstructed access for a hearse. The concerns raised as an objection in relation to the kerbing have been overcome by the applicant who have submitted an amended plan for Landscape Detail Area 1 Church Square. This drawing is now consistent with all other submitted drawings and a re-consultation has been undertaken.

Changes to kerbs and splays on High View

- 9.10 Various minor alterations are also proposed to the kerbs and splays along High View to address the comments of the Highway Authority which were made with respect to the Section 278 agreement. A Section 278 agreement allows developers to enter into a legal agreement with the Council to make permanent alterations or improvements to a public highway, as part of a planning approval.

Changes to EV charging point locations

- 9.11 The application also seeks to change the locations of EV charging points. This does not, however, alter the number of charging points from that of the initial permission of 6/2019/1067/MAJ, nor the permission which is to be varied under reference 6/2022/0059/VAR, with two active rapid chargers (22kW) and seven passive chargers (7kW) proposed.

Removal of car club and the addition of four new car parking spaces

- 9.12 Four additional new car parking spaces are proposed as part of this variation application. This is in conjunction with the proposal to remove the car club condition so as to enable the development to meet parking standards. Three additional spaces are proposed to be sited to the area between Hill Top Square to the north and Block E1 to the south which are to be for commercial and shared parking, with the one further additional space to be provided to the south-east of Block E2 for residential parking. As a result of this element of the proposal, there are some minor landscaping alterations proposed to make way for the additional parking spaces. This results in the reduction of a small area of landscaping. The Council's Landscaping Team have advised that the amendments to the landscaping, which have come about due to the revisions to the Parking Strategy, will not have an adverse effect on the quality of the landscaping.

- 9.13 In light of the above, it is considered that the proposed changes are limited in scope in terms of design/layout and will have no significant impact on the appearance of the completed development. On this basis, the proposed changes to the approved scheme are considered to be minor and would not compromise the overall quality of the development or harm the character of the area. As such, the variation from the approved permission proposed by this application would not be contrary to local or national design polices and there is no objection in this regard.

3. Residential amenity

- 9.14 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.15 Policies SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution, aiming to preserve neighbouring amenity.
- 9.16 The proposed changes to the approved scheme are not considered to result in any material impact on residential amenity over and above that which has already been assessed under the previous applications. As such, there is no objection on amenity grounds.

4. Highways and parking considerations

- 9.17 Paragraph 111 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.
- 9.18 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 9.19 Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.

- 9.20 The proposed changes to the approved scheme would not increase the number of bedrooms within the development or the amount of floorspace previously approved.

Removal of car club and the addition of four new car parking spaces

- 9.21 Firstly, the proposal seeks to remove Condition 27 (car club) from permission 6/2022/0059/VAR which states the following:

The provision of designated parking spaces for a car club on site shall accord with the details as approved by Welwyn Hatfield Council 28 October 2021 under application 6/2021/1979/COND and within this application to represent the updated parking layout, prior to first occupation within each phase or block of the development.

The approved car club spaces shall be provided in accordance with the approved details and thereafter the spaces shall be used for car club parking and for no other purpose.

REASON: To protect the amenities of local residents and road users and to support sustainable and efficient transport modes for the development.

- 9.22 The applicant sets out that the car club was included within the initial permission of 6/2019/1067/MAJ due to the proposed development not being policy compliant in terms of parking provision, and also to promote sustainable travel options. This is detailed within the report of application 6/2019/1067/MAJ, which also goes on to set out that the provision of one car club space amounted to three non-car club spaces, and thus with the provision of two car club spaces, this was equivalent to six non-car club spaces. With this agreement, the scheme was therefore considered acceptable in terms of parking provision.
- 9.23 Moving forward four years, the applicant now considers that the location of the site is unsuitable for a car club. This is due to there not being a critical mass of people necessary to make the everyday use of a car club viable, and consequently, the applicant has detailed that they have not been able to secure an operator for the car club.
- 9.24 To that end, within this variation application, the applicant seeks to remove the car club from the scheme, and in doing so, use the two car club spaces for public parking instead, and provide four additional parking spaces throughout the site, details of which are provided earlier in the report.
- 9.25 Comparing the differences in parking provision, the report of 6/2019/1067/MAJ set out that the previous scheme provided a total of 229 parking spaces. This included the two car club spaces which accounted for a total of six non-car club spaces. This is the same for permission 6/2022/0059/VAR. Turning to the current application, the proposed removal of the car club and addition of four parking spaces sees a total parking provision of 233 spaces, accounting for the previous under provision.
- 9.26 WHBC Parking Services commented on the proposal, noting that “the additional parking spaces satisfy the policy requirements with respect to parking provisions for the development. Consequently, the car club provision is no longer deemed required and we consider the submission 6/2023/0759/VAR to be satisfactory.”

- 9.27 WHBC Estates, the freeholder of the land, also commented on the proposal, stating that the scheme would meet policy requirements in terms of parking provision, which therefore negates the need for the car club. It is also outlined that three of the new spaces would be in the public / shared area, with the car club spaces proposed to be for public use. In turn, the additional spaces are considered to be more beneficial and more heavily utilised than the car club spaces, and as such the extra six spaces (including the replacement of the two car club spaces converted to non-car club spaces) on the site are seen as a major improvement to the scheme which will help to mitigate parking pressure.
- 9.28 The initial objection received from the Highway Authority surrounding the removal of the car club has been overcome, and there is now no outstanding objection.
- 9.29 Whilst it is acknowledged that the previous proposal supported the introduction of a car club and that the proposal within this application seeks to remove this from the delivery of the scheme, it is however considered that such a proposal is acceptable. This is because the proposal, as presented within this application and outlined earlier in the report, would now represent a policy compliant scheme in terms of parking provision, without the need for a car club. In addition, there is no policy requirement for the provision of a car club.
- 9.30 Consequently, in terms of parking provision, it is considered that the proposal is policy compliant and is therefore acceptable.

Changes to EV charging point locations

- 9.31 Turning to the proposal regarding the change to EV charging point locations. This is set out in more detail earlier within the report. In terms of highway considerations, the Highway Authority advises within their comments that as the proposal would still provide two active charge points and seven passive charge points, no objection is raised to this element of the proposal.
- 9.32 Moreover, it is considered that the removal of the car club would in turn increase the sustainability of the site. This is because the two EV charging points that are located adjacent to these two spaces would now become available to anyone to use, unlike within the previous application where only the car club vehicles could utilise the EV charging points.

Changes to kerbs and splays on High View and to Church Square

- 9.33 Following amended plans being submitted to accommodate the initial comment made regarding the dropped kerb along Harrier Way, the Highway Authority raise no objection to the proposed changes to Church Square (details discussed earlier in the report) or the proposed changes to kerbs and splays along High View. These are in line with the Section 278 agreement approved earlier this year. All plans have subsequently been amended to correct this minor error in the initial submission.
- 9.34 In summary, the proposal would provide an acceptable level of on-site car parking, with the other highways amendments discussed also being acceptable. and no objections are raised in regards to Policies SADM2 and SADM12 of the Local Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Planning obligations

- 9.35 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 9.36 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 9.37 The grant of permission under S73 of the Planning Act results in a new planning permission which may be implemented independently of the original grant of permission (6/2019/1067/MAJ) and the subsequent Variation of Condition applications (6/2021/0529/VAR and 6/2022/0059/VAR).
- 9.38 These permissions contained a number of planning conditions which may need to be repeated with the grant of a new permission for essentially the same development.
- 9.39 A range of community and other benefits were also secured by a S106 legal agreement. A S106 Supplemental Deed will be required to bind this new permission to the existing S106 that was signed on 9th July 2020.

6. Re-imposition of conditions

- 9.40 Permission granted under S73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 9.41 Application reference 6/2022/0059/VAR was granted planning permission subject to 35 planning conditions which must be re-imposed where they remain in accordance with the tests set out in the NPPF.
- 9.42 In addition to the above, since the granting of the extant permissions of 6/2019/1067/MAJ, 6/2021/0529/VAR and 6/2022/0059/VAR, a number of conditions have been discharged. The relevant conditions will therefore be updated to reflect the information that has already been approved. For the avoidance of doubt, the conditions will follow the format of the latest permission which is 6/2022/0059/VAR.
- 9.43 The re-imposition of conditions will be required to be slightly amended to reflect the adoption of the new Local Plan, and as such, the application is subject to assessment against the new policies.

- 9.44 Condition 1 (construction management plan) has been discharged under application 6/2020/1814/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.45 Condition 2 (site waste management) has been discharged under application 6/2020/1815/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.46 Condition 3 (tree protection) has been discharged under application 6/2020/1816/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.47 Condition 4 (ground remediation measures) has been discharged under application 6/2020/1830/COND. A further discharge of condition application was submitted under reference 6/2022/0345/COND for approval of the verification report. This application was refused and as such, an amended planning condition will be imposed.
- 9.48 Condition 5 (cycle storage) has been discharged under application 6/2020/2169/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details. The details for condition 5 have been altered within this current application.
- 9.49 Condition 7 (future management arrangements for streets) has been discharged under application 6/2021/1977/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.50 Condition 11 (sound insulation commercial premises) has been discharged under application 6/2020/2220/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.51 Condition 12 (accessible housing provision) has been discharged under application 6/2020/1936/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.52 Condition 13 (Local Equipped Area of Play (LEAP)) has been discharged under application 6/2020/1831/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.53 Condition 14 (electric car charging points) has been discharged under application 6/2020/1938/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details. The details for condition 14 have been altered within this current application.

- 9.54 Condition 15 (noise prevention measures) has been discharged under application 6/2020/2221/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.55 Condition 17 (bird and bat boxes) has been discharged under application 6/2020/2170/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.56 Condition 19 (external lighting details) has been discharged under application 6/2021/2429/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.57 Condition 26 (travel plan) has been discharged under application 6/2021/2519/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.58 Condition 27 (car club spaces) was discharged under application 6/2021/1979/COND. However, as part of this application, the car club condition is proposed to be removed, and as this element of the proposal has been found to be acceptable, condition 27 for car club spaces will not be reimposed.
- 9.59 Condition 32 (waste water upgrades) has been discharged under application 6/2021/1859/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.60 Condition 34 (first users of commercial units plan) has been discharged under application 6/2021/1980/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.

10 Conclusion

- 10.1 The amendments are considered to be acceptable. However, as a new grant of permission, a number of conditions from the previous planning permission will need to be re-imposed and the development must be bound by the same obligations as the 9th July 2020 S106 obligation to ensure that the same controls and benefits are achieved by the development.
- 10.2 Subject to conditions and a planning obligation, the proposal would have no significant adverse impact upon the character and appearance of the area or the completed development, nor upon the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Recommendation

- 11.1 It is recommended that planning permission be approved, subject to:

- a) Completion of a satisfactory S106 Supplemental Deed and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
- b) the following conditions:
 1. Works on site shall be carried out in accordance with the Lovell Construction Strategy & Management Plan dated July 2020 (Your Ref: L486220-LP-00-XX-RP-B-0702 Construction Strategy and Management Plan Final Construction) approved by Welwyn Hatfield Council 22 September 2020 under application 6/2020/1814/COND.

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

2. Works on each phase of development shall be carried out in accordance with the Lovell Site Waste Management Plan dated July 2020 (your Ref: L486220-LP-00-XX-RP-P-0707_Site Waste Management Plan Final Construction AB) approved by Welwyn Hatfield Council 14 September 2020 under application 6/2020/1815/COND. The Management Plan as approved shall be implemented throughout the demolition and construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Trees and planting shown to be retained/protected in the Greengage Arboricultural Tree Constraints Plan 551125jrAug19_TCPpr_FV.2 shall be protected in accordance with the Arboricultural Method Statement and Tree Protection Plan by Greengage dated May 2020 and approved by Welwyn Hatfield Council 25 September 2020 under application 6/2020/1816/COND. The approved tree protection measures shall be in place before works on that phase are begun and shall remain in place for the duration of works on that phase of the development.

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

4. Ground remediation shall be carried out in accordance with the approved Remediation Strategy and Verification Plan (Ref: GE17140-RSVP-JUL20, Version 2.0), produced by Geo-Environmental Services Ltd and dated 17 July 2020 and the Qualitative Piling Risk Assessment (Ref: GE17140-QPRA-JUL20, Version 2.0) approved by Welwyn Hatfield Council 24 September 2020 under application 6/2020/1830/COND.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D (below) has been complied with in relation to that contamination.

The approved remediation scheme in each phase of the development must be carried out in accordance with its terms prior to the occupation of development on each phase. The Local Planning Authority must be given two weeks written notification of commencement and completion of the remediation scheme works.

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

D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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

E. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

5. The provision of secure cycle parking for each residential dwelling shall be secured as approved by Welwyn Hatfield Council 16 March 2021 under application 6/2020/2169/COND and within this application to represent the updated layout. The approved cycle storage facilities shall be installed prior to the first occupation of each dwelling to be served by the cycle storage facility.

REASON: To ensure the provision of secure long term cycle storage for each dwelling on the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Hard and soft landscaping shall be carried out in accordance with the approved drawings.

As approved by Welwyn Hatfield Council 9 March 2021 under application 6/2020/1937/COND and within this application to represent the updated layout.

REASON: To ensure a high quality landscape plan is incorporated into the development in the interest of the amenity value of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION

7. Future management and maintenance of the proposed streets within the development shall accord with the details as approved by Welwyn Hatfield Council 23 August 2021 under application 6/2021/1977/COND.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to the first occupation / use of any part of the development identified in the application plans and supporting documentation as Phase 1 of the development, the amendments to High View along its' length and shown on the approved plan shall be provided to the specification of the Highway Authority.

REASON: To ensure satisfactory works to the highway and access into and through the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Prior to the first occupation / use of any part of the development identified by the applicants as Phase 2 of the development, vehicular access shall be provided and thereafter retained at the position shown on the approved plans. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Prior to the first occupation / use of each phase of the development hereby permitted the proposed on-site car and cycle parking / servicing / loading, unloading /turning /waiting areas as required for each element shall be laid

out, demarcated, levelled, surfaced and drained in accordance with the approved plan and shall be retained thereafter for that specific use.

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

11. Sound insulation options for the commercial premises within each phase shall accord with the details contained in RBA Acoustics Technical Note 10191.ATN01.IBF.0 dated 18 August 2020 as approved by Welwyn Hatfield Council 8 December 2020 under application 6/2020/2220/COND. Each unit shall not be occupied until the detailed sound insulation scheme has been implemented in accordance with the approved details.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. The delivery of accessible housing for each phase or block shall accord with the details shown on drawing numbers L486220-LBA-00-ZZ-DR-A-4210-T01- Part M4 (2) Compliance Plan-1st & 2nd Floor Plan; L486220-LBA-00-ZZ-DR-A-4211-T01- Part M4 (2) Compliance Plan-3rd & 4th Floor Plan and L486220-LBA-XX-XX-SA-A-5300-Residential Accommodation & Area Schedule (NIA) approved by Welwyn Hatfield Council 21 September 2020 under application 6/2020/1936/COND.

a) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.

b) For each block all units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval for that block and in compliance with the corresponding part of the Building Regulations in that regard.

c) Written verification of implementation of units in para b) will be supplied to the local planning authority within 30 days of the practical completion of the block it forms part of.

REASON: To ensure that suitable housing is provided to households in need of accessible or wheelchair housing in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. The detailed plans and specifications of the proposed Local Equipped Area of Play (LEAP) located within phase 3 of the development shall be constructed in accordance with the details approved by Welwyn Hatfield Council 26 October 2020 under application 6/2020/1831/COND and within this application to represent the updated layout, and made available for public use before the occupation of the 140th dwelling permitted and shall thereafter remain open for use by residents and the wider public.

REASON: In order to ensure an on-site high quality play facility for the site commensurate with its size and level of population in accordance with the

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

14. The electric car charging points approved by Welwyn Hatfield Council 12 October 2020 under application 6/2020/1938/COND and within this application to represent the updated layout shall be installed as approved prior to first occupation within each phase.

REASON: To ensure that the spaces are provided in the interests of highway safety in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

15. The noise prevention measures/details approved by Welwyn Hatfield Council 4 May 2021 under application 6/2020/2221/COND shall be implemented before any part of the residential accommodation within that phase of the development hereby approved is occupied.

The noise prevention measures shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. If opening windows leads to internal noise levels exceeding the levels within BS8233, then mechanical ventilation will need to be installed. Any associated mechanical ventilation will need to meet the ventilation requirements found within The Noise Insulation Regulations 1975.

Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level with mitigation measures provided where required to meet this level.

The measures/details approved by Welwyn Hatfield Council comprise the following: -

- 10191.RP01.EBF.0.11082020.CLB (High View, Hatfield - External Building Fabric Report)
- L486220-RA-A-GF-DR-M-5200 - Ground Floor- Drainage and Ventilation Services Layout
- L486220-RA-A-01-DR-M-5201 - First Floor- Drainage and Ventilation Services Layout
- L486220-RA-B-03-DR-M-5203-Block B1 - Third Floor Drainage and Ventilation Services Layout
- Zehnder ComfoAir 155 WM
- Central Extract MEV

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. Noise from plant and equipment associated with the commercial elements of the development shall be 10dB (LAeq) below the background noise level (LA90) when measured at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Bird and Bat boxes shall be provided within the development site in accordance with details approved by Welwyn Hatfield Council 16 March 2021 under application 6/2020/2170/COND. That information, comprising your drawing numbers L486220 - LBA - C - XX - EL - A – 1305 Rev C2 and L486220 - LBA - C - XX - EL - A – 1304 Rev C2.

The Bird and Bat box provision on each relevant block shall be installed in accordance with the approved details before the first occupation of each relevant block.

REASON: To make provision for the loss of and enhancement of the bird and bat nesting and roosting opportunities in the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. External lighting installations in each phase shall accord with the details as approved by Welwyn Hatfield Council 28 October 2021 under application 6/2021/2429/COND.

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

20. Prior to occupation of any individual commercial unit(s) for hot food consumption on the premises (café or restaurant) or for takeaway hot food delivery, details of any air ventilation, extraction and odour control systems shall be submitted to and approved in writing by the Local Planning Authority. Such details must include the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development.

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

REASON: To protect the amenities of the occupiers of residential accommodation in the vicinity from fumes and odours and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Prior to first occupation of each block, waste bins/bin storage facilities shall have been provided as shown within the submitted approved application plans and retained thereafter.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. Landscaping in respect of each phase or block shall be carried out in the first planting and seeding seasons following the occupation of each phase or block, 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: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars hereby approved.

(a) Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, an equivalent tree or shrub shall replace it within the next planting season.

This condition will cease to have effect on the date 5 years from the date of work commencing on site.

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

24. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved surface water drainage assessment carried out by Iesis Structures, reference SE1327-ISS-XX-XX-RPC-71047.01, revision R8, dated April 2019 and the following mitigation measures detailed within the FRA:

1. 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 7.7 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year rainfall event plus

climate change event providing a total storage volume in permeable paving with sub-base areas, rain gardens, attenuation tanks.

3. Discharge of surface water from the private drainage network into the Thames Water sewer network via four connection points.

The mitigation measures shall 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 prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. Upon completion of the development works an updated, detailed management and maintenance plan for all the SuDS features and structures included within the drainage strategy must be submitted to the Local Planning Authority for its approval and it shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. This should include as-built drawings of all SuDS features and the final drainage layout.

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

26. The Travel Plan approved by Welwyn Hatfield Council on the 4 October 2021 under application 6/2021/2519/COND shall be implemented before any part of that phase or block of the development hereby approved is occupied, in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that the development is sustainable in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

27. Any premises used as a cafe/restaurant and as a hot food takeaway hereby approved shall only be open to the public between 07:00 hrs and 23:00 hrs. Any members of public remaining in the buildings must have left the premises by 23:30 hours.

REASON: In order to protect the living conditions of local residents, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no

enlargement to the dwelling houses hereby permitted under Schedule 2, Part 1, Class A or Class B of the Order.

REASON: To secure a high standard of design and appearance in this prominent development and because the dwelling houses are sited on modest plots which would easily become overdeveloped if uncontrolled extensions were built resulting in in harm to the character and design of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no building, structure or enclosure erected within the dwelling house curtilage other than those expressly authorised by this permission.

REASON: To secure a high standard of design and appearance in this prominent development and because the dwelling houses are sited on modest plots which would easily become overdeveloped if additional structures were built in gardens resulting in in harm to the character and design of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. External materials used in the construction of the buildings hereby permitted shall accord with the details specified on the approved plans.

REASON: In order to ensure a high standard of design and appearance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

31. Wastewater measures in each phase shall accord with the details as approved by Welwyn Hatfield Council the 26th July 2021 under application 6/2021/1859/COND.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient confirmed capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

32. The sustainability measures outlined in the accompanying/approved Stroma Sustainability Statement reference 10-18-71079 SS1 and dated 26 April 2019 shall be implemented entirely as approved.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

33. First use/users of the ground floor commercial units within each phase shall accord with the details as approved by Welwyn Hatfield Council the 28th September 2021 under application 6/2021/1980/COND.

Thereafter those unit(s) initially identified for use in the A1 Retail Use Class shall not benefit from the flexible uses applied for, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) neither shall those units initially occupied in A1 retail use be changed to other uses under Schedule 2, Part 3 Classes D, G, J and M Class of the Order without the express planning permission of the Local Planning Authority.

REASON: In order to ensure the A1 retail function of the High View neighbourhood centre remains and is not lost/diluted by flexible changes of use to A1 retail premises that might otherwise be undertaken or as permitted development under Schedule 2, Part 3 Classes D, G, J and M Classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) and in preserve the retail function of the neighbourhood centre in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

1. 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
L486220 - LBA - C - GF - GA - A - 1440	C3	Block CH - GA Ground Floor Setting Out Plan_Sheet 1	5 April 2023
L486220 - LBA - C - GF - GA - A - 1441	C4	Block CH - GA Ground Floor Setting Out Plan_Sheet 2	5 April 2023
L486220 - LBA - C - XX - EL - A - 1304	C7	Block C - GA Elevations A & B	5 April 2023
L486220 - LBA - C - XX - EL - A - 1305	C8	Block C - GA Elevations C, D & E	5 April 2023
L486220 - LBA - XX - XX - GA - L - 2051	C06	Landscape Detail Area 2 - Hill Top Square	5 April 2023
L486220-D-011		Proposed Site Plan	11 January 2022

L486220-D-015	Proposed Land Use Plan	11 January 2022
L486220-D-016	Proposed Character Areas Plan	11 January 2022
L486220-D-020	Proposed Phase 3 Plan	11 January 2022
L486220-D-030	Proposed Tenure Plan - Ground Floor	11 January 2022
L486220-D-032	Proposed Tenure Plan - Third Floor And Roof Plan	11 January 2022
L486220-A-D-040	Proposed Mix Plan - Ground Floor	11 January 2022
L486220-A-D-041	Proposed Mix Plan - First & Second Floor	11 January 2022
L486220-A-D-042	Proposed Mix Plan - Third Floor & Roof Plan	11 January 2022
L486220 - D - 031	Proposed Tenure Plan - First and Second Floor	24 March 2022
L486220-D-523	Site Wide Levels	18 February 2021
L486220-D-002	Existing Site Plan	18 February 2021
L486220-D-004	Existing Parking Plan	18 February 2021
L486220-D-018	Proposed Phase 1 Plan	18 February 2021
L486220-D-019	Proposed Phase 2 Plan	18 February 2021
L486220-D-100	Proposed Block A Ga Ground Floor First Floor And Roof Plan	18 February 2021
L486220-D-101	Proposed Block B1 Ga Ground Floor Plan	18 February 2021
L486220-D-103	Proposed Block B2 Ga Ground Floor Plan	18 February 2021
L486220-D-105	Proposed Block C Ga Ground Floor Plan	18 February 2021
L486220-D-107	Proposed Block D Ga Ground Floor Plan	18 February 2021
L486220-D-109	Proposed Block E Ga Ground Floor Plan	18 February 2021
L486220 - D - 123	Proposed Block B2- Elevations and section	15 April 2020
86220 - D - 126	Proposed Block D- Elevations and section	15 April 2020
3515-D-010	Proposed Demolition Plan	15 May 2019
3515-D-526	3515-D-526-Landscape Detail 3 area - Cul-de-sac four houses	26 July 2019
51355/4	Topographical Survey	15 May 2019
3515-D-244	Block D1 Flat Plot 76,82,88,94-1B2P	9 May 2019
3515-D-243	Block D1 Flat Plot 75,81,87,93-2B4P	9 May 2019

3515-D-242	Block D1 Flat Plot 74,80,86,92-2B4P	9 May 2019
3515-D-241	Block D1 Flat Plot 73,79,85,91-1B2P	9 May 2019
3515-D-240	Block D1 Flat Plot 72,78,84,90-1B2P	9 May 2019
3515-D-232	Block C1 Flat Plot 54,57,60-2B4P	9 May 2019
3515-D-231	Block C1 Flat Plot 53,56,59-2B4P	9 May 2019
3515-D-230	Block C1 Flat Plot 52,57,60-2B4P	9 May 2019
L486220 - D - 223	Block B2 Flat Plot 35,43,51-2B4P	15 April 2020
L486220 - D - 222	Block B2-Flat Plot 34,42,50-1B2P	15 April 2020
L486220 - D - 221	Block B2 Flat Plot 29, 30, 31, 32, 33, 37, 38, 39, 40, 41, 45, 46, 47, 48 & 49 - 1B2P	15 April 2020
L486220 - D - 220	Block B2 Flat Plot 28,26,44-2B4P	15 April 2020
3515-D-215	Block B1 Flat Plot 09,15,21,27-2B4P	9 May 2019
3515-D-214	Block B1 Flat Plot 08,14,20,26-2B4P	9 May 2019
3515-D-213	Block B1 Flat Plot 07,13,19,25-2B4P	9 May 2019
3515-D-212	Block B1 Flat Plot 06,12,18,24-2B4P	9 May 2019
3515-D-211	Block B1 Flat Plot 05,11,17,23-2B4P	9 May 2019
3515-D-210	Block B1 Flat Plot 04,10,16,22-2B4P	9 May 2019
3515-D-201	Proposed 3B5P House Plans & Elevations-Type 2	9 May 2019
3515-D-200	Proposed 3B5P House Plans & Elevations-Type 1	9 May 2019
L486220 - D - 130	Proposed Block E- Elevations and section	15 April 2020
L486220 - D - 128	Proposed Block E- Elevations and section	15 April 2020
L486220 - D - 127	Proposed Block D- Elevations and section	15 April 2020
L486220 - D - 122	Proposed Block B2- Elevations and section	15 April 2020
L486220 - D - 121	Proposed Block B1- Elevations and section	15 April 2020
L486220 - D - 120	Proposed Block A- Elevations and section	15 April 2020
L486220 - D - 110	Proposed Block E-Upper Floors and Roof Plan	15 April 2020
L486220 - D - 108	Proposed Block D-Upper Floors and Roof Plan	15 April 2020

L486220 - D - 106	Proposed Block C-Upper Floors & Roof Plan	15 April 2020
L486220 - D - 104	Proposed Block B2-Upper Floors & Roof	15 April 2020
L486220 - D - 100	Proposed Block A-Ground Floor Plan	15 April 2020
L486220 - D - 101	Proposed Block B1-Ground Floor Plan	15 April 2020
L486220 - D - 102	Proposed Block B1-Upper Floors & Roof Plan	15 April 2020
L486220 - A - D - 050	Proposed Street Elevations-Sections 1-6	15 April 2020
3515-D-265	Block E Flat Plot 125,131,137-1B2P	9 May 2019
3515-D-264	Block E Flat Plot 124,130,136-2B4P	9 May 2019
3515-D-263	Block E Flat Plot 123,129,135-2B4P	9 May 2019
3515-D-262	Block E Flat Plot 122,127,133-2B4P	9 May 2019
3515-D-261	Block E Flat Plot 121,127,133-2B4P	9 May 2019
3515-D-260	Block E Flat Plot 120,126,132-1B2P	9 May 2019
3515-D-255	Block D2 Flat Plot 101,107,113,119-2B4P	9 May 2019
3515-D-254	Block D2 Flat Plot 100,106,112,118-1B2P	9 May 2019
3515-D-253	Block D2 Flat Plot 99,105,111,117-1B2P	9 May 2019
3515-D-252	Block D2 Flat Plot 98,104,110,116-2B3P	9 May 2019
3515-D-251	Block D2 Flat Plot 97,103,109,115-2B3P	9 May 2019
3515-D-250	Block D2 Flat Plot 96,102,108,114-2B3P	9 May 2019
3515-D-245	Block D1 Flat Plot 77,83,89,95-1B2P	9 May 2019
L486229- ISS-A-GF- DR-C-3001	Block A Proposed Drainage Plan	24 July 2019
L486229- ISS-B1-GF- DR-C-3002	Block B1 Proposed Drainage Plan 2	24 July 2019
L486229- ISS-B2-GF- DR-C-3003	Block B2 Proposed Drainage Plan	24 July 2019
L486220- ISS-C-GF- DR-C-3004	Block C Proposed Drainage Plan	24 July 2019
L486220- ISS-D-GF- DR-C-3005	Block D Proposed Drainage Plan	24 July 2019
L486220-	Block E Proposed Drainage	24 July 2019

ISS-E-GF-DR-C-3006		Plans	
L486220-ISS-E-GF-DR-C-3007		Proposed Drainage Plan Showing Suds Implementation	24 July 2019
L486220-ISS-XX-GF-DR-C-3101		Typical Drainage Details	24 July 2019
L486220-ISS-XX-GF-DR-C-3310		Proposed S104 Drainage To Be Offered For Adoption	24 July 2019
L486220-ISS-XX-GF-DR-C-3311		Proposed S104 Sheet 1/3	24 July 2019
L486220-ISS-XX-GF-DR-C-3312		Proposed S104 Sheet 2/3	24 July 2019
L486220-ISS-XX-GF-DR-C-3313		Proposed S104 Sheet 3/3	24 July 2019
L486220-ISS-XX-GF-DR-C-3314		Proposed S104 Drainage To Be Offered For Adoption Phase 1	24 July 2019
L486220-ISS-XX-GF-DR-C-3315		Proposed S104 Drainage To Be Offered For Adoption Phase 2	24 July 2019
L486220-ISS-XX-GF-DR-C-3316		Proposed S104 Drainage To Be Offered For Adoption Phase 3	24 July 2019
3515 - D - 001	3	Site Location Plan	11 May 2023
L486220 - LBA - XX - XX - GA - L - 2000	C09	Proposed General Arrangement Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2001	C10	Hard Landscape Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2002	C09	Soft Landscape Plan - Trees	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2003	C10	Kerb and Edging plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2004	C10	Site Wide Boundary Treatment Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L	C08	Landscape Furniture and Play Plan	17 November 2023

- 2005 L486220 - LBA - XX - XX - GA - L - 2007	C05	Proposed Highways and Access Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2009	C07	Proposed Parking and Services Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2010	C06	External Car Charging Points Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2050	C09	Landscape Detail Area 1 - Church Square	17 November 2023

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. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
2. Part 3, Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted. You are advised that the flexible uses hereby permitted are authorised at any time up to 10 years from the date of the commencement of the permission, subject to Conditions of this permission that restrict the use. At any given time during the 10 year flexible period the use can change to another use within the flexible categories, but can only have one flexible use at any time. Once the 10 year period ends no further flexible uses can occupy the site and the last known use will become the lawful use of the site.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land

which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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


4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
6. 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-and-pavements/business-and-developer-information/developmentmanagement/highwaysdevelopment-management.aspx> or by telephoning 0300 1234047.
7. The applicant is advised that all routes with the exception of High View itself associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

8. The applicant should be advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent verge as part of the proposal via the HCC website www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-councildata/open-data-statistics-about-hertfordshire/what-our-priorities-are-and-how-we-are-doing/highways-plans-and-strategies.aspx#DynamicJumpMenuManager_1_Anchor_5 or by telephoning 0300 123440047. This should be carried out prior to any new apparatus is placed within the highway.
9. In respect of Abnormal Loads the applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 Schedule 5 of Schedule 9, part 1 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
10. A Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. Indexation of this figure will be based on the Consumer Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertfordshire.gov.uk/services/highwaysroads-and-pavements/business-and-developer-information/developmentmanagement/highwaysdevelopmentmanagement.aspx#DynamicJumpMenuManager_1_Anchor_5 Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk
11. The granting of this permission does not prejudice the process of the Section 278 application that the applicant has entered into with the Highway Authority. The Highway Authority retain control of the detailed design of the layout through the Section 278 process, and any amendments to the plans as a result of the Section 278 will require a subsequent planning application to be submitted.

Ashley Ransome (Development Management)

Date: 10th November 2023



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: Car Park High View, Hatfield, AL10 8HZ		Scale: DNS
	Project: Development Management Committee		Date: 22-11-2023
Drawing Number: 6/2023/0759/VAR		Drawn: C.Brady	
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