

Part I

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(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 25 JULY 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2024/0105/MAJ

LAND NORTH OF THE MEADWAY, CUFFLEY, EN6 4ET

ERECTION OF 73 RESIDENTIAL UNITS, TO INCLUDE ACCESS, LANDSCAPING,  
PRIVATE AND COMMUNAL AMENITY SPACE, VEHICLE PARKING, CYCLE,  
REFUSE AND RECYCLING STORAGE, PUBLIC OPEN SPACE AND OTHER  
ASSOCIATED SUPPORTING INFRASTRUCTURE

APPLICANT: STONEBOND PROPERTIES (CHELMSFORD) LIMITED

**1 Site Description**

- 1.1 The application site has an area of approximately 3.5 hectares and is located on the north-eastern edge of the village of Cuffley, to the northern end of the existing residential road of The Meadway. The site comprises an arable field bounded by varying densities of vegetation.
- 1.2 To the north of the site is a woodland strip and brook with grassland beyond. To the east of the site is a vegetation boundary and further arable fields. To the south of the site is the existing residential road The Meadway. To the west of the site is a strip of vegetation and a railway line, with existing residential development sited beyond this.
- 1.3 The highest land levels are located towards the entrance to the site from The Meadway and along the boundary with the railway line to the west. Land levels then slope gently towards the north and east of the site. The lowest point of the site is located to the far east with a fall of approximately 12 metres.
- 1.4 Land to the north and east of the site falls within the Green Belt and the northeastern boundary of the site adjoins the neighbouring authority of Broxbourne. The site is washed over by the Cheshunt Common Landscape Character Area. Whilst much of the site is located within Flood Zone 1, the northeastern boundary is within Flood Zones 2 and 3a which is associated with the adjoining designated main river/watercourse (Cuffley Brook). The site is not located within a conservation area and there are no listed buildings within or immediately adjoining the site. Whilst there are no designated wildlife sites located within the application site, a wildlife site is located along the railway embankment between the site and the Cuffley Station.
- 1.5 Most of the application site, and all the land proposed for development, is allocated in the Local Plan for housing (allocation HS27). Included within the application is an additional parcel of land which lies to the east of allocation HS27 and within the Green Belt. This land is included for landscaping only.

1.6 Figure 1 below shows housing allocation site HS27, landscape buffering (black diagonal hatching) and adjacent Green Belt and the Borough Boundary.

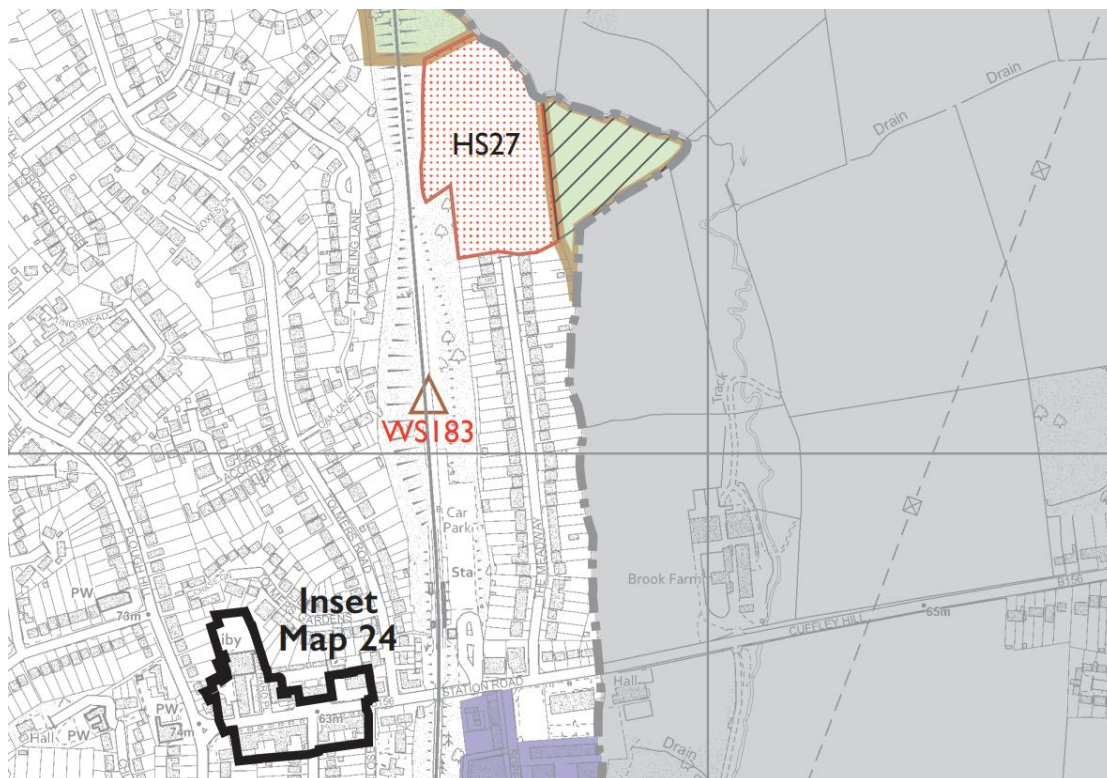
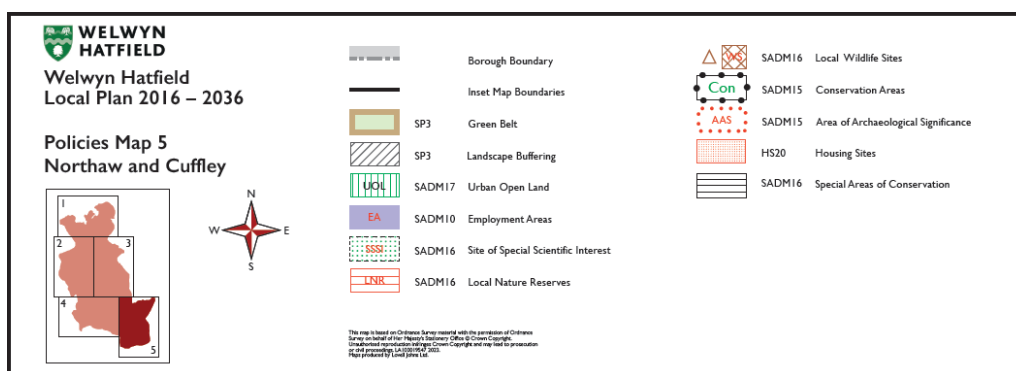


Figure 1: Extract of Welwyn Hatfield Local Plan Policies Map 5 – Northaw and Cuffley showing housing allocation site HS27, landscape buffering (black diagonal hatching) and adjacent Green Belt and the Borough Boundary.



## 2 The Proposal

- 2.1 Full planning permission is sought for the residential development of the site for 73 dwellings, providing a range of house types, sizes, designs and tenures.
- 2.2 The proposed dwellings comprise 59 houses (a mix of detached, semi-detached and terrace houses) and two apartment blocks containing four maisonettes and ten flats.
- 2.3 The scale of new homes are predominantly 2 storeys high with single storey garages. The larger, five bedroom, dwellings are 2½ storeys high, while the larger of the apartment buildings nearest the railway line has both 2½ and 3 storey elements.
- 2.4 The site is proposed to comprise 7 one-bedroom flats, 7 two-bedroom flats, 12 two-bedroom houses, 31 three-bedroom houses, 12 four-bedroom houses and

4 five-bedroom houses. Of the 73 dwellings, 47 would be private dwellings and 26 would be affordable.

- 2.5 Vehicle access into the development would be taken from The Meadway at the site's southern boundary. Pedestrian access is also proposed via this access point comprising of 2 x 2m footways running either side of the carriageway, with the eastern side offset by landscaping and verge. A hierarchy of streets has been created with the primary street which is to run north-south being 5.5 metres wide (narrowing to 3.7m wide at the northern end of the site) with 2-metre-wide footways on each side. Shared surface lanes and private drives connect off this. A change in surface material would denote the transition from the primary street to lower grade roads. Parking is provided throughout the site in various forms including driveways, garages, parking courts and on-street visitor laybys.
- 2.6 Landscaping and areas of open space are proposed throughout the site. This includes the provision of amenity space to the eastern side of the site and a SuDS basin to the northern corner of the development, as well as a central focal space. Existing vegetation surrounding the site would be retained and enhanced, where appropriate.
- 2.7 Figure 2 below shows the proposed site layout plan. This shows the area of the site allocated under Policy SADM33 (known as site HS27) which is to be developed for residential, as well as the land to the east of the allocation which forms part of the application site but remains within the Green Belt. The strip of land to the east of the allocation that is located within the Green Belt is proposed to be utilised as public open space, along with providing a new landscape buffer along the eastern edge of the site to form a boundary to the edge of Cuffley and the Green Belt beyond.



Figure 2: Proposed site layout plan

2.8 Along with the submission of numerous detailed plans, the application is also supported by the following documents:

- Air Quality Assessment;
- Application Forms and Certificates;
- Arboricultural Impact Assessment including Tree Survey and Tree Protection Plan;
- Archaeological Desk Based Assessment;
- Construction Environmental Management Plan;
- Covering Letter;
- Covering Letter for Amendments;
- Design & Access Statement;
- Ecological Impact Assessment;
- Energy Sustainability Statement
- Flood Risk Assessment and Drainage Strategy;
- Habitat Management and Monitoring Plan;
- Landscape and Ecology Management Plan;
- Landscape and Visual Impact Assessment;
- Noise and Vibration Impact Assessment;
- Phase II Geotechnical Contamination Report;
- Planning Statement, incorporating Affordable Housing Statement and Statement of Community Involvement;
- Riba Stage 2 Fire Strategy;
- Response letter to Environment Agency;
- Response letter to LLFA;
- Schedule of Accommodation;
- Technical Note of Pedestrian Walking Routes;
- Transport Statement;
- Transport Statement Addendum

2.9 The plans that have been submitted for approval have been amended to address feedback from the Case Officer and consultees. A covering letter has been submitted to address the amendments that have been made. A 21-day re-consultation period has been undertaken to provide a further opportunity for comments to be submitted.

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

3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.

### **4 Relevant Planning History**

4.1 Application Number: 6/2022/0099/PA  
Decision: No objection  
Decision Date: 12 August 2022  
Proposal: Pre-application advice for the development of land for residential development - Housing Comments Only

### **5 Relevant Planning Policy and Guidance**

5.1 National Planning Policy Framework 2023 (NPPF)

- 5.2 National Design Guide 2021 (NDG)
- 5.3 Planning Practice Guidance (PPG)
- 5.4 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
- 5.5 Northaw and Cuffley Neighbourhood Plan 2022-2036 (Neighbourhood Plan)
- 5.6 Supplementary Design Guidance 2005 (SDG)
- 5.7 Planning Obligations Supplementary Planning Document 2012 (SPD)
- 5.8 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 5.9 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.10 Hertfordshire Local Transport Plan (2018-2031) 2018
- 5.11 Manual for Streets
- 5.12 Hertfordshire Waste Development Framework 2012

## **6 Site Designation**

- 6.1 The application site is allocated in the Local Plan for up to 60 dwellings (Policy SADM33) known as site HS27- Land at The Meadway. The very eastern part of the application site is not within the allocation and lies in the Metropolitan Green Belt.

## **7 Representations Received**

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total, 133 representations have been received, comprising 125 objections together with seven comments and one in support. All representations received are published in full on the Council's website and are summarised below:

### *Principle*

- Contradicts the allocation within the Local Plan – originally allocated for 30 houses, then 60. The proposal is now for 73.
- The Northaw and Cuffley Neighbourhood Plan sets out that “Any cul-de-sacs should be relatively short”. Extending The Meadway by 73 homes leads to the creation of a very long cul-de-sac.
- Effectively doubling the number of houses presently in The Meadway.
- Strongly disagree with the erosion of Green Belt land.

### *Design*

- “Standard kit” properties contrasts starkly with the distinctive features of 1930s bungalows, such as bay windows, a blend of brick and pebbledash, and red clay roof tiles.
- Height and scale of the proposed apartment blocks (3 storey) are disproportionate and completely out of character to the 1.5 storey bungalows.

- The Meadway is lined with detached bungalows, but the proposal incorporates terraced houses and apartment blocks.
- The density looks cramped.
- Proposal does not include grass verges which is an attractive open aspect of The Meadway.
- Boundary treatments do not comply with the Neighbourhood Plan.
- The site is highly visible, and the proposal will appear as a large blot on the landscape.

#### *Amenity*

- Noise from the railway line for future occupiers of the properties to be built alongside.
- Noise from heat pumps.
- Noise from construction traffic and works.
- Impact on homes that border the development through loss of privacy, light and visual amenity.
- Overlooking towards Starling Lane, particularly from the proposed apartment block.
- Loss of views over open fields.

#### *Highways*

- The Meadway/B156 junction is a hazard due to poor junction visibility and driver speeds.
- Poor junction visibility was recognised in the Local Plan
- Policy T1 of the Neighbourhood Plan acknowledges that development in Station Road should contribute to highway improvement proposals.
- A cul-de-sac that has over 150 homes with only one entrance and exit.
- Pedestrian safety – no safe walking route from the Meadway into the centre of Cuffley, in particular at Station Road. Also, the absence of any safe crossing points from The Meadway to the village centre.
- Traffic chaos on a regular basis along Station Road due to the B156 being a route between M25 junctions 24 & 25.
- Parking on The Meadway has significantly increased due to overspill from Sopers Road, with respite only during controlled parking times 11am - 1pm.
- Objections to Stonebonds Construction Management Plan.
- The Meadway is not suitable for heavy construction traffic (500 metres long and 5.5 metre wide). Likely that two large vehicles cannot safely pass without mounting kerbs and damaging verges.
- The farmer has refused access for construction vehicles.
- A temporary road being placed on the Brookfield Farm site would severely affect homes south of The Meadway.
- Hazard for large vehicles turn right in to The Meadway.
- Driver behaviour – speeding and not following road markings e.g. mini roundabout.

#### *Infrastructure*

- Both Northaw and Cuffley suffer from a lack of infrastructure.
- All local schools (primary and secondary) are full or oversubscribed.
- Wear and tear to The Meadway road surface.
- Essential upgrade of existing services such as water, sewerage, gas and electrical supplies.

### *Ecology*

- Nature corridor running along Network Rail's boundary – a loss of habitat for protected species.
- Number of trees to be felled, especially those that follow the railway.
- All fencing should accommodate Hedgehog Highways allowances.
- Installation of Swift bricks is extremely welcome.
- Clarity on the delivery of a 10% benefit for nature.

### *Environmental*

- Substantial increase in traffic and congestion will cause air pollution and environmental damage.
- Local sewage discharging into Cuffley Brook and flooding the local fields. The increase in rainfall and influx of new tenants to the Sopers Road Industrial Estate has pushed local infrastructure beyond capacity. The Meadway development will exacerbate this.

### *Other*

- Lack of community engagement – the developer has not made any effort to engage, listen or collaborate with the local community.
- Stonebond are not believed to be signed up to any 'Considerate Builder Schemes'.
- Local need for smaller units.
- Locals are unlikely to qualify as most smaller units are for social housing.
- Units for disabled occupants are inappropriately placed. Some are close to the railway. Disabled people may spend long periods at home and experience disrupted sleep patterns.
- Residents will be unable to sell their properties over next 3 years.
- How can Cuffley be expected to accommodate an additional 500 residents.
- Residents of The Meadway have been able to enjoy celebrations within front gardens/the road. But this will no longer be possible with the proposed development.
- Concern in relation to Japanese knotweed.
- Phasing of the Stonebond development with the Cuffley Motors site.

## **8 Consultations Received**

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

- WHBC Client Services
- WHBC Landscape and Ecology
- WHBC Public Health and Protection
- HCC Growth Team
- HCC Transport Programmes and Strategy
- HCC Historic Environment Advisor
- HCC Water Officer
- HCC Lead Local Flood Authority (LLFA)
- Hertfordshire Ecology
- Hertfordshire and West Essex Integrated Care Board
- Environment Agency
- Network Rail
- Thames Water
- NHS

8.2 The following have responded with comments and/or no objection:

- WHBC Affordable Housing
- WHBC Parking Services
- WHBC Street Name & Numbering
- HCC Minerals and Waste
- HCC Rights of Way (South)
- HCC Spatial Planning and Economy
- Active Travel England
- Affinity Water
- National Grid
- UK Power Networks
- Borough of Broxbourne

8.3 No response was received from the following consultees:

- Cadent Gas Limited
- HCC Rights of Way (North)

## **9 Parish Council Representations**

9.1 Northaw and Cuffley Parish Council have raised a major objection to the proposed development for the summarised reasons set out below:

- Junction of Meadway/Station Road – highway safety for pedestrians and cyclists and capacity during peak hours
- Compliance with Neighbourhood Plan Design Code – materials and design are out of keeping
- Management of construction traffic
- Noise from railway

9.2 Following re-consultation of amended and further information, the Parish Council advised that the Major Objection is maintained and further raised concerns relating to highway safety and the Construction Ecological Management Plan (CEMP).

## **10 Analysis**

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

- 1. Principle of the development**
- 2. Green Belt**
- 3. Quality of design and impact on the character of the area**
- 4. Residential amenity**
- 5. Highways and parking considerations**
  - i) Trip Generation and Impact on Highways Network
  - ii) Vehicular and pedestrian access
  - iii) Servicing and emergency access
  - iv) Visibility
  - v) Highway safety
  - vi) Sustainable travel and accessibility
  - vii) Construction
  - viii) Parking provision



- ix) EV charging
- x) Cycle parking
- xi) Transport improvement measures and contributions

## **6. Other considerations**

- i) Housing mix and density
- ii) Affordable housing
- iii) Accessible and adaptable dwellings
- iv) Landscaping and trees
- v) Strategic green infrastructure
- vi) Ecology and biodiversity
- vii) Flood risk and sustainable drainage
- viii) Environmental pollution
- ix) Archaeology
- x) Refuse and recycling
- xi) Minerals and waste management
- xii) Sustainable design and low carbon homes
- xiii) Permitted Development Rights
- xiv) Fire hydrants
- xv) Northaw and Cuffley Neighbourhood Plan
- xvi) Environmental Impact Assessment

## **7. Planning obligations**

## **8. The planning balance**

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

- 10.1 In terms of decision making, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:
- The Welwyn Hatfield Borough Council Local Plan 2016-2036
  - The Northaw and Cuffley Neighbourhood Plan 2023
  - Hertfordshire Waste Development Framework 2012
  - Hertfordshire Waste Site Allocations Development Plan Document 2014
  - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).
- 10.2 The NPPF is a material consideration to be taken into account in determining this application. A revised NPPF was published in December 2023. This largely reordered the policy substance of the earlier versions of the NPPF albeit with some revisions to policy.
- 10.3 Policies SP1, SP2 and SP3 of the Council's Local Plan outline the spatial strategy for the distribution of housing development within the Borough.
- 10.4 In accordance with SP2 and SP3, sites allocated for development in Cuffley are set out in Local Plan Policy SADM33 'Housing in Cuffley'.
- 10.5 The majority of the application site is allocated for housing development within the Local Plan (allocation reference HS27). Policy SADM33 refers to site HS27 as 'Land at The Meadway'. See extract from Policies Map shown in Figure 1 at paragraph 1.6. Policy SADM33 sets out that this allocation is for residential use with a dwelling capacity of 60 dwellings, and delivery anticipated within the first five years of the plan.

- 10.6 The submitted layout plans confirm that the proposed dwellings and associated infrastructure would be located within the allocation boundary of HS27, and therefore would not be sited within the Green Belt.
- 10.7 In addition to the land allocated for housing, the site includes an area of land to the east, which remains in the Green Belt, and is shown with black diagonal hatching in Figure 2 at paragraph 2.7. The Local Plan sets out that this area is to be utilised to provide a landscaped buffer to clearly define the Green Belt boundary, and to provide screening.
- 10.8 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 HS27 is to be considered acceptable.
- 10.9 Policy SADM33 sets out that proposals for the allocated sites will need to have regard to the site-specific considerations set out within the justification text of the same policy. For site allocation HS27, these considerations are as follows:
- Nature conservation measures to include a buffer to Cuffley Brook and the ecosite (officer comment: this will be discussed in the ecology section of the report)
  - Avoid and mitigate any potential impact on Northaw Great Wood and Wormley Hoddesdonpark Wood SSSIs (officer comment: this will be discussed in the landscaping section of the report)
  - Mitigate noise pollution from the railway (officer comment: this will be discussed in the residential amenity section of the report)
  - A contaminated land survey and report would be required, and if necessary suitable remediation carried out (officer comment: this will be discussed in the other considerations section of the report)
  - Provision of a substantial tree screen outside but adjoining the eastern HS27 boundary of the site to create a robust and defensible Green Belt boundary (officer comment: this will be discussed in the landscaping section of the report)
  - Retain and strengthen the tree screen along the Cuffley Brook to include at least an 8m riparian buffer and to mitigate the impact on the open Green Belt beyond (officer comment: this will be discussed in the landscaping section of the report)
  - As appropriate, contribute to highway improvement proposals within and around Cuffley, and as required improvements to the junction of the Meadway with Station Road (officer comment: this will be discussed in the highways section of the report)
- 10.10 The proposal is for 73 residential units and as such exceeds the site capacity of 60 dwellings identified in Policy SADM33. The site capacity is taken to be indicative and is not intended to be interpreted as a minimum or maximum figure. This is because an indicative density for the site is used to inform the Local Plan housing allocation, whilst a planning application is informed by a detailed assessment of the site's constraints, opportunities and design considerations. In

this case, Officers are of the opinion that the proposal represents an appropriate density for the site, and quantum of development, for the reasons discussed below.

- 10.11 In terms of density, Policy SP9 sets out that proposals should respond to the character and context of the surrounding area, where appropriate densities (typically between 30-50 net dwellings per hectare) that combine the efficient use of land with high quality design are required. Higher density development will be encouraged in accessible locations, such as around transport hubs or town and neighbourhood centres, where this is appropriate. The NPPF is broadly consistent with this approach.
- 10.12 The proposed development would have a net density of 30.6 dwellings per hectare, which is at the lower end of the scale identified on Policy SP9. Furthermore, the site is sustainably located with a range of local services and facilities accessible by either walking or wheeling. Public transport is also readily accessible from the site with bus stops and Cuffley railway station providing connections to nearby towns and destinations further afield.
- 10.13 Having regard to above, the uplift in the number of units proposed, totalling 73 compared to the site allocation of 60, provides an appropriate density and quantum of development for the site.
- 10.14 Subject to the proposals satisfying all other site-specific and design considerations, including those set out within Policy SADM33, the principle of the proposed development is accepted.

## **2. Green Belt**

- 10.15 The eastern part of the application site (outside of the site allocation) is located within the Metropolitan Green Belt as defined by Local Plan Policy SP3. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 142 of the NPPF).
- 10.16 Although part of the application site is within the Green Belt, no development is proposed within this area. The development does not, therefore, conflict with the fundamental aims of the Green Belt.

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

- 10.17 The Government attaches great importance to the design of the built environment. The NPPF notes at paragraph 131 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 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 and codes.
- 10.18 The National Design Guide (NDG) provides further details as to what is considered as constituting good design and states that good design involves careful attention to the context for places and buildings and hard and soft

landscape (amongst others), and a well-designed place is made up of the following components: layout, form, scale, appearance, landscape, materials, and the details of the building.

- 10.19 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. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 10.20 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.
- 10.21 In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:
- Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place;
  - Use local materials and building methods/details to enhance local distinctiveness; and
  - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered
- 10.22 The Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan), adopted May 2023, is also a material consideration. Policy D1 of the Northaw and Cuffley Neighbourhood Plan regards residential design and amenity with Policy D2 referring to the local character. Appendix 2 provides further guidance in support of policies D1 and D2, with extracts from previous local character assessments that should be used to inform all development proposals.

#### *Proposed design*

- 10.23 An overview of the proposal is detailed earlier within the report at section 2. The submitted Design and Access Statement explores the proposed development further in terms of elements such as the size, scale, siting, design and materials of the proposed dwellings.
- 10.24 Page 20 of the Design and Access Statement shows how the site has been divided into four distinct character areas:
1. Key Focal Points:
    - The first focal point, known as the "destination entrance space," welcomes visitors to the proposed development. It combines hard and soft landscaping, with buildings set back from the street.

- The second key focal point, the “central hub,” is situated along the central spine road. This area resembles a village square, featuring enhanced landscaping and key buildings.

#### 2. Green Corridor Character Area:

- Defined by the main spine road running from south to north, this area serves as a key viewing corridor.
- Dwellings here are generally two storeys high, fronting the street and set back from the road by landscaping and footpaths.

#### 3. Rural Edge Character Area:

- Located in the far north of the site, this area includes plots 35, 36, and 37.
- Detached dwellings, typically 2 or 2.5 storeys high, enjoy spacious plots with views over landscaped areas and the surrounding countryside.
- The area also encompasses plots facing the SUDS (Sustainable Urban Drainage System) area to the north and the strip of dwellings to the far east, abutting the new Green Belt boundary.

#### 4. Yard Lane Character Area:

- Comprising secondary roads running east-west, this area includes smaller detached dwellings (plots 6-10, 15, 16, 33, and 34) to the east.
- Additionally, it covers the western section abutting the railway line, which features apartment block 1.
- The Yard Lane Character Area is designed for higher density, incorporating a mix of semi-detached, terraced, and flatted buildings.

- 10.25 The design has an emphasis on the siting of dwellings so that they either front open space or front streets to create active street frontages and good surveillance.
- 10.26 The development proposals incorporate a diverse range of dwelling size including one and two-bedroom flats, and two, three, four and five-bedroom houses.
- 10.27 In terms of building heights, the proposed development incorporates a mix of 2, 2.5 and 3 storey buildings. Predominantly, the buildings are 2 storeys high, whilst the larger five-bedroom dwellings are to be 2.5 storeys. Apartment block 2, which is to be sited within the key ‘central hub’ focal point fronting onto the central green spine road, is to be two storeys in height at approximately 10 metres tall. Meanwhile, apartment block 1 located to the far west of the site within the yard lane character area is proposed to be three storeys in height, reaching a maximum of 12 metres. Single storey buildings are also proposed throughout the site which would form garages, as well as communal bin and bike stores for appartements.
- 10.28 The taller buildings are proposed to be sited close to the railway embankment which follows the character management principles set out within the Neighbourhood Plan.
- 10.29 Simple gabled roofs are proposed to be a strong design feature across the site, with some buildings also incorporating projecting gabled features that are set down from the main roof ridge of the proposed buildings.

- 10.30 A palette of materials is proposed with different tones of buff stock and red facing bricks and grey slate and red/brown plain tile roof finishes. Black Hardiplank boarding is also proposed to the first-floor elevations of key buildings, along with grey brick to the ground floor of the apartment buildings. The distribution of materials is reflective of the hierarchy of buildings on site, such that the buildings located along the central green spine road within the green corridor character area, along with those buildings located within the rural edge character area are to be constructed of red brick, meanwhile the buildings located within the yard lane character areas are to be constructed of buff brick.
- 10.31 Turning to boundary treatments. The majority of plots would have 1.8 metre high close boarded fencing, meanwhile any plots that are readily visible or form a key view into the site would have a 1.8 metre brick wall with soft landscaping sited in front. Boundary treatments that separate back to back plots to the eastern part of the site are proposed to be formed of 1.8 metre high close boarded fence on a retaining wall due to land level changes across the site. Areas of retaining wall are also proposed to the north of the site where the SUDS area is proposed.
- 10.32 Concerns have been raised by the Parish Council and local residents regarding the materials proposed, and the design of the proposed buildings in relation to the character of the immediate vicinity of The Meadway. Officers consider that the proposed design and materials for this scheme are of high quality and therefore acceptable. The Neighbourhood demonstrates that a wide range of materials are in use throughout Northaw and Cuffley, and as such, there is an array of architecture. The design and materials for this development have been selected to reference the rural architectural appearance throughout Cuffley as well as to create a unique, contemporary styled scheme that would set it apart from other areas within Cuffley that were building many years ago.

#### *Summary of design considerations*

- 10.33 The application is accompanied by a suite of technical documents and other supporting evidence, including a Design and Access Statement and Planning Statement, which illustrate in detail the evolution of the design. The supporting documents have been scrutinised by the officers and statutory consultees.
- 10.34 The proposed scheme demonstrates a well-considered layout that responds to the context of the undulating site through the creation of the proposed character areas.
- 10.35 The size and scale of the buildings proposed are considered appropriate, with a mix of dwelling sizes and heights proposed. It is noteworthy that the proposal follows the character management principles set out within the Neighbourhood Plan by way of housing being limited to two and a half-storeys in height, while apartment buildings do not exceed three storeys in height.
- 10.36 In view of the above, it is considered that the proposal comprises high quality design which respects the character of the area, and as such, is therefore acceptable in this regard.

#### **4. Residential amenity**

- 10.37 The NPPF at Paragraph 130 is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This

means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 10.38 Local Plan Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. It states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. This is expanded upon in the Council's SDG which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised. The design guidance contained in the Neighbourhood Plan and the SDG is consistent with this.

*Impact on neighbours*

- 10.39 The properties which would be most affected by the proposal are those that would immediately adjoin the southern boundary of the site where the new access is proposed, namely Nos.67 and 70, at the end of The Meadway.
- 10.40 The siting of the proposed dwellings is to be of a linear form to those existing residential dwellings within The Meadway and would respect the building line.
- 10.41 In terms of separation distance, the proposed dwelling at plot No.1 adjacent to the existing residential plot at No.67 The Meadway would see a separation of approximately 10 metres, whilst approximately 5 metres would separate the flank wall of No.70 The Meadway and the nearest proposed dwelling at plot 73. New soft landscaping and a boundary fences would provide screening between the existing dwellings and the proposed plots.
- 10.42 The proposed development would not result in significant overshadowing of existing gardens or cause an undue loss of sunlight or daylight. This is also due to the separation distance between buildings, alignment of the new dwellings, and the orientation of the plots by which the proposed dwellings are to be sited to the northern flank elevations of the existing properties within The Meadway.
- 10.43 Privacy to the gardens of the existing neighbouring properties at Nos.67 and 70 The Meadway and possible impacts of overlooking as a result of the proposed development are considered to be limited. This is because of the separation distances and vegetated boundaries mentioned above, along with the siting of the proposed parking courtyards adjacent the gardens of Nos.67 and 70 The Meadway.
- 10.44 Moreover, whilst the flank elevations of plots 1 and 73 would benefit from one first floor window facing the existing dwellings, these windows would serve bathrooms and as such can be conditioned to be obscure glazed and fixed below 1.7 metres. A further condition is suggested to restrict the insertion of flank elevation windows to plots 1 and 73. On this basis, there would be no undue harm to the privacy of existing properties closest to the application site at Nos.67 and 70 The Meadway.
- 10.45 In terms of outlook, whilst it is acknowledged that the outlook from Nos.67 and 70 The Meadway in particular would change fairly significantly as a result of the proposed development, this is not in itself a reason to withhold planning

permission. Moreover, the impact of the proposal on the outlook from properties situated further afield would be minimal given the separation distance, topography and intervening soft landscaping. Due to the separation distance and the modest scale of the site, the development would not present an overtly dominant feature and any change in outlook would have limited effect in the context of the site.

- 10.46 It is noted that objections have been received regarding loss of a view and difficulty selling properties within The Meadway during the construction phase, however, planning exists within the public interest and not the private interest and therefore these are not material planning considerations.
- 10.47 Turning to the amenity of all other neighbouring residents within The Meadway. Concerns have been expressed regarding the proposed development further elongating an already long cul-de-sac, contrary to the Neighbourhood Plan. Whilst the proposal would further lengthen the existing cul-de-sac of The Meadway, the site forms an allocated site, and as such, the principle of the development and the single access point is accepted.
- 10.48 There are no neighbouring dwellings sited in close proximity to the northern or eastern boundaries of the site. There are properties located to the west of the site, on Starling Lane. However, a minimum separation distance of approximately 35 metres would be maintained between gardens and approximately 50 metres between buildings, as well as the intervening railway line and soft landscaping. Moreover, the apartment block closest to the railway line would not feature any windows facing towards Starling Lane. Therefore, the proposal does not present any significant impacts to neighbouring residents to the west of the site.
- 10.49 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during the construction phase. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. Such impacts are normal, and to be expected, of these developments, but are also short-term impacts that only last the duration of the construction phase.
- 10.50 These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site-specific Construction Environment Management Plan (CEMP). A CEMP has been submitted with this application and is discussed in further detail within the Highways section of this report. Notwithstanding, in summary, the submitted CEMP is considered acceptable by the Highway Authority and can be appropriately secured via condition. In addition, there is separate environmental health legislation which further safeguards the amenity of residents.
- 10.51 Given the above, it is considered that the proposed development would not have any significant adverse impacts on the residential amenity of neighbouring occupiers. The proposal is therefore in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance, the Northaw and Cuffley Neighbourhood Plan and the National Planning Policy Framework.



### *Living conditions for future occupiers*

- 10.52 Policy SADM11 of the Local Plan requires, as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings. If a dwelling has more than one bedroom, Table 1 of the NDSS suggests the minimum number of bed spaces (persons) is 3 people (one double room and one single).
- 10.53 All proposed dwellings would meet or exceed the Nationally Described Space Standards and would also meet accessible and adaptable standards (Building Regulations Part M4(2)), policy requirements.
- 10.54 The proposed dwellings provide a good standard of amenity for future occupiers in terms of outlook, lights and natural ventilation.
- 10.55 In terms of privacy, the position of windows has been considered so as to avoid undue overlooking between properties. Nevertheless, given the density of development proposed, there would inevitably be views from windows towards neighbouring properties and over rear gardens. However, a degree of overlooking is acceptable and would be consistent with a neighbouring relationship generally expected between residential properties. As such, a reasonable degree of privacy to living spaces is maintained with overlooking limited to an acceptable degree.
- 10.56 Turning to private amenity space, Policy SADM11 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes for gardens, but the layout and design of the garden in relation to the built environment should ensure that the garden is functional and useable in terms of its orientation, width, depth and shape, with the garden large enough to be useable and meet the needs of the occupiers of the home.
- 10.57 The proposal would incorporate private gardens for each of the new dwelling units which would be appropriately sized for the plot. All gardens would be provided with patio areas large enough for outdoor family dining around a table. Each property would also have appropriately designed bin stores and cycle storage.
- 10.58 The apartment blocks would have communal gardens with ground floor apartments also having small private terrace gardens. Furthermore, the proposed development involves the creation of several public open amenity spaces within the site. Communal bin and cycle storage is proposed for each block.
- 10.59 The proposed gardens are considered to be suitably commensurate to the size of the proposed dwellings. Whilst it is acknowledged that the amenity space for block 2 is limited in size, on balance, this is considered to be acceptable given the availability of communal/public amenity spaces within the development and nearby access to open space beyond the site boundary.
- 10.60 In terms of noise and vibration, regard should be had to Policy SADM18 which sets out that development proposals should ensure that pollution would not have an unacceptable impact on human health, general amenity, critical environmental

assets or the wider natural environment. A Noise and Vibration Impact Assessment is required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration.

- 10.61 Whilst the proposed residential use is not likely to cause any adverse impacts, the latter is of relevance to this application. The application site abuts the railway line to the west. This is likely to create noise and vibration disturbance to future occupiers of the development and therefore the impacts must be considered.
- 10.62 A Noise and Vibration Impact Assessment has been submitted in support of the application. The Council's Environmental Health Officer has reviewed the report, noting the results and proposed mitigation. A condition is recommended that requires pre-occupation noise testing to take place to ensure that the existing railway in close proximity to the site would not have an adverse impact on the living conditions of future occupants and certify that internal and external noise mitigation measures are effective.

## **5. Highways and parking considerations**

- 10.63 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 10.64 Paragraph 114 of the NPPF states that developments should ensure "safe and suitable access to the site can be achieved for all users", and that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up". It references the new National Model Design Code, of which key quotes include: "New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes" and "all streets should be accessible to all members of the community" (paragraph 59 part 1); plus "walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less" (paragraph 33 part 2).
- 10.65 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".
- 10.66 Paragraph 116 goes on to states that "*Within this context, applications for development should, amongst other things:*
- 1. give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - 2. address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
  - 3. create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid*

*unnecessary street clutter, and respond to local character and design standards;*

*4. allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

- 10.67 Policy SADM2 of the Local Plan concerns the highway network and safety and is broadly consistent with the NPPF. It 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.
- 10.68 During the initial consultation period, the Highway Authority objected to the proposal. The objection surrounded a failure to demonstrate a satisfactory policy and design-led approach to provide safe and suitable access for all modes of travel, particularly pedestrians, contrary to Hertfordshire's Local Transport Plan (LTP4) and also contrary to the principles of sustainable development contained in the NPPF, therefore the proposals represented a risk to highway safety for pedestrians.
- 10.69 Further detailed information was requested and subsequently submitted by the applicant to seek to overcome the initial concerns raised. Following a period of re-consultation, the initial concerns raised by the Highway Authority have been overcome and the objection has since been removed subject to conditions, which have been included at the end of this report. A number of informatives have also been suggested.

***i) Trip Generation and Impact on Highways Network***

- 10.70 An analysis of the resultant trip generation of the proposed development has been provided within the Transport Statement (TS). The results of the Station Road/The Meadway capacity analysis indicates that the junction operates with significant levels of reserve capacity. The development is expected to generate up to 31 two-way vehicle movements during the weekday morning peak hour, and approximately 32 two-way vehicle movement during the weekday evening peak hour.
- 10.71 In terms of pedestrian trips, within the submission of the technical note on pedestrian walking routes, it sets out that 80 pedestrian movements per day are anticipated from the development. The predicted cyclist trip rate is seven cycle movements per day from the development.
- 10.72 The Highway Authority has reviewed the application submission and has no objection to the proposed development, subject to planning conditions and obligations. The TS and other relevant documents have been used to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates were reviewed, and it is considered that the proposed increases in traffic flows on the local highway network are not of a scale that would materially impact the operation of the local highway network.

***ii) Vehicular and pedestrian access***

- 10.73 Vehicle access to the development site is proposed to be taken from a single point from The Meadway at the site's southern boundary. The proposed access road has been designed to comprise of a 5.5m wide carriageway, tying into the

existing carriageway of The Meadway from the end of the existing turning head at The Meadway's northern extent.

- 10.74 An internal spine road of 5.5m is proposed within the site which runs north-south and is a no through road. The spine road narrows to a 3.7m wide carriageway at the northern end of the site. A 4.8m wide loop road is provided to the west of the spine road with a footway on one side of the carriageway leading off the spine road for part of the loop. 6m wide shared surface accesses are shown leading off of the spine road to the east for the two southernmost residential streets, and a 4.8m shared surface above (to the north) where fewer properties are accessed.
- 10.75 Pedestrian access is also proposed via this access point comprising of 2 x 2m footways running either side of the carriageway, with the eastern side offset by landscaping and verge.
- 10.76 Plan number 19244 / C109B denotes vehicular routes throughout the site, including the primary street, shared surface lane and private drive. Meanwhile, plan number 19244 / C110C details the pedestrian and cyclist routes which includes on-road cycle routes along the main spine road, while pedestrian routes are set back from the main spine road, along with shared surface pedestrian/cycle routes to the east and west of the main spine road and pedestrian circular routes through the public open spaces.
- 10.77 The Highway Authority have no objection to the proposed vehicular and pedestrian access routes. Nevertheless, the access will be subject to further detailed technical plans which are to be secured via condition.
- 10.78 The Highway Authority also notes that the applicant is offering the internal road network for adoption. However, Hertfordshire County Council's policy is for internal highways to remain private, therefore all new access roads and footpaths within the site are to remain unadopted. All public open space within the site, including roads and footpaths, will be maintained by a management company established or appointed by the developer in accordance with an Open Space Management Plan secured via a s106 legal agreement.

### ***iii) Servicing and emergency access***

- 10.79 Swept path drawings show that the internal road layout can accommodate refuse and fire tender vehicles. Turning heads have been provided within the proposed development – one to the northern end of the spine road and two to the east of the spine road to facilitate the manoeuvre of refuse vehicles within the site. The eastern loop road accommodates refuse vehicle swept paths.
- 10.80 The Highways Authority are satisfied with the modelling of servicing and emergency vehicles, and as such, it has been demonstrated that they will be able to enter and leave the site in forward gear along various sections of the development.

### ***iv) Visibility***

- 10.81 The Highway Authority have no objection to the proposed vehicular access and advise that there is no issue of visibility, subject to further detailed technical plans to be secured via condition.

10.82 Once the access is built, the maintenance of the visibility splays can be secured by condition.

**v) Highway safety**

10.83 Following the initial objection from the Highway Authority with respect to the data collected being out of date, the applicant undertook further surveys in April 2024 to assess the operation of traffic at the same junctions previously identified.

10.84 The results of the Station Road/The Meadway capacity analysis indicate that the junction operates with significant levels of reserve capacity. When considered in conjunction with the proposed trip generation rates as discussed above, the Highway Authority considered that the proposed increases in traffic flows on the local highway network are not of a scale that would materially impact the operation of the local highway network.

10.85 Turning to the general accident traits of the local highway network. The applicant has included a review of 5-year accident data covering the surrounding highway network within the vicinity of the proposed development in the period spanning 2014-2018.

10.86 Three accidents were recorded within the immediate 'study area', although none were at the junction off The Meadway.

10.87 Moreover, the applicant has also included a review of 3-year accident data covering the surrounding highway network within the vicinity of the proposed development in the period spanning 2020-2022.

10.88 Whilst this data encompasses six accidents, five were located to the west of The Meadway and west of the railway station within the built-up area of Cuffley, and one was recorded to the east at the access point to Brook Farm.

10.89 No accidents were recorded at The Meadway junction. Incidentally, reviewing accident data further back indicates that there have been no accidents recorded at this junction within the last 10 years (2013-2022).

10.90 The data indicates that the local area adjacent to the site does not suffer an accident problem. Therefore, when considered in conjunction with the proposed trip generation rates as discussed above, there is no evidence to suggest that the proposed development will have an adverse impact on the safety of the surrounding highway network.

10.91 In terms of pedestrian safety, during the application process, the Highway Authority requested an independent audit of the local area's pedestrian connectivity. In response to this, the applicant provided a Technical Note on pedestrian walking routes. The review found that overall the environment for pedestrians is good, and that adequate footway provision is provided to the local facilities and services identified.

10.92 The submitted Technical Note demonstrated that the local area does not have significant pedestrian deficiencies and that any residual matters cannot be considered "severe" as per the planning test of the (NPPF) paragraph 115 nor "unacceptable" in terms of highway safety. In relation to paragraph 114 of the

NPPF it is also considered that the site provides “safe and suitable access” for all users.

- 10.93 Nevertheless, the Highway Authority found that whilst not severe, there are aspects of the pedestrian routing that have no dropped kerbs and/or tactile paving to the station and other places of interest. In this regard, a financial contribution will be secured from the development towards the cost of upgrading the existing highway, in particular along Station Road and Sopers Road (considered further under paragraph 10.130).
- 10.94 Having regard to the above, there is no substantive evidence that the proposed development would give rise to highway safety concerns, and the Highway Authority are satisfied in this regard.

***vi) Sustainable travel and accessibility***

- 10.95 There has been a very significant shift towards increasing focus on sustainable travel and highly accessible developments since 2018, when the NPPF was fundamentally revised, and Hertfordshire County Council’s new LTP4 was adopted. Since that time, additional government guidance has been published to reinforce this approach, and the County Council has declared a climate emergency. As such, all new development must now accord with this approach.
- 10.96 Regard should be had to Paragraphs 114 and 116 of the NPPF which is set out at the beginning of this section.
- 10.97 The Local Plan seeks to achieve a sustainable pattern of development within the Borough with the emphasis on promoting the use of sustainable modes of travel and on improving safety for all highway users. Policy SADM3 requires development proposals to make provision for cyclists and pedestrians through safe, accessible and integrated layouts.
- 10.98 The application site is proposed to incorporate suitable pedestrian and cycle routes throughout, as well as being well connected and one of the more sustainable locations in the Borough. Access to facilities and services in the centre of Cuffley is a short walk away (0.5 miles, approximately 10 minutes). Moreover, Cuffley train station is sited to the south of the development, approximately a 10 minute walk, providing railway links into London and to the north. The closest bus stop is also located at Cuffley train station which benefits from frequent bus services.
- 10.99 As such, access to services and facilities from the application site would not entirely be restricted to the use of the private car, therefore promoting sustainable travel. The Highway Authority echo this, concluding that the site has a good level of accessibility by all relevant transport modes.

***vii) Construction***

- 10.100 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Environmental Management Plan (CEMP) is required.
- 10.101 The submission documents include a CEMP. The Highway Authority has reviewed the submitted CEMP and made particular note of the following

measures that are proposed which would seek to minimise the impact of the construction phase:

- Good construction practice dictates that vehicles arriving at or leaving the site will be planned to avoid rush hour and school drop off and pick up times. Careful consideration will therefore be given to preventing blockages to or causing an un-necessary build-up of traffic in the vicinity of the site.
- Construction traffic entering and leaving site will be carefully managed and controlled by gateman/traffic marshals.
- Deliveries will be carefully managed, and the materials will be off-loaded either into an allocated storage area on site, or directly to the point of use where practical.
- All vehicles will be inspected by the gateman/traffic marshal before leaving site to ensure no materials or debris is transported from site onto the public highway or footpaths.
- Wheel washing facilities (powered jet washer within a contained area to prevent possible contamination into sewers) will be available adjacent to the site exit and enforced by the gateman.

10.102 The Highway Authority are satisfied that the measures proposed within the CEMP would minimise the impact from the construction phase of the development. The CEMP is to be secured by condition.

#### ***viii) Parking Provision***

10.103 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.

10.104 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. The Council's Interim Policy for Car Parking Standards outlines that the Council's parking standards are now treated as guidelines rather than maximums. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.

10.105 In terms of parking provision, the SPG guidance suggests the following:

- 1.25 spaces for each 1-bedroom dwelling
- 1.5 spaces for each 2-bedroom dwelling
- 2.25 spaces for each 3-bedroom dwelling
- 3 spaces for each 4 or more-bedroom dwelling
- 0.2 spaces per dwelling for visitor provision

10.106 In applying the proposed residential mix, the guideline number of parking spaces would equate to 169.6:

7no. 1 Bed = 8.75 spaces  
19no. 2 Bed = 28.5 spaces  
31no. 3 Bed = 69.75 spaces  
16no. 4+ Bed = 48 spaces  
73 total units = 14.6 visitor spaces

10.107 The submitted documents set out that the scheme is proposed to provide a total of 169 spaces, including 15 visitor spaces. This is proposed to be allocated either through the provision of driveways (single, double or tandem) (88 spaces), single or double garages (31 spaces), within communal parking courts (31 spaces), on-street allocated (4 spaces) or unallocated on-street visitor (15 spaces) as shown on the parking distribution plan.

10.108 Having regard to the above, the proposals provides an acceptable level of car parking provision. A planning condition is required to ensure that car parking provision for the flatted dwellings is allocated appropriately to residents.

#### ***ix) EV Charging***

10.109 Policy SADM12 of the Local Plan states that appropriate provision should be made for vehicle charging infrastructure within new residential development. The NPPF at paragraphs 111 and 116 also seek development to provide charging facilities, as does the Northaw and Cuffley Neighbourhood Plan. HCC Local Transport Policy 5 requires all new development to provide EV infrastructure. While the Development Plan and NPPF support EV charging, the level of provision is not quantified. In terms of the Building Regulations, Approved Document S (Infrastructure for charging electric vehicles) aims to ensure that, where practicable, all new buildings and have EV charging points.

10.110 The submitted Planning Statement confirms that electric vehicle charging provision will be provided to all houses. This is further demonstrated on the submitted parking distribution plan which also shows that each of the spaces within the communal courtyards (which includes the parking area for flats) and the allocated on-street parking spaces would also benefit from electric vehicle charging provision. Moreover, two visitors' spaces adjacent to apartment block 2 would have electric vehicle charging provision.

10.111 The provision of vehicle charging infrastructure for each residential unit is supported. A standard condition will be imposed to secure electric vehicle charging points for each residential dwelling.

#### ***x) Cycle Parking***

10.112 Policy SADM12 of the Local Plan sets out that the type and quantum of cycle parking will be informed by the standards set out in the Council's parking standards. The policy also requires detailed consideration of the siting, layout and design of cycle parking to ensure an attractive and coherent street scene is maintained.



- 10.113 Policy T2 of the Northaw and Cuffley Neighbourhood Plan is also relevant as it requires proposals to have sufficient regard to sustainable modes of transport including walking a cycling.
- 10.114 The submitted parking distribution plan provides an overview of the proposed cycle storage proposed. All dwellings will have access to secure cycle storage. Further detailed information with respect to cycle storage can be secured by condition.
- 10.115 The proposal therefore accords with the cycle parking spaces as set out within the Welwyn Hatfield District Plan Parking Standards SPG (2004).

***xi) Transport improvement measures and contributions***

- 10.116 Policy SP13 of the Local Plan requires the applicant to agree to meet, or where appropriate, contribute to the cost of works or services that necessitate alteration to existing or the provision of new infrastructure or services. Policy 5 of the Hertfordshire Local Transport Plan seeks to secure developer mitigation measures to limit the impacts of development on the transport network.
- 10.117 HCC have developed the South East Growth and Transport Plan which is a strategic spatial transport plan for the purpose of applying Local Transport Plan Policies to a growth-focused sub-area within Hertfordshire. The Growth and Transport Plan (GTP) looks ahead at transport improvements required over the Plan period and will be subject to review periodically to reflect changes in growth and transport forecasts.
- 10.118 The Highway Authority have identified a number of required interventions for the Cuffley Area, listed under package 38 of the South East GTP (PK38 – Improved Accessibility and Connectivity at Cuffley Station). Interventions are proposed along the Station Road (B156) corridor between Goffs Oak and Cuffley Station, with the aim of improving access to Cuffley station, to make walking and cycling safer and easier for shorter distance trips within the area, and reducing the impact of traffic on roads through Cuffley and Goffs Oak.
- 10.119 The interventions proposed that are relevant to The Meadway are set out within the GTP as follows:

Scheme ID	Name :	Description
<b>SM243</b>	Walking and cycling route between stations in Goffs Oak and Cuffley	Improved segregated walk/cycle route between Goffs Oak and Cuffley Station. (IC22)
<b>SM243</b>	Cuffley station crossing improvements	Improve pedestrian crossing facilities around Cuffley railway station. (IC22)
<b>SM245</b>	Cuffley station bus service enhancement	Improve bus services to Cuffley railway station. (IC18)
<b>SM246</b>	Cuffley Station bus interchange improvements	Enhancements to bus interchange facilities at Cuffley Station, for example an updated and larger shelter. (IC10)
<b>SM247</b>	Improved ticketing experience - Cuffley	Consider opportunities to improve the customer experience when purchasing public transport tickets in Cuffley. (IC15)

- 10.120 The Highway Authority therefore direct the toolkit contributions, which are to be secured through the s106 legal agreement, to go towards covering the cost of

upgrading the existing highway infrastructure network, in particular along Station Road and Sopers Road as set out above.

10.121 Subject to securing the necessary works through the appropriate mechanisms, the proposed application would comply with the relevant policies in this regard.

## **6. Other considerations**

### ***i) Housing mix and density***

10.122 Policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive, and mixed communities. To this end, Policy SP7 requires proposals for 10 or more new dwellings to 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, couples, families with children, older people and people with disabilities. The NPPF is broadly consistent with this.

10.123 The most up to date evidence is found in the Technical OAN paper (June 2019) which was produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

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

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

10.125 The mix set out within Policy SP7 is not intended to perform as a prescriptive policy requirement for each application but reflects the need across the borough across the life of the local plan. Notwithstanding, it should be demonstrated that such indicators have been taken into account when submitting a planning application, as well as in decision making.

10.126 The proposal consists of 73 residential units across the following mix:

- 7 x 1-bedroom flat (9.5%)
- 7 x 2-bedroom flat (9.5%)
- 12 x 2-bedroom house (16.5%)
- 31 x 3-bedroom house (42.5%)
- 12 x 4-bedroom house (16.5%)
- 4 x 5-bedroom house (5.5%)

10.127 It is detailed within the submission that the proposed development seeks to address the specific local need for smaller properties as identified in paragraph 3.16 of the Neighbourhood Plan, and that there is limited commercial demand for market flats in this location.

10.128 In summary, the proposed mix broadly follows the housing need set out within Policy SP7, and the housing mix proposed is considered acceptable.

10.129 In terms of density, Policy SP9 sets out that proposals should respond to the character and context of the surrounding area, where appropriate densities (typically between 30-50 net dwellings per hectare) that combine the efficient use

of land with high quality design are required. Higher density development will be encouraged in accessible locations, such as around transport hubs or town and neighbourhood centres, where this is appropriate. The NPPF is broadly consistent with this.

10.130 Having regard to the requirements set out in Policy SP9, the proposed development at a net density of 30.6 dwellings per hectare is relatively low. Given the site's edge of settlement location, and the proposed allocation as set out within Policy SADM33, the proposed density is considered appropriate for the context.

10.131 The proposal is therefore in accordance with Policy SP7 with regards to housing mix and density.

**ii) Affordable housing**

10.132 As part of the overall housing target, a proportion of new homes built in the Borough are to be for affordable housing. Policy SP7 sets out the basis for which affordable housing will be sought. An on-site delivery target of 35% affordable housing in excluded villages such as Cuffley for proposals of 10 new dwellings or more, or a site of 0.5 hectares or more, is required by Policy SP7. The on-site delivery target will be applied to the nearest whole number of dwellings, e.g. a development of 16 new dwellings would require the provision of 6 new affordable homes (where 5.6 is 35% of 16).

10.133 The size of dwellings likely to be required to meet the overall need for affordable housing (as set out within the Welwyn Hatfield SHM Partial Update 2015) over the plan period is set out in the table below:

<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4 bed</b>
40%	24%	27%	9%

10.134 Policy SP7 details that the current 'backlog' and suggests a need in the early parts of the plan period for greater proportions of 1-bed dwellings whereas for newly arising need over the plan period, a much more even spread of 1, 2, 3 and 4-bedroom properties will be required.

10.135 Moreover, evidence indicates that there will be a need for a range of affordable housing tenures, including social rent, affordable rent (at varying levels) and intermediate housing options such as shared ownership. The Council's evidenced affordable housing need in terms of tenure split requires just over half of units to come forward as traditional social rented housing with the remaining units to be met by a range of intermediate products.

10.136 The proposal consists of 73 residential units split as 47 private and 26 affordable. The affordable dwellings are provided in a mix of shared ownership, affordable rented and social rented tenures. The affordable homes, as shown on the submitted plans are integrated amongst the market homes, commonly described as 'pepper potting', with the scheme being 'tenure blind' in terms of design. The unit mix comprises the following:

Private

- 10 x 2 bedroom house (21% of the 47 private units)
- 21 x 3 bedroom house (45% of the 47 private units)

- 12 x 4 bedroom house (25.5% of the 47 private units)
- 4 x 5 bedroom house (8.5% of the 47 private units)

### Affordable

#### Social rented:

- 6 x 1 bedroom flat (23% of the 26 affordable units)
- 4 x 2 bedroom flat (15% of the 26 affordable units)
- 3 x 3 bedroom house (11% of the 26 affordable units)

#### Intermediate affordable rented:

- 2 x 1 bed flat (8% of the 26 affordable units)
- 2 x 2 bed flat (8% of the 26 affordable units)
- 2 x 2 bed house (8% of the 26 affordable units)
- 2 x 3 bed house (8% of the 26 affordable units)

#### Intermediate shared Ownership:

- 1 x 2 bed house (4% of the 26 affordable units)
- 4 x 3 bed house (15% of the 26 affordable units)

10.137 The following tables set out the proposed housing mix for both the market and affordable tenures:

#### Private:

<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+ bed</b>
0	10 (21%)	21 (45%)	16 (34%)

#### Affordable:

<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+ bed</b>
8 (31%)	9 (34.5%)	9 (34.5%)	0

10.138 As set out above, the proposal seeks to provide the targeted 35% affordable housing, in accordance with Policy SP7, through the provision of 26 out of the 73 units (35.6%)

10.139 In terms of the size of affordable dwellings, it is acknowledged that the proposal seeks to deliver fewer 1-bed and 4+ bed affordable units when compared against the Borough-wide housing need and would provide an overprovision of 2 and 3-bed units. However, the proposal would accord with Policy SP7 in relation to meeting “newly arising need over the plan period”.

10.140 Upon consultation with the Council’s Affordable Housing team, it is considered that the proposed mix of affordable units in terms of size provides a diverse range that would meet local need of this edge of village rural site. The proposed size mix is therefore considered acceptable.

10.141 The 50% social rented and 50% intermediate does not exactly meet the Council’s desired tenure split requirement of “just over half of units to come forward as traditional social rented”. Rounding to the nearest whole unit of 14 social rented and 12 intermediate would provide a 53.8% / 46.2% tenure split which can be secured via the 106 legal agreement in consultation with the Council’s Affordable Housing team.

10.142 The proposal is therefore considered to be in accordance with Policy SP7 with regards to affordable housing provision.

10.143 To ensure that affordable housing is provided as part of this scheme, this will form contributions within the s106 legal agreement.

***iii) Accessible and adaptable dwellings***

10.144 The Local Plan at Policy SP7 seeks to secure a proportion of all new dwellings to be accessible and adaptable. The policy sets out that at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. In addition, 1.5% of all new dwellings on sites involving 50 or more new dwellings will be required to meet Part M4(3) standards for 'wheelchair user dwellings'.

10.145 For both M4(2) and M4(3), provision will be rounded up to the nearest whole number. Furthermore, for the M4(2) and M4(3) standards to be applied, a condition on a planning consent must require it.

10.146 The submitted application documents confirm that 16 (22%) of the proposed dwellings would be designed to meet the accessibility requirements specified in Building Regulations Part M4(2) and would be split across both affordable and market dwellings. Two (3%) of the proposed dwellings would meet Building Regulations Part M4(3) standards, with the remaining dwellings being M4(1). A planning condition is suggested to ensure that the relevant standards are met.

***iv) Landscaping and trees***

10.147 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.

10.148 The NPPF sets out at paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

10.149 Policy SP9 of the Local Plan requires that the appropriate definition of spaces should be created or maintained through the siting, layout and design of routes, buildings, landscaping and boundary. These principles are broadly consistent with Policy SADM11 which states that the outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of for instance, boundary treatments and landscaping.

10.150 Policy SADM16 states that "proposals will be expected to help conserve and enhance the Borough's natural and historic landscape and sit comfortably within the wider landscape setting. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Proposals should take full account of

the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein. Regard should also be had to relevant advice contained within the Hertfordshire Historic Environment Record.”

- 10.151 Policy D3 of the Northaw and Cuffley Neighbourhood Plan is also relevant as it requires proposals to have sufficient regard to Green Infrastructure.
- 10.152 The site lies to the western edge of the Cheshunt Common Landscape Character Area (area 56) as defined in the Welwyn Hatfield Landscape Character Assessment (April 2005). The Landscape Character is described as open arable farmland squeezed between two urban areas and linking two area of former parkland- Ponsbourne to the north and the Theobald’s Estate to the south.
- 10.153 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application as a tool to assist the decision maker in assessing the effects of the scheme. This considers the likely effects arising from the proposed development on site features, landscape character and visual receptors, together with the significance of such a change in near, medium and long views.
- 10.154 Topographic undulation is a feature of the area, in which the proposal would be located on the east-facing side of a downhill slope towards Cuffley Brook. The southern boundary is vegetated with hedgerow and garden boundaries associated with residential properties on The Meadway, and the northern by a post and wire fence, adjacent to the well vegetated Cuffley Brook. The western boundary of the Site is composed of a post and wire fence with some trees of varying ages scattered along the fence line, the slightly embanked railway line is adjacent to the western boundary. The eastern boundary of the site crosses the wider agricultural field and is void of vegetation.
- 10.155 The proposal seeks to retain the majority of existing landscaping, as well as providing a new landscape buffer and boundary along the eastern edge of the site.
- 10.156 An assessment of the visibility of the site was undertaken in July 2023 and a series of photographs taken from public vantage points, rights of way and public highways. It is apparent that the site is visible from the immediate area, both public vantage points and from adjacent residential properties. Further views are possible from the western edge of Goff’s Oak in the middle distance. Beyond this, long distance views are restricted by the slightly undulating landform, intervening vegetation, and from the west by the built environment of Cuffley.
- 10.157 It is considered that the proposal would inevitably result in a notable change in terms of land use, given the nature of the site as existing when compared to the proposed use. However, a change does not mean that the result would be harmful.
- 10.158 When considering potential visual effects of the scheme, it is acknowledged that there will be a change to the views experienced by residents, Public Right of Way (PRoW) users and visitors to the wider countryside, as well as a change to the perceived sense of place and character because open views would become enclosed and constrained. This is however not considered to result in material harm to the visual character of the local area given the sites relationship to the edge of Cuffley and containment provided by the local topographical features, existing vegetation and built form within the surrounding area. The extensive new planting throughout the site, including along the site’s eastern boundary which is

proposed to be utilised as open space, contributes to reducing the potential visual effects of the scheme.

- 10.159 With regards to predicted landscape effects, the LVIA predicts site-specific effects as 'Substantial Adverse' (Year 1) and 'Moderate Adverse' (Year 15). Whilst this harm is considered significant, it is nonetheless expected that this would be adequately accounted for as part of the mitigation and design development of the proposals.
- 10.160 The LVIA has been reviewed by the Council's landscape architect and arboricultural consultant, who raises no objection to the proposal.
- 10.161 Turning to existing and proposed landscaping and trees. The applicant has supplied both hard and soft landscaping drawings by CSA environment, as well as a Landscape and Ecology Management Plan (LEMP). Furthermore, an Arboricultural Report by Sharon Hosegood Associates has been submitted with the application which includes a tree survey, an arboricultural impact assessment, a tree retention and protection plan and draft method statements incorporating site supervision.
- 10.162 The proposal seeks to retain the majority of the trees and vegetation on site, which mainly form the boundaries of the site. The Arboricultural report supplied by the applicant states that 1 C category tree will need to be removed to facilitate the development. Moreover, small sections of existing hedgerow are proposed for removal along the southern boundary, where the site access will be located and a section on the southeast corner of the site will be removed.
- 10.163 The number of trees, hedges and planting on the site will be greatly increased as a result of the proposed landscaping scheme. This would also see the incorporation of a robust landscape buffer within the eastern area of open space which would create the new boundary to the Green Belt. The amount of green space will also be greatly increased.
- 10.164 The application documents have been considered by the Council's Landscape Officer. The tree survey assessment, in accordance with BS:5837: 2012, is considered a fair appraisal of the trees. The tree protection plans provided within the report, the protective fencing specification and the principles within the draft Arboricultural Method Statement are in accordance with British Standard and are considered sufficient and appropriate to protect the retained trees. The report also proposes some tree surgery works for safety reasons which are considered appropriate. The proposed landscaping for the site, including the plant/tree species, plants sizes, planting densities (where appropriate) and planting methods, is considered sufficient and appropriate for the site, and will contribute to the visual amenity of the site softening much of the new development. The works schedule for the management and maintenance is also acceptable. If approved, the Landscape Officer requests a more detailed Arboricultural Method Statement to be secured via condition. A landscaping condition is also required to seek further landscaping information, prior to above ground development.
- 10.165 In summary, the development would retain and protect the mature trees and hedges wherever possible and appropriate, whilst also introducing new planting which would help assimilate the site into the wider landscape. Detailed landscaping proposals and tree protection measures can be adequately secured through condition. In this respect, no objections are raised with regard to the objectives of the Local Plan, the Neighbourhood Plan, or the NPPF.

#### **v) Strategic green infrastructure**

- 10.166 Policy SP12 of the Local Plan supports the creation and enhancement of strategic green infrastructure across the Borough. In particular, the policy requires development proposals to plan positively for, and contribute to, the creation and management of high quality, multifunctional green spaces that are linked to the surrounding green infrastructure network. Additionally, new development should meet standards for provision of open space set out in the Planning Obligations SPD.
- 10.167 Policy D3 of the Neighbourhood Plan is also relevant as it requires proposals to have sufficient regard to Green Infrastructure.
- 10.168 The Planning Obligations SPD states that new development within the Borough is to provide green space and landscaping on site, in accordance with the council's adopted local standards. The Open Space, Outdoor Sport and Recreation Strategy (2009) sets a recommended local standard for the provision of green space in the Borough of 6.1ha per 1000 persons.
- 10.169 The submitted Design and Access Statement details the provision of five informal open spaces within the residential development. The main areas of open space are to be sited to the northern and eastern parts of the site, where the northern part incorporates the SuDS feature, while the eastern part is located within the Green Belt and thus a new visual landscaped buffer is proposed. Included within the public open spaces would also be an extensive circulation mown that would link the informal open spaces to one another.
- 10.170 Officers consider that the proposed scheme would provide sufficient green infrastructure in accordance with Policy SP12.

#### **vi) Ecology and biodiversity**

- 10.171 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.
- 10.172 Local Plan Policy SADM16 seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies.
- 10.173 The planning application is supported by an Ecological Impact Assessment, which evaluates the effects of the proposed development on the ecology of the site and its surroundings. The Ecological Impact Assessment brings together the findings of the UK Habitat Classification survey, Habitat Condition Assessment, Hedgerow survey, Bat survey, Badger survey, Riparian mammal survey and an Amphibian survey.
- 10.174 The application site currently consists of an arable field that has little intrinsic ecological value. The existing field margins do however provide hedgerow and



woodland habitat that is suitable for breeding birds, small mammals, and invertebrates. This is particularly true of the Cuffley Brook to the north/east. These habitats also provide landscape connectivity, which would allow bats, birds, amphibians, reptiles, and mammals to move across the landscape and provide good opportunities for foraging.

- 10.175 Bat monitoring recorded eight species, most activity of which was along the northern boundary. A partially active outlier badger sett was recorded SW of the site. The site supported few farmland birds. Reptiles are known locally but the existing nature of the site is highly unlikely to support them. Great crested newts are considered to be absent. There is not any likelihood for significant invertebrate interest.
- 10.176 Based on the above, Hertfordshire Ecology conclude that there is very limited ecological interest within the application site.
- 10.177 The Ecological Impact Assessment recommends specific enhancement and mitigation measures, through the proposed landscaping scheme, including new native tree, shrub and hedgerow planting, biodiverse grassland as well as other specific enhancements such as bat and bird boxes, log piles and hedgehog gaps. Mitigation measures also include an ecologically sensitive lighting scheme. These measures would be delivered through the landscaping scheme and can be secured through appropriately worded planning conditions.
- 10.178 A Landscape and Ecological Management Plan (LEMP) and a Habitat Management and Monitoring Plan (HMMP) have been submitted to support the application. The LEMP provides details of the enhancements proposed as outlined within the Ecological Impact Assessment, whilst the HMMP deals with the offsite area. Herts Ecology have reviewed the LEMP and advise that it is largely acceptable, although small revisions are required to be made. Herts Ecology have reviewed the HMMP and consider further details are required in this regard. The applicant has not provided an amended LEMP and HMMP and as such, these will form conditions on the application.
- 10.179 Turning to Biodiversity Net Gain (BNG). This is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. A mandatory BNG of 10% will apply to major development sites from 12 February 2024.
- 10.180 The site is considered as major development due to the number of units proposed. The application was however submitted to the Council on the 15<sup>th</sup> January 2024 and is therefore exempt from mandatory BNG.
- 10.181 Notwithstanding the above, significant BNG enhancements are proposed on a parcel of land immediately east of the site, which is with the control of the applicant and comprises the remainder of the field which the site sits within (outlined in blue on plan number S103).
- 10.182 The planning application is supported by a Biodiversity Metric within the accompanying Ecological Impact Assessment. The Ecological Impact Assessment and Habitat Management and Monitoring plan (CSA Environmental) show that the scheme is capable of delivering a 25.05% net gain for Habitats Units, 31.42% for Hedgerow Units and 12.16% for Watercourse Units. The above

calculation demonstrates the proposed scheme would substantially exceed the target 10% biodiversity gain objective for Habitat, Hedgerow and Watercourse units.

- 10.183 Herts Ecology have been consulted and confirmed that the proposals are synonymous with the good practice and there is no reason to dispute the BNG proposals for the site. The BNG stipulated above would be secured through appropriate conditions and control of detailed landscape design (for on-site elements) and through legal a s106 legal agreement (for off-site elements).
- 10.184 Overall, there is no ecological objection to the development, subject to mitigation measures, and no fundamental constraints associated with the BNG plans proposed for the development. Further detail will be required to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. A condition for a Biodiversity Gain Plan and updated Metric will be imposed to ensure the delivery of a minimum of 10% net gain in biodiversity to be delivered and secured off-site for long-term biodiversity benefit.

***vii) Flood risk and sustainable drainage***

- 10.185 Paragraph 167 of the NPPF seeks to steer new development to areas with the lowest probability of flooding from any source. Flood Zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. Whilst much of the site is located within Flood Zone 1, the northeastern boundary is within Flood Zones 2 and 3a which is associated with the adjoining designated main river/ watercourse (Cuffley Brook). Part of the site therefore has a higher probability of flooding.
- 10.186 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 10.187 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management are consistent with the NPPF.
- 10.188 The application is supported by a Flood Risk Assessment and Drainage Strategy (Arden, May 2024) which has been reviewed by the Lead Local Flood Authority. The proposal seeks to drain the site using a detention basin, permeable paving, swales and linear drains/rain gardens. It is proposed to discharge to the main river Cuffley Brook at a maximum rate of 11.2 l/s.
- 10.189 The Environment Agency (EA) and Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application. Both consultees originally raised concerns with the information submitted and had requested further information/detail. The applicant provided additional information/detail requested, and the EA and LLFA subsequently removed their objection. They

have recommended a suite of conditions which are included at the end of this report.

- 10.190 Thames Water have confirmed no objection to the planning application with regard to wastewater network and wastewater process infrastructure capacity. Affinity Water were also consulted, commenting on matters of water quality, water efficiency and infrastructure connections and diversions, concluding with no objection.
- 10.191 Accordingly, subject to appropriately worded conditions to secure implementation of the drainage strategy, it is considered that the proposed development would be in accordance with Policies SP10 and SADM14 of the Local Plan and the NPPF.

***viii) Environmental pollution***

- 10.192 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.
- 10.193 The application has been supported by the submission of a Phase II Geotechnical Contamination Report, an Air Quality Assessment and a Noise and Vibration Impact Assessment.
- 10.194 The Council's Environmental Health and Protection Officer has been consulted on the proposal, as have the Environment Agency, Affinity Water and Thames Water.
- 10.195 The potential impacts of noise as a result of the proposal and the impact of existing noise upon the proposed development are discussed above at paragraphs 10.49 and 10.60-10.62.

*Air quality:*

- 10.196 Policy SADM18 of the Local Plan sets out that prevailing air quality and potential impacts upon air quality arising from airborne emissions, dust and odour associated with the construction and operation of a proposal (including vehicular traffic) will be considered when determining planning applications. Proposals that would result in or be subject to unacceptable risk to human health and the natural environment from air pollution, or would prejudice compliance with national air quality objectives, will be refused.
- 10.197 Policy SADM18 goes on to further set out that an Air Quality Assessment that demonstrates how prevailing air quality and potential impacts upon air quality have been considered and how air quality will be kept to an acceptable standard through avoidance and mitigation will be required for major and minor development proposals that are:
- i. Likely, due to the nature of the proposal, to give rise to significant air pollution;*
  - ii. Within an Air Quality Management Area;*
  - iii. Within 50 metres of a major road or heavily trafficked route;*
  - iv. Within proximity to a source of air pollution which could present a significant risk to human health; and/or*

v. *Particularly sensitive to air pollution due to their nature, such as schools, health care establishments or housing for older people.*

- 10.198 The proposal is not considered to give rise to significant air pollution (i), neither is the site located within an Air Quality Management Area (ii). In regard to criterion (iii), the site is located approximately 470 metres from the B156, including Station Road and Cuffley Hill, which has been cited as a heavily trafficked route within the Local Plan. The site is however not within 50 metres of the identified heavily trafficked route. The proposal and site do also not meet with (iv) or (v) as set out above.
- 10.199 The Council's own air quality monitoring evidence clarifies that there are no exceedances against relevant air quality standards (based on particulate generation) in this area. This matter has been discussed through the Local Plan Examination and was agreed. The proposal would have a negligible impact on air quality. On this basis, there are no objections in this regard.
- 10.200 Notwithstanding, the application is supported by an Air Quality Assessment which has been reviewed by the Council's Environmental Health officer. No concerns are raised in this regard.
- 10.201 Turning to the impact of the construction phase upon the air quality. Such impacts are normal, and to be expected, of these developments, but are also short-term impacts that only last the duration of the construction phase. The Council's Environmental Health officer has reviewed the Air Quality Assessment and has advised that the mitigation measures outlined should be controlled by condition to minimise local pollution levels from dust during construction works.

*Contaminated land and soil:*

- 10.202 Policy SADM18 of the Local Plan concerns environmental pollution and states, amongst other things, that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment. Moreover, proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.
- 10.203 The application is supported by a Phase II Geotechnical Contamination Report which recommends the completion of the gas monitoring programme. The Council's Environmental Health Officer has reviewed the submission and recommends that a condition is imposed to secure this, along with the submission of a verification report, as well as ensuring that if any unexpected finds are discovered during construction, that further assessment work is undertaken. Accordingly, subject to the imposition of the above-mentioned condition, the proposal would not be contrary to Policy SADM18.

*Light pollution:*

- 10.204 Policy SADM18 of the Local Plan sets out that proposals that include external lighting schemes, including floodlighting, will be approved where it can be demonstrated through a Lighting Assessment that all of the criteria can be satisfied.

10.205 The proposal meets the criteria set out within Policy SADM18 and is therefore not considered to create unacceptable light pollution.

### ***ix) Archaeology***

10.206 Policy SADM15 of the Local Plan concerns 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, with specific regard to paragraph 211.

10.207 The application site is not within a Conservation Area and there are no other designated or non-designated heritage assets within the site. The site is of substantial size, and historic mapping and photographic evidence indicates that it has been in use as grassland and agriculture during the post-medieval and modern periods. Any below ground archaeological remains present may therefore be well preserved.

10.208 No heritage assets of archaeological interest are known from the development site, but isolated finds of Mesolithic flints (including blades and wasters) have been recorded in the vicinity, to the south-west and west of the site [Historic Environment Record No's 2066 and 1881], and its location, immediately adjacent to the Cuffley Brook, indicates some potential for the presence of archaeological remains of earlier prehistoric date, in particular. In addition, no formal archaeological investigations have been carried out on, or in the vicinity of the site (the nearest being located at over 1km distance from it).

10.209 In light of the above, the application has been supported by an archaeological desk-based assessment. The assessment concludes that the archaeological potential of the site is considered to be low, but also that a programme of trial trench evaluation may be required to determine and ground-test the archaeological significance of the site.

10.210 Hertfordshire County Council's Historic Environment Advisor has been consulted on the application. They consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. In this case, an appropriately worded condition would be sufficient to provide for the level of investigation that this proposal warrants.

### ***x) Refuse and recycling***

10.211 The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area, contrary to Policy SP9 of the Local Plan. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF. Of particular concern is the potential for heavy and unwieldy bins obstructing the footpath as this could force people with sensory or mobility impairments, wheelchair users and those with prams or pushchairs into the road, putting them at risk of conflict with traffic.

10.212 The National Design Guide (H3) points out that "*Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They*

*include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”*

- 10.213 Details of the location and design of the refuse and recycling bins to serve the residential units have been provided. These are shown on plan number P105, where the majority of detached, semi-detached and terraced dwellings would store their bins to the rear of the property and drag them to the kerbside for collection. Some dwellings do however require bin collection points (BCP). Five BCPs are proposed throughout the site to accommodate plots 17, 18 and 19; plots 20, 21 and 22; plots 23, 24 and 25; plot 35; and plots 71, 72 and 73. Communal bin stores are proposed for flats.
- 10.214 As set out within the Highways section of the report, the Highway Authority are satisfied that a refuse vehicle can enter and exit the site without the body of the vehicle encroaching on the footway and can remain in forward gear. Details of the road surfaces to be constructed are subject to condition, which require detailed plans be submitted and assessed by the Highway Authority.
- 10.215 The Council's Client Services Team provided comment on the application. Concerns were raised with respect to bin collection points, on the basis that they offer a kerbside collection service only and drag distances for operatives would exceed maximum guidelines. Client Services also have concerns that the BCPs would not be large enough to accommodate the required number of bins.
- 10.216 In response to this, the applicant has amended the positioning of BCPs so that the refuse vehicle can reverse closer to the collection point and the operatives would now drag the bins no more than 15 metres in the majority of cases. This is shown on plan number P105. Residents in most cases would not have to drag bins more than 30 metres. This is considered acceptable.
- 10.217 With respect to the concern raised regarding the BCPs not being large enough to accommodate the number of bins that would be required to be stationed at such locations, it is considered that a compromise is required to ensure the standard of design remains high and BCPs do not dominate the area. On general waste days, it is considered that the BCPs proposed would adequately be able to accommodate a single bin for each dwelling. On recycling days, the BCPs will be able to accommodate one recycling bin for each dwelling. In addition, space is provided for garden waste bins based on the assumption that 50% of dwellings would opt into this chargeable service. This is considered reasonable given the relatively small sized gardens serving most of the affected properties.
- 10.218 In summary, whilst the concerns raised by WHBC are acknowledged, it is considered that, on balance, the best possible refuse strategy has been presented after working with the applicant on scheme compromises to ensure a high standard of design is proposed without significantly impacting upon the scheme and the number of units proposed.

### ***xi) Minerals and waste management***

- 10.219 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.
- 10.220 Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.
- 10.221 Turning to waste management. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.
- 10.222 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.
- 10.223 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.

### ***xii) Sustainable design and low carbon homes***

- 10.224 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.
- 10.225 The NPPF, at paragraph 157, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate.
- 10.226 Local Plan Policies SP10 and SADM13 seek to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 10.227 The proposed development seeks to provide sustainable and energy-efficient new homes. These will reflect (as a minimum) Development Plan objectives as well as Building Regulations requirements.
- 10.228 The application is supported by an Energy and Sustainable Design Statement which sets out in detail the proposed measures to minimise the level of carbon emissions arising from the development. Proposed measures include:
- Site layout – orientation, sunlight and daylighting- the orientation of properties and the size and location of glazing to maximise;

- 'Fabric First' Approach – creating an energy efficient building envelope through thermally efficient walls, roofs and floor; ensuring air tightness; junctions to be designed to minimise the effects of thermal bridging; natural ventilation; minimise overheating;
- Maximising the efficiency of appliances, lighting, fixtures and fittings;
- Achieve targeted water efficiency of 110 litres per person per day by following the principles of the Water Hierarchy- water efficient fixtures, fittings and appliances complemented by rainwater recycling;
- Low carbon air source heat pumps (ASHP) to provide space and water heating;
- Smart meters and smart control systems;
- Electric vehicle charging points for all units;
- Surface water will be managed on site with the integration of SuDS into the development;
- The landscape design will provide multi-functional benefits, supporting increased biodiversity, providing more comfortable microclimates in warmer weather and enhancing the overall aesthetic;
- Sustainable building materials – materials will be sourced using suppliers that have recognised environmentally focused accreditations and management systems; materials derived from recycled or re-used products; local suppliers of materials will be used where viable;
- Construction waste management managed according to the principles of the Waste Hierarchy with a focus on waste prevention, re-use and recycling;
- Operational waste – occupants to manage waste sustainability by providing appropriate facilities .

10.229 In terms of location, the site lies within walking distance of key local facilities (such as primary schools, employment, shops, community buildings, playground, sports and recreation ground) and public transport which makes it a sustainable location adjacent to the edge of the settlement. All homes will benefit from secure cycle storage and EV charging facilities. This provides opportunities to encourage use of non-car modes and reduce reliance upon fossil fuel-powered private cars.

10.230 The measures summarised above provide strong positive contributions towards the Council's ambitions to reduce carbon demand. Appropriately worded conditions are suggested to secure delivery of the measures set out above.

### ***xiii) Permitted development rights***

10.231 The residential dwellinghouses proposed within this scheme would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupants. NPPF paragraph 54 states "*planning conditions should not be used to*



*restrict national permitted development rights unless there is clear justification to do so.” The Planning Practice Guidance (PPG) advises that “Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”.*

- 10.232 The proposed dwellinghouses have been carefully designed, in terms of their siting, layout, scale, form and appearance, to respect and relate to the character of the immediate suburban form. The built form to plot ratio is also considered to be adequately proportionate.
- 10.233 It is considered that development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended could result in overdevelopment of some of the smaller plots. This in turn could create excessively small private rear gardens, some of which are already constrained by dense vegetation along rear boundaries, along with the likely impact upon residential amenity of neighbouring occupants as a result of such development. It is therefore considered reasonable and necessary to remove permitted development rights for development under Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for all terraced and semi-detached dwellings proposed which encompasses the following plots: 1, 2, 3, 4, 5, 12, 13, 17, 18, 24, 25, 28, 29, 30, 31, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73. This can be secured through a planning condition.

#### ***xiv) Fire hydrants***

- 10.234 Hertfordshire Fire & Rescue Service have been consulted for this application and outline that this proposal will require a condition for the provision and installation of fire hydrants to ensure that there are adequate water supplies available for use at all times. Such a condition is reasonable and necessary taking account of Policy SP13 of the Local Plan and the NPPF.

#### ***xv) Northaw and Cuffley Neighbourhood Plan***

- 10.235 In line with NPPF, neighbourhood plans must be pro sustainable development and demonstrate how their policies and proposals will encourage investment and change.
- 10.236 The spatial strategy for Northaw and Cuffley, as set out in the Neighbourhood Plan, directs growth to two sites allocated for housing in the Local Plan, namely, The Meadway and the East of Northaw Road East (land north of King George V Playing Field).
- 10.237 The neighbourhood plan sets out numerous objectives under the headings: Housing, Cuffley Village Centre, Employment, Getting Around, Community Wellbeing and Natural Environment.
- 10.238 In terms of Housing, a number of objectives are relevant to the development proposal, including:
- *New development is climate resilient and seeks to mitigate and adapt to climate change;*

- *Developments offer a range of property types, sizes and price points; Providing a real choice for Northaw and Cuffley residents who wish to remain in their local community and current/future residents who wish to move to more suitable accommodation;*
- *All new developments, including infill, are developed sympathetically and in line with the existing character of the area so that overdevelopment of sites is avoided;*
- *Densities should be in keeping with the local character of Northaw and Cuffley and be sensitive to the local landscape/built environment, reflecting the typical densities found in proximity to the site;*
- *To ensure that all new development respects the character of its surroundings and the amenity of neighbours and future occupiers the volume, density and layout of new development must be sympathetic to adjoining homes;*
- *To enhance key local characteristics including green verges and tree planting.*

10.239 The proposal is considered to support each of the above for reasons detailed earlier in the report.

10.240 Objectives under Cuffley Village Centre are not considered relevant to this proposal.

10.241 In terms of Employment, the contribution the development would make to the local economy would be weighed in the balance.

10.242 Turning to the objectives listed under the heading Getting Around, the proposed development would be subject to planning obligations requiring a financial contribution towards improvements to infrastructure in the vicinity of the site and enhancement and promotion of sustainable travel options in Cuffley, in accordance with Hertfordshire County Council's South-East Growth & Transport Plan.

10.243 There would be no conflict with any of the objectives listed under Community Wellbeing. The proposal is for high quality and energy efficient homes which would improve the health and wellbeing of residents. The development would also support community facilities and leisure facilities through planning obligations.

10.244 Finally, in relation to the Natural Environment, the landscaping and drainage proposals will assist in meeting the stated objectives of 'greening of the parish', 'enhancing the green and blue infrastructure' and 'improving flood resilience'.

10.245 Officers are satisfied that the proposal would deliver against the objectives of the Neighbourhood Plan and would achieve general conformity with the policies, design code and guidance. The policies have been duly considered in the detailed assessment of the proposal as set out under the various headings of this report.

## ***xvi)Environmental Impact Assessment***

10.246 The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the overall area of development would be less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. Consequently, an EIA is therefore not required in this instance.

### **7. Planning obligations**

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

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

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

10.249 Policy SP13 of the Local Plan relates to infrastructure delivery and its purpose is to ensure that settlements within the borough are supported by infrastructure that is accessible, affordable, and appropriate to the needs of the community it serves. This policy states, amongst other things, that developers will be required to contribute to the reasonable costs of enhancing existing infrastructure or providing new physical, social, and green infrastructure, required as a result of their proposals, through financial contributions.

### **Hertfordshire County Council**

#### ***Financial contributions***

10.250 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development. These include:

- Primary Education - £670,353 towards the expansion of Woodside Primary School, Goffs Oak and/or provision serving the development.
- Childcare Services age 0-2 - £5,294 increasing the capacity of 0-2 year old childcare facilities at Cuffley Hill Pre School and/or provision serving the development.
- Childcare Services age 5-11 - £785 towards increasing the capacity of 5-11 year old childcare facilities at Cuffley School and/or provision serving the development.

- Special Educational Needs and Disabilities - £86,584 towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development.
- Library Services - £16,051 towards increasing the capacity of Cuffley Library and/or provision serving the development.
- Youth Services - £20,027 towards the delivery of a new centre in Hatfield and/or provision serving the development.
- Waste Service Recycling Centre - £12,256 towards the new provision at Brookfield and/or provision serving the development.
- Waste Service Transfer Centre - £7,818 towards the new provision at the Eastern Transfer Station and/or provision serving the development.
- Fire & Rescue Service - £27,783 towards the new fire station at Brookfield and/or provision serving the development.
- Highways/Transport - £498,298 towards upgrading the existing highway infrastructure network, in particular along Station Road and Sopers Road as set out within Package 38 (PK38 – Improved Accessibility and Connectivity at Cuffley Station) of the South East Growth and Transport Plan.
- Travel Plan Evaluation and Monitoring Fee - £6,000.
- Monitoring Fees - £340 per each distinct trigger point (based on the number of triggers which will be confirmed by HCC within the legal agreement).

### Welwyn Hatfield Borough Council

#### *Financial contributions*

10.251 WHBC request that financial contributions are required toward indoor and outdoor sports facilities, public open space, play facilities and waste and recycling provision in order to mitigate the impacts of the development. A monitoring fee is also justified. Financial contributions are as follows:

- Sports Halls - £37,651 towards the maintenance/improvements including flooring, lighting and decorating at either Cuffley Hall, Northaw Village Hall, Cuffley & Northaw Youth & Community Centre or Hatfield Leisure Centre.
- Swimming Pools - £39,547 towards either of the following a) any maintenance/repairs including replacing flooring, and new lighting at either Hatfield leisure centre or UoH or b) a new swimming facility in Welwyn Hatfield as identified within the sports facilities strategy.
- Indoor bowls - £1,029 towards purchase of equipment at Hatfield Bowls club or North Mymms Bowls club.
- Adult Football Pitch - £2,196 towards pitch improvements at King George V Playing Fields, Northaw Road East, Cuffley.

- Adult Football Changing Rooms - £7,836 towards improving the Cuffley FC clubhouse changing facilities at King George V Playing Fields, Northaw Road East, Cuffley.
- Youth Football Pitch - £5,294 towards pitch improvements at King George V Playing Fields, Northaw Road East, Cuffley.
- Youth Football Changing Rooms - £11,545 towards improving the Cuffley FC clubhouse changing facilities at King George V Playing Fields, Northaw Road East, Cuffley.
- Mini Soccer Pitch - £786.00 Towards pitch improvements at King George V Playing Fields, Northaw Road East, Cuffley.
- Rugby Union Pitch - £7,934 towards upgrading the rugby pitch facilities at Roe Hill, including purchase of new lighting.
- Rugby Union Changing Rooms - £18,872 towards upgrading the Rugby changing room facilities at Roe Hill
- Rugby League Pitch - £7,066 towards upgrading the Rugby pitch facilities at Roe Hill, including purchase of new lighting.
- Rugby League Changing Rooms - £19,127 towards upgrading the Rugby changing room facilities at Roe Hill.
- Cricket Pitch - £6,565 towards pitch improvements and cricket wickets/nets at either Newgate Street, Hatfield Hyde, and Hatfield Crusaders to allow clubs to expand.
- Cricket Changing Rooms - £7,469 towards investment for the cricket facilities at Newgate Street for its changing rooms and storage, and ideally new pavilion.
- Sand Based Pitch - £13,468 towards maintenance/repairs/resurfacing at either the University of Hertfordshire or Chancellors School.
- Sand Based Changing Rooms - £5,564 towards maintenance/repairs at either the University of Hertfordshire or Chancellors School.
- 3G pitch - £6,299 towards either of the following a) building a new 3G facility in Hatfield as identified in the sports facilities strategy or b) repairs to the pitches at Hatfield Leisure Centre.
- 3G Changing Rooms - £2,169 towards either of the following a) new changing facility on the new site in Hatfield or b) towards upgrades of the changing facilities at the University of Hertfordshire.
- Public Open Space - £10,017 towards management/maintenance/improvements to paths, bridges and woodland walkways and provision of new benches at Home Wood in Cuffley.
- Play Facilities - £26,275 towards the cost of replacing, enhancing or improving the play area at the King George V Playing Fields on Northaw Road East, Cuffley or at Northaw Playing Fields.

- Waste & Recycling - £7,174 for on-site provision of waste receptacles.
- Monitoring Fee - Capped at £5,000

10.252 Other obligations comprise:

- 35% affordable housing with a tenure split of 50% social rent and 50% intermediate products.
- Biodiversity Net Gain delivery and management/maintenance for 30 years.
- Management Scheme for internal roads, footpaths, open spaces, play spaces, and SUDs

#### NHS Contribution

10.253 The NHS request a financial contribution of £94,316 to mitigate the primary health care impacts from the development. The project(s) would involve repurposing, refurbishing, re-configuring, extending or relocating the Cuffley and Goffs Oak group of practices to provide sufficient space to increase resources and clinical services.

#### Summary

10.254 All s106 financial obligations are subject to indexation. At this stage, the total contributions requested by WHBC, HCC and the NHS amount to £1,694,788, noting that the figures are indicative and subject to change as they are based on the indicative number and type of residential units which have been provided by the applicant for the outline component of the proposal.

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

10.256 The applicant and Council have entered into negotiations to address the points outlined above and a draft s106 agreement is currently being progressed. If the Development Management Committee resolve to grant planning permission subject of the completion of the s106 agreement, this document will be completed.

10.257 The proposal, subject to the completion of a s106 agreement, would comply with Policies SADM1, SP7 and SP13 of the Local Plan, The Planning Obligations SPD and the National Planning Policy Framework.

### **8. The planning balance**

10.258 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.

10.259 The application is a residential proposal for an allocated site in the recently adopted Welwyn Hatfield Local Plan. Policy SADM33 identifies the site as HS27 (Land at The Meadway) 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 17 in addition to other relevant planning policy, planning objectives and other material considerations.

- 10.260 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.
- 10.261 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.
- 10.262 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 that 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 NPPF 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”*.

#### ***Summary of adverse impacts***

- 10.263 In terms of adverse impacts, the Landscape and Visual Impact Assessment predicts site-specific effects as 'Substantial Adverse' (Year 1) and 'Moderate Adverse' (Year 15). This effect will be mitigated against in line with the detailed landscaping proposals and tree protection measures to be secured by condition. The effect on landscape must also be viewed in the context of the site being allocated for development through the Local Plan, meaning that a degree of change has been accepted in principle. On this basis, only limited weight is attributed to the adverse impact on the landscape.

#### ***Summary of benefits***

- 10.264 There are a number of benefits arising from the proposed development, and these include the provision of market and affordable dwellings, a sustainable site, green infrastructure, biodiversity net gain and economic benefits. These are considered in turn below:

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

- 10.265 Paragraph 60 of the NPPF seeks to support the Governments objective of significantly boosting the supply of homes. To achieve this, the NPPF notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

The Council cannot demonstrate a five-year supply of deliverable housing sites and the current shortfall is significant. That said, the Council now have an adopted Local Plan which provides a plan-led and positive vision for the future and framework for addressing housing needs. The adopted Local Plan has

identified opportunities on specific sites in and around the Borough's towns and excluded villages to facilitate the delivery of 9,343 dwellings between 2023/24 and 2032/33, and 13,400 dwellings over the plan period 2016-2036. Moreover, opportunities to meet the remaining need will be the subject of an early review of the Local Plan, and this review will determine additional sites to be allocated to meet the requirement for future years. This position outlines a clear and positive route to improving housing supply for the Borough in the short to medium term and that the Council are actively working towards achieving a five-year supply.

- 10.266 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. The application site is one such allocation and the proposal would provide 73 dwellings towards the Council's targets.
- 10.267 The provision of housing is a clear benefit, and considering the above, significant weight is afforded to this.
- 10.268 Turning to affordable housing. There is an acute need for affordable homes locally, and the proposal includes the provision of 35% affordable dwellings on site. Very substantial weight is therefore afforded to this benefit.

*Site sustainability:*

- 10.269 The application site forms an allocated site (HS27) which now forms part of the village of Cuffley. The site has access to range of local services in a close proximity, whilst sustainable modes of transport afford good connectivity to key local destinations, in particular Cuffley train station and bus stops are a short walk from the site.
- 10.270 Moreover, the proposal identifies opportunities to promote walking, cycling and public transport which will benefit future residents and the wider community. Significant weight is afforded to the sustainable location of the site.

*Green infrastructure:*

- 10.271 Subject to appropriate conditions, the proposal would appropriately address surface water flood risk, improve drainage measures, utilise renewable technology solutions, enhance green infrastructure and contribute towards sustainable patterns of travel and healthy streets. Moderate weight is afforded to these benefits.

*Biodiversity Net Gain:*

- 10.272 The Ecological Impact Assessment and Habitat Management and Monitoring plan (CSA Environmental) show that the scheme is capable of delivering a 25.05% net gain for Habitats Units, 31.42% for Hedgerow Units and 12.16% for Watercourse Units. The above calculation demonstrates the proposed scheme would substantially exceed the target 10% biodiversity gain objective for Habitat, Hedgerow and Watercourse units. The detail of BNG provision is to be secured by conditioned through the submission of a biodiversity gain plan. Herts Ecology raised no concerns about the ability of the site to deliver at least 10% net gain. This attracts moderate weight in the planning balance.



*Economic benefits:*

10.273 A number of economic benefits will arise from this proposal. These include the provision of jobs during the construction phase of the development by creating employment opportunities on site and indirectly supporting businesses through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long-term economic benefit from the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

*Other factors:*

10.274 Subject to conditions, the strategy for landscaping, refuse and cycle storage, parking, waste management and site drainage has been found acceptable and the proposals adequately address the ecological impacts and archaeological impacts. All these factors are to be taken as neutral balance.

## **11 Conclusion**

11.1 The proposed development has been assessed against the policies of the Local Plan, the Neighbourhood Plan and the NPPF. Subject to conditions and a satisfactory s106 agreement, Officers have found the proposal acceptable in terms of the principle of development, Green Belt, quality of design; amenity and living conditions of neighbouring occupiers and future occupiers; highways and parking; housing mix and density; affordable housing; landscaping and trees; ecology and biodiversity; flood risk and sustainable drainage; refuse and recycling and sustainable design. Other material considerations have also been assessed.

11.2 The application site is not subject to any significant constraints and is sustainably located. The application site forms part of the allocated site of HS27, which is allocated for residential development to be delivered in the first five years following adoption of the Local Plan.

11.3 Having regard to all the above, it is considered that the adverse impacts identified would not significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF is taken as a whole. Planning permission should therefore be granted.

## **12 Recommendation**

12.1 It is recommended that the Committee resolves to grant planning permission 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:

### **PRE-COMMENCEMENT CONDITIONS**

#### **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>
S101	A	Location Plan	23 January 2024
S102	A	Existing Site Survey	23 January 2024
S103		Site Plan Showing Land Ownership	3 July 2024
C101	P	Coloured Site Layout	15 July 2024
C102	J	Coloured Street Scenes AA & BB	22 May 2024
C103	G	Coloured Street Scenes CC, DD & EE	22 May 2024
C104	D	Dwelling Mix Distribution Plan	15 July 2024
C105	D	Tenure Distribution Plan	15 July 2024
C106	C	Building Heights Plan	15 July 2024
C107	D	Parking Distribution Plan	15 July 2024
C109	C	Vehicular Routes Plan	15 July 2024
C110	D	Pedestrian And Cyclist Routes Plan	15 July 2024
C113		Coloured Street Scenes FF-GG	22 May 2024
C120		Proposed Site Sections	22 May 2024
P101	N	Proposed Site Plan - Roof Level	15 July 2024
P103	E	Proposed Boundary Treatments Layout	15 July 2024
P104	F	Proposed ASHP Layout	15 July 2024
P105		Proposed Refuse Collection Layout	15 July 2024
P107	H	Proposed Material Layout	15 July 2024
P108	E	Proposed Fire Tender Layout	15 July 2024
P109	E	Proposed Amenity Garden Plan	15 July 2024
P110	B	House Type A2.4 (2Bed Semi) Proposed Plans & Elevations	22 May 2024
P111	B	House Type A2.4 (2Bed Terrace) Proposed Plans & Elevations	22 May 2024
P112	B	House Type A3.1.1 (3Bed Semi) Proposed Plans & Elevations	22 May 2024
P113	B	House Type A3.3 (3Bed Semi) Proposed Plans & Elevations	22 May 2024
P114	B	House Type A3.3 (3Bed Terrace) Proposed Plans & Elevations	22 May 2024
P115	B	House Type A3.3 (3Bed Terrace) Proposed Plans & Elevations	22 May 2024
P116	B	House Type A3.3 (1, 2 & 3 Bed Terrace) Proposed Plans & Elevations	22 May 2024
P117	B	House Type A2.2.2 (1&2Bed Combo) Proposed Plans & Elevations	22 May 2024
P118	B	House Type P3.5 (3Bed Detached) Proposed Plans & Elevations	22 May 2024
P119	B	House Type P3.12 (3Bed Semi-Detached) Proposed Plans and Elevations	22 May 2024
P120	B	House Type P3.12 (3Bed Detached) Proposed Plans and Elevations	22 May 2024
P121	B	House Type P4.5.1 (4 Bed Detached) Proposed Plans & Elevations	22 May 2024
P122	B	House Type P4.8 (4 Bed Detached) Proposed Plans & Elevations	22 May 2024

P123	C	House Type P4.4.1 (4 Bed Detached) Proposed Plans & Elevations	22 May 2024
P124	B	House Type P5.2 (5 Bed Detached) Proposed Plans & Elevations	22 May 2024
P125	C	Apartment Block 1 (Plots 54 - 59) Proposed Floor Plans	9 July 2024
P126	C	Apartment Block 1 (Plots 54 - 59) Proposed Elevations	9 July 2024
P127	B	Apartment Block 2 (Plots 60 - 63) Proposed Plans & Elevations	22 May 2024
P131	A	Proposed Flats Bin/Cycle Store, Sub stations, Bike Store	9 July 2024
P130	A	Proposed Garages	22 May 2024

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

## 2. Archaeology

A) No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:

- a) The programme and methodology of site investigation and recording;
- b) The programme and methodology of site investigation and recording as suggested by the evaluation;
- c) The programme for post investigation assessment;
- d) Provision to be made for analysis of the site investigation and recording;
- e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- g) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) 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 (A), unless otherwise agreed in writing by the Local Planning Authority.

C) The development shall not be occupied/used 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 (A) and the provision made for analysis and publication where appropriate.

REASON: To ensure that a historical record is kept of any archaeological finds in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

## 3. Tree Protection

No development shall commence until an Arboricultural Method Statement 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, unless otherwise agreed in writing by the Local Planning Authority. The Arboricultural Method Statement must include:

- a) A specification for the pruning of trees to be retained in order to prevent accidental damage by construction activities;
- b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection;
- c) The specification of the routing and mean of installation of drainage or any underground services within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- d) The details and method of construction of any other structures such as boundary walls within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- e) The details of any proposed alterations to existing ground levels within the Root Protection Area (RPA) and/or canopy spread of retained trees; and
- f) Provision for the supervision, by an appropriately qualified arboricultural consultant, of any works within the root protection areas of trees to be retained.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of maintaining the character and amenity of the area and minimising the impact of development in terms of ecology, biodiversity and climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 4. Contamination

No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

- a) 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.
- b) 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.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) 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, unless otherwise agreed in writing by the Local Planning Authority.

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. Site Waste Management Plan (SWMP)

No development shall commence 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. Thereafter, the development shall be carried out in accordance with the approved SWMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with the Hertfordshire Waste Core Strategy, the Development Management Policies Development Plan Document (2012), the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Surface Water Drainage Network (LLFA)

No development shall commence until detailed construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms, flood resilience/resistance measures and detailed hydraulic calculations have been submitted to and approved in writing by the local planning authority.

The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy reference 198231-R02C, dated 10 May 2024 and drawing (198231- SK100 Rev P5), and remain in perpetuity for the lifetime of the development, unless agreed in writing by the Local Planning Authority.

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

7. Interim and Temporary Drainage Method Statement (LLFA)

No development shall commence until details and a method statement for interim and temporary drainage measures during the demolition and

construction phases have been submitted to and approved in writing by the Local Planning Authority.

This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.

The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved in writing by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding and pollution offsite in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Undeveloped buffer zone: scheme to be submitted (EA)

No development shall commence until a scheme for the provision and management of an 8-metre-wide buffer zone alongside the Cuffley Brook has been submitted to, and approved in writing, by the Local Planning Authority, in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved scheme.

Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including artificial lighting, domestic gardens and formal landscaping. The scheme shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) A bat-sensitive lighting strategy outlining how the development will avoid light spill onto Cuffley/Turkey Brook and Hedgerow H3, as well as other existing hedgerows, the tree line and retained vegetation, thereby maintaining these habitats as foraging/commuting features for bats;
- c) Details of any proposed planting scheme (for example, native species);
- d) Details of any proposed footpaths or fencing; and
- e) A mitigation plan for the presence and management of invasive species.

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.

9. Vehicle Access

No development shall commence until detailed technical plans which show the detailed engineering designs and construction of the vehicle access and associated highway works are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

10. Biodiversity Gain Plan (Herts Ecology)

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; and
- h) Ongoing monitoring and remedial measures.

Thereafter, the development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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. Construction and Environmental Management Plan (Herts Ecology)

No development shall commence until a Construction and Environmental 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 statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To demonstrate how protected species will not be harmed by the constructions works, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. Works in Proximity to the Operational Railway Environment (Network Rail)

No development shall commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority. The methodology shall include:

- a) construction methodology;

- b) earthworks and excavations;
- c) use of crane, plant and machinery; and
- d) drainage and boundary treatments.

REASON: To ensure that the development can be undertaken safely and without impact to operational railway safety due to the proximity of the proposed development to the operational railway boundary, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

### 13. Piling (Thames Water)

No development shall commence until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water.

Thereafter, any piling must be undertaken in accordance with the terms of the approved piling method statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development can be undertaken safely and without impact to local underground sewerage utility infrastructure due to the proximity of the proposed development, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

### 14. HV Cables (UK Power Networks)

No development shall commence until accurate records of HV cables have been obtained from UK Power Networks and have been submitted to and approved in writing by the Local Authority.

REASON: To ensure that the development can be undertaken safely and without impact to HV cables due to the proximity of the proposed development, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

## **PRIOR TO ABOVE GROUND DEVELOPMENT**

### 15. Materials

No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed, unless otherwise agreed in writing by the Local Planning Authority.

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



#### 16. Landscaping

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

The landscaping details to be submitted shall include:

- a) original levels and proposed finished levels
- b) hard surfacing, other hard landscape features and materials
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 17. Landscape Ecological Management Plan (LEMP)

No development above ground level shall take place until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

This shall include details of measures to protect and enhance existing flora, fauna and habitats, as well as a plan to show species enhancements onsite and offsite reflecting proposals within 5.49 of the Ecological Impact Assessment submitted as part of this application.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 18. Habitat Management and Monitoring Plan (HMMP)

No development above ground level shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 19. Swift Bricks, Bird and Bat Boxes

No development above ground level shall take place until full details of a scheme for the installation of swift nesting bricks, integrated bat boxes and bird boxes have been submitted to and approved in writing by the Local Planning Authority. The site shall be constructed in accordance with the

agreed details, and shall thereafter be maintained in the approved form, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The biodiversity enhancements of this site are required in the interest of providing ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 20. Cycle Storage

No development above ground level shall take place until full details of secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved secure cycle parking must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose, unless otherwise agreed in writing.

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.

#### 21. Refuse and Recycling

No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse and recycling storage must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 22. Fire Hydrants

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.

### **PRIOR TO OCCUPATION**

#### 23. Contamination Verification Report

Prior to the first occupation of the development hereby permitted, and 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, 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

#### 24. Sound Insulation Pre-Occupation Testing

Prior to the first occupation of the development hereby permitted, pre-completion testing must take place which shows compliance with the following:

Noise tests must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms.

Noise testing must show that outdoor amenity areas comply with the 55dB WHO Community Noise Guideline Level, if outdoor amenity areas cannot comply, then it must be shown through testing that a suitable place is available within 5 minutes walk from the development that complies with the amenity noise level.

Noise testing must take place at properties closest to the railway line.

A pre-occupation testing report must be submitted and approved in writing by the Local Planning Authority. Non-compliance with these levels will require additional mitigation measures to be incorporated into the development, prior to the occupation of the development, and that additional work, shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

REASON: To protect the occupants of the development from noise disturbance and secure a high standard of design and amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 25. External Lighting

Prior to the first occupation of the development hereby permitted, details of external lighting must be submitted to an approved in writing by the Local Planning Authority.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting, and should be designed to minimise light spill, in particular directing light away from any boundary vegetation / trees to enable dark

corridors to be used by wildlife as well as directing lighting away from potential roost / nesting sites.

The approved external lighting scheme must be installed prior to occupation of the development and maintained in good working order in perpetuity with the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To help create a safe place and assist with the reduction of the fear of crime; to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 26. Maintenance and Management of SuDS

Prior to the first occupation of the development hereby permitted, details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter managed and maintained in accordance with the approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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:

- a) a timetable for its implementation.
- b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- c) 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 27. SuDS- Survey and Verification Report

Prior to the first occupation of the development hereby permitted, and upon completion of the surface water drainage system, including any SuDS features, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 6.

Where necessary, details of corrective works to be carried out, along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in

accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 28. Vehicular Areas

Prior to the first occupation of the development hereby permitted, all on site vehicular areas, including vehicle access, access road, internal road layout (gradient no more than 5%), forecourts, external parking spaces and mitigating highway measures, shall be installed, accessible, surfaced, marked out and fully completed in accordance with the approved drawings and thereafter retained and maintained at all times at the positions shown, unless otherwise agreed in writing. Arrangement 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 parking provision for the development, and to avoid carriage of extraneous material or surface water from or onto the highway, in the interests of highway safety in accordance with the Welwyn Hatfield Borough Council Local Plan, Hertfordshire's Local Transport Plan (adopted 2018), and the National Planning Policy Framework.

#### 29. Parking Allocation

Prior to the first occupation of the development hereby permitted, a scheme which shows the parking spaces allocated to each dwelling must be submitted to and approved in writing by the local planning authority. The car parking allocation must be provided in accordance with approved details and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure specific flats have an allocated car parking space in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 30. Accessible and Adaptable Homes

Prior to the first occupation of the development hereby permitted, all units specified as M4(2) and M4(3) as detailed within the agreed schedule of accommodation dated 5<sup>th</sup> January 2024 shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard, unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be retained to those standards.

The person carrying out the building work must inform the Building Control body which requirements apply.

Written verification of the completion of all dwellings in accord with the above will be supplied to the local planning authority within 30 days of the practical completion of the dwellings.

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.

## **OTHERS**

### **31. Noise from Construction**

All noisy 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

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

Construction deliveries, demolition and construction works, which shall include use of any plant or machinery, cleaning and maintenance of plant or machinery, deliveries to the site and movement of vehicles within the curtilage of the site, must not take place other than between 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

### **32. Air Quality**

The development must not be carried out other than in accordance with the approved Air Quality Assessment by SWECO dated 13<sup>th</sup> October 2023, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the occupants of the new development from current pollution levels and to ensure that the development does not increase local pollution levels in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

### **33. Removal of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 1 of Schedule 2 shall take place for all terraced and semi-detached dwellings proposed which encompasses the following plots: 1, 2, 3, 4, 5, 12, 13, 17, 18, 24, 25, 28, 29, 30, 31, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

34. Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows shall be inserted into the flank elevations of Plots 1 and 73 which are located to the far south of the site at the access with The Meadway.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

35. Obscured Glazing

Any upper floor window located in a wall or roof slope forming a side elevation of the building to Plots 1 and 73 which are located to the far south of the site at the access with The Meadway hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

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

36. Eastern Open Space

Notwithstanding the plans hereby approved, the area to the eastern side of the site denoted as public open space 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.

37. Ecological Impact Assessment

The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment by CSA Environmental dated January 2024, unless otherwise agreed in writing by the Local Planning Authority.

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.

38. Implementation of Landscape Planting

The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases,

whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 39. Retention & Protection of Trees & Shrubs

(a) 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. 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, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of first occupation of the development.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of maintaining the character and amenity of the area and minimising the impact of development in terms of ecology, biodiversity and climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 40. Construction Environmental Management Plan (CEMP)

The development must not be carried out other than in accordance with the approved Construction Environmental Management Plan and Method Statement dated 1<sup>st</sup> February 2024, unless otherwise agreed in writing by the Local Planning Authority.

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.

#### 41. EV Charging Facilities

The development must not be carried out other than in accordance with the approved EV charging facilities details as shown on plan 19244 / C107C dated May 2024, unless otherwise agreed in writing by the Local Planning Authority.



The approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate EV charging facilities in the interests of encouraging the use of sustainable modes of transport in accordance with the Welwyn Hatfield Borough Council Local Plan, Hertfordshire's Local Transport Plan (adopted 2018), and the National Planning Policy Framework.

#### 42. Energy Efficiency Measures

The development must not be carried out other than in accordance with the approved Energy and Sustainable Design Statement by DAEDALUS ENVIRONMENTAL dated January 2024, unless otherwise agreed in writing by the LPA.

The approved energy efficiency measures must be fully installed in accordance with the approved details, made fully operational, prior to the occupation of the buildings and thereafter retained as such for their operational lifetime.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency and maximises energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 43. Sound Insulation (including ventilation)

The development must not be carried out other than in accordance with the approved Residential Noise Impact Assessment dated 14<sup>th</sup> December 2023 by SWECO, unless otherwise agreed in writing by the Local Planning Authority.

The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.

REASON: To ensure that future occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### 44. 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 4, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 23.

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.

## **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. Other Legislation**

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.

### **2. Ownership**

The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

### **3. Statutory Consultee Advice**

The developer is advised to have regard to the representations received from statutory consultees which include advisory information and informatives.

### **4. Flood Risk Activity Permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our national customer contact

centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

5. Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

6. Obstruction of highway:

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 County Council website at:

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

7. New or amended vehicle crossover access (section 184):

Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

8. Debris and deposits on the highway:

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9. Avoidance of surface water discharge onto the highway:  
The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
10. Highway to remain private:  
The applicant is advised that all new highway routes within the development site are likely to 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.
11. Wheel Washing  
The applicant is advised that no development (including demolition) should commence until wheel-cleaning apparatus to prevent the deposit of debris, mud etc on the highway has been agreed with the Highway Authority. Hertfordshire County Council Transport Planning and Policy can be contacted on 03001234040.
12. Street Numbering  
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.
13. Damage to Grass Verges  
Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
14. Nesting Birds  
The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, enabling and construction work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive  
Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

## 15. European Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

## 16. Demolition/construction works

- 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.
- 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 work, 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.
- All 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.
- Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
- Permissible noise levels are not specified at this stage.

#### 17. Dust control

- 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.

#### 18. Building Control

In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

#### **OR**

It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of

the absence of a completed s106 agreement for the following reason and subject to the application not being called in by the Secretary of State:

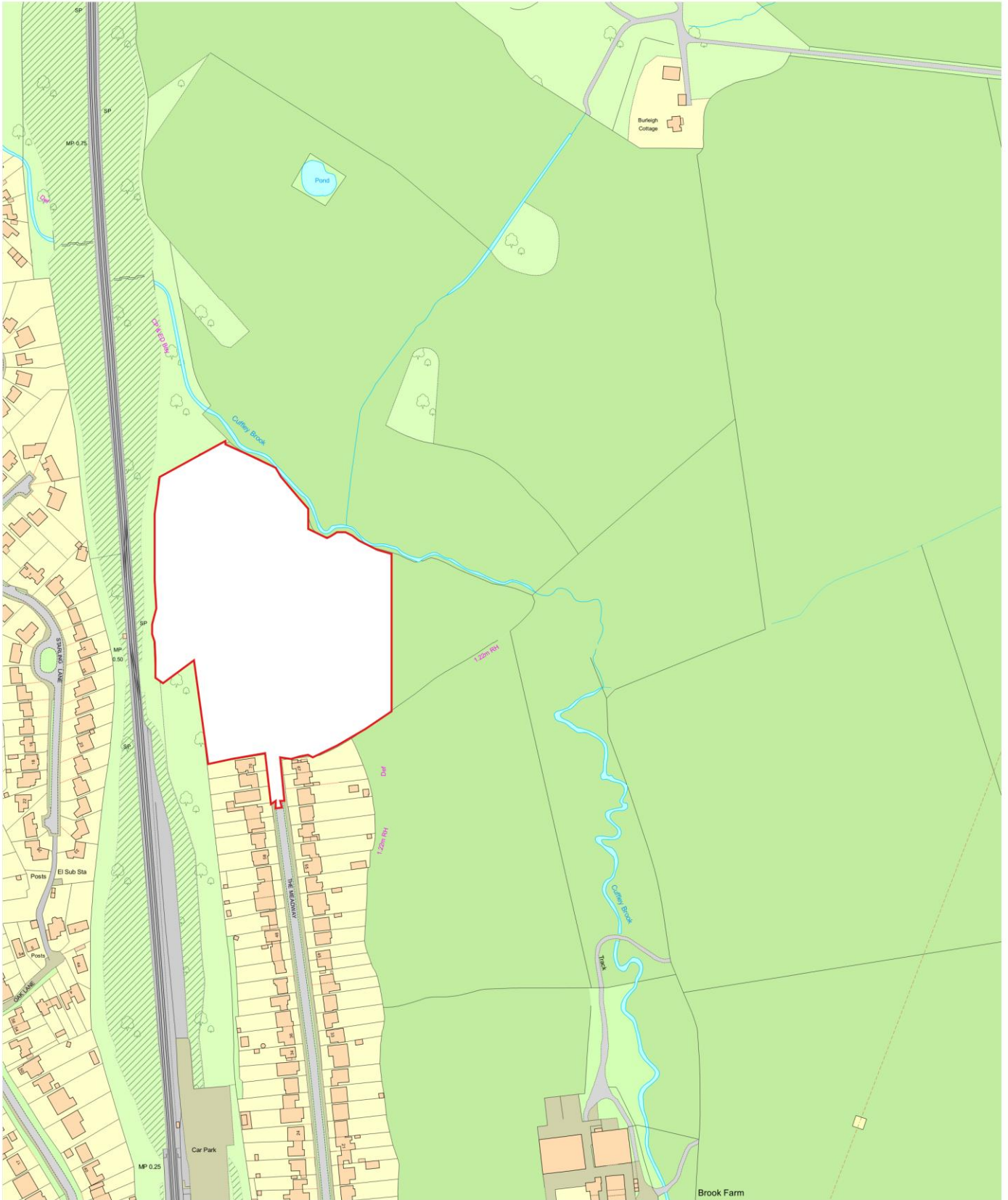
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.


Together with the above drawing numbers to also be included.

#### POSITIVE AND PROACTIVE STATEMENT

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

Ashley Ransome (Development Management)  
Date: 15<sup>th</sup> July 2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Land north of The Meadway Cuffley Potters Bar EN6 4ET		Scale: 1:5000
	6/2024/0105/MAJ		Date: 10-07-2024
Drawing Number:		Drawn: I Azunma	
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