

Part I

Main author: Ganesh Gnanamoorthy

Executive Member: Councillor R Grewal

(Ward: Welwyn East)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 27 JUNE 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/2552/OUTLINE

LAND OFF LONDON ROAD, WOOLMER GREEN, SG3 6JZ

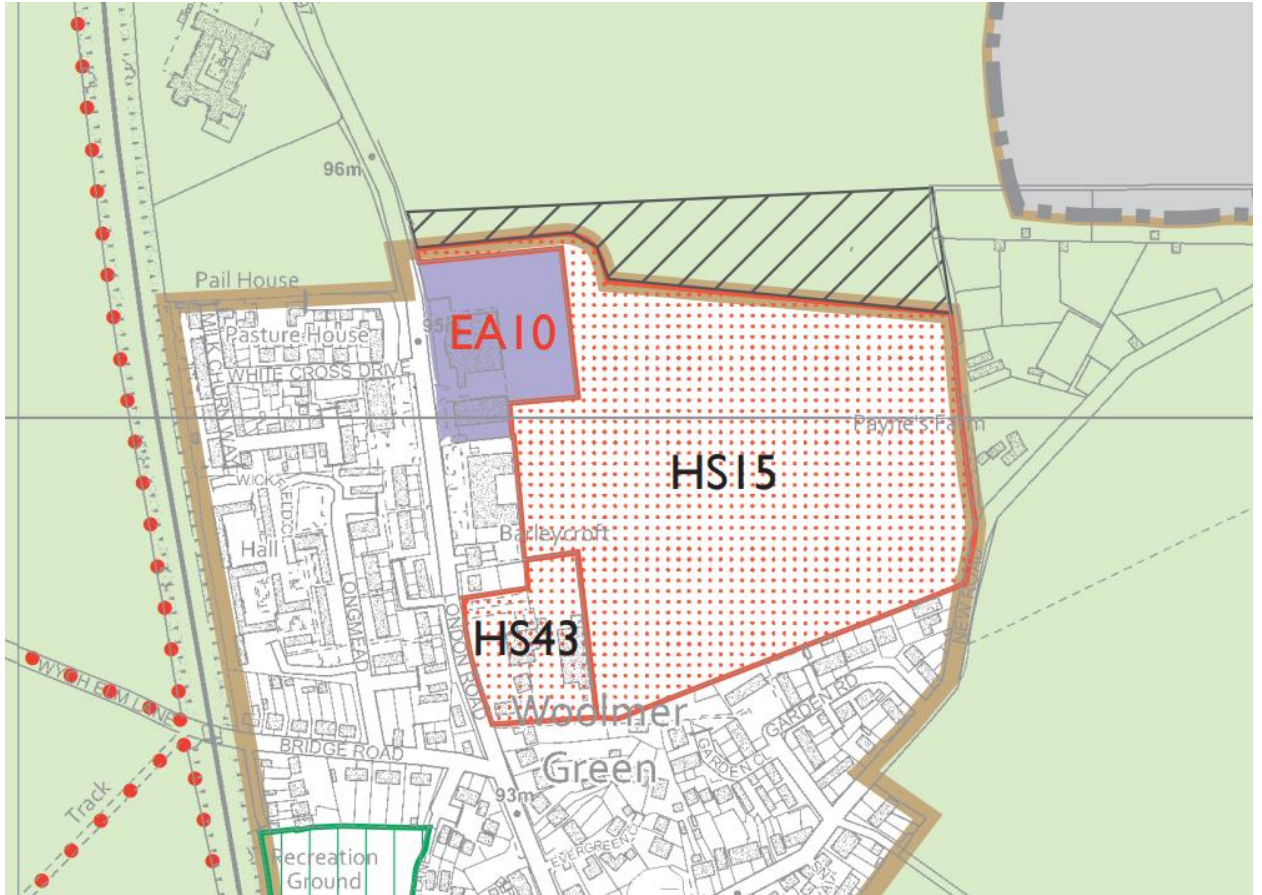
OUTLINE APPLICATION FOR THE ERECTION OF UP TO 150 RESIDENTIAL DWELLINGS WITH THE PROVISION OF AFFORDABLE HOUSING, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS (SuDS) AND VEHICULAR ACCESS POINT. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS

APPLICANT: Gladman and Kathryn Tubb

**1 Site Description**

- 1.1 The application site is allocated for development in the adopted Local Plan and comprises the southern portion of a larger arable field, and has an area of approximately 10.26 hectares. The site is located on the eastern aspect of London Road, and on the northern edge of Woolmer Green, close to both the settlement of Knebworth and the administrative boundary with North Hertfordshire District Council.
- 1.2 The site is irregularly shaped, and lies on a south facing slope. The highest part of the site is at the north west (approx. 117m Above Ordnance Datum), with the lowest point being at the south west (approx. 107m Above Ordnance Datum).
- 1.3 The western part of the site is bound by built form in differing use classes which front London Road. The north-western most part of the site extends up to London Road itself, and to the north of the aforementioned other uses. Further to the west, and on the other side of London Road is a residential development by Taylor Wimpey, with some commercial units fronting London Road.
- 1.4 To the south of the application site are residential dwellings sited on Garden Close. Further south is predominantly residential in character with dwellings along Evergreen Close, New Road, and Carvers Croft also to the south of the site. A public footpath (Woolmer Green 002) runs adjacent to the southern boundary of the site.
- 1.5 To the east of the site is Payne's Farm, which is accessed from New Road. Payne's Farm is home to a Grade II listed farmhouse which sits approximately 25 metres from the site.
- 1.6 To the north of the site is arable field, with Knebworth further to the north.
- 1.7 The local plan allocates the majority of the application site as a housing allocation (HS15). This is shown in the image below (figure 1). The remainder of the site comprises of an area shown as hatched in figure 1, and this part of the

site falls within the green belt (extent of green belt shown in green) and is intended for the planting of a landscape buffer. The whole of the application site sits within the same ownership. To the south west of the site is a smaller housing allocation (HS43) which is located at 51-53 London Road and is currently used as a car dealership, and to the north west is a designated employment area (EA10) and this includes a number of the properties that sit between the application site and London Road itself.



*Figure 1: An extract from the adopted local plan showing the application site (HS15 and black diagonal hatched area to the north) in its wider context).*

- 1.8 The application site does not sit within a designated conservation area, and there are no other planning designations on the site beyond those discussed above.

## **2 The Proposal**

- 2.1 This application seeks outline planning permission for the erection of up to 150 residential dwellings with the provision of affordable housing, public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access
- 2.2 Th application has been supported by the following drawing:
- Development Framework Plan (CSA/5204/100 REV L)
- 2.3 The development framework plan shows, in broad terms, how the site could be laid out. Of particular importance is the location of the main access off London Road to the site to the north western corner, and a vehicular access linking in to site allocation HS43 to the south west. An indicative layout of the spine road

through the site is shown, as are locations of SuDS features, tree planting, play areas, an orchard, and areas of open space. Given that this application is in outline only, with all matters other than access reserved, the road layout within the site shown is not considered as part of this applications, although it does assist in understanding how the scheme may manifest itself.

2.4 In addition to the above the application is accompanied by a number of detailed supporting documents to aid the analysis of the scheme. The main documents are listed below:

- Location Plan (CSA/5204/108 Rev D)
- Development Framework Plan (CSA/5204/100 Rev L)
- Simple Priority T Junction drawing (P17033-23-01G)
- Planning and Affordable Housing Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Landscape Strategy Plan (Ref CSA/5204/113 Rev A)
- Ecological Impact Assessment
- Arboricultural Impact Assessment Report
- Transport Assessment
- Framework Travel Plan
- Flood Risk Assessment
- Phase I Geo-Environmental Report
- Heritage Desk-Based Assessment
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement
- Socio-Economic Benefits Statement
- Energy Statement
- Utilities Statement

2.5 Some of the documents listed above are not originally submitted documents but have been amended during conversations/negotiations with between the applicant and the Council, as well as to respond to the comments received from statutory and non-statutory consultees.

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

3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Julie Cragg on 02 February 2024 due to her concerns regarding the impact of the proposed development on highways safety and flooding.

### **4 Relevant Planning History**

4.1 There is no relevant planning history on this site.

4.2 Officers undertook an EIA Screening on the proposal. Having given due consideration to the relevant assessment criteria in the relevant legislation, the screening opinion concluded that the proposals were not EIA development. This means that 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 a full environmental statement.

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework, 2023 (NPPF)
- 5.2 National Design Guide 2021 (NDG)
- 5.3 Welwyn Hatfield Local Plan 2016 – 2036 (Local Plan)
- 5.4 Other planning documents that are relevant to the consideration of this application are listed below:
  - Supplementary Planning Guidance, Parking Standards, January 2004
  - Supplementary Design Guidance, February 2005
  - Planning Obligations, Supplementary Planning Document, February 2012
  - Interim Policy for Car Parking Standards and Garage Sizes, August 2014
  - Hertfordshire Local Transport Plan (2018-2031) 2018

## **6 Site Designation**

- 6.1 The site is partially designated (at the northern end) as Green Belt, and the majority of the site forms designated housing allocation HS15.

## **7 Representations Received**

- 7.1 The application was advertised by means of site notice (which was displayed in four different locations surrounding the site), press advert and neighbour notification letters. In total, 38 representations have been received, comprising 32 objections, 1 comment in support and 5 general comments. All representations received are published in full on the Council website and summarised below:

### *Objections*

- Impact on highway safety
- Increased traffic
- Worsened parking stress locally
- Insufficient infrastructure (roads, GPs, schools, etc) to accommodate the quantum of dwellings proposed
- Flooding and drainage problems will be exacerbated
- Loss of Green Belt
- The gap between Knebworth and Woolmer Green will close
- The appearance of the village will be adversely affected
- Noise and disruption during construction
- Harm to heritage assets nearby
- Site access unacceptable
- Overdevelopment of the site
- Loss of privacy
- Loss of light and overshadowing
- Proposed emergency access unacceptable onto New Road

- Affinity Water not consulted, and should have been
- Land may be contaminated
- No provision for vulnerable road users, equestrian and cyclists.

*Support*

- St Michael's Primary School, Woolmer Green, has stated that the additional dwellings would help to make the school more sustainable and viable, noting that there is currently availability in most year groups.

*Comments*

- The development should encourage ecological improvements such as the provision of swift boxes/bricks
- The development should provide self build plots.

## **8 Consultations received**

Statutory consultees:

- 8.1 There are no unresolved objections from statutory consultees, subject to conditions and/or financial contributions.
- 8.2 Consultees with no objection/comment (some subject to conditions or S106 contributions):

HCC Public Health

HCC Fire Safety

HCC Growth

HCC Lead Local Flood Authority

HCC Highways

HCC Ecology

HCC Archaeology

HCC Minerals & Waste

Hertfordshire Constabulary

Herts & West Essex Integrated CareBoard

WHBC Public Health & Protection

WHBC Client Services

Affinity Water

Thames Water

National Highways

Environment Agency

Historic England

8.3 These are, where relevant, discussed in later sections of this report.

Other consultee responses:

8.4 Consultee responses have been received from the following bodies.

8.5 Knebworth Parish Council – objection summarised as follows:

Concerns raised regarding the impact of the proposed development on increased traffic movements, unacceptable site access.

8.6 Woolmer Green Parish Council – objection summarised as follows:

Premature consultation by the developer during the covid pandemic, proposed access from London Road is unacceptable as it closes the ‘critical gap’ between Woolmer Green and Knebworth, adverse traffic impacts and unacceptable data submitted to accurately assess this impact, the impact of the proposed development on existing flooding issues, the development should not provide a new play area but funds should be secured by S106 towards existing facilities in the nearby area, and the lack of local school places.

8.7 Welwyn Parish Council – comment summarised as follows:

Concerns exist over the volume of traffic using the B197 (London Road).

8.8 North Hertfordshire District Council (NHDC) – No objections raised but observations made with regard to access and the landscape buffer to the north of the site.

## **9 Analysis**

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

- 1. Principle of the development**
- 2. Impact on the character of the area, including heritage assets**
- 3. Transport, access and traffic**
- 4. Residential amenity and the impact on neighbouring occupiers**
- 5. Other considerations:**
  - i) Housing mix and affordable housing**
  - ii) Accessible dwellings**
  - iii) Self-build and custom housebuilding**
  - iv) Flood risk and sustainable drainage**
  - v) Ecology**
  - vi) Archaeology**
  - vii) Environmental pollution**
  - viii) Sustainability requirements**
  - ix) Waste management**
  - x) Fire hydrant(s)**
- 6. Planning obligations**
- 7. Planning balance and conclusion**

## 1. Principle of Development

- 9.2 The majority of the application site forms a site allocated for housing development (Allocation reference HS15) as discussed earlier in this report. Policy SADM27 is relevant to allocated sites within Woolmer Green, and refers to HS15 as 'Land East of London Road'. This policy sets out that this allocation is for residential use with a dwelling capacity of 150 dwellings, with delivery anticipated within the first ten years of the plan. The proposal is for up to 150 residential dwellings and is therefore consistent with this policy.
- 9.3 Policy SADM27 sets out that proposals for allocated sites would need to have regard to the site-specific considerations set out within the justification text of the same policy. For site allocation HS15, these considerations are as follows (with officer comments in brackets after each consideration):
- Achieving satisfactory visibility splays (officer comment: this will be discussed in the highways section of the report)
  - Landscape buffer along northern boundary, to offset the impact of the development on the wider landscape and help define the Green Belt boundary (officer comment: Although matters pertaining to appearance, layout and scale are reserved for later applications, the submitted Development Framework Plan shows this area reserved for planting. Subsequent applications would need to conform with this overarching plan in this regard)
  - Landscape buffer to the east to protect setting of adjacent listed building (officer comment: Although matters pertaining to appearance, layout and scale are reserved for later applications, the submitted Development Framework Plan shows this area reserved for planting. Subsequent applications would need to conform with this overarching plan in this regard)
  - Heritage Impact Assessment at planning application stage (officer comment: A Heritage Impact Assessment has been submitted with this application and will be discussed in the heritage section of this report)
  - Provision of substantial woodland planting to the north of the development site in order to define a long term robust Green Belt boundary and to protect the Green Belt's open character, as well as providing screening to existing employment buildings between the site and London Road. (officer comment: Although matters pertaining to appearance, layout and scale are reserved for later applications, the submitted Development Framework Plan shows this area reserved for planting. Subsequent applications would need to conform with this overarching plan in this regard)
  - Provision of a vehicular access between this site and site HS43 to ensure good quality connectivity and permeability in line with SADM 3 'Sustainable Transport for All' (officer comment: this will be discussed in the highways section of the report)

- Archaeological field evaluation may be required and appropriate conditions imposed subject to findings (officer comment: this will be discussed in the other considerations section of the report)
- 9.4 Other than the site allocation, the proposed site includes an area of land to the north of the site allocation which remains in the green belt, and is shown in figure 1 with black hatching. The local plan sets out that this area is to be utilised to provide a green landscaped buffer in order to clearly define the green belt boundary, and to provide some screening between the green belt to the north and the development, and to provide a clear definition between the villages of Knebworth and Woolmer Green.
- 9.5 The application site red line therefore takes in this area of land, which is in the same ownership as the site allocation, and is necessary if the development of HS15 is to be considered acceptable.
- 9.6 Policy SADM34 is relevant with regard to the Green Belt, and seeks to ensure that the openness and purposes of the Green Belt are protected. The majority of the site, as discussed, lies outside of the Green Belt, whilst the northern section will see a woodland landscape buffer planted. The planting of trees and other soft landscaping does not constitute development and does not, therefore, conflict with this policy.

## **2. Impact on the character of the area, including heritage assets**

- 9.7 Policy SP9 of the Local Plan seeks to achieve positive place-making and high quality design. This is consistent with the NPPF. Policy SADM15 seeks to ensure that heritage assets are considered and preserved during development proposals.
- 9.8 It is worthy of note that this application reserves matters relating to appearance, layout and scale to subsequent application, and therefore these elements are not, and cannot, be assessed at this time.
- 9.9 This said, it is clear that the provision of up to 150 dwellings on this site will result in a significant change to the site, even if we cannot yet fully understand the impacts.
- 9.10 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the application.
- 9.11 Whilst the scale and layout of the development is not yet known, this document provides the details of the assessment carried out, including looking at the medium and long views in which the site is currently visible, the landscape changes and their effects.
- 9.12 The report acknowledges that the character of the site will undoubtedly change, and this is to be expected given the nature of the site as existing when compared to the proposed use. However, a change does not mean that the end result would be harmful, and the conclusion is reached that the indicative drawings demonstrate that sufficient new planting, (including an overall site increase in tree canopy coverage) and that the woodland belt to the north and the planting to the eastern edge would visually contain the proposed development whilst ensuring that the development relates well to the wider settlement of Woolmer Green. Officers are in agreement with this view, although further work and



analysis will need to be forthcoming with subsequent reserved matters applications as the detailed design emerges, and this can be scrutinised more fully when these details are submitted.

- 9.13 Plans provided show where features could be located, including SuDS basins, play areas and community orchards. These are just illustrative details and will need to be carefully considered in the evolving design.
- 9.14 It is noted that a representation has been received from the Woolmer Green Parish Council requesting that monies should be secured by S106 towards improvements of a nearby play area off Garden Road and/or a further playground in the village hall grounds rather than providing a new one within the development. Officers consider that, due to the proximity of the development proposes to these playgrounds, the improvement of these spaces, primarily the one off Garden Road, would help to integrate the development into its wider surrounds.
- 9.15 Concerns have been raised in representations regarding the proposals constituting an overdevelopment of the site. The proposal is for up to the number of dwellings afforded by the local plan allocation. This does not, however, guarantee that this number of dwellings can be successfully accommodated on the site, and this will need to be assessed when the detailed reserved matters proposals are submitted. Overdevelopment of the site can manifest itself in many ways, and if this is with regard to design it would often show itself by way of insufficient parking spaces, poor landscaping, unacceptable amenity spaces, to name but a few. These things cannot, however, be assessed until the detailed design is known.
- 9.16 A heritage desk-based assessment has been submitted with the application and this is considered to be appropriate given the limited detailed design work which has taken place to date. The document carries out an assessment of the proposal and concludes that there would be some harm caused to the Grade II listed Payne's Farmhouse structure, and that this harm would sit at the lower end of the 'less than substantial' level of harm, as defined by paragraph 208 of the NPPF. The document concludes that all other heritage assets are unlikely to be adversely impacted by the proposals, although all of the above is based on the limited design information we currently have before us.
- 9.17 The Council's Built Heritage Consultant has visited the site and reviewed the information submitted by the applicant. The consultant provides useful commentary on the reason for the harm to Payne's Farmhouse, and much of this relates to the fact that the arable use of the site as existing helps with the understanding and experience from within the farmhouse, of its historic context. Additionally, the likely impact of light spill, noise and movement would further detract from the historic context and setting of the listed building. The consultant concludes that the proposal would fail to preserve the significance of the listed building and that section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered.
- 9.18 Like the applicant's consultant, the council's consultant has concluded that the level of harm is likely to fall in the less than substantial category, and has not identified harm to any other heritage assets. Again, this is based solely on the information currently available, and a further consultation with the Built Heritage Consultant will take place on subsequent applications.

- 9.19 The NPPF sets out in paragraph 205 that 'great weight' should be afforded to the heritage listed building's conservation.
- 9.20 Officers are in agreement with the Council's Consultant that the proposed development would result in harm to the character of the nearby Grade II listed Payne's Farmhouse building, and as such is contrary to policy SADM15 of the Local Plan, the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. Where less than substantial harm is identified, the NPPF requires the harm to the heritage asset to be weighed against the public benefits of the proposal. This will be looked at later in the report.

### **3. Transport, access and traffic**

- 9.21 Policy SADM2 of the Local Plan relates to the highway network and its safe use, which is consistent with the NPPF, which also encourages priority for pedestrian and cycle movements first, whilst ensuring that the needs of disable and vulnerable users are also considered.
- 9.22 Paragraph 115 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*".
- 9.23 The proposal includes two access points to/from the site. The first of these is located at the north western end of the site and will be the main access/egress point to and from the site. A second access is proposed to connect with the adjoining housing allocation site, known as HS43. The secondary access is required as per the justification text of policy SADM27, and this will allow for the two sites to maximise accessibility and permeability.
- 9.24 The application has been supported by the submission of a comprehensive Transport Assessment. The document has considered the key principles of highway safety, as well as the sustainability of the development and how walking, cycling and public transport use is considered and arranged. Significant data with regard to bus timetables, trip generation and census data have all informed the document.
- 9.25 The County Council's Highways Team and National Highways have been consulted on the application. Concerns were initially raised about the completeness and accuracy of some of the data provided, as well as the provision of a third 'emergency' access point from New Road. The applicant submitted a suite of information including a rebuttal to some of the concerns as well as amended and additional data, and an amended plan which removed the emergency access from New Road.
- 9.26 The County Council have confirmed that the visibility splays provided are acceptable and that the access/egress points comply with highways policy. In addition, there is a condition requested for works to provide a new crossing point on London Road to provide safe integration of the site with the wider transport network, as well as improvements to bus stops. National Highways have removed their objection also.
- 9.27 Some representations have raised concerns with regard to the main access point being from London Road, and this serving to further close the gap between

Knebworth and Woolmer Green. One comment picked up on a comment from the local plan Inspector who considered the soundness of the local plan, which raised some concerns about this allocation possibly serving to close the gap between these villages. However, the land to allow the creation of the access was included in the final site allocation, and the need for the woodland tree planting to the north of the site serves to provide the visual break.

- 9.28 Representations have been received regarding the impact on car parking stress locally. The scheme is not yet at a detailed design stage and so information regarding the number of parking spaces per dwelling, visitor spaces, etc are not yet known, and so this impact will be assessed at the reserved matters stage when detailed drawings are submitted. It will be expected that adequate car parking provision will be provided on site for the new residents of the scheme.
- 9.29 It is noted that the neighbouring local planning authority, North Hertfordshire District Council, have commented on the application and have stated that they would like to see an additional pedestrian/cycle access point to the south east of the site to connect the development in the direction of Datchworth. The previous emergency access was in this location but removed following consultation with the County Council's Highways Team. The route to Datchworth by foot or cycle would be a difficult one – with stretches of the roads one would require to travel having limited or no footways and/or being extremely narrow and not particularly safe for cyclists. It is therefore considered that the proposed access points, in combination with the highway improvements, provides the optimum solution with regard to access and egress from the site.
- 9.30 With the above in mind, officers are content that the proposal provides safe and acceptable access points to and from the site, and that the proposal complies with policy SADM2 of the Local Plan.

#### **4. Residential amenity and the impact on neighbouring occupiers**

- 9.31 The proposal is in outline only, with all matters reserved with the exception of access. With this in mind, the layout, scale and appearance of the proposed scheme is not yet known. Policy SADM11 of the Local Plan seeks to ensure that new development provides a good standard of amenity for future occupiers and protects existing amenity also.
- 9.32 It is noted that representations have raised concerns with respect to overshadowing, loss of light, loss of privacy and overlooking. At this stage, it is not possible to know what impact there could be as the scale and siting of buildings are not yet known. This matter can be assessed under subsequent reserved matters applications.
- 9.33 Concerns have been raised regarding the impact on properties during the construction phase. It is accepted that a construction project of this size would create some noise and dust, and other possible impacts. These are normal, and to be expected, but are also short term. Conditions can be attached to any consent to ensure a Construction Management Plan is provided to ensure that works take place in an appropriate way that minimises the impact on local people. In addition, there is separate environmental health legislation which further safeguards the amenity of people. Further, given the size of this scheme, it is expected that an experienced housebuilder will likely acquire the site and bring their experience of how to undertake this scale of development whilst seeking to minimise impacts on local residents.

9.34 Representations have been received from local businesses who are concerned that the proposals do not take into account their premises, and day to day operations. Once a layout is reached, a future submission would be expected to provide details of how the proposal would relate to all neighbouring properties, both residential and commercial. At that stage, officers, along with the Council's Public Health and Protection Officer, can ensure that the proposed development interacts appropriately with these properties.

**5. Other Considerations:**

i) Housing mix and affordable housing

9.35 Policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive and mixed communities. Proposals should 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. This policy also requires 35% affordable housing to be provided in this location.

9.36 The most up to date evidence can be found in the Technical OAN Paper (June 2019). This document states that the size of housing required between 2013 and 2032 is as follows:

<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4 or more-bed</b>
14%	23%	41%	22%

9.37 The paper also identifies that 77% of new properties needed would be houses, with the remainder being flatted development.

9.38 It is noted that the above requirements set out the needs for all developments across the Borough as a whole, and is not a target for each planning application to achieve.

9.39 The final mix will be finalised at the reserved matters stage, and the acceptability of the type of housing proposed can be assessed at this point.

9.40 The applicant proposes a policy compliant 35% affordable housing provision for this site. 51% of this provision will be social rented, with the remaining 49% being made up by other intermediate products in accordance with the identified need.

9.41 The quantum and type of affordable housing will be secured through the S106 agreement.

ii) Accessible dwellings

9.42 Policy SP7 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regs Part M4(2) standards for "accessible and adaptable dwellings" (across tenure). A planning condition is suggested to address this which will ensure that at least 20% of new dwellings within the development adhere to this part of the Building Regulations.

iii) Self build and Custom housebuilding

9.43 Policy SP7 states that sites of 100 or more non-flatted dwellings should provide 2% of plots for self-build and custom build purposes. This can be secured via the S106 agreement.

iv) Flood risk and sustainable drainage

9.44 Policies SP10, SADM13 and SADM14 of the Local Plan relate to flood risk and surface water management and are broadly consistent with the NPPF in seeking to ensure new development does not increase flood risk elsewhere, and that major developments incorporate sustainable drainage systems.

9.45 The application has been supported by a Flood Risk Assessment and Outline Drainage Strategy.

9.46 The County Council's Local Lead Flood Authority (LLFA) originally raised concerns with the information submitted, and had requested further information/detail.

9.47 The applicant provided the additional information/detail requested and the LLFA subsequently removed their objection. They have recommended a suite of conditions which are included at the end of this report.

9.48 It is noted that representations have been made raising concerns as to whether Affinity Water were consulted on the proposal. Both Affinity Water and Thames Water have been consulted and have raised no objections to the development of the site for up to 150 new dwellings.

v) Ecology:

9.49 Policy SADM16 of the Local Plan concerns ecology and landscape and is broadly consistent with the NPPF in seeking to ensure that planning decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

9.50 The application has been supported by the submission of an Ecological Impact Assessment which carries out a thorough assessment of both the site itself but also the wider area, including nearby Local Nature Reserves.

9.51 The document concludes that the proposal would have an acceptable impact on existing ecology, subject to mitigation measures, and would also result in a biodiversity net gain in excess of the 10% required by policy – with habitat units increasing by 27.79% and hedgerow units increasing by 38.46%. This may change as the layout of the scheme evolves.

9.52 The County Council's Ecology Officer has confirmed that the information provided is acceptable, and has raised no objections. The BNG increase of not less than 10%, along with its ongoing maintenance and management for a period of 30years, can be secured through the section 106 agreement whilst conditions can be added to ensure the mitigation measures contained within the Ecological Impact Assessment are met.

9.53 It is noted that some representations are keen for a condition setting out a precise number of swift bricks to be added to the development. Officers consider that, given the layout of the development has not yet fixed, it would be unwise to set an arbitrary figure, but it would be better to secure further details by way of a

planning condition at reserved matters stage which can ensure the most effective locations for any such improvements.

vi) Archaeology

- 9.54 Policy SADM15 of the Local Plan relates to heritage and states that an Archaeological Assessment will be required if the scale and/or nature of the proposal are likely to have an impact on the significance of all or part of the asset. An assessment may be required in locations which are not designated but where the potential to contain heritage assets exists or further understanding of the significance of known heritage assets is needed. This approach is consistent with the NPPF.
- 9.55 The application has been supported by a Heritage desk-based assessment. With regard to archaeology, this document states that some Roman and prehistoric activity has been identified in the local area, but no evidence of any such activity within the site itself.
- 9.56 The County Council's Archaeological Officer has reviewed the data submitted, and has concluded that there is a chance of archaeological finds at this site and has, therefore, recommended conditions to ensure that chances of any such finds being protected and safeguarded are maximised. These are included at the end of the report.

vii) Environmental pollution

- 9.57 Policy SADM18 of the Local Plan deals with environmental pollution, including contaminated land and soil pollution, air quality, and noise, and is consistent with the NPPF.
- 9.58 The application has been supported by the submission of a Phase 1 Geotechnical Report, an Air Quality Assessment and a Noise Assessment.
- 9.59 The Council's Environmental Health and Protection Officer has been consulted on the proposal, as have Affinity Water and Thames Water.
- 9.60 Affinity Water and Thames Water have raised no objections to the proposal. The Public Health and Protection Officer has not objected either, but has recommended a suite of conditions in order to ensure matters relating to noise, contamination and air quality are adequately addressed as the proposal develops.

viii) Sustainability requirements

- 9.61 Policy SP10 and SADM13 require renewable and low carbon sources of energy supply to be maximised, particularly for major developments. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 9.62 Policy SADM13 of the Local Plan all requires all newly constructed dwellings to achieve an estimated water consumption of no more than 110 litres/person/day. This is to ensure that the higher standard within Building Regulations Part G is met.
- 9.63 These matters will be considered at the reserved matters stage in accordance with these policies.

ix) Waste management

- 9.64 Policy SP10 of the Local Plan requires proposals to reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site.
- 9.65 The County Council's Minerals and Waste Planning Officer has been consulted on the proposal, and has raised no objection subject to the imposition of a condition to secure a Site Waste Management Plan which will allow for more detailed information to be secured. This has been recommended accordingly at the end of this report.

x) Fire hydrants

- 9.66 Hertfordshire County Council's Fire and Rescue Service have been consulted on the proposal. They have requested that a condition be imposed to ensure the provision of hydrants within the site to support emergency fire services. This is a reasonable request and has been included at the end of this report.

**6. Planning obligations**

- 9.67 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.
- 9.68 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.
- 9.69 A S106 Legal Agreement to secure planning obligations has been subject to negotiations with Officers. The following table sets out the heads of terms sought by the Council and has been broadly agreed with the applicant:

**Financial obligations:**

<b>Herts County Council</b>	
Primary Education	£1,740,778 towards the delivery of a new Primary School in Knebworth and/or provision serving the development.
Secondary Education	£1,586,992 towards the expansion of Monks Walk Secondary School and/or provision serving the development.

Childcare Services age 0-2	£10,844 towards increasing the capacity at St Michael's pre-school, and/or provision serving the development.
Childcare Services age 5-11	£997 towards increasing the capacity at St Michael's Woolmer Green CE Primary School, and/or provision serving the development.
Special Educational Needs and Disabilities	£190,247 towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development
Library Service	£33,850 towards increasing the capacity of Welwyn Garden City library and/or provision serving the development
Youth Service	£42,970 towards the delivery of a new centre in Welwyn Garden City and/or provision serving the development
Waste Service Recycling Centre	£15,018 towards the new provision at Welwyn Garden City recycling centre and/or provision serving the development
Waste Service Transfer Station	£15,813 towards the new provision at Eastern Transfer station and/or provision serving the development
Fire and Rescue Service	57,089 towards the expansion at Welwyn Garden City fire station and/or provision serving the development
Sustainable transport	£1,000,000 for a scheme to be determined
Monitoring Fee	£340 per trigger point
<b>NHS</b>	
Hertfordshire and West Essex Integrated Care Board	£193,800 towards the provision of new and improved GP facilities in the Woolmer Green/Knebworth area
<b>WHBC</b>	
Indoor sports	£165,602 towards various local projects



Outdoor sports	£176,565 towards various local projects
Play Areas	£53,580 towards improvements of local play areas
Waste Receptacles	£16,038.04 for waste receptacles to serve the dwellings

**Other obligations:**

35% affordable housing with 51% being social rented and 49% being other affordable products.

BNG delivery, and maintenance and management for a 30year period

2% self-build/custom build housing

- 9.70 All S106 financial obligations are subject to indexation. At this stage, all requests are indicative and are subject to change as the detailed scheme is designed through the reserved matters stages.
- 9.71 The requested contributions set out above are considered to be reasonable and to pass the necessary Community Infrastructure Levy (CIL) Regulations 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.
- 9.72 The applicant has entered into discussions on these required contributions positively, and it is anticipated that the S106 Agreement will be entered shortly after the decision is made, if it is indeed determined at committee to resolve to grant subject of the completion of the S106 Agreement.

**7. Planning Balance and Conclusion**

- 9.73 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means (paragraph c) approving development proposals that accord with an up-to-date development plan without delay.
- 9.74 The application is a residential proposal for an allocated site in the recently adopted Welwyn Hatfield Local Plan. Policy SADM27 identifies the site as HS15 (Land East of London Road) and sets out that residential development on the site is acceptable and development proposals will need to have regard to site-specific considerations set out in table 11 in addition to other relevant planning policy, planning objectives and other material considerations.
- 9.75 Taken together, paragraph 11(d) and footnote 8 of the NPPF set out the circumstances in which housing delivery should be considered as a material consideration when dealing with applications.
- 9.76 The Welwyn Hatfield Local Plan was adopted in October 2023 and is less than five years old. The adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded. Therefore, in accordance with paragraph 79 of the NPPF, the Council is not required to identify

and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes.

9.77 However, the latest Government published Housing Delivery Test data (December 2023) which related to the period running from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022 showed the Welwyn Hatfield delivered 57% of homes against its target, falling below the 75% threshold. Therefore, in accordance with footnote 8, the 'tilted balance' set out in paragraph 11(d) of the MPPF is in effect in this instance. With this in mind, planning permission should be granted unless "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".

9.78 Footnote 8 states that:

"This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years".

9.79 Whilst the recent adoption of the Local Plan means that the Council is not currently required to demonstrate a five year land supply, it remains the case that, at present the Council can currently demonstrate that there is 3.4 years of housing supply, whilst the latest Government published Housing Delivery Test data (December 2023) which related to the period running from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022. This data showed that Welwyn Hatfield delivered 57% of homes against its target, falling below the 75% threshold.

9.80 With the above in mind, the 'tilted balance' set out in paragraph 11(d) of the NPPF is in effect in this instance. Therefore, planning permission should be granted unless "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".

### **Adverse impacts**

9.81 It is acknowledged by both the applicant and the Council's Heritage Consultant that the change in circumstance of the application site from an open arable field to a residential development of up to 150 dwellings would affect the setting of the nearby listed Paynes Farmhouse building, and how this is read. The level of harm is considered to be 'less than substantial', and great weight is afforded to this in the planning balance.

### **Benefits**

9.82 There are a number of benefits arising from the proposed development, and these include the provision of market and affordable dwellings, a highly sustainable site, biodiversity net gain, economic benefits and wider infrastructure improvements. These will be considered in turn now.

### **Provision of market and affordable dwellings**

- 9.83 Paragraph 60 of the NPPF seeks to support the Government's objective of significantly boosting housing supply. As discussed earlier in this report, Welwyn Hatfield Borough Council have, in recent years, fallen short of their targets for housing provision. The Local Plan allocates sites for housing in order to assist with housing delivery. Site allocation HS15 is one such allocation and is allocated to provide 150 dwellings towards the Council's targets.
- 9.84 The provision of housing is undoubtedly a benefit, and considering the above, significant weight is afforded to this.
- 9.85 Turning to affordable housing, the current situation is bleak. There is an acute need for affordable homes locally, and the proposal includes the provision of 35% affordable dwellings on site. Given the policy compliant offering, and that the tenure split accords with local policy, very substantial weight is afforded to this benefit.

### **Site sustainability**

- 9.86 The application site forms part of the village of Woolmer Green. The site has access to local services in a very close proximity, whilst sustainable modes of transport afford good connectivity to key local destinations. The proposal includes improvements (these will be discussed further in the planning balance) to existing infrastructure which will encourage greater use of sustainable methods of transport, including walking and bus. Significant weight is afforded to the sustainable location of the site.

### **Biodiversity Net Gain**

- 9.87 The submitted documents demonstrate that the proposal would likely have a BNG increase in excess of the policy compliant 10%, although the final layout of the site has not yet been detailed. The County Council's Ecology Officer raised no doubts about the ability of the site to deliver at least 10% net gain. This attracts moderate weight in the planning balance.

### **Economic benefits**

- 9.88 A number of economic benefits will arise from this proposal. These include the provision of jobs during construction although this will not be a permanent benefit. The provision of new residents will result in greater spend in local businesses, as well as elsewhere in the Borough, although it is not possible to quantify this. Moderate weight is afforded to these benefits.

### **Wider infrastructure improvements**

- 9.89 The application will result in a new pedestrian crossing on London Road and improvements to bus stops, which will serve as a benefit to residents of the new development and people more widely. Moderate weight is afforded to this benefit.

### **Conclusion**

- 9.90 The harm to the nearby listed building is acknowledged. As per the NPPF test, officers must consider whether this harm significantly and demonstrably outweigh the benefits of the proposal, and in this case officers conclude that it does not.

## **10 Recommendation**

10.1 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; and
- b) The following conditions:

**Planning Conditions:**

**PRIOR TO COMMENCEMENT**

1. Approved Drawings

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
CSA/5204/10 8 Rev D		Site Location Plan	18 January 2024
CSA/5204/10 0 Rev L		Development Framework Plan	17 April 2024
P17033-23- 01G		Simple Priority T Junction	13 June 2024
CSA/5204/11 3 Rev A		Landscape Strategy Plan	21 December 2023

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

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

4. Notwithstanding the plans hereby approved, the illustrative detail shown on the Development Framework Plan (CSA/5204/100 Rev L) and the Landscape Strategy Plan (CSA/5204/113 Rev A) with regard to layout, location of a

community orchard, SuDS basins, and play area are not fixed, and are to form part of the reserved matters application(s) with respect to layout.

Reason: For the avoidance of doubt, and to ensure that the reserved matters application(s) are not prejudiced.

5. Notwithstanding the plans hereby approved, the area at the northern end of the site outlined in blue on the Development Framework Plan (CSA/5204/100 Rev L) shall be kept free from development and retained for the purposes of providing a landscaped buffer.

Reason: For the avoidance of doubt, and in the interest of protecting the purposes of the Green Belt, in accordance with Policy SADM34

6. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:

- a) Construction vehicle numbers, type, routing;
- b) traffic management requirements;
- c) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d) siting and details of wheel washing facilities;
- e) cleaning of site entrances, site tracks and the adjacent public highway;
- f) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g) provision of sufficient on-site parking prior to commencement of construction activities;
- h) post construction restoration/reinstatement of the working areas and temporary access to the public highway; and

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework

7. New Access

Prior to the commencement of the development, additional information must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the main site access off London Road including tracking diagram for 12.1m long refuse vehicle. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation. Any other existing access points which are not incorporated in the plans shall be closed off permanently.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with Policy SADM2 of the Local Plan, and paragraphs 114 – 116 of the NPPF (December 2023).

#### 8. Crossing onto London Road

Prior to the commencement of the development, detailed engineering designs of a safe and secure crossing for pedestrians and cyclists on London Road shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The crossing point should be in close proximity of the main site access point and include a standard refuge island. These works shall be implemented in accordance with the approved details, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 – 116 of the NPPF (December 2023).

#### 9. Bus stops upgrade

Prior to the commencement of the development, plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the upgrades [provisions of Kassel Kerbs, Bus-shelters and Real Time Information Display screens (RTI screen)] to the existing bus stops closest to the site located onto London Road (near Monread Care Home).

These works shall be implemented to the specification of the Highway Authority and Local Planning Authority's satisfaction before first occupation.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with Policy SADM2 of the Local Plan, and paragraphs 114 – 116 of the NPPF (December 2023).

#### 10. Biodiversity Gain Plan

No development shall commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Gain Plan shall be informed by an updated metric to ensure the delivery of a minimum of 10% net gain in biodiversity, and include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management objectives;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;

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

REASON: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

#### 11. Health Impact Assessment

No development shall commence until a Health Impact Assessment (HIA) is submitted to, and approved in writing by, the Local Planning Authority in consultation with the County Council's Public Health Team. The HIA should demonstrate the positives and any potential unintended consequences of the development for the physical health and mental wellbeing of both existing communities in the vicinity, as well as future residents of the new development.

Reason: To ensure that the impacts of health and wellbeing, both positive and adverse are adequately identified as a result of the proposed development and to demonstrate that the proposed development contributes to reducing the causes of ill-health, improving health and reducing health inequalities within the borough.

12. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as required by the evaluation
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy SADM15 and SP18 of the Local Plan and the National Planning Policy Framework.

13. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 12.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy SADM15 and SP18 of the Local Plan and the National Planning Policy Framework.

14. Prior to or in conjunction with the submission of each reserved matters application, in general accordance with the submitted FRA and Drainage Strategy [Flood Risk Assessment and Outline Drainage Strategy, December 2023, REF SHF.1132.253.HY.R.003.B], drainage drawing [Surface Water Drainage Strategy, dated March 2024, REF SHF.1132.253-ENZ-XX-DR-D-0001 P03] and Technical Note [HCC LLFA Response] detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s, as stated within section 3.6 of the FRA / Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

IV. The design of the detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance. This will include surface water exceedance which may enter the site from elsewhere in excess of the 1 in 100 (1% AEP) rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

**Reason:** To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring 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 ensuring the SuDS proposed operates as designed for the lifetime of the development

15. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by



the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A site investigation scheme, 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.
- ii) The site investigation results and the detailed risk assessment 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.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

- 17. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

## PRIOR TO ABOVE GROUND

- 18. No development above ground level shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme must be fully implemented in accordance with the approved details before the development is occupied and thereafter retained for this purpose.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties in accordance with Policy SP13 of the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

- 19. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing within that phase has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must not be carried out other than in accordance with the approved statement. The scheme must include the following:

- a) A schedule of units, together with appropriate plans and drawings, shall be submitted to and be approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010;
- b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures;
- c) All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- d) The person carrying out the building work must inform the Building Control body which requirements apply; and
- e) Written verification of the completion of all dwellings in accord with b) and c) above 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 for households in need of accessible or wheelchair housing in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

## PRIOR TO OCCUPATION

20. Following completion of measures identified in the approved remediation scheme and prior to the first use or 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 shall be implemented.

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.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

## 21. Visibility

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Ref- P17033-23-01E).

These splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3

## 22. Travel Plan

Prior to the first occupation of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied, subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of an annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

## 23. The development shall not be 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 condition 12 and the provision made for analysis and publication where appropriate.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy SADM15 and SP18 of the Local Plan and the National Planning Policy Framework.

## 24. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. No dwelling be occupied until the relevant and necessary part of the drainage scheme serving that dwelling has been implemented, 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 feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. 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. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new

dwelling and not increased in accordance with NPPF and Policies of Welwyn and Hatfield Borough Council

25. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Welwyn and Hatfield Borough Council.

26. Commercial noise levels – mitigation:

Prior to first occupation, details of commercial noise mitigation measures from adjacent commercial noise sources shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate the measures set out in section 6 of the submitted Noise Assessment (Noise Consultants report – ref number: 14594A-20-R01-01 – December 2023).

Once approved in writing, the mitigation measures shall be implemented and retained thereafter. Reason: to protect the occupants of the new development from commercial noise disturbance, and to accord with Policy SADM11 of the Welwyn Hatfield Local Plan.

27. Management and maintenance of streets

No part of the development in the relevant phases of the development hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the streets within that phase have been submitted to and approved in writing by the Local Planning Authority. 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 safe, suitable, and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard, in accordance with Policies SP1, SP4, SADM3 and SADM2 of the Local Plan, Hertfordshire’s Local Transport Plan (adopted 2018) and the National Planning Policy Framework.

28. Refuse and recycling scheme

Prior to the first occupation of any dwelling within a Phase, a refuse and recycling proposal for that phase shall be submitted to and approved in writing by the Local

Planning Authority within each reserved matters application for the relevant phase of development. The proposal must include a full accommodation schedule for each phase, detailed tracking diagrams and detailed property information so that a calculation of requirements and costs can be made. Thereafter, the development must not be operated other than in accordance with the approved Refuse and Recycling Plan.

REASON: In order that the Local Planning Authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general in accordance with Policy D1 of the Welwyn and Hatfield District Plan 2005; Policy SADM12 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## COMPLIANCE

### 29. Air quality – construction dust mitigation:

At all times during the construction phases of the development, the mitigation measures as identified in the air quality report ref (Air quality consultant's report number: J20/14594B/10/1/F4 - December 2023), should be implemented and actioned as necessary to minimise the impacts of pollution in the local area.

Reason: to help minimise and mitigate local pollution levels from dust during construction works.

### 30. Reporting of Unexpected Contamination: If 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 must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 25.

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.

### 31. The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment by CSA Environmental (dated December 2023) and the recommendations set out within in relation bats, badgers, breeding birds, hedgerows and trees,

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

## 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 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. 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/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. The applicant is advised that in order to 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

5. 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-and-pavements/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
8. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays  
The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
9. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.  
All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.  
All machines in intermittent use shall be shut down during intervening periods between works, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.  
Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.  
Any pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.  
In general, equipment for breaking concrete and the like, shall be hydraulically actuated.



'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

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

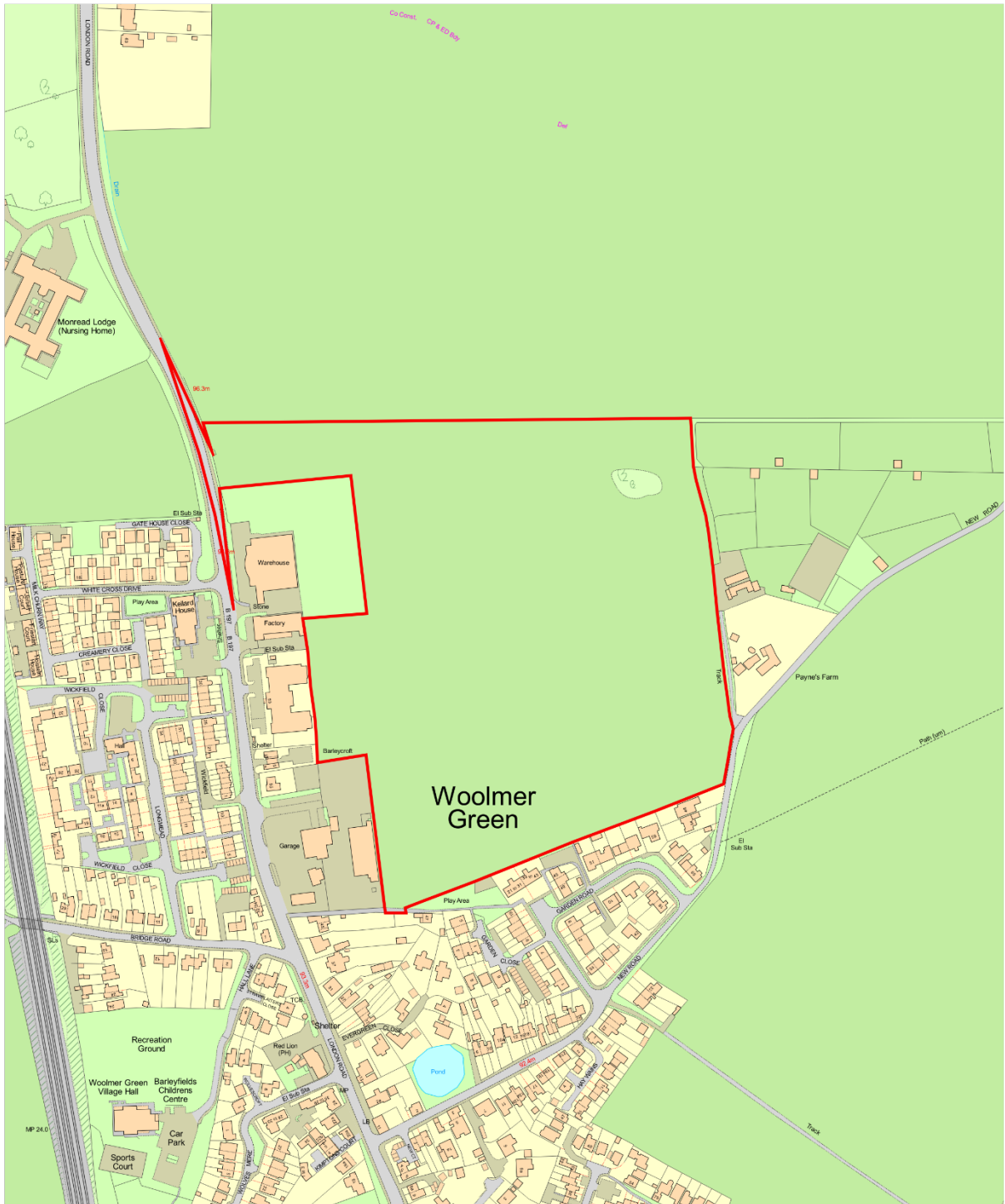
- 10.** All efforts shall be made to reduce dust generation to a minimum. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
- 11.** Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
- 12.** Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.


#### 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.

Ganesh Gnanamoorthy (Development Management)

Date: 20/05/2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:	
	Land off London Road Woolmer Green SG3 6JZ		DNS	
	Development Management Committee		Drawing Number:	Date:
			6/2023/2552/OUTLINE	14-06-2024
		Drawn:	C. Brady	
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2024				