

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 16 AUGUST 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/0717/MAJ

MILL GREEN, MILL GREEN LANE, HATFIELD, AL9 5NQ

ERECTION OF NINE DWELLINGS, REFURBISHMENT AND EXTENSION OF
THE GRADE II LISTED GREEN MAN PH INCLUDING PROVISION OF A MICRO-
BREWERY, NEW PUBLIC OPEN SPACE, WIDER PUBLIC REALM
IMPROVEMENTS AND ALL ANCILLARY WORKS

APPLICANT: Mr Downs

(Hatfield East)

1 Site Description

- 1.1 The site is located on the south west of the A1000. The site is divided in two by Mill Green Lane, with part of the site being to the east of this road and the other part being to the west. The eastern part of the site is located to the east of Mill Green Lane and between No. 1 Mill Green Lane and a dwelling called the Laurels. The western part of the site is to the west of Mill Green Lane and is bordered to its south by the Waterside Cottages, to its west by the River Lea and to its north by the A1000.
- 1.2 Except for the Green Man Public House, with its associated structures and its curtilage, the rest of the site currently consists of undeveloped land which is overgrown with a variety of self-seeded trees and long grass. The site has the A414 to its south and the A1000 to its west and north. To the east of the site although the land is open, it is not undeveloped because it is used as part of the 'Mill Green Golf Course'. In addition, there are historic industrial developments on the edge of the site, which include the former mill, an industrial management system for the River Lea and an old forge. As a consequence, the majority of the immediate surrounding landscape is not undeveloped and open countryside.

2 The Proposal

- 2.1 This application is for the construction of nine dwellings which would help to fund the restoration of the Green Man Public House, which is a Grade 2 Listed Building and its future use as a Public House and community space.
- 2.2 Four of the dwellings would be located on the land between No.1 Mill Green Lane and The Laurels, which is to the south. These dwellings would therefore effectively infill the gap between this existing line of built form. The

other five houses would be located effectively opposite these houses, on the other side of Mill Green Lane.

- 2.3 To the north of the houses on the western side of Mill Green Lane, it is proposed that a small village green will be created for the use of local residents. To the south of these houses it is proposed that a larger area of public open green space would be create which would also be designed to provide a habitat space for local wildlife.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it is a departure from local policy.

4 Relevant Planning History

- 4.1 Application Number: N6/2007/0396/FP
Decision: Granted
Decision Date: 04 May 2007
Proposal: Alterations to external elevations and internal alterations
- 4.2 Application Number: N6/2007/0397/LB
Decision: Granted
Decision Date: 04 May 2007
Proposal: Alterations to external elevations and internal alterations
- 4.3 Application Number: 6/2016/0712/LB
Decision: Granted
Decision Date: 16 September 2016
Proposal: Erection of single storey conservatory to the rear of property following demolition of existing lean-to
- 4.4 Application Number: 6/2016/2420/COND
Decision: Granted
Decision Date: 31 January 2017
Proposal: Approval of details reserved by condition 2 (Materials) on planning permission 6/2016/0575/HOUSE

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and site notices. Two representation has been received, supporting the application. This is summarised below:

- The proposal will breathe new life into Mill Green
- The proposal will provide benefits to the community
- The restoration of the pub will help the community by providing it with a meeting place

8 Consultations Received

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

- Hertfordshire County Council, Historic Environment Advisor
- Herts Ecological;
- WHBC, Public Health and Protection;
- Environment Agency
- WHBC Parking Services
- Welwyn Hatfield Borough Council Client Services; and
- Hertfordshire Country Council Transport Programmes and Strategy.
- Place Services

- 8.2 Welhat Cycling have raised concerns about the lack of any measures to incentivise cycling and walking within the scheme.

9 Analysis

- 9.1 The principle issues to consider, having regard to relevant development plan policies, the NPPF and all other material considerations are as follows:

- 1. Principle of development** (NPPF; Policies SD1, GBSP2, R1 and H2 of the Local Plan; Policies SP1, SP3 and SADM1 of the Emerging Local Plan)
- 2. Quality of design and impact on the character and appearance of the area** (NPPF; Policies D1, D2, D8, GBSP2 and SDG of the Local Plan; Policy SP9 of the Emerging Local Plan)
- 3. Impact on the living conditions of neighbouring occupiers and future occupiers** (NPPF; Policy D1 and SDG of the Local Plan; Policy SADM11 of the Emerging Local Plan)
- 4. Highway and parking considerations** (NPPF; Policies M14, SPG and Interim Car Parking Policy of the Local Plan; Policies SP4, SADM2 and SADM12 of the Emerging Local Plan)

5. Other considerations

- i) Listed buildings**
- ii) Community Open Space**
- iii) Bats and Ecology**
- iv) Flood Risk and Sustainable Drainage**
- v) Landscaping**
- vi) Contaminated Land**
- vii) Archaeology**
- viii) Refuse and recycling**
- ix) Fire Hydrant**
- x) Planning Obligation**

6. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances

1. The Principle of the Development

Local Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Local Plan; Local Plan Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the NPPF which supports the development of under-utilised land and buildings (para 118) and the efficient use of land (para 122). At the heart of the NPPF is a presumption in favour of sustainable development.

9.2 Apart from the pub and its curtilage the majority of the site is currently open and undeveloped overgrown grassland, with self-seeded trees.

9.3 The site has not been allocated in the Local Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- i. "The availability of previously-developed sites and/or buildings;*
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
- iii. The capacity of existing and potential infrastructure to absorb further development;*
- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; and*
- v. The physical and environmental constraints on development of land."*

- 9.4 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 9.5 The site is located approximately 700m from Hatfield Old Town Centre and Hatfield train station, which is served by regular train services to London and the South East. These services and facilities are accessible by footpath and a cycle path. In addition, to the immediate north of the site on the A1000 there are bus stops with regular daily services to Welwyn Garden City, Hatfield, St Albans and Hertford. The site is therefore well connected to alternative means of transport, with the result that the future occupants would not necessarily be heavily reliant on their cars. Therefore, the site meets the first four criteria of the policy. The fifth criteria relating to the physical and environmental constraints of the site is considered below in the following sections of this report.

Green Belt

- 9.6 The site is located within the Metropolitan Green Belt as defined by Policy GBSP1 of the District Plan. 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. The NPPF states, in paragraph 143 that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 then states that substantial weight should be given to any harm in the Green Belt and that "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy SADM34, which echoes Green Belt advice in the NPPF is also applicable.
- 9.7 Paragraph 145 of the NPPF states new buildings may not be inappropriate if they are considered to constitute the limited infilling of a village. The NPPF does not provide any guidance as to what constitutes a village or what constitutes limited infilling.
- 9.8 Within the settlement hierarchy of Policy SP3 of the Council's Emerging Local Plan (2016) Mill Green is found within the settlement type of 'small Green Belt villages and settlements'. In addition, this policy states that further development of these settlements should be considered against other Green Belt policies to assess the acceptability of the proposed development. No map is provided within Policy SP3 or the rest of the emerging Local Plan that indicates what is considered to be the extent of the village.
- 9.9 Given how Mill Green is defined within Policy SP3 of the Council's Emerging Local Plan (2016) and the need for any development within this settlement to be assessed against other Green Belt policies it is important that Policy SADM34 of the Council's Emerging Local Plan is considered. Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that

the proposed development should be considered against requirements and restriction of infill development. Policy SADM34 states as follows:

- i) Limited infill development will be permitted in villages within the Green Belt provided*
- ii) It is within a continuous built up frontage*
- iii) It does not extend the existing 'built up' area of the village into the open countryside;*
- iv) It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and*
- v) It is small scale and would not result in the provision of more than four dwellings (net)*

- 9.10 It is considered that although the proposed development would accord with (ii) and (iii), the proposal would fail to meet the other two criteria. As a consequence it is considered the proposed development cannot be classified as constituting limited infill development as set out within Policy SADM34.
- 9.11 Although the proposed development as a whole would conflict with Policy SADM34, it is judged that the four dwellings proposed on the eastern side of the proposed development and new buildings proposed in connection with the restoration of the public house would accord with this policy, with only the five dwelling to the west falling outside the limitations of this policy. Given the physical separation between these two parts of the development and the reality that these dwellings could be delivered independently of each other, it is judged for the purposes of Green Belt policies it is reasonable and appropriate in this case to consider them in two parts.
- 9.12 On this basis it is judged that the four dwellings on the eastern part of site, which include the works to restore public house, constitute limited infilling development within an existing village, with the result that they fall within limitation of paragraph 145(d) of the NPPF and SADM5 of the Council's Emerging Local Plan (2016) and are by definition not inappropriate development within the Green Belt.
- 9.13 The five dwellings on the western side of the site are not considered as falling within this exception. As a consequence, these five dwellings have also been considered against the other exceptions for development listed paragraph 145-146 of the NPPF which may be considered as not being inappropriate development.
- 9.14 Paragraph 145 of the NPPF deals with the construction of new buildings in the Green Belt, and sets out a range of exceptions to the general policy which may be considered as not being inappropriate. Paragraph 146 then lists certain other forms of development that are also not inappropriate. This list includes both engineering operations and the material change of use of land where they preserve the openness of the Green Belt and they do not conflict with the purposes of including land within the Green Belt.
- 9.15 As the five dwellings would be constructed on land which is currently undeveloped, it is important that its impact on the openness and purposes of the Green Belt are assessed. As a consequence, paragraph 133 and 134 of the NPPF needs be considered. Paragraph 133 of the NPPF outlines that:

“The Government attaches great importance to Green Belts. 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.”

9.16 There is no definition of openness in the NPPF, but in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.

9.17 With regards to the purposes of the Green Belt, paragraph 134 states that the Green Belt serves five purposes which are:

- *“to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring town merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

9.18 The proposed development would result in previously undeveloped land being developed with the construction of nine dwellings and their associated residential curtilages. It is important to note that the proposed dwellings along with the rest of the development site has the A414 to it is south and the A1000 to it west and north. To the east of the site although the land is open, it is not undeveloped countryside because it is used as part of the ‘Mill Green Golf Course’.

In addition, there are historic industrial developments on the edge of the site, which include the former mill, a canal and an old forge. As a consequence, the majority of the immediate surrounding landscape is not undeveloped and open countryside. As a result views across the currently undeveloped land provide few views of openness and undeveloped Green Belt land.

Furthermore the compact nature of the proposed dwellings, in close proximity to other dwellings, means that although there would be impacts to the openness of the Green Belt these would be minimised. As a consequence the dwellings would result in a moderate reduction in the openness of the Green Belt, contrary to one of the essential Green Belt characteristics set out in paragraph 133. However, it is considered given the physical and constraints to the site that the proposed development would not conflict with any of the purposes of including land within the Green Belt.

9.19 Having regard to paragraph 144 of the NPPF, substantial weight must be afforded to the harm arising from both inappropriateness and loss of openness. The key issue therefore is whether very special circumstances exist to outweigh the harm caused, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. An assessment of whether very special circumstances exist is carried out at the end of this report.

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

9.20 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council’s

Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan 2016 and are a core principle of the NPPF which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 9.21 The proposed dwellings for plots 1-4 are proposed to be four bedroom dwellings which would be materially the same in terms of their scale, massing, bulk and design. They would consist of two sets of three storey semi-detached dwellings, with the third floor being provided within the roof space. The rear of the properties would have a shared rear projection which would project approximately 4.3m from the centre of the two properties and would have a gable end. The general shape of these houses is similar to that of the existing semi-detached properties to the north. The proposed rear projection would have a higher ridge line than that of the main roof. The proposed design of the properties would give them a mock Victorian appearance. This is reinforced by the proposed fenestration pattern and the proposed glazing pattern that is to be used within the windows. Each of these properties would have their own garage which would be to the side of the proposed dwellings, as well as two parking spaces located in front of their garages.
- 9.22 Plots 5-8 on the western side of the application site are proposed to be three bedroom dwellings which would be materially the same in terms of their scale, massing, bulk and design. As a consequence they have been discussed together here. Each of these properties would be a two storey detached dwelling, with the first floor room being served by dormer windows within the roof slope. These dormer windows would have small pitched roofs which would be sympathetic to the main roof. The form and layout of these dwellings is relative simple, with no projections from either their front or rear elevations, apart from each having a small porch on their front elevation. When these features are combined with the proposed fenestration they would give these properties the appearance of Victorian cottages. The parking for these dwellings would be provided to the rear with one space being provided within a garage for each property and with two spaces provided to the side of the garages.
- 9.23 Plot 9 is on the western side of the application site and to the south of plots 5-8. It is proposed that this dwelling would be a four bedroom two storey detached dwelling. The proposed dwelling would have a materially different layout and appearance to plots 5-8 because although the northern half of the dwelling would be similar, the southern half of the dwelling would have a two storey feature that would be at a right angle to the northern half. This feature would have two gable ends on its front and rear projects, and its ridgeline would be slight higher than the ridgeline within the northern section of the dwelling. The layout would mean that when viewed from above the dwelling would appear almost 'T' shaped. Although the proposed layout and size of this dwelling would be materially different to that of plots 5-8, the proposed fenestration detailing for the first floor room would similar, with these rooms being served by dormer windows of a similar design, size and setting within the roof slope, to plot 5-8. As a consequence of these design features the proposed dwelling would maintain the Victorian character of the proposed

development while making this dwelling a more substantial property than the other proposed dwellings. The parking for this dwelling would be provided to the rear with one space being provided within a garage and with two spaces provided to the side of the garages.

- 9.24 It is considered that the proposed design, scale, massing and layout of the proposed dwelling would respect and relate to the character and context of the area. This is because the proposed development would, with the use of Victorian designs for the dwellings, respect the heritage of the area and setting of the listed buildings within the immediate area, which include not just the public house but the former mill and forge. In addition, the proposed use of semi-detached dwellings to the immediate south of the existing dwellings to the north of the application site respect the character and form of these building, although with different architectural detailing.

Works to the public house

- 9.25 Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that the local planning authority shall have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The specific historic environment policies within the NPPF are contained within paragraphs 184-202. Paragraph 192 of the NPPF, ‘In determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness’

- 9.26 Paragraph 193 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation and the more important the asset the greater the weight it should be given. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial Paragraph 196 states that this should be weighed against the public benefits of the proposal. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

- 9.27 The proposed development seeks to restore the former Green Man public house following a number of years where it has been empty and unused. The proposed works would see the building being brought back into to use as a public house and the creation of a microbrewery on the site. In terms of physical works, it is proposed that the public house would be extended with single storey additions at both sides, and its rear, and a new building would

be constructed to the rear of the public house which would contain the microbrewery. The new building would be to the east of the public house and would be two storeys in height. It would contain a microbrewery on its ground floor and living accommodation on its first floor.

- 9.28 The new building and extension to the existing building have been designed in a manner that respects and relates to the existing listed public house. The way this has been achieved is through designing the proposed works so that they are positioned in locations that do not detract from the setting or the design of the listed building. In addition, the design of the new building is complementary to the form and character of the listed building. With regards to the proposed fenestration pattern within the proposed extensions and new building it is considered that these would be acceptable. Given the proposed works would be attached, or within the curtilage of the listed building it is considered that it would be reasonable to impose a condition, if the application were approved, requiring that samples of the proposed materials be submitted and agreed by the Council to make sure that they are appropriately sympathetic to the listed building.
- 9.29 Subject to the above condition, the proposal is judged to not harm the significance of the heritage asset and that its impact would be neutral. As a consequence, it would be in accordance with the Policies of the NPPF.

3. Impact on the living conditions of neighbouring occupiers and future occupiers

- 9.30 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. We should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.31 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 9.32 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.
- 9.33 The proposed development, by virtue of its proposed relationship to adjoining neighbours and the proposed plot sites for the dwellings means that it would not unduly impact on the light, or be overbearing, to these adjoining properties. It is noted that the four dwellings proposed on the eastern part of the site would alter the relationship that No. 1 Mill Green Lane and Laurels have with the land that they border because it is currently undeveloped but it is considered that change in relationship would be acceptable. The reason for this is because the proposed dwellings which would be adjacent to these properties would be positioned so that they are appropriately set back from the boundaries of these plots. In terms of privacy it is considered that proposed layout of the new dwellings within this part of the site would mean that although there would be a change in the level of privacy that these properties

currently enjoy, it is considered that a reasonable level of privacy would be maintained.

- 9.34 With regard to the impact of the scheme on future occupiers of the proposed dwellings, the proposed layout shows that a reasonable relationship would be provided.
- 9.35 Policy R19 of the District Plan requires proposals to be refused if the development is likely to be subject to unacceptable noise or vibration from other land uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential.
- 9.36 The applicant has submitted a noise assessment of the site as part of this application which has been assessed by the Council's Public Health and Protection Team. They have commented that given the noise level generated by the A1000 and A414, which are adjacent to the site that they want a further noise assessment to be undertaken to assess this impact on the proposed buildings prior to commencement of the proposed development. Given these comments it is considered reasonable and appropriate, if the application was approved, that a condition be imposed requiring that this work be undertaken prior to the commencement of the proposed development, in the interest of protecting the amenity of future residents of the site.
- 9.37 Further to the above, it is considered that, subject to the proposed conditions being imposed, the proposed development could provide reasonable living conditions, for both neighbours and future occupants.

4. Highway and parking considerations

- 9.38 The proposal seeks permission for the erection of nine new dwellinghouse and the renovation of an existing public house.
- 9.39 Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. As a consequence of the requirements within the NPPF, 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.
- 9.40 As a consequence it is important to consider the Council's SPG on Parking Standards and the Council's Interim policy for Car Parking. Given the location of the application site and the fact that the application proposes the creation of nine new four bedroom dwellinghouses it is considered that the development should seek to provide twenty seven off street car parking spaces for these dwellings. As it is proposed that the development would

provide twenty seven off street car parking spaces it is considered that this is acceptable. In addition, it is important to note comments received by the Highways Authority which state that the proposed parking provision and means of access would be acceptable and would not cause a highway safety issue.

- 9.41 With regards to the parking provisions for the public house, the Council do not have specific parking provision requirements for this use but it is considered that the provision of thirty three off street car parking spaces would be acceptable for this use.
- 9.42 It is noted that comments have been received by the Council's Parking Services with regards to the layout of the proposed parking spaces. In summary, concerns were raised about the proposed use of tandem parking within plots 1-4 and the possible need for double yellow line along Mill Green Lane. It is considered by officers that the use of tandem parking is acceptable in this location and the proposed spaces accord with the Council's parking policies. With regards to the comments about double yellow line this is not something that the Council can condition as part of this application as the highway is not in the control of the applicant because it is owned and maintained by Hertfordshire Highways. In addition, Hertfordshire Highways as the relevant highways authority have not raised any objection to the proposal on these grounds.
- 9.43 Further to the comments received from Welhat Cycling, Hertfordshire Highways were consulted with regards to the concerns raised within their comment. They stated in response that they did not consider that it would be reasonable to require the applicant to provide the suggested cycling provision because of the size of the development and the proximity of the development to existing cycling routes.
- 9.44 Further to the above, it is considered that the development would not have an unreasonable impact on the safety and operation of the adjoining highway in accordance with the NPPF; Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance.

5. Other considerations

Restoration of Listed Building

- 9.45 With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property. Policy SADM11 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 9.46 The NPPF at paragraph 202 says that Local Planning Authority's should "assess whether the benefits of a proposal for enabling development that would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disadvantages of departing from these policies".

9.47 The English Heritage (now Historic England) publication “Enabling development and the conservation of significant places” 2008 provides detailed guidance on this topic. It has been accepted as a material consideration in several court cases, with the result that it is relevant to the considerations within this report.

9.48 This guidance defines enabling development as ‘development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved’. It indicates that the case for enabling development rests on there being a ‘conservation deficit’ – where the existing value of a building (often £0) plus development costs exceeds its value after its renovation. The Policy sets out a number of criteria to assess proposals for enabling development including that it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset and that its form minimises harm to other public interests. The Policy and full list of the criteria set out within the guidance is as follows:

“Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting*
- b) it avoids detrimental fragmentation of management of the place*
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose*
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
- e) sufficient subsidy is not available from any other source*
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests*
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.*

9.49 If these criteria are met, permission should only be given if the impact of the development is precisely defined at the outset, it is securely and enforceably linked to a planning obligation or planning condition, the heritage asset is repaired to an agreed standard as early as possible and the planning authority closely monitors implementation.

9.50 Further to the comments from the Council’s conservation officer it is considered that the proposed development would not materially detract from the architectural and historic interest of the asset or materially harm its setting. As the proposed development around the heritage asset does not propose changes to curtilage of the heritage asset and the proposed use of the buildings within its curtilage are materially the same as its historic use it

would not result in the detrimental fragmentation of the management of the heritage asset. The proposed works to the heritage asset are designed to provide a long term future which would maintain the continued use of the property as a public house, with the result that the proposed use of the heritage asset would be sympathetic to the historic use of the property. The inherent needs to restore the heritage asset have resulted from the fact that in its current form it cannot operate as a viable public house with the result that without substantial investment there is a real risk that the heritage will be lost.

- 9.51 The applicant has stated that the nine dwellings proposed within this application are the minimum required to fund the restoration of the heritage asset. The Council's analysis of this proposal indicates that nine dwellings would exceed the minimum number of dwellings required to deliver the restoration of the heritage asset. This viability analysis indicated that a maximum of six dwellings would be required to deliver the restoration of the heritage asset. Given this analysis, it is considered that the five dwellings to the western part of the site would be sufficient to facilitate the complete restoration of the heritage asset with a small amount of cross funding from the rest of the site. As a consequence of the above mentioned discussion about the five dwellings on the western side of the development being considered as inappropriate development because they fail to accord with Local and National Green Belt policy, it is considered that it would be reasonable to consider these dwellings on their own as amounting to the enabling development. This is because the four dwellings on the eastern side of the development site are not considered as requiring any enabling development to make them acceptable and compliant with policy.
- 9.52 It is considered that proposed enabling development would allow for the restoration of a heritage asset which has local significance to the community and would provide a community asset that would have benefits to the community by restoring a community facility that has been lost since 2007. It is considered that this benefit would outweigh the long term cost to the community that would be caused by the loss of a small amount of Green Belt land where the proposed new dwellings would be located.
- 9.53 Further to the above analysis it is considered that the proposed development is in accordance with Historic England's guidance on enabling development for a heritage asset. As the acceptability of the proposed development in heritage terms is fundamentally linked to the restoration of the heritage asset and Historic England's guidance states that enabling development should be securely and enforceably linked to a planning obligation or planning condition, it would be reasonable and appropriate, to require that the enabling development is secure in either of these manners, if the application is approved. Historic England's guidance states that planning conditions will normally be acceptable where the restoration works will be delivered earlier within proposed development. In this case as the applicant would like to restoration to be commenced at the end of the development it is considered to secure the restoration works through an obligation. In accordance with the guidance discussed previously this obligation should include, but would not be limited to, an agreed timescale for the proposed works which would be linked to the enabling development, to ensure that the heritage asset is restored, and a restriction on the use of the heritage asset and its curtilage, so that it remains in its current use as a public house. It is considered that a

reasonable trigger point for the complete restoration of the heritage would be prior to applicant being able to occupy or sell the 7th dwelling within the proposal.

Community Open Space

- 9.54 It is important to note that the application is not solely enabling development that would facilitate the restoration of the listed building because it is also proposed that the development will provide public open space for community use. This public open space would be provided on land that is currently undeveloped, with a small piece being to the north of five dwellings on the western side of the site and a larger piece of land to the south of these plots. As this land is currently private with no public access to it. It is proposed as part of the application that this land would be opened up so that both existing residents and future residents would be able to use it.
- 9.55 It is considered that by securing the permanent public use of this land as community open space the development would positively enhance the beneficial use of the Green Belt by providing public access to formerly unaccessible land. In addition, with the appropriate landscaping of this land it could provide opportunities for recreation, visual amenity and biodiversity. In addition, the proposed use of these pieces of land in this manner would lessen the visual impact of the proposed development on the Green Belt by providing permanent open land which can be enjoyed by the community.
- 9.56 As a result of the importance of this open public space to the proposed development it is considered that it would be reasonable and appropriate, if permission were to be granted, for this land to be subject to a planning obligation. This obligation should include, but would not be limited to, a restriction that the land be permanently kept, with the public having unrestricted access to it and that there would be an agreed maintenance plan which would secure the permanent upkeep of this land and any landscaping.

Bats & Ecology

- 9.57 The NPPF states that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. One of the principles of the NPPF is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 9.58 Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 9.59 Policy R14 refers to areas of nature conservation interest and the need to ensure that a loss of wildlife habitats and other features of nature conservation interest are not permitted.
- 9.60 The applicant has undertaken a recent ecological appraisal of the application site and that survey has been submitted as part of this application.
- 9.61 Hertfordshire Ecology have been consulted as part of this application and they have assessed the submitted appraisal. In summary their response is that the proposed development would be acceptable but that it is important

that a number of further habitat surveys are undertaken prior to the commencement of the permission. It is stated within their comments that there is a requirement that a management plan is agreed for the open space areas that are proposed to make sure that they appropriately deliver the necessary ecological benefits to the scheme which are essential to making the scheme acceptable. It is stated that as the proposed development would result in a net loss of natural habitat resource that this needs to be offset offsite. It is considered that given the availability of what is referred to as the western meadow within close proximity to the site that this would be best site for the offsetting to occur and that this habitat should be secured and managed through a S106 agreement.

- 9.62 As a consequence of this advice it is considered reasonable and appropriate to require that the proposed conditions are imposed on any approval and that the permission should be subject the agreement of an appropriate S106 to manage and maintain the habitat that will offset the net loss of habitat resource with this proposal. It is important to note that this land is outside the red line but it has been indicated through the submitted drawings that this land is within the ownership of the applicant.

Flood Risk and Sustainable Drainage

- 9.63 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is predominantly located within Flood zone 1 i.e. a low probability of flooding but a small amount of the site that is located on the western boundary of the site is located within Flood Zone 2.
- 9.64 In an area classified as Flood Zone 1 all land uses are considered appropriate and the technical guidance advises that the overall aim of the sequential approach should be to steer development to Flood Zone 1. The technical guidance advises that residential uses should be steered toward Flood Zone 1 where possible and where it cannot that there is appropriate mitigation measures. As the proposed development site includes land that is within Flood Zone 2 it is important to assess whether the proposed use of the land in these areas meets the guidance. The proposed layout of the site means that the parts of the site that are within Flood Zone 2 are either to be used as part of the buffer zone, between the river and plots 5-9, or as part of the public open space provision to the south of these proposed dwellings. It is important to note that none of the proposed dwellings or their gardens would be within Flood Zone 2. As a consequence of the proposed layout, it is judged that the proposed development is in accordance with the guidance on steering residential development to land that is within Flood Zone 1.
- 9.65 The technical guidance also advises that the overall aim of developers and local authorities should be to seek opportunities to reduce the overall level of flood risk in an area through the layout and form of the development and the appropriate application of sustainable drainage systems. Such systems are designed to control surface water run off lose to where it falls and mimic natural drainage as closely as possible.

- 9.66 A Flood Risk Assessment and Drainage Strategy has been submitted by the applicant as part of this application. The Lead Local Flood Authority and Environment Agency have been consulted as part of this application and they have raised no objection to the Flood Risk Assessment and Drainage Strategy submitted by the applicant. The Lead Flood Authority have asked that conditions be imposed on any approval requiring that the proposed development accords with the details submitted within the submitted Strategy. Accordingly, subject to recommended conditions being imposed on any approval, the proposed development would be in accordance with Policy R7 of the District plan (2005), Policy SADM14 of the Emerging Local Plan (2016) and the NPPF.

Landscaping

- 9.67 Local Plan Policy R17 seeks to protect existing trees whilst D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 and D2 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 9.68 It is noted that some details have been provided as part of this application about the location and areas that would be used for hard and soft landscaping. It is considered that the information provided is sufficient to assess that the location and size of the proposed soft and hard landscaping would be acceptable but further information is required to make sure that the materials and planting used within these landscaping features are acceptable. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a landscaping plan be submitted and approved by the Council.
- The existing trees along the northern boundary of the site which borders the A1000 are considered to have significant public amenity value and also would serve to partially screen the new dwellings from the A1000. Given the importance of these trees to the development, it is considered that details be provided as to how these trees will be protected during the construction phase of the development and that there should be a condition on any approval requiring that they be retained. It is also considered that further planting along this boundary should be proposed in any future landscaping plans because such a feature would help to limit the visual impact of the proposed development from the A1000. It is therefore considered reasonable an appropriate to attach a planning condition requiring a Tree Protection Plan be submitted and approved by the Local Planning Authority prior to the commencement of development and to ask for addition planting to be shown along this boundary on the future landscaping plan. The tree protection plan should also cover the protection of the TPO tree near the public house.

Contaminated Land

- 9.69 Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

- 9.70 Given the nature of the use at the site and the comments from the Council Environmental Health team, it would be considered reasonable, if minded to grant planning permission, to impose a condition ensuring that any unexpected contamination found during any phase of the development is identified to the Local Planning Authority and a scheme of mitigation based on the contamination found submitted and approved.
- 9.71 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to policy R2.

Archaeology

- 9.72 Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.
- 9.73 The consultation response from the Historic Environment Advisor indicates that due to the heritage of the immediate area, which includes a number of listed buildings that date back to the 17th Century, there is a reasonable likelihood that there could be historic works on the application site which may be disturbed as part of the proposed development. As a result of this, it would be reasonable and appropriate to impose a condition on any approval which would require an appropriate archaeological assessment of the site prior to commence, which would inform what further works are necessary.

Refuse and recycling

- 9.74 The Council's Client Services Team have been consulted as part of this application and raised no objection to the principal of the proposed development but they have requested that further information be submitted with regards to the location, size and type of storage area proposed for the dwellings. It is considered that if this application were approved that this information could be secured through condition.

Fire Hydrant

- 9.75 As Herts Fire & Rescue Service have requested that there is appropriate fire hydrant provision as part of the proposed development in accordance with Hertfordshire County Council's Obligations tool kit. It is considered that this request is reasonable and that due to the fact that an obligation will be required for other parts of the development that this requirement can be included within this obligation. As a consequence, were permission to be granted an appropriate condition should be imposed requiring that this equipment be installed and retained permanently.

Planning Obligation

- 9.76 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development
 - c) fairly and reasonably related in scale and kind to the development

- 9.77 Herts Ecology have requested that the applicant provide land outside site, which they refer to as the western meadow, to offset the ecological harm that the proposed development would cause.
- 9.78 Officers consider given the importance of the public open green space that is proposed as part of this application that it is appropriate and reasonable to request that the management and access to this land is managed through an obligation. In addition, it is considered reasonable and appropriate to ask that the proposed restoration of the listed building (the public house) is controlled by an obligation because the applicant has made clear that they do not want to begin these works until the majority of the properties within the development have been sold.
- 9.79 Hertfordshire County Council have requested contributions for education and children's services. It is important to note that in accordance with the requirements set out within the Planning Policy Guidance (PPG), Councils are unable request contributions of this nature for site that are for ten dwellings or less.
- 9.80 The applicant has entered into negotiations on the planning contributions outlined above and it is anticipated that the S106 Agreement will be entered shortly after the decision is made, if it is indeed determined at committee to resolve to grant subject of the completion of the S106 Agreement.
- 9.81 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL Regulations 2010, as amended.

6. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances

- 9.82 It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt that would be caused by the five dwellings proposed within the western part of the site, which for the reasons set out above, constitute inappropriate development. The NPPF indicates that substantial weight must be attached to inappropriate development by reason of its inappropriateness.
- 9.83 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, as set out above the proposed development would lead to some loss of openness and would be an encroachment into the countryside, which adds to the harm to the Green Belt, albeit to a limited extent.
- 9.84 With respect to 'any other harm', the site would be primarily contained within the existing built form of the immediate area and the landscape strategy proposed is likely to lead to an enhanced landscape value for the site. The ecological value of the site would be harmed by the proposals but provided that a suitable obligation can be agreed to secure the permanent use of the western meadow, which is outside the site, to offset the harm to the ecology

within the site, the ecological impacts of the proposed development would be acceptable. In addition, subject to conditions, the strategy for site drainage has been found acceptable by the statutory authorities.

- 9.85 With regard to highway matters and parking, these are regarded as satisfactory by the Highway Authority and the Council's Parking Service Team. As matters stand, the proposal and the resulting traffic generation are not considered to be harmful to highway safety which in favour of the proposal.
- 9.86 With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact on residential amenity which would weigh against the scheme.
- 9.87 In respect of those matters which weigh in favour of the scheme, subject to the applicant agreeing to a S106 Agreement on the restoration of the listed building and the permanent management of the green spaces proposed for public use, it is considered that the restoration of the listed building and community green space would make a very positive contribution to immediate community of Mill Green but also the wider area. It is therefore, considered that these aspects weigh substantially in favour of the development.
- 9.88 Paragraph 144 of the NPPF outlines that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 outlines that *'Very Special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 9.89 It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): "It is of the essence of very special circumstances that the applicant establishing them is in a very special category." However, by their nature the existence of very special circumstances must relate to a particular site.
- 9.90 In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the restoration of the listed building on site and the community green space that are proposed to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

Conditions and obligations

- 9.91 The National Planning Policy Guidance governs the use of conditions and planning obligations in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions and obligations can enhance the quality of development and enable many

development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions and obligations are clearly seen to be fair, reasonable and practicable. Conditions and obligations should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition, or obligation, is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition, or obligation, were not to be imposed. If it would not, then the condition, or obligation, needs special and precise justification.

10 Conclusion

- 10.1 Policy SD1 of the District Plan and Policy SP1 of the Emerging Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.
- 10.2 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas. In this instance, the location of the development would be accessible for local amenities and public transport, and would provide additional accommodation in the area to support local shops and services, all in line with the objectives of NPPF. The proposal would have an economic benefit during the construction phase and a limited social benefit through the provision of 9 windfall residential units making a small but valuable contribution to local housing supply; this is a clear benefit as it reduces pressure on housing land take elsewhere, albeit to a limited degree.
- 10.3 Notwithstanding the identified harm to the Green Belt, when all of the factors, set out above, which are all material considerations, are taken together, the Officers' view is that the test in paragraph 88 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.
- 10.4 Subject to conditions and a planning obligation the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or nature conservation interests and subject. Accordingly and for the reasons given, the proposal is recommended for approval.

11. Recommendation

11.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a supplementary Section 106 Agreement, on or before 16 October 2018 to secure the following obligations:

- Management and access plan for the public open space
- Management plan for the western meadow
- Scheme of works for the restoration of the listed building, with a requirement that the works will be complete before the sale or occupation of the 7th dwelling on site.

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework 2018 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

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

The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments;
- b) hard surfacing, other hard landscape features and materials;
- c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, details of seeding or turfing and details on when these will be undertaken;
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features; and
- g) management and maintenance details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2018.

3. Before any demolition, clearance, building or other works commence on site, an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method statement must include:
- a) A plan showing the areas of trees, or parts of trees growing from adjacent sites, to be protected and fencing in accordance with the relevant British Standard (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) and to identify areas where no chemical or materials or equipment shall be stored, mixed or prepared, no fires or site washings, within the root protection area of the tree or under the canopy spread whichever is the greater;
 - b) details of any proposed alterations to existing ground levels and details of any proposed excavation within the proximity of the root protection area of any retained tree, including trees growing from adjacent sites, or within a distance from any retained tree equivalent to half the height of that tree; and
 - c) specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policies R17 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2018.

4. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by WSP, project number 70014494, dated March 2018 and the following mitigation measures:
- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off from the undeveloped site during the 1 in 100 year event plus 40% of climate change event;
 - b) providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 5.3 m³ storage volume for Plot 1, 6.2 m³ storage volume for Plot 2, 6.2 m³ storage volume for Plot 3, 6.2 m³ storage volume for Plot 4, 5.5 m³ storage volume for Plot 5, 6.0 m³ storage volume for Plot 6, 6.0 m³ storage volume for Plot 7, 5.5 m³ storage volume for Plot 8, 6.5 m³ storage volume for Plot 9, 50.9 m³ storage volume for pub building and hardstanding (or such storage volumes agreed with the LLFA); and
 - c) discharge of surface water from the private network into the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements

embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory disposal, and storage of surface, water from the site and to reduce the risk of flooding to the proposed development and future occupants. To comply with Policies R5 and R7 of the Welwyn Hatfield District Plan 2005 and in accordance with the National Planning Policy Framework 2018.

5. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- a) Detailed infiltration tests conducted to BRE Digest 365 Standards at the exact depths and locations of 3 out of 9 proposed soakaways and with recorded groundwater levels. Achieved infiltration results should not be lower than 1×10^{-4} . If this cannot be achieved the drainage strategy should be updated in line with the achieved infiltration rates; and
 - b) detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To comply with Policies R5 and R7 of the Welwyn Hatfield District Plan 2005 and in accordance with the National Planning Policy Framework 2018.

6. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority an environmental Noise assessment. This report should include:
- a) Details of a noise monitoring exercise and details of the facade and internal noise levels for the premises;
 - b) noise measurement results in terms of day and night-time LAeqs, LA90s and for night-time, L_{Amax} (f) will be required;
 - c) details of how the standards within BS8233 will be achieved must be provided; and
 - d) If opening windows compromises these levels, mechanical ventilation will be required that meets the ventilation rates within the Noise

Insulation Regulations 1975 (amended 1988). Details of any mechanical ventilation systems needed to achieve this will be required.

No part of the development hereby approved shall be occupied unless in accordance with the approved scheme. The approved scheme must be permanently retained thereafter.

REASON: To protect the residential amenity of future occupiers in accordance with the National Planning Policy Framework 2018 and Policies R19 & D1 of the Welwyn Hatfield District Plan 2005.

7. Prior to the commencement of the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to noise from plant and equipment (including any kitchen extract systems) to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 5dB (LAeq) below the background noise level (LA90) at the nearest residential properties (10dB below the background noise level if the noise produced is tonal).

REASON: To protect the residential amenity of future occupiers in accordance with the National Planning Policy Framework 2018 and Policies R19 & D1 of the Welwyn Hatfield District Plan 2005.

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

a) Site Characterisation

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

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

iii. an appraisal of remedial options, and proposal of the preferred option(s).

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

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

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

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

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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

e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives

have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2018.

9. No development shall take commencement until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The development shall not be carried out other than in accordance with the approved Archaeological Written Scheme of Investigation. 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 for post investigation assessment;
 - c) provision to be made for analysis of the site investigation and recording, including the Green Man Public House;
 - d) provision for how archaeological recording, relating to the Green Man Public House will be carried out to record all interventions into the fabric of building in areas where such works might reveal additional information relating to the development of the building, and for the purpose of recording any original historic features that may be exposed
 - 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.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

10. The development shall not be 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 10, and the provision made for analysis and publication where appropriate.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with the National Planning Policy Framework 2018 and Policy R29 of the Welwyn Hatfield District Plan 2005.

11. No development shall take place until an environmental management plan for the construction period has been submitted to and approved in writing by the Local Planning Authority. This shall include a review of any ecological impacts; risk assessment of potentially damaging construction activities; identification of any biodiversity protection zones; practical measures to reduce impacts during construction; location and timing of works to avoid harm to any biodiversity features; any times when specialist ecologists need to be present to oversee work and use of protective fences, exclusion barriers and warning signs. The approved plan shall be adhered to throughout the construction period

REASON: To make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in accordance with the National Planning Policy Framework 2018 and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

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

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|-------------------------------------------|----------------------|
| 899-003 | 0 | Existing Floor Plans (The Green Man) | 19 March 2018 |
| 899-004 | 0 | Existing Elevations (The Green Man) | 19 March 2018 |
| 899-005 | G | Proposed Ground Floor (The Green Man) | 19 March 2018 |
| 899-006 | F | Proposed First Floor Plan (The Green Man) | 19 March 2018 |
| 899-007 | F | Proposed Elevations (The Green Man) | 19 March 2018 |
| 899-200 | F | Street Elevations 01-05 | 19 March 2018 |
| 899-3B-CT-133-001 | | House Type 3B-CT-133 | 21 March 2018 |
| 899-3B-CT-133-003 | | House Type 3B-CT-133 | 21 March 2018 |
| 899-4B-CT-179-001 | | House Type 4B-CT-179 | 21 March 2018 |
| 899-4B-CT-179-002 | | House Type 4B-CT-179 | 21 March 2018 |
| 899-3B-CT-133-002 | | House Type 3B-CT-133 | 21 March 2018 |
| 899-4B-CT-179-003 | | House Type 4B-CT-179 | 21 March 2018 |

| | | | |
|------------------------------|---|-----------------------------|---------------|
| 899-002 | E | Existing Site Location Plan | 19 March 2018 |
| 899-102 | D | Site Plan | 19 March 2018 |
| 899-100 | T | Masterplan | 19 March 2018 |
| 899-103 | D | Proposed Parking Plan | 19 March 2018 |
| 1027-4B- SD-132- 001-F | | House Type 4B-SD-132 | 21 March 2018 |
| 899-101 | E | Proposed Fencing Plan | 19 March 2018 |
| 1027-4B- SD-132- 002-F | | House Type 4B-SD-132 | 21 March 2018 |
| 045_001 | D | Landscape Masterplan | 16 March 2018 |

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

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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 (see Officer's report which can be inspected at these offices).

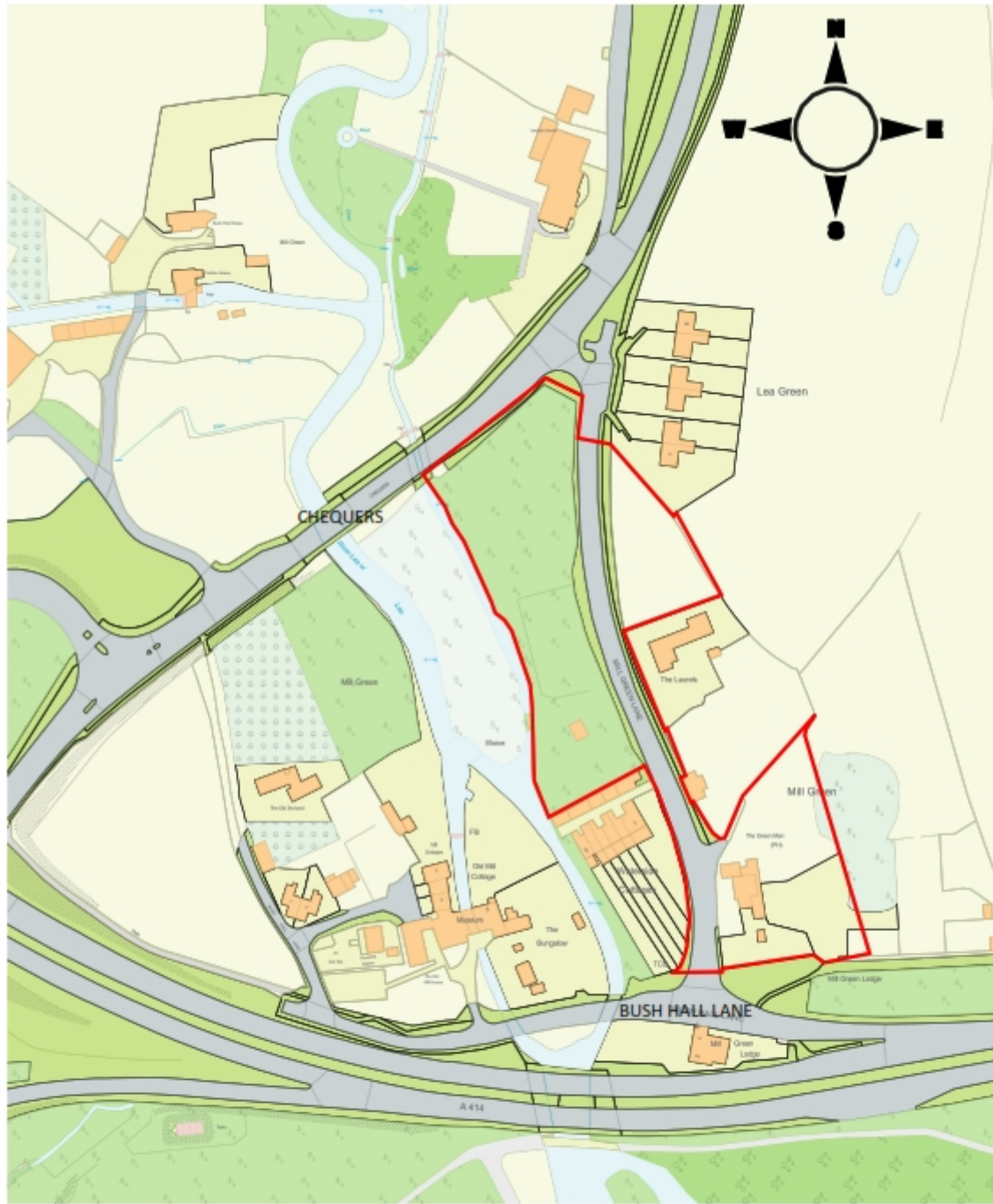
Informatives:


1. 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 which may affect the land.
2. 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.

William Myers, (Development Management)

Date 23/07/2018

Expiry Date: 16/08/2018



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------|---------------------------|
|  <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p> | Title: Mill Green Mill Green Lane Hatfield | | Scale: DNS |
| | | | Date: 2018 |
| | Project: DMC Committee | Drawing Number: 6/2018/0717/MAJ | Drawn: Ida Moesner |
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