

Part I

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(Hatfield Villages)

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

6/2022/1355/MAJ

FORMER BEALES HOTEL, COMET WAY, HATFIELD, AL10 9NG

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 142
RESIDENTIAL UNITS (USE CLASS C3) WITH PRIVATE AND COMMUNAL AMENITY
SPACE, LANDSCAPING, ACCESS, ASSOCIATED CAR AND CYCLE PARKING,
REFUSE AND RECYCLING STORAGE, AND SUPPORTING INFRASTRUCTURE

APPLICANT: HATFIELD PARK HOMES LTD

1 Site Description

- 1.1 The application site has an area of circa 0.64 hectares and is located to the north-west side of Comet Way, close to Comet Roundabout. The site is occupied by the former Beales Hotel; a two-storey building with areas of hardstanding providing associated car parking. There are trees along the boundaries – both inside and outside of the site. The hotel closed in 2020 and currently has temporary planning permission as a hostel (application ref: 6/2021/1164/FULL - expires on 18 June 2024).
- 1.2 Car parking associated with commercial premises at Hatfield Business Park borders the site to the north and west. To the east is a mixed-use development including flats, an Aldi, restaurants, a public house, hotel, and other commercial businesses. Adjacent to the site's north-eastern boundary are three storey residential flats which sit on top of double storey ground floor commercial units (Parkhouse Court). Comet Way (A1001) borders the site to the south and on the opposite side of the road is The Galleria Shopping Centre.
- 1.3 Pedestrian and vehicular access to the site is gained from Comet Way.
- 1.4 The site is outside of both the designated employment area in the Local Plan and the former Hatfield Aerodrome site. Therefore, neither the Hatfield Aerodrome Supplementary Planning Guidance 1999 nor employment land policies in the Local Plan apply to this site.

2 The Proposal

- 2.1 Planning permission is sought for the erection of a 5-7 storey building comprising 142 flats (90 x 1-beds; 50 x 2-beds; and 2 x 3-beds). The seventh floor would however be limited to a lift overrun. The application originally proposed 145 flats (63 x 1-beds; 52 x 2-beds; and 30 x 3-beds), however, following Officer feedback, the overall height and massing of the building was reduced. The quantity of flats were reduced and the size mix was varied as a result of the design changes.

- 2.2 All flats have been designed to comply with Part M4(2) 'accessible and adaptable dwellings' of the building regulations and 10.5% would be Part M4(3) 'wheelchair user' compliant.
- 2.3 Two landscaped courtyards for residents would be provided at ground floor level and roof gardens are included on the fifth floor. Tree planting is incorporated in the proposal, and a net-gain for biodiversity well beyond 10% is achievable on-site.
- 2.4 121 car parking spaces are proposed (105 standard; 15 disabled; and 1 car club). In terms of cycle provisions, 142 secure spaces would be provided for residents and there would be an additional 4 spaces for visitors.
- 2.5 The proposal includes the closure of the existing access to the site on Comet Way, and the provision of a new access 20 metres to the east on Comet Way. The footway / cycleway at the existing access would be reinstated. A 2-metre-wide footway is also proposed at the access to connect to the internal layout from shared footway / cycleway.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council have submitted a Major Objection.
- 3.2 This application was due to be presented to Development Management Committee in December 2023, although it was noticed that an amended plan had not been consulted on, and as such, the application was removed from the agenda to allow for a full reconsultation to take place. The only representation received was from Hertfordshire County Council's Highways Team who have raised no objection.

4 Relevant Planning History

- 4.1 Application Number: 6/2022/0424/EIA
Decision: Determined (Not EIA development)
Decision Date: 10 March 2022
Proposal: Request for screening opinion
- 4.2 Application Number: 6/2021/1164/FULL
Decision: Granted
Decision Date: 18 June 2021
Proposal: Change of use and conversion of existing vacant hotel into 53 room hostel and erection of further 40 units of accommodation in the car park for a temporary period of up to 3 years
- 4.3 Application Number: 6/2016/2251/MAJ
Decision: Granted
Decision Date: 04 April 2017
Proposal: Erection of second floor extension to existing hotel, including a further 19 bedrooms and gymnasium (renewal of S6/2013/2174/MA)
- 4.4 Application Number: S6/2013/2174/MAJ
Decision: Granted
Decision Date: 17 January 2014

Proposal: Erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.5 Application Number: S6/2010/2070/S73B

Decision: Granted

Decision Date: 11 November 2010

Proposal: Variation of Condition 1 (time extension) to planning permission S6/2007/1492/MA for the erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.6 Application Number: S6/2007/1492/MA

Decision: Granted

Decision Date: 18 December 2007

Proposal: Erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.7 Application Number: S6/2003/1658/FP

Decision: Granted

Decision Date: 20 January 2004

Proposal: Part demolition of hotel and erection of 34 bedrooms, restaurant, lounge, bar, together with conference facilities (revision to previous planning permission S6/2003/1038)

4.8 Application Number: S6/2003/1038/FP

Decision: Granted

Decision Date: 06 October 2003

Proposal: Part demolition of existing hotel and erection of 34 new bedrooms, restaurant, lounge, bar, and conference rooms

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF)

5.2 National Design Guide 2021 (NDG)

5.3 Local Plan 2016-2036 (Local Plan)

5.4 Supplementary Design Guidance 2005 (SDG)

5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notice. In total 3 representations have been received which are objections. All representations received are published in full on the Council's website and are summarised below:

Objections

- Loss of sunlight and daylight to flats at Parkhouse Court
- Overshadowing
- Overcrowding of flats
- Overlooking/loss of privacy
- Noise pollution, demolition, and environmental issues would be an issue with this build
- 145 flats up to 7/8 storeys high will cause a major eyesore within Hatfield
- Hatfield lacks adequate infrastructure to support all the new/proposed developments
- Insufficient car parking

8 Consultations Received

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

- WHBC Public Health & Protection
- WHBC Landscapes Department
- HCC Public Health
- HCC Minerals & Waste
- HCC Growth & Infrastructure
- HCC Historic Environment Advisor
- HCC Ecology
- HCC Highways
- HCC Lead Local Flood Authority (LLFA)
- NHS
- Affinity Water

8.2 The following have responded with comments:

- Thames Water

8.3 The following have responded advising no objection:

- WHBC Client Services
- Place Services (Conservation)
- National Highways

8.4 Historic England responded but stated that in this case they are not offering advice.

9 Town Council Representations

9.1 Hatfield Town Council have raised a major objection to the proposed development for the reasons set out below:

“Whilst noting the improvements to the design, the Committee did not believe they went far enough to allow Members to withdraw the Town Council’s Major Objection. The Committee therefore decided that it would retain the Town Council’s Major Objection to the development.

The Committee welcomed the reduced massing and height and there was much in the design which was positive. However Members felt the access point to the

site off Comet Way remained a major concern. It was acknowledged that changes had been made from the original design and that a Road Safety Audit had been completed and had satisfied officers at the Highway Authority. However Members remained unconvinced that the proposed access arrangements were ideal and would prefer that an alternative approach was taken to ensure the safety of motorist, cyclist and pedestrians. For this reason Members have decided to retain their Major Objection to the development.

Members also expressed their disappointment that there were no social housing included in the development. Whilst acknowledging that the inclusion of social housing was only mandated if certain economic viability criteria was met, Members would encouraged the developers to reconsider and reassess the case for their inclusion.

Although Members noted the efforts by the developers to create a sustainable development with their choice of materials, they believed more could still be done to encourage sustainable travel and low carbon energy, and ensure the expected increase use of EV vehicles is facilitated and supported in future years.”

10 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Housing mix**
 - ii) Flood risk and sustainable drainage**
 - iii) Ecology**
 - iv) Archaeology**
 - v) Contaminated land**
 - vi) Sustainability requirements**
 - vii) Waste management**
 - viii) Environmental Impact Assessment**
 - ix) Town Council and neighbour representations**
- 6. Planning obligations**
- 7. Planning balance and conclusion**

1. Principle of the development

- 10.2 The site lies within the town of Hatfield as defined in the Local Plan. Policy SP 3 of the Local Plan states that, consistent with the settlement hierarchy, the primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and the greatest potential exists to maximise accessibility to job opportunities, shops, services, and other facilities, and to create new neighbourhoods with supporting infrastructure.
- 10.3 The application site is not allocated for housing in the Local Plan and therefore comes forward as windfall development. Policy SADM 1 states that planning permission for residential development on unallocated sites will be granted provided:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.4 The site is previously developed and would not undermine the delivery of allocated sites or the overall strategy of the Plan, and nor would in result in disproportionate growth taking into account the position of Hatfield within the settlement hierarchy.
- 10.5 The development will be accessible to a range of services and facilities by transport modes other than the car. The site is located within close walking distance to The Galleria Shopping Centre and a supermarket (Aldi). There are a number of bus stops within convenient walking distance which provide frequent services to the town centre of Hatfield, its rail/bus station, Welwyn Garden City and St Albans. A cycle path also links Comet Way to the town centre of Hatfield. Future occupiers would be able to access a diverse range of services and facilities without reliance on the private car as a means of transport. The site is sustainable from a movement perspective.
- 10.6 Subject to an effective S106 to secure sufficient infrastructure capacity, it is considered that the proposal would represent an appropriate windfall development in accordance with Policy SADM 1.

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

- 10.7 Policy SP 9 of the Local Plan states that proposals will be required to deliver a high-quality design that fosters a positive sense of place by responding to the following principles (where applicable) in an integrated and coherent way:
- Respond to character and context.
 - Legible, permeable, and well connected.
 - High quality public space and landscaping
 - Space for nature
 - Safe and secure
 - Healthy and active
 - Building function and form
- 10.8 Additional principles regarding ‘vibrant and diverse’, ‘taller buildings’ and ‘masterplanning’ are included in Policy SP 9 but are not considered applicable in this case. Policy SP 9 is broadly consistent with the NPPF.
- 10.9 The supporting text to Policy SP 9 outlines that development proposals should be informed by the Council’s SDG and Supplementary Planning Documents, amongst others.
- 10.10 The Council’s SDG includes information about the character and context of areas in the borough. The National Design Guide 2021 (NDG) is also a material consideration. The NDG outlines 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.
- 10.11 The NPPF is broadly consistent with the above.

Respond to character and context/building form and function

- 10.12 The immediate locality is mainly characterised by large commercial and flatted development of varying design, set back from Comet Way. The flatted development to the immediate north-east/east of the site (Parkhouse Court) is a four-storey building faced in buff brick and white render with elements of green and light grey cladding. The commercial units at ground level are glazed in dark grey aluminium, while the flats above have white aluminium frames. The Parkhouse Court building is approximately 18 metres in height. Within the same mixed-use development is a Travel Lodge hotel of similar height, design, and appearance. On the other side of Comet Way is The Galleria shopping centre. This building is faced in light grey cladding below a flat and curved roof. The part

of The Galleria facing the site is up to approximately 20 metres in height. To the immediate west/south-west of the site are four, four-storey commercial buildings associated with Hatfield Business Park which are faced in light grey cladding and glazing. Each of these buildings are approximately 19.8 metres in height (inclusive of enclosed plant).

- 10.13 Immediately beyond the Travel Lodge hotel to the north-east of the site, planning permission has been granted for a building up to 7 storeys (21.5 metres) for 118 flats (application ref: 6/2020/3222/MAJ) and is currently under construction.
- 10.14 The proposed building would be between 5-6 storeys in height (excluding staircase overruns to provide access to the roof and roof gardens), and the six storey elements would be set well back from Comet Way – located centrally and to the rear portions of the block. The sixth story would also be set in/back from the lower levels to provide visual relief. The five storey elements of the building would be approximately 18 metres in height and the 6 storey elements would be approximately 21.8 metres in height.
- 10.15 The development proposal would integrate well with the existing built environment. The careful siting and design of the building will also ensure that it does not appear unduly dominant in the street scene. The proposed layout also achieves an acceptable balance between built form and open space in this large built-up urban location and would not result in overdevelopment of the plot.
- 10.16 In terms of appearance, the building would be faced in a blend of yellow and cream bricks, and a green glazed brick would be used to highlight the main entrance. Window frames would be aluminium in a dark grey colour. Fenestration and balconies would be framed in a dark grey tone to provide contrast to the lighter selection of brick tones. The subtle variation in brick tones, recessed brick panels, deep reveals to openings, and combination of recessed and simple steel balustrades to projecting balconies provide articulation to the building.
- 10.17 It is considered that the height, mass, scale, and appearance of the development proposal would respect neighbouring buildings and the surrounding context. High quality materials are proposed, and details of all external materials/external decoration can be secured by planning condition to ensure such quality is followed through. The proposed architectural design would create a coherent and attractive building of high quality.
- 10.18 The approach to the proposed development is accessible by foot and bicycle, and adequate internal amenity and functionality would be provided for occupiers and users.

Legible, permeable and well connected

- 10.19 There are four separate entrances leading to main cores, connecting the ground floor car parking level with upper courtyard and flats above. All external entrances would be highlighted by a green glazed brick frame, and signage in a light metal finish would be included to reference the cores name.
- 10.20 The double height main entrance is situated at the south-east corner - close to and orientated toward the single access to the site. The main entrance and leads to the first-floor courtyards and all cores.

- 10.21 Pedestrian access would be provided to each core entrance and the internal layout is not complicated.
- 10.22 Permeability at the site is restricted due to two of the four boundaries facing car parks and another boundary facing a service area associated with commercial premises at Parkhouse Court. Notwithstanding this, the internal layout has been designed to be safe and suitable for pedestrians, cyclists, and mobility users to move through and a 2-metre-wide footway/cycleway is also proposed at the access to connect into the existing route network.

High quality public space and landscaping

- 10.23 The proposal does not include any public open space. However, this is not unexpected considering the location and size of the site, as well as constraints from adjoining uses. The absence of public open space needs to be balanced against the national policy requirement for decisions to promote an effective use of land in meeting the need for new homes. It is not considered in this case that the lack of public space would result in the scheme representing a poor standard of design.
- 10.24 It is also a salient point that there are public open spaces in proximity to the site, including Ellenbrook Fields, Ellenbrook Recreation Ground and playgrounds at Tiger Moth Way and Barlow, which are accessible on foot and bicycle from the site. Communal amenity spaces totalling almost 1490sqm are also designed into the proposal development which will promote the health and wellbeing of residents. These spaces will include outdoor furniture and the first-floor courtyards will include child play equipment.
- 10.25 In terms of landscaping, the proposal has been supported by a Landscape Design Strategy which will improve the landscaping of the site. The Council's Landscapes Department have reviewed the submission and consider the landscape proposal to be appropriate and sufficient in this case.

Space for nature

- 10.26 Landscaping is proposed for the courtyards and pocket gardens on various floors and roof terraces. This will include native species, plants good for pollinators, and green roofs. Existing trees will be retained where possible, and replacement trees are proposed for trees being removed. 28 new trees will be planted in total including English oak. This has been welcomed by Hertfordshire Ecology in their consultation response.
- 10.27 Several appropriate biodiversity enhancements have been made including appropriately located native-species and nectar rich planting, integrated bat, and bird boxes (including for swifts) within the fabric of the new building, and invertebrate boxes.
- 10.28 The application has also been supported by a Biodiversity Net Gain Report demonstrating that the proposal will enhance the site for biodiversity. A significant net gain biodiversity would be achieved (479% net gain).
- 10.29 Reasonable precautionary measures are set out in the submitted Ecological Impact Assessment to ensure that legally protected species (such as nesting birds) are not harmed.

10.30 Hertfordshire Ecology have been consulted for this application and have recommended conditions to secure the precautionary measures, biodiversity enhancements, and net gains for biodiversity.

Safe and secure

10.31 Building entrances and public spaces are appropriately sited and designed to help maximise natural surveillance and a sense of safety. An external lighting scheme to support safety and security will also be secured by condition.

10.32 All routes are clearly defined and overlooked by units located on ground and first floor and also floors above. The internal courtyard located on the first floor is overlooked by first floor units as well as by dwellings above and the same principle applies to the fifth-floor communal terraces. This will provide natural passive surveillance to all communal amenity areas.

10.33 All entrance lobbies will be equipped with video and fob controlled access. Access to the communal areas, cycle and bin stores, and delivery room will also be further restricted by the fob access.

10.34 All external entrance doors and windows at ground floor and facing communal amenity on first and fifth floors will be Secure by Design accredited. The proposal will comply with the approved Building Regulation document Q, Security-Dwellings.

10.35 Hertfordshire Constabulary have been consulted for this application and are fully supportive of the proposal from a crime prevention perspective.

Healthy and active

10.36 The proposed design incorporates functional communal amenity areas for residents which are accessible from all cores. The main communal area located on the first-floor deck promote play and physical activity, while the roof gardens would be more relaxation and social spaces.

Conclusion

10.37 Having regard to all the above and, subject to the suggested conditions, it is considered that the proposed development would respect the character and context of the area and accords with the thrust of Policy SP9 of the Local Plan, the Council's SDG, national design guidance and the NPPF.

3. Residential amenity

10.38 Policy SADM 11 of the Local Plan concerns amenity and layout and states (where relevant) that:

- i. All development will be required to create and protect a good standard of amenity for buildings and external open space in line with the SDG, and in particular should ensure:
 - a. The levels of sunlight and daylight within buildings and open spaces, and garden areas in particular, are satisfactory.
 - b. Dwellings are dual aspect, wherever feasible, in order to enable passive ventilation and avoid the need for mechanical ventilation, subject to any noise and air pollution mitigation measures that are required to make the proposal acceptable.
 - c. External private or communal garden space, in its extent and design, meets the reasonable needs of its users
 - d. A reasonable degree of privacy to new and existing private living space and the main private garden area, with overlooking limited to an acceptable degree. The design of new communal garden areas should seek to create spaces that provide opportunities for privacy or seclusion for residents, particularly where residents do not have access to private balconies or other private external space.
 - e. New development is not overbearing upon existing buildings and open spaces.
 - f. The outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of the relationship with neighbouring buildings and the wider street scene, including the design of parking, boundary treatments and landscaping.
 - g. Shared circulation space and routes to private entrances within flatted development should be of sufficient width, be welcoming, and be naturally lit wherever possible.
- ii. As a minimum, all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable.

10.39 Policy SADM18 states that proposals that would result in or be subject to noise pollution and/or vibration that is:

- i. Very disruptive and would have an unacceptable adverse effect on human health or the natural environment will not be permitted.
- ii. Disruptive and would have a significant adverse effect on human health or the natural environment will be refused unless the need for, and benefits of, the development significantly outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.

- iii. Intrusive and would have an adverse effect on the quality of life or the natural environment will be resisted unless all feasible solutions to reduce to a minimum and mitigate that harm have been fully implemented, including the use of planning conditions.

10.40 Paragraph 130(f) of the NPPF outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Sunlight and daylight

10.41 The originally submitted proposal was supported by daylight and sunlight reports (by Anstey Horne, June 2022) covering within the proposed dwellings and proposed amenity spaces, and neighbouring properties facing the development at Parkhouse Court where daylight and sunlight considerations would be most relevant. These reports were reviewed by external consultants (Rapleys) instructed by the Council.

10.42 The Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sunlighting and daylighting (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 & 2022). As stated in the introduction *“The advice given...is not mandatory...”* and the guidelines *“...should be interpreted flexibly...”*.

10.43 For within the proposed dwelling and proposed amenity spaces, Target Illuminance (TI) and Daylight Factor (DF) methodology information have been submitted in line with the BRE guidance. For neighbouring properties, Vertical Sky Component (VSC), Daylight Distribution (DD) and resulting Contour Plans, and Annual Probable Sunlight Hours (APSH) methodology information have been submitted in line with the BRE guidance.

10.44 In terms of TI, minimum illuminance recommendations for daylight provision within UK dwellings are as follows: Bedrooms: 100 lux; Living rooms: 150 lux; Kitchens: 200 lux.

10.45 In terms of DF, this is primarily used for calculating daylight provision in new rooms.

10.46 In respect of VSC, if with the new development in place it would be less than 27% and less than 0.8 times its former value then occupants of the existing buildings will notice the reduction in the amount of skylight. It may however be appropriate to use less than 27% in certain circumstances.

10.47 The DD test calculates the area of the working plane inside a room that will have a direct view of the sky. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Contour Plans show where light falls within a room, both in the existing and proposed conditions.

10.48 APSH seeks to identify if a dwelling will appear reasonably sunlit.

10.49 In terms of internal daylight to proposed rooms, a total of 195 rooms on various floors were assessed and this sample selection was considered reasonable by the Council’s consultants. Rapleys considered that overall, the development

performs reasonably well in terms of daylight and the accommodation for the proposed flats as a whole should allow sufficient occupier use.

- 10.50 Regarding sunlight to proposed rooms, this is dependent on orientation which will result in numerous rooms having inherently restricted access. The review by Rapleys suggested that a majority of the proposed accommodation will meet the minimum standard and considered that the sunlight levels to the development to be in line with BRE guidance.
- 10.51 For communal gardens and open spaces within the development, all met the recommendations set out in BRE guidance.
- 10.52 In terms of the impact of the original proposal on neighbouring properties at Parkhouse Court, Rapley's review advised that there would be numerous and large transgressions below BRE guidance for both daylight and sunlight, which will be noticeable and make parts of the rooms assessed feel gloomy, especially on lower floors.
- 10.53 Considering the feedback from the Council's consultants regarding the negative impact of the development on neighbouring properties at Parkhouse Court, the proposal was reduced in height and massing. The sixth-floor residential accommodation was removed in its entirety and large sections of the fifth floor located nearest to Parkhouse Court were also removed.
- 10.54 Updated results on the revised scheme were submitted which showed marked improvements for both daylight and sunlight to affected properties in Parkhouse Court in terms of VSC, DD and ASPH. Although with the VSC assessment, there is not as dramatic an increase as the overall adherence percentage as the other assessments, more windows would sit only marginally outside the 0.8 guideline and retain higher absolute VSC values than the original scheme.
- 10.55 It is noted (and accepted in the Rapleys review) that the existing windows and rooms assessed at Parkhouse Court benefit from unusually high levels of daylight amenity and, consequently, this can create an overly high expectation on a neighbouring development to adhere with BRE guidelines. Moreover, appeal decisions have said that maintaining satisfactory levels of daylight in neighbouring properties and preventing unacceptable harm must take into account the context of the surroundings of a site, and that retaining a VSC of 27% in neighbouring properties is unrealistic in dense urban environments.
- 10.56 The greatest loss of daylight would be felt within the living/kitchen/diners (LKDs) of three flats at first floor level and three flats at second floor level of Parkhouse Court facing the development. These LKDs have a deep open plan layout and open out onto balconies. The kitchens are positioned toward the back of the room and this is where the loss of daylight would be mainly experienced.
- 10.57 Regarding deep rooms, the BRE guide advises that light penetration into deep rooms lit from one side only may be unavoidably affected. It states:
- "The guidelines ... need to be applied sensibly and flexibly. There is little point in designing tiny gaps in the roof lines of new development in order to safeguard no sky lines in existing buildings. If an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable."*

- 10.58 In this case, the LKDs affected within Parkhouse Court are greater than 5 metres deep. While the flats would undoubtedly experience a loss of daylight to the LKDs, it is considered that the reduction in daylight would not be so significant to result in harm to the living conditions of the occupiers of these properties.
- 10.59 Having regard to all the above, it is considered that the levels of sunlight and daylight received to the proposed flats, communal areas and open spaces would be satisfactory. The resultant levels of sunlight and daylight received to neighbouring properties would also be satisfactory.

Dual aspect and ventilation

- 10.60 A significant majority of the proposed flats would be dual aspect/orientation. In flats where this is not feasible, each would have a functional balcony. Acceptable internal noise levels (with windows closed) can be achieved through the selection of suitable glazing and acoustic and non-acoustic treated trickle ventilation where necessary. Opening of windows will likely exceed relevant noise level standards, however there is no evidence to indicate that windows will be required to be closed most of the time because of noise.
- 10.61 The Council's Public Health & Protection Team have been consulted for this application and recommend pre-occupation noise testing to ensure that the predicted noise levels indicated in the submitted Noise Assessment (with proposed façade specifications installed) are met.
- 10.62 Mechanical ventilation will be required under Part F of the Building Regulations but, importantly, is not identified as a measure to mitigate against external noise, and so would not conflict with Policy SADM11. Mechanical ventilation can be noisy and, therefore, a condition can ensure that internal noise levels within flats, with mechanical ventilation installed, does not exceed relevant standards.
- 10.63 New plant and equipment are another potential source of noise for future occupiers. A condition is required to ensure that their installation would not be unacceptable in this respect.
- 10.64 Many of the proposed apartments will have access to balconies and to the communal amenity space in the courtyard areas and at roof level. The external noise levels at balconies overlooking the north and south of development will exceed relevant standards. The same standards however state that:
- "In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited".*
- 10.65 Therefore, exceeding recommended standards/guidance does not necessarily mean that the balconies would be unacceptable to future occupiers.
- 10.66 It is appreciated that there will be a greater tolerance and acceptance for balconies in this urban area of Hatfield adjoining the A1000, and the preference for occupiers of flats would be to have a balcony. Many of the balconies proposed would be recessed which will provide more noise screening. It is also

noted that the development also provides alternative communal amenity space where predicted noise levels are indicated to be lower than desirable levels. Having regard to these factors, it is considered that the balconies would not be unacceptable in terms of their impact on the living conditions of future occupiers.

- 10.67 Subject to the suggested conditions, it is considered that the proposal would comply with criteria (b) of Policy SADM11 and would not give rise to unacceptable noise levels for future occupiers.

External private or communal garden space

- 10.68 External private space (via external/recessed balconies) and communal garden spaces are incorporated into the design. There is scope for the rooftop gardens to provide more hard landscaping (picnic tables and benches) than what is shown on the outline hardworks plan, as well as areas for privacy and seclusion. Such additional features will promote their use as amenity spaces and can be secured through a planning condition. Overall, the extent and design of these areas would meet the reasonable needs of users.

Privacy, overbearing impact, and outlook

- 10.69 Within the internal courtyard, there would be an approximate 20 metre separation distance between living spaces and hedges would be planted in front the windows at surface level. This separation distance and planting measures will ensure that there are no privacy/overlooking issues arising from within the development. The separation distance will also ensure that the facing flats would not appear overbearing in relation to one another, and outlook would be satisfactory.
- 10.70 The only neighbouring properties which may be affected by the development are the flats sited nearest within Parkhouse Court. The separation distance between windows at the development facing directly toward windows at Parkhouse Court would be approximately 22 metres and the would be existing (retained) and proposed tree screening along the shared boundary. A planning condition can also ensure that the proposed landscape planting is implemented and retained long term. Such measures would prevent any adverse impact in terms of privacy/overlooking. There are other windows at the development which would face toward Parkhouse Court (and vice-versa), but views would be oblique, and the separation distances would be sufficient.
- 10.71 Furthermore, the proposed development would not appear overbearing upon existing buildings having regard to its siting, layout, height, proximity, and intervening landscaping. For the same reasons, the resultant outlook from neighbouring flats at Parkhouse Court and other neighbouring buildings would not be harmed.
- 10.72 The location and luminance of external lighting on-site can also have the potential to have an adverse impact on the living conditions of future occupiers and existing residents. Details of external lighting on-site is to be secured by planning condition.

Circulation space

- 10.73 The shared circulation space and routes to private entrances within the flatted development are sufficient width and be naturally lit wherever possible.

National Described Space Standards (NDSS)

- 10.74 All apartments have been designed to meet the NDSS and will enjoy generous floor to ceiling heights of 2.5m.
- 10.75 Concluding on the above, it is considered that the proposed development would provide acceptably living conditions for future occupiers and the living conditions of neighbouring properties would not be harmed.

4. Highways and parking considerations

Highways

- 10.76 Paragraph 110 of the NPPF states that developments should ensure *“safe and suitable access to the site can be achieved for *all* users”,* and that *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up”*. It references the new National Model Design Code, of which key quotes include: *“New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes”* and *“all streets should be accessible to all members of the community”* (paragraph 59 part 1); plus *“walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less”* (paragraph 33 part 2).
- 10.77 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 10.78 Paragraph 112 goes on to states that *“Within this context, applications for development should:*
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”*.
- 10.79 Policy SADM2 of the Local Plan concerns the highway network and safety and is consistent with the NPPF.

10.80 The application has been supported by a Transport Statement (by RSP Group, May 2022) which has been assessed against the transport elements of the following national/local policies and technical guidance documents:

- NPPF;
- Planning Practice Guidance (NPPG) 'Travel Plans, Transport Assessments and Statements in Decision-Taking' (March 2014);
- Hertfordshire Local Transport Plan (2018); and
- WHBC Local Plan

10.81 HCC Highways have been consulted for the application and do not wish to restrict the grant of planning permission subject to conditions and planning obligations. Planning conditions have been recommended to secure: the new access and measures identified through the Road Safety Audit review; electric vehicle (EV) charging provision for each parking space; and a construction management plan.

Trip generation

10.82 The Transport Statement includes a net trip generation assessment based on calculating number of trips generated by the existing permitted land use (hotel) and the proposed land use (residential). The Highway Authority are satisfied the net vehicle trip increase of +20 in the AM Peak, + 12 in the PM Peak and +103 Daily can be suitably mitigated via the S106 contributions. The S106 contributions will focus on enhancing the active travel and public transport networks and reducing the reliance of private vehicles.

Vehicular access

10.83 The proposals include the closure of the existing access to the site on Comet Way, and the provision of a new access 20 metres to the east on Comet Way. The footway/cycleway at the existing access would be reinstated.

10.84 The proposed access arrangement includes the setting back of the footway / cycleway on Comet Way. The Highway Authority are satisfied with this arrangement as the setback enhances pedestrian and cycle safety. Acceptable vehicular and cycle visibility splays have been demonstrated.

10.85 The proposed arrangement has been subject to a Stage 1 Road Safety Audit undertaken by the applicant. The County Council's Road Safety Audit Team have reviewed the arrangement and, with revisions which have been demonstrated through drawing number JNY11241-RPS-0100-SK04 Rev A, is acceptable.

10.86 All offsite works will need to be delivered via an S278 agreement between the applicant and the Highway Authority. As part of the S278, a Stage 2 Road Safety Audit will be required. The RSA S2 must address the following issues as part of the S278:

- Signs and bollards located within existing verge areas in the vicinity of the proposed access junction.
- Junction radii's are to be reviewed to allow two large vehicles to pass, however, not enter the site at high speed.

10.87 It is noted that the Highway Authority will not seek to adopt the on-site highways and therefore a private maintenance and management strategy must be provided. This will be secured through the S106 Agreement. The Transport Statement notes the internal access highway will be 6 metres wide as it enters the site and, therefore, will be sufficient to allow two large vehicles to pass.

Pedestrian access

10.88 The proposals include a 2-metre-wide footway at the access to connect to the internal layout from shared footway / cycle on the northern side of Comet Way. The Highway Authority are satisfied with this arrangement, and this measure will give priority to pedestrian and cycle movements and promote safe sustainable travel.

Refuse, servicing, and emergency access

10.89 The proposals include the provision of three servicing and delivery bays on the internal access road. The Highway Authority are satisfied with this provision and a planning condition and car parking management plan (to be secured through the S106 Agreement) can ensure that private car/resident parking is prevented in the bays.

10.90 Bin Stores and the drag distances to the highway have been provided. The Highway Authority are satisfied the bin stores can be accessed within acceptable drag distances. A turning area has been shown on Drawing No. JNY11241-RPS-0100-001 Rev D which demonstrates an 11.3 metre length refuse collection vehicle can position itself within an acceptable drag distance to bin stores, turn on site, and exit in a forward gear. The Council's Client Services Team have also been consulted for this application and raise no objection. The proposal would accord with Policy SADM12 of the Local Plan in this regard.

10.91 Drawing No. JNY11241-RPS-0100-006 REV A demonstrates a fire appliance can safely access the site.

Construction Traffic Management Plan (CTMP)

10.92 Due to the sensitive location of the development site, a CTMP is needed to mitigate any adverse impact from the development on the operation and safety of the local highway network. This can be secured as a pre-commencement planning condition.

Parking

Car parking

10.93 Paragraph 107 of the NPPF states that if setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and

- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

10.94 Policy SADM12 states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:

- a) The site's location and accessibility to public transport, services and facilities;
- b) The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
- c) The need to promote more sustainable forms of travel within the borough.

10.95 The Council's Parking Standards (SPG) use maximum standards which are not consistent with the above criteria in the NPPF and Local Plan and are therefore afforded less weight.

10.96 The Council's Parking Standards SPG classifies the area within which the site is located as Zone 3. In this Zone, the maximum car parking standards for the proposed development would equate to 192 spaces.

10.97 The proposal would provide a total of 121 car parking spaces, including 15 disabled parking spaces, and 1 car club space. This represents a ratio of 0.85 spaces per apartment which is an identical ratio to the development in the immediate locality along Comet Way for 118 flats (application ref: 6/2020/3222/MAJ).

10.98 As previously noted, the Council's Parking Standards SPG is only a guidance and parking provision will be assessed on a case-by-case basis. It is also important to note that the SPG only sets maximum standards. Therefore, whilst the car parking provision proposed for residents is lower than those set out in the SPG, this is not the determining factor.

10.99 It is acknowledged that the Parking Standards SPG was adopted in 2004 (19 years ago), and the zonal maps within it clearly show that it was produced before much of the development surrounding the site was built. It is considered that the site is now in one of the most sustainable and well-connected locations in the Borough and, accordingly, a Zone 1 or 2 classification for the site is more reasonable. Applying a Zone 1 or 2 classification would equate to 121 car parking spaces for the proposed development which equals the proposed provision.

10.100 The site is an approximate 15-minute walk from Hatfield Town Centre to the site via footways and lit streets and Census data indicates that 18% of residents in this location travel to work on foot. The whole built-up area of Hatfield is also identified to be within a 2km cycle ride from the site. Furthermore, it is noted that there is a cycle way linking the site to the heart of the town centre with an approximate 7-minute journey time and a shorter informal route via The Galleria, St Albans Road West and Lemsford Road. The Alban Way also provides convenient access to Hatfield Train station for both pedestrians and cyclist. Sustainable transport measures, to be secured through the S106 Agreement will also improve conditions for both pedestrians and cyclists and further promote such sustainable modes of transport. Furthermore, a Travel Plan has been submitted with the application and will further encourage mode shifts in travel.

- 10.101 There are a number bus stops within reasonable walking distance from the site which provide frequent transport to train stations and towns inside and outside of Hertfordshire. Hatfield Bus and Train Station itself provides frequent services to Welwyn Garden City, London (Kings Cross and St Pancras), Moorgate, Royston, and Cambridge.
- 10.102 On-street car parking in the locality is heavily restricted and the Council's Parking Services Team have made clear under application 6/2020/3222/MAJ that any such approval of housing on this site would not come with a provision from Parking Services to allow parking permits to be brought to park in nearby (soon to be adopted) roads such as Aviation Avenue, or even further afield such as Comet Road. A similar approach is expected for this development. As such, it is unlikely that any overspill car parking would have a material impact on nearby roads and streets.
- 10.103 Having regard to all the above, it is considered that an acceptable level of car parking provision would be provided, and a planning condition is required to ensure that car parking provision is allocated appropriately to residents.
- 10.104 In terms of EV charging, HCC Highways include a condition requiring each car parking space to be provided with an active (ready to use) EV charging point. Such provision however is not a requirement under the Local Plan, NPPF or building regulations. While the Local 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) requires EV charging points for external parking spaces but not for covered car parks. For covered car parks only cable routes need to be provided for all those spaces. 2 of the 142 spaces are external and will require EV charging points to be provided under the Building Regulations. 13 EV charging parking spaces are proposed which is considered appropriate. A planning condition can secure this provision and for the avoidance of doubt require such spaces to be fitted with charging points.
- 10.105 In terms of and, for covered car parks, building regulations (Infrastructure for charging electric vehicles: Approved Document S) only require cable routes to be provided for all car parking spaces. It is therefore considered that the proposed provision of 10% EV charging parking spaces in this case is appropriate. A planning condition can secure this and for the avoidance of doubt will ensure that they are provided with an active (ready to use) EV charging point.

Cycle parking

- 10.106 It is proposed to provide a total of 146 secure and covered spaces within the building, which exceeds the SPD requirement and is therefore acceptable. A planning condition can ensure that the parking spaces are provided and retained in perpetuity.

5. Other considerations

i) Housing mix

10.107 Policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive, and mixed communities. Proposals should demonstrate how the mix of tenure, type and size of housing proposed has had regard to the Council's latest evidence of housing need and market demand with the aim of meeting the various needs of different households.

10.108 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:

1-bed	2-bed	3-bed	4+bed
14%	23%	41%	22%

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

10.110 With all but two of the proposed 142 dwellings being either 1-bed or 2-bed flats, the proposed housing mix would not accord with the Council's latest evidence. It is however clear from the Council's Strategic Housing Market Assessment Update (2017) that the implied housing mix requirement in the Local Plan should not be applied as an absolute requirement for individual schemes. It is a Borough-wide requirement to be achieved over the plan period and there will inevitably be sites that lend themselves to higher density schemes with a high proportion of smaller units and other sites where the opposite is true.

10.111 The proposed mix is supported by the applicant's market evidence (Letter by Walter Cooper Land Agency, 21 March 2023) which outlines that based upon the demographic profile of the area being younger workers; average household size at 2.6; the average household income indicating a new homes purchase at around £250k is achievable, and a current under supply of 2-bedroom stock when compared to demand, a greater proportion of 1 and 2-bedroom apartments would be the most suitable stock.

10.112 It is also acknowledged that the proposed flats would also be suitable for a range of people, being accessible and adaptable dwellings able to meet a range of needs, including a proportion of wheelchair user dwellings in accordance with local policy (Policy SP7 – Accessible and Adaptable and Wheelchair User dwellings).

10.113 There are many small flats in the immediate locality and an additional 118 flats (comprising 1-bed and 2-bed affordable housing units) is currently being developed. It is however appreciated that the wider area does include large residential areas mainly comprising houses and larger units. It is considered that the proposed development would not result in an over proliferation of small flats in the wider area, and there is no reason why residents of the scheme would not become part of that wider community, using the various services and facilities open to all local residents, including schools, shops, cafes and gyms.

10.114 There is a shortcoming in the submitted market evidence, in that supply and demand of 1-bed apartments has not been fully considered. It cannot therefore be said that the proposal has had full regard to the Council's latest evidence of housing need and market demand. Additionally, the absence of affordable housing does not assist toward inclusive and mixed communities. To this end, the proposal would result in a degree of conflict with Policy SP7 of the Local Plan in terms of housing mix which needs to be weighed in the balance.

ii) Flood risk and sustainable drainage

10.115 Paragraph 167 of the NPPF outlines that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.

10.116 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.

10.117 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management is broadly consistent with the NPPF.

10.118 The application has been supported by Flood Risk Assessment and SuDS Strategy. The LLFA have been consulted and present no objection subject to planning conditions. The conditions will secure: avoidance of surface water discharge to the foul sewer; require details construction drawings of the surface water drainage network, sustainable drainage components, flow control mechanisms and method statement; details of all flood resilient and resistant measures; a maintenance and management plan; and compliance with the submitted and approved details.

iii) Ecology

10.119 Paragraph 174 of the NPPF states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

10.120 Paragraph 180 of the NPPF sets out the principles local planning authorities should apply when determining planning applications. This includes refusing

planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

- 10.121 Policy SADM16 of the Local Plan concerns ecology and landscape and is broadly consistent with the NPPF. Unlike the NPPF which does not quantify net gain, Policy SADM16 requires development of this kind to deliver a measurable net gain of at least 10%.
- 10.122 The application has been supported by an Ecological Impact Assessment (May 2022), and Biodiversity Net Gain Report (May 2022), and Hertfordshire Ecology have been consulted accordingly.
- 10.123 Hertfordshire Ecology state that the report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggests reasonable precautionary measures to ensure that legally protected species (such as nesting birds) are not harmed. Several appropriate biodiversity enhancements have been made including appropriately located native-species and nectar rich planting, integrated bat and bird boxes (including for swifts) within the fabric of the new building, and invertebrate boxes. The ecological enhancements should avoid potential conflict with any external lighting schemes.
- 10.124 The landscaping scheme has also been assessed by Hertfordshire Ecology and welcome the landscaping improvements proposed in terms of biodiversity benefit.
- 10.125 The submitted Biodiversity Net Gain Report demonstrates to the satisfaction of Hertfordshire Ecology that the development will enhance the site for biodiversity. A substantial net gain for biodiversity of almost 479% will be achieved on-site.
- 10.126 To bring all the biodiversity proposals together, a Landscape and Ecological Management Plan (LEMP) is required by planning condition.

iv) Archaeology

- 10.127 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.
- 10.128 HCC's Historic Environment Team have been consulted for this application and state that the Historic Environment Record notes that archaeological investigations to the north and west of the proposed development site have uncovered evidence of an extensive Bronze Age landscape as well as finds from the Palaeolithic, Iron Age and Romano-British periods. Also found were post medieval boundary ditches which may relate to Harpsfield Hall which stood nearby until it was demolished to make way for Hatfield aerodrome.
- 10.129 Based on the above, the Historic Environment Advisor considers that the proposed development is such that it should be regarded as likely to have an

impact on heritage assets of archaeological interest. A planning condition is required to secure an Archaeological Written Scheme of Investigation prior to commencement of the development, and compliance.

v) Contaminated land

- 10.130 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. Also, 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.
- 10.131 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to an Affinity Water Pumping Station (HATF). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The proposed development site is located within an area that is impacted by Bromate contamination.
- 10.132 The application has been supported by a Phase I Geoenvironmental Assessment Report which states that confirmation of the expected ground and contamination conditions should be determined by a site investigation. The report has been reviewed by the Council's Public Health & Protection Officer who considers that this can be suitably secured through a pre-commencement planning condition. Affinity Water have also been consulted for the application and recommend a similar condition.
- 10.133 Affinity Water also recommend that a Piling Method Statement and Foundation Works Risk Assessment, as well as details of a Surface Water Drainage Scheme are submitted and approved prior to commencement, to ensure that any risks in terms of bromate contamination and impact on public water supply are prevented.
- 10.134 All the above conditions are necessary and reasonable.
- 10.135 Thames Water have also been consulted for the application and do not object having regard to both foul and surface water.

vi) Sustainability requirements

- 10.136 Policy SP10 and SADM13 require renewable and low carbon sources of energy supply to be maximised, particularly for major developments. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 10.137 The application has been supported by an Energy and Sustainability Statement. The proposed strategy capitalises on passive design measures to maximise the fabric energy efficiency and energy demand. A hybrid system comprised of air source heat pump solutions for hot water and direct electric radiators for space heating. Photovoltaic solar panels are also proposed on the roof of the building. Overall, the proposed scheme meets an on-site cumulative carbon dioxide reduction of 37%. Officers are satisfied that renewable and low carbon sources

of energy have been maximised for the proposed development, and implementation can be secured by planning condition.

- 10.138 Policy SADM13 of the Local Plan all requires all newly constructed dwellings to achieve an estimated water consumption of no more than 110 litres/person/day. This is to ensure that the higher standard within Building Regulations Part G is met. This can be secured through planning condition.

vii) Waste Management

- 10.139 Hertfordshire County Council's Minerals and Waste Team have also been consulted for this application and recommend that the development is subject to a Site Waste Management Plan (SWMP) with the aim to reduce the amount of waste being produced on site, as well as the type and amount of waste removed and location where the waste is being taken to. This is in the interest of sustainable development by virtue of minimising waste generation and maximising on and off-site reuse and recycling of waste material.
- 10.140 The justification is in accordance with Policy 12 of the Hertfordshire Waste Core Strategy, the Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework. All are material planning considerations, and a condition would, therefore, be reasonable in this scale given the nature and scale of the development proposed.

viii) Environmental Impact Assessment (EIA)

- 10.141 An EIA screening opinion has been sought for the development (application ref: 6/2022/0424/EIA) and it was concluded that it would not be EIA development and does not require a full environmental assessment.

ix) Town Council and neighbour representations

- 10.142 The Town Council and neighbour representations received have been considered and discussed within this report. It is considered that none of the concerns raised would result in planning harm and a refusal of planning permission on any of the grounds would be justified.

7. Planning obligations

- 10.143 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 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.
- 10.144 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.
- 10.145 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.
- 10.146 The application has been supported by a Viability Appraisal & Report (by Kempton Carr Croft Property Consultants) which concludes that that the scheme cannot viably provide any affordable housing. For a 100% private scheme, there would be a deficit of -£3,792,961 based on a fixed profit allowance of 17.5%.
- 10.147 The submitted Appraisal & Report has been reviewed by the Council's Viability Consultants (Aspinall Verdi) who agreed that the scheme was unviable on the above basis, albeit with a reduced deficit of circa -£3.22 million due to varying costs, values, and tenures being applied. A scenario whereby a policy-compliant level of affordable housing would be provided was also tested and resulted in a deficit of circa -£7.22 million. Both scenarios incorporated the full S106 growth and infrastructure contributions calculated from a development of this scale and kind – amounting to over £2 million (£2,265,384).
- 10.148 Considering the conclusions of the viability appraisal and review, the applicant has confirmed that they are willing to offer a reduced sum for growth and infrastructure contributions of £250,000.00 which would equate to a reduced actual developer return of 15.35% on gross development value (GDV). This has been checked and confirmed by Aspinall Verdi. The developer return is at the lower end of the range (15-20%) of developer returns considered suitable in the National Planning Practice Guidance on Viability and the applicant is willing to take the scheme forward on this basis.
- 10.149 Aspinall Verdi have advised that review mechanisms are included in a S106 Agreement which will allow the Council to benefit from any favourable uplifts. Uplifts can be used for the provision of affordable housing or other infrastructure directly related to the development. This is wholly supported by Officers.

- 10.150 The reduced contribution offer has been reviewed by all relevant infrastructure providers (Borough Council, County Council, and NHS) and, taking into consideration the viability challenges, no objections have been raised. The sum of £250,000.00 will be apportioned between the infrastructure providers for contributions/projects where needs are most pressing. All contributions are subject to indexation. On this basis, the proposal would not conflict with Policy SP13 of the Local Plan.
- 10.151 The Council's Viability Consultants recommend that both early and late-stage viability reviews are included within the Section 106 agreement to ensure benefits from any potential uplifts. This is supported.
- 10.152 The County Council have requested that any additional funds that are forthcoming following the early and late-stage viability reviews are apportioned between the NHS, County Council and Borough Council, following discussions among all aforementioned parties. Officers are of the view that any such monies should be allocated to affordable housing given that no funds are secured to this end at present.
- 10.153 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.
- 10.154 Policy SP7 of the Local Plan outlines that, subject to viability, affordable housing will be sought. It has been evidenced to the satisfaction of Officers that the proposal cannot viability provide affordable housing and, as such, the proposal would not conflict with this policy. Review mechanisms will be included in a S106 Agreement and will allow the Council to benefit from any favourable uplifts which can be used for the provision of affordable housing or other infrastructure directly related to the development.

8. Planning balance and conclusion

10.155 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means:

“(c) approving development proposals that accord with an up-to-date development plan without delay; or

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

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

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

10.156 Footnote 8 states:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years”.

10.157 The Council cannot demonstrate a 5 year supply of deliverable housing sites and the latest Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years (currently 66%). Accordingly, the ‘titled balance’ applies and, in this case planning permission should be granted unless:

“(ii) 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”.

In terms of adverse impacts, conflict with Policy SP7 of the Local Plan has been identified in terms of housing mix as it is considered that the submitted evidence has not had sufficient regard to the Council's latest evidence of housing need and market demand. The weight attached to the conflict with Policy SP7 of the Local Plan is however considered **limited** as it is acknowledged that the proposal would contribute, in part, toward meeting the varied needs of different households and the site lends itself to higher density scheme.

10.158 There are no other unacceptable adverse impacts from the development.

10.159 Now turning to the benefits. Paragraph 8.9 of the submitted Planning Statement states that the proposal would deliver the following key benefits:

- Delivery of housing on a previously developed brownfield site which is underutilised and available for development in the short term;
- Use of an accessibly and sustainably located site to provide 145 (now 142) residential units including a high proportion of family sized units and wheelchair adapted dwellings to contribute towards boosting housing supply in the district;
- Improvements to the aesthetic quality and visual appearance of the Site, with the new building taking design cues from the area's past and architectural language, thereby contributing to a greater sense of identity for the area;
- New jobs during the construction phase and additional economic benefits through future residents' expenditures. The increased activity and spending would encourage economic growth and enhance the vitality and viability of Hatfield;
- Provision of high standard accommodation with private and communal amenity space for future residents to promote a high quality of living;
- Protection of neighbouring amenity at Parkhouse Court;
- Visual and amenity enhancements through a site-wide bespoke landscaping proposal, introducing new native planting (including tree planting) and creating inviting outdoor spaces for future residents to enjoy;
- An exceptionally high biodiversity net gain of almost 500%, representing a significant improvement to the current site conditions;
- Integration of fabric-first measures and renewable energy technologies such as photovoltaic panels to achieve a significant 37% reduction in carbon emissions; and
- Encouragement of sustainable modes of travel through the provision of Electric Vehicle Charging Points, car club bay, cycle parking and Framework Travel Plan.

10.160 The delivery of housing represents a benefit, and this development would boost the supply within the Borough where there is a shortfall. The number of market dwellings proposed, value of using this suitable brownfield site in a settlement for homes, and the fact that the application is submitted in full (not outline), are factors which afford such a benefit **very significant weight** in favour of the grant of planning permission. The weighting has taken into account the fact the Council are actively working toward achieving a five-year supply through the new Local Plan and early review.

10.161 In terms of design, paragraph 134 of the NPPF states that significant weight should be given to:

“a) development which reflects 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”.

- 10.162 The proposal is considered to represent high-quality design and meets the above requirement. As such, **significant weight** is attached to proposed development from a design perspective.
- 10.163 All flats are designed to meet comply with Part M4(2) ‘accessible and adaptable dwellings’ of the Buildings Regulations and 10.5% would be Part M4(3) ‘wheelchair user’ compliant. This exceeds the minimum requirement under Policy SP7 of the Local Plan by some margin and attracts **moderate weight**.
- 10.164 There would be economic benefits associated with the construction of the scheme and spending locally by new residents. These benefits would in part be applicable only whilst the development was being constructed. In addition, the future spending of new residents cannot be predicted or quantified. **Limited weight** is attached to these matters.
- 10.165 There would also be environmental benefits arising from the development, namely the provision of an on-site net gain for biodiversity exceeding the minimum requirement in local policy, fabric first and renewable technologies incorporated into the building, 10% EV charging points, and a car club bay. Collectively, the environmental benefits attract **moderate weight**.
- 10.166 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 in this NPPF taken as a whole. Planning permission should therefore be granted.

11 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. Development must not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development must be carried out in accordance with the approved CMP: The CMP must include the following details:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements
 - d) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);

- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan 2018; Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

2. Should the approved development require piled foundations, no piling shall take place in connection with the development until a Piling Method Statement and Foundation Works Risk Assessment (FWRA) have been submitted to and approved in writing by the Local Planning Authority.

The Piling Method Statement must include:

- The total depth and type of piling to be undertaken;
- The piling methodology;
- Measures to prevent and minimise the potential for mobilising contaminants; and
- The programme for works.

The FWRA should include:

Risk based analysis of the following pollution scenarios:

- Creation of preferential pathways, through the low permeability layer (aquitard), to allow potential contamination of the underlying aquifer;
- Creation of preferential pathways, through the low permeability layer (aquitard), to allow upward migration of contamination to the overlying aquifer;
- The driving of solid contaminants into an aquifer during pile driving; and
- Contamination of groundwater by concrete, cement paste or grout

(The risk assessment will cover the site-specific scenario/condition (mentioned above), potential pollution considerations, risk assessment, potential risk, mitigation measures and residual risk level)

In the event the FWRA indicates an unacceptable risk of the creation of a bromate pathway through the clay aquitard layer to the upper gravels, details of an alternative solution that does not require piling through the clay aquitard layer must be submitted and approved by the local planning authority prior to foundation works.

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

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

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

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

REASON: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT (EXCLUDING DEMOLITION WORKS)

4. Development must not commence (excluding demolition works) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

- ii. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. Should the approved development require piled foundations, the results of the site investigation will inform the pile design and Foundation Works Risk Assessment, subject of condition 2.
- iii. A verification plan providing details of the data that will be collected to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

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

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

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site; to enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation; and to ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development, in accordance with Policy SADM15 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Development must not commence (excluding demolition works), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP must include the following:
 - i. A Habitat Management and Monitoring Plan detailing the specific prescriptions as to how the target habitats and condition will be achieved and maintained for a period of 30 years;
 - ii. The body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan; and

The LEMP must be implemented in accordance with the approved details and the programme as approved and the measures must be maintained and retained thereafter.

REASON: To ensure that the proposed biodiversity gains (as set out in the Biodiversity Net Gain report) and other enhancements proposed are delivered and maintained, in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

7. Development must not commence (excluding demolition works) until details of a Surface Water Drainage Scheme have been provided demonstrating that contamination of any public water supply abstractions present will be prevented. This shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply. In accordance with Policy

SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Development must not commence (excluding demolition works) until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority.

The scheme must be constructed in accordance with the approved details, and Flood Risk Assessment and SuDS Report (prepared by EAS, Ref: 3657/2022, Rev Final D, dated 21 June 2023) and remain in perpetuity for the lifetime of the development.

REASON: To ensure that the development achieves a high standard of sustainability, does not increase flood risk, and remains safe, in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Development must not commence (excluding demolition works) until details of all flood resilient and resistant measures have been submitted to and approved in writing by the local Planning Authority. The agreed measures must then be installed and maintained in perpetuity.

REASON: To ensure the flood risk is adequately addressed and not increased in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

NO DEVELOPMENT ABOVE GROUND LEVEL (EXCLUDING DEMOLITION WORKS)

10. (A) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level (excluding demolition works) shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number JNY11241-RPS-0100-SK04 Rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The detailed scheme must include:

- i. Resolving all issues identified within the Stage 1 Road Safety Audit;
- ii. The reinstatement of the footway / cycleway at the existing access; and
- iii. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

(B) Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan 2018; Policy SADM2 of the

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

11. Notwithstanding the submitted Fifth Floor Outline Softworks Plan (drawing no: GUA-DR-L-009 Revision 2) and Fifth Floor Outline Hardworks Plan (drawing no: GUA-DR-L-014 Revision 2), no development above ground level (excluding demolition works) shall take place until revised details have been submitted to and approved in writing by the Local Planning Authority. The details must include:

- i. The provision of additional picnic tables and benches; and
- ii. Additional hard and soft landscaping to create areas of privacy and seclusion for residents.

The approved details must be implemented prior to first occupation of the development and be retained permanently thereafter.

REASON: In the interest of high-quality design, in accordance with Policies SP 9 of the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

12. No development above ground level (excluding demolition works) 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO FIRST OCCUPATION

13. Prior to first occupation of the development, a scheme showing the parking allocation for flats must be submitted to and approved in writing by the local planning authority. The car parking allocation must be provided in accordance with the approved details and be permanently retained thereafter.

REASON: To ensure that satisfactory and suitable levels of parking are provided for residents, in accordance with Policies SADM2 and SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. Prior to first occupation of the development, details of a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment, and operations must be submitted to and approved in writing by the local planning authority. The scheme must include:

- i. Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019;
- ii. Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 5dB below the standards within BS

8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and LAmax levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered;

- iii. A noise modelling plan showing façade noise levels at habitable rooms (living rooms and bedrooms) from commercial operations; and
- iv. Consideration to ‘agent of change’ in the National Planning Policy Framework.

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

REASON: To protect the occupants of the new development from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

- i. Noise tests must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LAmax levels should not exceed 45dB more than ten times a night in bedrooms (with any mechanical ventilation system off, on and on maximum boost setting); and
- ii. Noise testing must show that the outdoor communal amenity space complies 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 a 5-minute walk from the development that complies with the amenity noise level.

A pre-occupation testing report must be submitted to 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.

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

REASON: To protect the occupants of the new development from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. Prior to first occupation of the development, a scheme to mitigate the noise from new plant and equipment must be submitted to and approved in writing by the local planning authority. The scheme must include:

- The impact of new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019. When noise sources show signs of tonality we require noise levels to be 10dB below background noise level at the nearest receptor location. In instances where the noise source presents no tonality we require the noise level to be 5dB below the background noise level at the nearest receptor location.

REASON: To protect neighbours from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. The bin cores, as shown on the approved Ground Floor Plan (drawing number: GA-P-L00 Rev P PL07) and approved Refuse and Recycling Plan (drawing number: GA-P-03 Rev PL02) must be provided prior to first occupation of the development and be retained permanently thereafter for no other use.

REASON: To ensure appropriate provision of refuse storage area is made, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Prior to first occupation of the development, the cycle cores must be provided in accordance with the approved Ground Floor Plan (drawing number: GA-P-L00 Rev P PL07) and be retained permanently thereafter for no other use.

REASON: To secure the type and quantum of cycle parking, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. Prior to first occupation of the development, details showing the location of the 13 parking spaces that will be fitted with active (ready to use) electric vehicle charging points must be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points must be installed as approved prior to first occupation of the development and be permanently retained thereafter.

REASON: To ensure that the proposed provision of electric vehicle charging parking spaces are secured, and to ensure that appropriate provision is made for such electric vehicle charging within the development, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

20. Prior to first occupation of the development, a detailed maintenance and management plan of the whole sustainable drainage scheme must be submitted to and approved 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 must include:

- i. a timetable for its implementation; and
- ii. 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. Specifically, the maintenance measures should be identified for all surface water drainage element as proposed within the scheme.

The drainage scheme must be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling, in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a survey and report from an independent surveyor must be submitted to and approved in writing by the Local Planning Authority. The survey and report must demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 8 and Condition 24.

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 must 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 Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. Prior to first occupation of each block, the PV cells for that block, as shown on the approved Proposed Sixth Floor Plan (drawing number: GA-P-L06 Rev P PL03) must be installed and be permanently retained in operational use.

REASON: In the interest of environmental sustainability, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. The ground, first floor and rooftop communal amenity spaces hereby approved (and in accordance with the details approved under condition 28) must be made available for use upon first occupation of the development and be retained permanently thereafter for no other purpose.

REASON: To ensure that the communal amenity space is implemented for use by future occupiers in the interest of high-quality design, in accordance with Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER

24. There shall be no surface water discharge to the foul sewer from the development, unless it can be demonstrated it is the only feasible option – details of which must be submitted to an approved in writing by the local planning authority and implemented as approved.

REASON: There is a risk of hydraulic overloading of the foul sewer system. 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 Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. The flats marked 'WCH' in the Dwelling Schedule on the approved Proposed Floor Plans must comply with Part M4(3) 'wheelchair user dwellings' of the Building Regulations. All flats must comply with Part M4(2) 'accessible and adaptable dwellings' of the Buildings Regulations.

Written verification of compliance must be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To comply with the level of accessible and adaptable and wheelchair user dwellings which was applied for, in accordance with Policy SP7 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

26. 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 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 4.

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 Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

27. The development must be carried out in accordance with the approved Arboricultural Report (by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, April 2022) and Tree Protection Plan (drawing number: TPP/FBHCWHH/010 A).

REASON: To ensure that the health and longevity of retained trees are not harmed from the development and in the interest of high-quality design, in

accordance with Policies SP9 and SADM16 of the of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. The development must not be carried out other than in accordance with the approved landscaping details (including those under Condition 23) 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.

29. The development must be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment and SuDS Report prepared by EAS, Ref: 3657/2022, Rev Final D, dated 21 June 2023). This includes all relevant dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level.

REASON: To ensure the flood risk is adequately addressed and not increased in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. The development must be carried out in accordance with the approved Energy and Sustainability Statement (by Love Design Studio, May 2022).

REASON: In the interest of environmental sustainability, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

31. The development hereby permitted shall be constructed with water saving and efficiency measures to restrict estimated water consumption to no more than 110 litres/persons/day.

REASON: In the interest of environmental sustainability and to ensure the higher standard within Building Regulations Part G is met, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan.

32. Prior to installation of external lighting, details of the external lighting scheme must be submitted to and approved in writing by the Local Planning Authority. The details must include:

- i. A site plan showing the location of the external lighting;
- ii. Metrically scaled elevations of the types of external lighting; and

- iii. Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site, vegetation, and other ecological enhancements

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

The approved details must be implemented prior to first occupation of the development and be retained permanently thereafter in operational use.

REASON: In the interest of safety and security, to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect biodiversity, in accordance with Policies SP9, SADM11, SADM16 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

33. 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
GA-SL-00	PPL01	Site Location Plan	13 June 2022
GA-SP-L00	PL02	Proposed Site Plan	16 November 2023
GUA-DR-L-007	4	Outline Softworks Plan - Ground Floor	13 June 2022
GUA-DR-L-009	2	Outline Softworks Plan - Fifth Floor	16 November 2023
GUA-DR-L-011	2	Outline Softworks Schedule & Specifications Part 2	13 June 2022
GUA-DR-L-013	2	Outline Hardworks Plan - First Floor	13 June 2022
GUA-DR-L-015	P03	Landscape Masterplan	16 November 2023
EX_EL_01	PL01	Existing Elevations	13 June 2022
EX_EL_03	PL01	Existing Elevations	13 June 2022
AS21.13 L.09.02	01	Existing Ground Floor Plan	13 June 2022
GUA-DR-L-008	2	Outline Softworks Plan - First Floor	13 June 2022
GUA-DR-L-010	4	Outline Softworks Schedule & Specifications Part 1	13 June 2022
GUA-DR-L-012	4	Outline Hardworks Plan - Ground Floor	13 June 2022
GUA-DR-L-014	2	Outline Hardworks Plan - Fifth Floor	16 November 2023

GA-P-B00	PPL01	Proposed Basement Plan	13 June 2022
GA-S-S01	PL03	Proposed Section A-A	16 November 2023
EX_EL_00	PL01	Existing Elevations	13 June 2022
EX_EL_02	PL01	Existing Elevations	13 June 2022
EX-SP-L00	P1	Existing Site Plan	13 June 2022
AS21.13 L.09.03	01	Existing First Floor Plan	13 June 2022
GA-E-E01	PPL03	Proposed Elevations	28 April 2023
GA-E-E02	PPL03	Proposed Elevations	28 April 2023
GA-E-E03	PPL03	Proposed Elevations	28 April 2023
GA-E-E04	PPL03	Proposed Elevations	28 April 2023
GA-P-L00	P PL07	Proposed Ground Floor Plan	28 April 2023
GA-P-L01	P PL05	Proposed First Floor Plan	28 April 2023
GA-P-L02	P PL05	Proposed Second Floor Plan	28 April 2023
GA-P-L03	P PL05	Proposed Third Floor Plan	28 April 2023
GA-P-L04	P PL05	Proposed Fourth Floor Plan	28 April 2023
GA-P-L05	P PL05	Proposed Fifth Floor Plan	28 April 2023
GA-P-L06	P PL03	Proposed Sixth Floor Plan	28 April 2023
GA-P-L07	P PL03	Proposed Seventh Floor Plan	28 April 2023
GA-P-03	PL02	Refuse and Recycling Allocation	22 May 2023

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

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

1. 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. 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 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

3. 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.
4. "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer will need to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.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. 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.
8. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
9. Roads to remain private: The applicant is advised that all new on-site roads / the access routes associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.
10. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done through

the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

11. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact Affinity Water's Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

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:

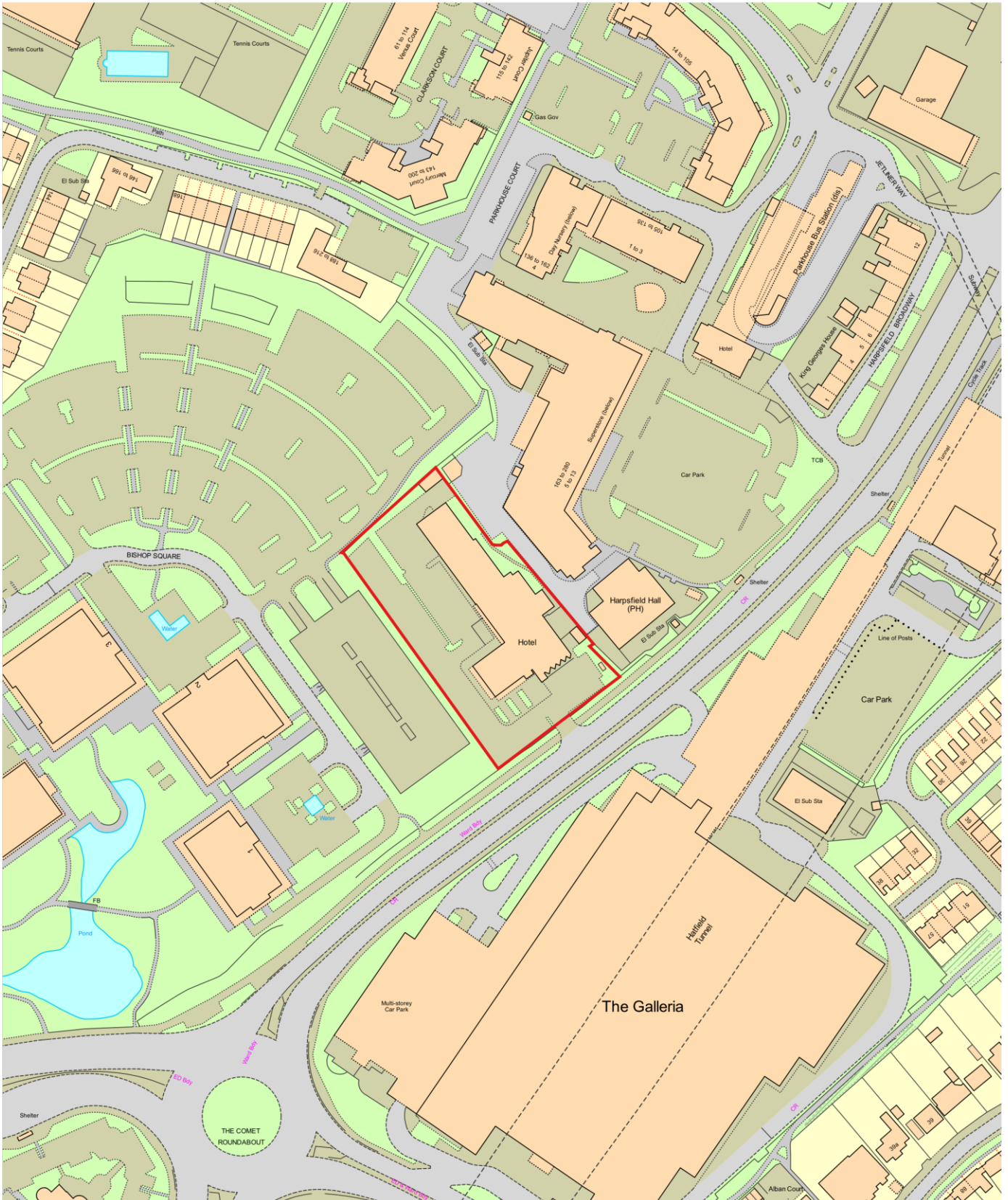
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate 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 SADM1, SP4, SADM3 and SP13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.


Together with the above drawing numbers to also be included.

POSITIVE AND PROACTIVE STATEMENT

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

David Elmore (Development Management)
Date: 23/11/2024



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Former Beales Hotel, Comet Way, Hatfield, AL10 9NG		Scale: 1:5000
	Development Management Committee		Date: 16-11-2023
Drawing Number: 6/2022/1355/MAJ		Drawn: C.Brady	
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