

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

6/2023/2455/OUTLINE

COLESDALE FARM NORTHAW ROAD WEST NORTHAW POTTERS BAR EN6
4QZ

OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT OF UP TO 44
DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS AND
STRUCTURES AT COLESDALE FARM WITH ALL MATTERS RESERVED APART
FROM ACCESS

APPLICANT: BROSNAN DEVELOPMENTS LIMITED

1 Site Description

- 1.1 The application site lies between Northaw and Cuffley and is accessed via Northaw Road West. The site was originally used for agricultural purposes and contains a number of former agricultural buildings. The majority of these buildings are now used for commercial purposes established under a certificate of lawfulness granted in 2019 (ref. 6/2018/2936/LAWE), subsequently planning application (ref: 6/2019/2544/FULL) for the retention of the existing B8 storage use and a further certificate of lawfulness granted in 2023 (ref: 6/2022/2726/LAWE) confirming B8 storage use.
- 1.2 The site measures approximately 1.48 hectares in total and is located within the Green Belt. The southern boundary of the site adjoins Northaw Road West which is flanked by a mixture of mature trees, hedgerows, and timber fencing. To the east lies an existing dwelling (Colesdale Farmhouse) and a paddock. To the north and west lies open fields. The wider area surrounding the site is formed of scattered dwellings and farm buildings within a countryside setting, including a row of dwellings known as Cattlegate Cottages to the south of the site.
- 1.3 By way of background, the application site benefits from an extant outline planning consent for the redevelopment of site of for up to 34 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access. This consent was granted on appeal under ref: APP/C1950/W/20/3253559 (LPA ref: 6/2019/2760/OUTLINE).

2 The Proposal

- 2.1 The proposal seeks outline planning permission for the erection of 44 dwellings following demolition of existing buildings and structures at Colesdale Farm with all matters reserved apart from access. The development would be served by new vehicular access taken from Northaw Road West located approximately 15m west of the existing access. A second existing access to the south east corner of the site would be retained to serve Colesdale Farmhouse and to provide pedestrian and cycle access to the development site.
- 2.2 In comparison to the extant permission, the proposal seeks to increase the number of dwellings on the site from 34 to 44. The red line site area has increased from 1.31 ha (3.24 acres) to 1.48 ha (3.58 acres) to accommodate the surface water attenuation pond. Whilst there are changes to the illustrative layout, the developable area would not be increased by this application, and the increase in the number of dwellings proposed would be achieved through a higher density of development and a more efficient use of the land. The parameters plan which accompanied the application confirms that there would be no built development within the additional site area, as this would be utilised for a SUDS attenuation pond and amenity green space.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major objection and the proposal is recommended for approval.

4 Relevant Planning History

- 4.1 Application Number: S6/2000/0922/FP
Decision: Granted
Decision Date: 21 August 2000
Proposal: Demolition of existing buildings and conversion of existing barns to create three residential units
- 4.2 Application Number: S6/2005/0009/FP
Decision: Granted
Decision Date: 11 August 2005
Proposal: Renewal of planning permission S6/2000/0922/FP for the demolition of existing buildings and conversion of existing barns to create three residential units
- 4.3 Application Number: S6/2007/1731/PA
Decision: Prior Approval Not Required
Decision Date: 29 November 2007
Proposal: Proposed revision to planning application S6/2005/0009/FP
- 4.4 Application Number: S6/2008/2224/MA
Decision: Refused

Decision Date: 06 February 2009

Proposal: Change of use of land to C3 dwellinghouses, extensions and conversion of barn to create six bed dwelling plus staff accommodation, erection of four two storey dwellings comprising of 1x 3 bed, 1x 4 bed, 2x 5 bed dwellings and ancillary car parking and landscaping following demolition of existing buildings.

- 4.5 Application Number: S6/2013/2483/FP
Decision: Refused
Decision Date: 27 January 2014
Proposal: Sub-division of existing dwelling to form two dwellings and the erection of a two storey side extension and part single, part two storey rear extension
- 4.6 Application Number: S6/2015/0175/FP
Decision: Granted
Decision Date: 23 July 2015
Proposal: Erection of agricultural building following removal of existing buildings
- 4.7 Application Number: 6/2018/2936/LAWE
Decision: Granted
Decision Date: 18 February 2019
Proposal: Certificate of lawfulness for use of buildings as commercial
- 4.8 Application Number: 6/2019/2544/FULL
Decision: Granted
Decision Date: 07 January 2020
Proposal: Retention of existing use of buildings (1a, 1b, 2b) for storage (use class B8)
- 4.9 Application Number: 6/2019/2760/OUTLINE
Decision: Appeal Allowed
Decision Date: 15 February 2022
Proposal: Outline permission for residential development of site of up to 34 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access
- 4.10 Application Number: 6/2022/2726/LAWE
Decision: Granted
Decision Date: 21 February 2023
Proposal: Certificate of lawfulness for the existing storage or distribution Class B8

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2023 (NPPF)
- 5.2 National Design Guide 2021 (NDG)

- 5.3 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
- 5.4 Northaw and Cuffley Neighbourhood Plan 2022 to 2036 (Neighbourhood Plan)
- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Planning Obligations Supplementary Planning Document 2012 (SPD)
- 5.7 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 5.8 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.9 Hertfordshire Local Transport Plan (2018-2031) 2018

6 Representations Received

- 6.1 The application was advertised by means of neighbour notification letters, site notice and press notice. In total 11 representations have been received, all of which were objections to the scheme. All representations received are published in full on the Council's website and are summarised below.

Objections

- Unsustainable development in the Green Belt
- Removal of Green Belt land
- No very special circumstances for the development
- Lack of public transport near the site
- No direct transport links to Hatfield or WGC
- Insufficient infrastructure for the additional dwellings
- Too many houses being built in the surrounding area
- Encroachment on the open countryside
- Additional traffic will cause congestion and pollution
- Site is very near to the dangerous 'T' junction of Cattlegate Road and Northaw Road East

7 Consultations Received

- 7.1 No objections have been received in principle from statutory consultees, subject to conditions and/or financial contributions. The consultation responses received are summarised below, and where appropriate, are expanded upon in later sections of this report.
- 7.2 The following have responded advising that they have no objections to the proposal in principle subject to conditions or obligations being applied:
 - Thames Water
 - Affinity Water

- WHBC Client Services
- WHBC Parking Services
- WHBC Public Health and Protection
- WHBC Landscape and Ecology
- HCC Growth Team
- HCC Transport Programmes and Strategy
- HCC Lead Local Flood Authority
- Environment Agency
- Hertfordshire Ecology
- Hertfordshire Constabulary
- NHS

7.3 No response was received from the following consultees:

- HFRS Fire Protection
- Cadent Gas
- CPRE Hertfordshire

8 Town/Parish Council Representations

8.1 Northaw and Cuffley Parish Council have submitted a Major Objection which can be summarised as: Objection on the grounds that the proposal will result in harm to the openness and purposes of the Green Belt; increased traffic movements in the area; urbanisation of the countryside location; fail to demonstrate very special circumstances; development on an unallocated site; development contrary to the Local Plan and the Neighbourhood Plan.

9 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and transport considerations**
- 5. Other considerations**
 - i) Landscaping and trees**
 - ii) Ecology and biodiversity**
 - iii) Flood risk and sustainable drainage**
 - iv) Waste management**
 - v) Contaminated land**
 - vi) Air quality**
 - vii) Accessible and adaptable dwellings**
 - viii) Environmental Impact Assessment**
 - ix) Sustainable design and low carbon homes**
- 6. Planning obligations**
- 7. The planning balance**

1. Principle of the development

- 9.2 It is a material consideration that the principle of redevelopment of the site for residential use has been accepted under 2022 appeal decision. This outline consent is extant and can be implemented in accordance with various conditions and obligations, including the requirement to apply for approval of the reserved matters before the expiration of three years from the date of the permission (14 February 2025).
- 9.3 In this case, the main differences between the current scheme and the 2022 permission are the increases in the developable site area from 1.31 ha to 1.48 ha (to accommodate a new SUDS attenuation pond within the site) and an increase in the number of dwellings by 10 units, from 34 to 44 in total.
- 9.4 Since the grant of permission, a further certificate of lawfulness was granted in 2023 under ref: 6/2022/2726/LAWE which confirmed the use of a building within the site for storage and distribution (Use Class B8). There have been no significant changes to the application site or the surrounding context since the 2022 appeal was granted.
- 9.5 There have however been revisions to the National Planning Policy Framework (NPPF), with the latest version published in December 2023, and changes in the Development Plan following adoption of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan) in October 2023 and the Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan) in May 2023. As such, the circumstances have changed and are therefore required to be reassessed against the new policies including those contained in the Neighbourhood Plan. Notwithstanding, it is considered that the change in policy in terms of the principle of residential development at the site is minor and thus the assessment closely follows that which was assessed during the application of the previous scheme – this will be discussed in more detail below.
- 9.6 In terms of decision making, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:
- The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
 - The Northaw and Cuffley Neighbourhood Plan 2023
 - Hertfordshire Waste Development Framework 2012
 - Hertfordshire Waste Site Allocations Development Plan Document; and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).
- 9.7 The NPPF is a material consideration to be taken into account in determining this application.

- 9.8 Policy SP1 of the Council's Local Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.
- 9.9 These objectives are consistent with the NPPF which encourages the use of previously developed land, and sites that are physically well-related to existing settlements (Para.89), the development of under-utilised land and buildings (Para.124) and the efficient use of land (Para.128).
- 9.10 The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF, as well as the principles set out within Policy SP1.
- 9.11 The site has not been allocated in the Local Plan for additional housing supply and as such would come forward as a windfall residential site. Policy SADM1 would therefore apply. This policy states that all applications for windfall residential development on unallocated site 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.
- 9.12 In terms of criteria i) of SADM1, Officers are satisfied that the application site is previously development land for reasons discussed below in paragraphs 9.20 – 9.29. The site is within the Green Belt where Policy SADM34 will apply, and this is discussed below in paragraphs 9.17 – 9.50.
- 9.13 In terms of accessibility, the closest bus stops to the site (242) are still situated on the northern and southern sides of Northaw Road West and are located directly outside the existing and proposed entrances to the application site which provides (albeit limited) bus services to nearby settlements including Potters Bar, Northaw, Cuffley, Goffs Oak, Cheshunt and Waltham Cross. In addition, Cuffley railway station is approximately a 1.45km walking distance from the application site. The existing footpath on the northern side of Northaw Road West/East provides pedestrian access to Cuffley which offer

a range of services and facilities. As such, access to services and facilities from the application site would not entirely be restricted to the use of the private car. The site is therefore considered to be in a reasonably sustainable location in accordance with criteria ii).

- 9.14 There is no evidence to suggest that the existing infrastructure nearby would not be able to absorb the development. There would be a benefit (albeit limited) on services and facilities in nearby settlements as the future occupants of the new dwellings have the potential to support and provide demand for nearby services and facilities. The proposal is therefore considered to meet criteria iii) of Policy SADM1.
- 9.15 Finally, the proposal is not considered to undermine the delivery of allocated sites or the overall strategy of the Local Plan, nor is it considered to result in disproportionate growth, in accordance with criteria iv) and v) of Policy SADM1.
- 9.16 For the reasons above, there is no in principle objection to this site being used for residential purposes in land use terms, however given the site's location in the Green Belt, this is a constraint on development of this site. The physical and environmental constraints on development of the land are discussed below.

Green belt assessment

- 9.17 The site is located within the Metropolitan Green Belt as defined by Local Plan Policy SP3. The NPPF states in paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 then states that substantial weight should be given to any harm in the Green Belt and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.18 Proposals for development in the Green Belt will also be assessed against the criteria set out in Local Plan Policy SADM34. This policy states that within the Green Belt planning permission will be granted for development in accordance with national policy and other policies in the Local Plan.

Appropriateness

- 9.19 Paragraph 154 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt apart from a limited number of exceptions. These include exception g):

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 9.20 Previously Developed Land (PDL) is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. A number of exclusions are set out, including land that is or was last occupied by agriculture or forestry buildings.
- 9.21 In this case, the site was previously an agricultural farmstead however it has since been established through the appeal decision (ref: APP/C1950/W/20/3253559), approved certificate of lawfulness applications (ref: 6/2018/2936/LAWE and 6/2022/2726/LAWE) and planning application (ref: 6/2019/2544/FULL) that the majority of the buildings within the site and the associated wider access/circulation/hardstanding, parking and storage areas have been in use for commercial purposes for a number of years.
- 9.22 The current uses of individual buildings/yards found at the application site has been identified on page 1 of the submitted Planning Statement. The applicant has stated that these buildings/yards have a total floorspace of 4,430m².
- 9.23 It is noted that building 10 is a residential cottage which is to be demolished as part of the scheme.
- 9.24 A certificate of lawfulness granted in February 2019 (ref. 6/2018/2936/LAWE) established that buildings 3, 4, 5, 8, 9 and 13 have been used for purposes falling within general industrial (B2) and storage and distribution (B8) uses. In 2020, planning permission was granted for the retention of existing storage and distribution (B8) use for buildings 6a, 7, 7a under 6/2019/2544/FULL. A subsequent certificate of lawfulness was later granted in 2022 under 6/2022/2726/LAWE to confirm the lawful storage and distribution (B8) use for building 2.
- 9.25 Building 11 is identified as an agricultural building that was granted under application ref: S6/2015/0175/FP. Similarly, building 12 is described as agricultural building in the submitted Design & Access Statement, however its use has not been confirmed through planning application or a Certificate of Lawfulness.
- 9.26 Although building 1 has been described as falling under Storage and Distribution (B8) use in the supporting information, it has also not been confirmed through a certificate or planning application.
- 9.27 As such, according to the details above, out of the thirteen buildings which exist onsite, one is found to be in agricultural use, and the uses of two others

have not been confirmed therefore they appear to also be in agricultural use. There is also an existing cottage under residential use. This equates to a footprint of approximately 402m² being in agricultural use, 222m² in residential use and 4028m² in B2/B8 use.

- 9.28 The submitted parameters plan identifies the extent of the area proposed for residential development, as well as the access and areas for open space/landscaping and SUDS attenuation. As this plan would form part of the approved plans list in the event of an approval, the developable area of the scheme can be controlled by condition. Although this plan indicates that the proposed development would go beyond the footprint of the existing commercial buildings, it would be built within the existing hardstanding areas which could currently be used for open storage, parking of commercial vehicles and the siting of paraphernalia associated with both the commercial and residential uses at the site.
- 9.29 Whilst lawful uses for every part of the site have not been confirmed, the proposed dwellings could be sited predominantly on land which is PDL. As such, it would be reasonable in this instance to conclude that the proposal would result in the complete redevelopment of PDL. It is important to note that this view was taken by the Inspector for the scheme previously allowed at appeal which remains extant and can still be advanced to Reserved Matters stage.

Impact on openness

- 9.30 Officers have examined whether the proposal falls to be considered under the first or second limb of paragraph 154 g). The second limb requires proposals to “...not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
- 9.31 Local Policy SP7 set out the Council’s requirements for the provision of affordable housing. Officers are satisfied that an identifiable affordable housing need exists within the Borough. The proposal will include on-site affordable housing and therefore meets the requirements to be assessed under the second limb of paragraph 154 (g).
- 9.32 To determine whether this exception to new buildings being inappropriate development in the Green Belt is met, it is necessary to examine the impact on openness. This requires an assessment as to whether the complete redevelopment of the site would cause **substantial** harm to the openness of the Green Belt.
- 9.33 There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Openness is capable of having both spatial (physical) and visual aspects. It is necessary to have regard to the existing development on the site when assessing effects on openness. The duration of the development, degree of activity, the specific characteristics of the proposal

and its setting are also relevant in this case when making an assessment. In any particular case these are matters of planning judgement.

- 9.34 The application site currently includes numerous buildings and structures which cover a large part of the site. The heights of these buildings and structures range from approximately 3m to 7.2m with those of lower heights located close to the east and west boundaries of the site. The existing buildings on the site are of substantial and permanent construction and there is no reason why they would be demolished unless planning permission is granted for redevelopment of the site. The height of the existing buildings, combined with their proximity to each other, and the extent of their footprints, results in development of a significant scale and massing at the site. Accordingly, the existing development appreciably reduces and harms the openness of the Green Belt.
- 9.35 As the application is in outline, elevations of the proposed dwellings have not been provided, however the submitted Planning Statement states that the proposed dwellings are limited to two storeys in height, and the parameters plan is annotated "*residential development to be limited to two storeys in height*".
- 9.36 The submitted indicative layout plan of the proposed development shows semi-detached and detached buildings with separate single storey garages that are dispersed across the site.
- 9.37 In terms of the impact upon the spatial openness, according to the information submitted, the total footprint of all the existing development at the site comprises approximately 4,430m². The building identified above as being in agricultural use have a footprint of approximately 379m² and the footprint of the existing commercial and residential buildings amounts to approximately 4,051m². In comparative terms, the illustrative layout would see the footprint of the development reduced to 2,055m² which represents a reduction of approximately 49.2% when compared to the existing commercial and residential building found onsite.
- 9.38 The proposed dwellings would be up to two storeys in height with the ridgelines of the main roofs measuring approximately 7.72m (as stated in the submitted LVIA), therefore they would be taller than the existing buildings in the general sense. However, the heights of the proposed dwellings would not be significantly taller than the tallest buildings on the site (7.22m).
- 9.39 It is acknowledged that the proposed development would see built form spread beyond the footprint of the existing buildings, however, the developable area would be contained within the curtilage of the existing buildings (including hardstanding used for car parking, storage, access and circulation to the existing buildings) which falls within the definition of previously developed land.
- 9.40 In comparison with the extant permission for 34 dwellings, the additional 10 units currently proposed would be achieved by a combination of smaller

dwellings, smaller plots sizes, and by utilising more of the developable area of the site. For example, a comparison of the illustrative layout plans shows 6 semi-detached houses sited towards the northern extent of the site on land previously shown indicatively as landscaped amenity space. In this regard, it is important to note that layout was a reserved matter under the extant permission and the developable area incorporated the full extent of the site as identified by the red line. In effect, the 34 dwellings of the extant permission could be sited anywhere within the red line boundary, subject to a reserved matter application, including the area that is currently being proposed for additional dwellings in the current scheme. The current scheme includes a parameters plan which serve to limit the developable area. The parameters plan also fixes minimum areas of green space, including a landscape buffer to the northwest, northeast and southern boundaries of the site.

- 9.41 The submitted Landscape and Visual Impact Assessment (LVIA) indicates that viewpoints of the site and proposed development are highly localised. Whilst the site would also be, to a lesser extent, visible from medium range views, the LVIA had identified no long-range public views towards the site.
- 9.42 The LVIA states that local views from publicly accessible areas are limited to specific points along the footpath on Public Right of Way Northaw 9, the ancillary footpaths around the site and the road network linking Cuffley with Northaw. However, the existing vegetation along the boundaries of the site which comprises of non-native Leyland Cypress would assist in reducing the visibility and prominence of the development. Whilst additional views into the site would be generated by the new site access, the proposed dwellings would be set back within the site compared to the existing buildings found onsite, particularly to the front from Northaw Road West where it be around 11 to 22 metres behind large areas of open space.
- 9.43 In terms of medium range distances, most notably from the Public Right of Ways Northaw 1 and Northaw 15, the majority of views towards the application site are partial, interrupted or filtered due to topography, separation distance, the existing built form and intervening vegetation at the boundaries of the site and wider landscape.
- 9.44 The proposals also seek to retain existing boundary vegetation and introduce new vegetation with additional hedge and tree planting as shown on the parameters plan. Full landscaping details will be secured at the reserved matters stage.
- 9.45 Whilst the proposed dwellings would be taller than the existing cluster of commercial buildings, the redevelopment of the site would replace buildings that have substantial individual footprints and massing with buildings of much more modest proportions. This reduction in bulk, in combination with the open space between dwellings, would have the effect of breaking down the apparent scale of development in the visual sense. The indicative layout also shows spacing between the individual plots which would provide a degree of permeability through the site to increase visual openness within the site.

Together, these factors would ameliorate the visual effects and any harm arising from the introduction of taller buildings at the application site.

- 9.46 At present the hard surfaced areas within the application site are used for access and circulation, the parking of vehicles and for external storage. Therefore, the highways infrastructure, parked cars, gardens, boundary treatments and other domestic paraphernalia arising from the proposal would not have any significant adverse effect on the visual and spatial openness of the Green Belt when compared to the existing situation. Also, because the second limb of paragraph 149 g) of the NPPF, specifically refers to the provision of affordable housing, some domestic paraphernalia, vehicle parking and lighting is to be expected.
- 9.47 It is also reasonable to factor into the weighting exercise, the quite common manifestations and visual impacts that might be associated with the lawful commercial use of the land such as: external storage of materials, pallets, skips, refuse and recycling containers, commercial vehicles, including HGV's and vans and private vehicles associated with employees and visitors, etc. Impacts on both the openness and character and appearance of the area said to arise from the proposal must be judged not against the appearance of a green field site or a farmstead, but how the site may appear should the lawful use continue.
- 9.48 Therefore, while the proposal would have a greater effect on the visual openness of the Green Belt, this would not amount to substantial harm.
- 9.49 Drawing on the above reasons, Officers conclude that the redevelopment of the site for the 44 dwellings proposed, would not cause substantial harm to the openness of the Green Belt. Therefore, in principle, the proposal accords with the exception under paragraph 149 g) of the NPPF and is not inappropriate development in the Green Belt. The proposed development would therefore constitute appropriate development in the Green Belt in accordance with the NPPF and SADM34 of the Local Plan.
- 9.50 As it is considered to be appropriate development in the Green Belt, an assessment of the purposes of including land within the Green Belt is not required. This position is supported by caselaw.

Loss of employment land

- 9.51 Local Plan Policy SP8 sets out a number of ways in which the Council will support economic prosperity, encourage inward investment and the creation of a range jobs. This includes resisting the loss of employment land.
- 9.52 The rural economy is an important part of Welwyn Hatfield's local economy. Some existing small business units on are effective at providing useful services and employment for local people and it is important that this part of the local economy can continue its role.

- 9.53 Policy SADM10 identifies areas of land designated for employment. The application site is not within a designated employment area but it does support an existing employment use. Policy SADM10 sets out criteria relating to proposals for the change of use of land and premises in employment use:

Proposals that would result in a loss of land from Class B uses to another use or uses whether in a designated employment area or not, will only be permitted where:

- iii. It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are no longer required to meet future employment land needs and that there is a lack of demand for the land or premises in that location;*
 - iv. The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and*
 - v. In accordance with Policy SP8, they provide facilities that are supportive of Class B or Class E(g) uses.*
- 9.54 Most of the existing buildings on the site are used for Class B8 storage and distribution which can have a wide range of employment densities. In this case, no information has been provided in relation to the number of people employed at the site. Likewise, no information had been provided to demonstrate compliance with Policy SADM10.
- 9.55 Nevertheless, it is important to note that in relation to the extant permission, the appeal Inspector concluded that, on balance, there was no undue harm arising from the loss of employment use as there was no substantive evidence to suggest that the loss of the site for employment use would undermine key economic sectors or sites. Therefore, the principle of the residential development has already been found acceptable at the site and consequently it is not necessary to demonstrate a lack of demand for employment use in line with SADM10.

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

- 9.56 The Government attaches great importance to the design of the built environment. The NPPF notes at paragraph 131 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 9.57 The National Design Guide (NDG) provides further details as to what is considered as constituting good design and states that good design involves

careful attention to the context for places and buildings and hard and soft landscape (amongst others), and a well-designed place is made up of the following components: layout, form, scale, appearance, landscape, materials, and the details of the building.

- 9.58 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 9.59 The adoption of the Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan) in May 2023 is also a material consideration. Policy D1 of the Northaw and Cuffley Neighbourhood Plan regards residential design and amenity with Policy D2 referring to the local character. Appendix 2 provides further guidance in support of policies D1 and D2, with extracts from previous local character assessments that should be used to inform all development proposals.
- 9.60 The site lies within the Northaw Common Parkland Landscape Character Area (area 53) as defined in the Welwyn Hatfield Landscape Character Assessment (April 2005) which identifies parkland as the dominant land cover within the area, and land use being primarily horse pasture. It states that settlement is predominantly confined to the narrow ridgelines, such as the village of Northaw and The Ridgeway at Cuffley. The area surrounding the site is formed of open fields to the north and west and scattered dwellings and farm buildings within a countryside setting, including Colesdale Farmhouse to the east and a row of dwellings known as Cattlegate Cottages to the south.
- 9.61 This application is in outline form with all matters reserved for later approval, except for access. Notwithstanding this, an illustrative layout has been submitted which shows how a scheme for up to 44 dwellings could be accommodated at the application site. The submitted details indicates that the development would consist of both detached and semi-detached properties, with the majority being 2 storey but with 1.5 storey units in the western corner of the site. Whilst the layout is not being considered for approval as part of the outline stage, this scale of development proposed is not considered to be objectionable in principle. Moreover, the reserved matters stage presents an opportunity to improve upon the illustrative layout to deliver a scheme which accords with the high standard of design required to meet both local and national policy. In this regard, Officers are not convinced that the illustrative scheme in its current form represents a rational layout which would function well, be visually attractive, sympathetic to local character and establish a strong sense of place. In particular, the use of cul-de-sacs and turning heads should be reconsidered, and the alignment of the internal roads, opens space and plots rationalised to improve amenity and place making. Furthermore, whilst the submitted illustrative landscaping scheme proposes tree and hedge

planting around the boundaries of the site which is positive, in some area residential gardens are shown to extend up to the site boundary which is unlikely to be acceptable. Changes will be required to ensure that the development is appropriately screened by a robust landscape buffer around the perimeter of the site to minimise its visual impact within the surrounding landscape – this can be secured at reserved matters stage.

9.62 Although, the proposed development may be visible from local viewpoints and to a lesser extent from medium range views even with greater landscaping buffer and screening in place, it is important to note that the site consists of previously developed land with large buildings currently in situ. The proposed residential development allows for a reduction in both built form and hardstanding areas within the site and increases the landscaped areas. Furthermore, whilst the creation of a new access will allow additional views into the site along Northaw Road West, the site is currently occupied by commercial uses with associated external storage and the parking of large commercial vehicles. The application site's current commercial presence therefore detracts from the wider rural character and appearance of the area and does not contribute positively to the Landscape Character Area. As such, there is the opportunity to better assimilate at the site with the rural character of wider area and enhancing its appearance when compared to the existing situation.

9.63 In summary, whilst Officers are of the opinion that certain aspects of the submitted illustrative plans do not currently represent high quality design, parameters such as layout, scale, appearance and landscaping would change at reserved matters stage and any reserved matters applications would be assessed on their planning merits in accordance with the Development Plan.

9.64 In view of the above, it is considered that a good standard of development which respects the visual amenities and the character of the area can be adequately safeguarded with conditions at reserved matters stage in accordance with the Local Plan, the Neighbourhood Plan and the NPPF.

3. Residential amenity

9.65 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. This is consistent with the design guidance contained in the Neighbourhood Plan and the SDG.

i) Neighbour impact

9.66 In this case, the properties which would be most affected by the proposal is Colesdale Farmhouse and which is situated to the south-east application site. Based on the indicative drawings, the nearest proposed dwellings are approximately 16m to the west and 18m to the north of this neighbour. It is

noted that no representations have been received from the occupiers of this property. At this outline stage it is not possible to fully assess the impact of the proposal on the amenities of the occupiers of neighbouring dwellings, as no elevation drawings have been provided and the layout of the dwellings are currently indicative only. Notwithstanding, it is considered that sufficient separation exists between the plot and the nearest residential buildings to allow for a scheme to be designed which would not result in undue harm to the amenity of neighbouring occupiers. Full consideration of neighbour amenity would be undertaken at reserved matters in the event of an approval of the scheme, following the submission of details relating to the layout, height, design and levels.

9.67 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during the construction stages. However these impacts can be managed and mitigated through the imposition of a Construction Traffic Management Plan which can be secured by condition.

ii) Future occupiers

9.68 With regard to the impact of the scheme on future occupiers of the proposed dwellings, in this case, the submitted illustrative block plan (Drawing no. 575/23/OUT/PL1002) suggests that all proposed dwellings would be compliant with the Nationally Described Space Standards and this can be secured when precise details are submitted at the reserved matters stage. There is an expectation that all dwellings will benefit from private amenity rear gardens which meet local and national guidance by being functional and useable in terms of their width, depth, shape and orientation. In this regard it is notable that the indicative layout shows some of the proposed dwellings with relatively shallow gardens which are not considered to meet the requires standard of amenity of quality of design. However, given that layout is not fixed by this outline application, Officers are satisfied that a good standard of amenity can be achieved when layout is considered under a reserved matters application. As such this concern does not warrant a reason to refuse the scheme.

9.69 In terms of noise and disturbance, due to the proximity of the site to the main road (B156), details relating to a scheme to protect the proposed development from noise due to transport sources would need to be secured by condition to ensure noise levels experienced by the future occupiers are within acceptable limits.

9.70 As such, the proposal would be subject to further details to be provided at reserved matters stage in the event of an approval, to ensure that there will be no significant harm to neighbour amenity and a good level of amenity is provided for future occupants in accordance with Local Plan Policies, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

4. Highways and transport considerations

- 9.71 Paragraph 111 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 115 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 9.72 Policy SADM12 of the Local Plan regarding parking is informed by the standards that are set out within the Council’s parking standards. The Council’s Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 9.73 Policy T2 of the Northaw and Cuffley Neighbourhood Plan is also relevant as it require proposals to have sufficient regard to sustainable modes of transport including walking a cycling.
- 9.74 In terms of parking, based on the indicative mix of housing types being proposed below, a maximum of 82 spaces is required for the development.
- 8 x 1 bed (8 x 1.25 = 10 spaces)
 - 18 x 2 bed (18 x 1.5 = 27 spaces)
 - 12 x 3 bed (12 x 2.25 = 27 spaces)
 - 6 x 4 bed (6 x 3 = 18 spaces)
- 9.75 The submitted Design and Access Statement states that a total of 85 spaces will be provided onsite which includes 3 visitor spaces. As such the parking provision will be in line with the Council’s parking standards. The proposal also seeks to provide each home with secure cycle storage facilities. Given that the layout of the proposed development is a reserved matter and there is considered to be sufficient space within the site to accommodate a suitable parking layout, no concerns are therefore raised in this regard. No objections were raised by the Highway Authority to the proposed level of parking provision. Full details and the implementation of parking can be controlled by condition at reserved matters stage.
- 9.76 In terms of highways impacts, whilst the application is in outline and the layout is indicative, access is not a reserved matter and plans have been submitted specifically showing the key access arrangements which are proposed to be determined as part of the application.
- 9.77 The Highway Authority has reviewed the submitted documentation, and no objections were raised to the proposed development. It is not considered that

the scheme for 44 dwellings would have a significant impact on the operation of the local highway network through additional vehicle movements. The submitted information suggests that the development will result in a slight increase of 1 trip in the AM peak and an increase of 9 trips in the PM peak period however this increase is more than offset by the removal of large commercial vehicles currently accessing / egressing the site. It should also be noted that the approved development (6/2019/2760/OUTLINE) for 34 dwellings generated 22 trips in the AM peak period and 20 trips in the PM peak hour; thus, the additional 10 dwellings will only generate an extra 3 trips in the AM peak period and 4 trips in the PM peak period. No concerns are therefore raised in this regard.

- 9.78 The development would be served by new vehicular access taken from Northaw Road West located approximately 15m west of the existing access. A second existing access to the south east corner of the site would be retained to serve Colesdale Farmhouse and to provide pedestrian and cycle access to the development site. The proposed new vehicular access will be constructed to a width of 4.8m with 2.0m footways on either side of the carriageway. The Highway Authority stated that the revised access position for the development would have adequate visibility splays onto the B156 and would provide safer access / egress when compared to the existing arrangements. No objections are therefore raised to the proposed access.
- 9.79 The proposals also seek to provide pedestrian footway improvements by widening of the existing footway to 2 metres along the site frontage and installing a new dropped crossing with associated tactile paving (for the visually impaired) to provide uninterrupted pedestrian connectivity to the existing bus stop to the south of the site. Further details can be secured by condition and under a section S278 agreement with the Highway Authority. An informative would also be required to inform the developer of their requirements to ensure the satisfactory completion of the access and associated road improvements.
- 9.80 Overall, subject to conditions, the development would not have a severe impact on the operation of the wider highways network to warrant the Local Planning Authority to withhold planning permission. No objections are therefore raised in regards to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2 and SADM12 of the Local Plan, the Neighbourhood Plan or the NPPF.

5. Other considerations

i) Landscaping and trees

- 9.81 Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development and this regard the design policies of the Plan would again be relevant.
- 9.82 The NPPF sets out at paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph

136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Policy D3 of the Northaw and Cuffley Neighbourhood Plan is also relevant as it requires proposals to have sufficient regard to Green Infrastructure.

- 9.83 A tree report by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited dated October 2023 has been provided with the application which includes an Arboricultural Impact Assessment, Arboricultural Method Statement, a tree survey and Tree Protection Plan. The Council's Tree Officer has confirmed that the assessment of the trees is in accordance with BS:5837: 2012 and is considered a fair appraisal. The Arboricultural Method Statement and the Tree Protection Plan are considered sufficient to protect the retained trees should the application be approved and can be secured via condition.
- 9.84 The submitted tree report states that several trees will be required to be removed to facilitate the development. This includes 1 no. individual tree (T3), 1 no. group of trees (G9) and part of 2 no. groups of trees (G3-G4). Furthermore, several dead trees within G4, 2 no. dead trees within G6 and 1 no. predominately dead tree within G8 are also recommended to be removed as part of the scheme. As the trees to be removed are C category, which are of low quality, their loss can be mitigated with additional tree planting on site as part of the landscaping scheme. A number of other trees are recommended for removal due to their poor condition, these are U Category trees of poor quality and either dead or predominately dead, therefore no objections are raised to their removal.
- 9.85 A Landscape Master Plan by DCCLA (drawing no. LMP/CFNRWCH/030) has been provided with the application. The plan sets out an overall philosophy for the scheme, details of hard landscaping materials, plant and tree species, and plant sizes. The proposal includes an attenuation basin, an orchard, a meadow area along with areas of native hedging and areas of native trees and shrubs.
- 9.86 The Council's Tree Officer commented that in principle the vision and approach to the landscaping is considered appropriate, however if approved a further detailed landscaping plan/scheme will be required at the reserved matters stage. This should include additional details including specific planting species, plant sizes, planting densities, planting methods and aftercare. It should also clarify the specification for the meadow areas and the attenuation basin. In this respect, no objections are raised with regard to the objectives of the Local Plan, the Neighbourhood Plan, or the NPPF.

ii) Ecology and biodiversity

- 9.87 Paragraph 180 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 9.88 Paragraph 186 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) that “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.
- 9.89 Local Plan Policy SADM16 states that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain (BNG) of at least 10%. For residential development, this means major developments involving 10 or more dwelling houses will need to demonstrate the provision of 10% BNG.
- 9.90 Policy D3 of the Northaw and Cuffley Neighbourhood Plan is also relevant as it requires proposals to have sufficient regard to Green Infrastructure including the provision of BNG.
- 9.91 Hertfordshire Ecology have been consulted for this application and have advised that the site is not of any particular ecological importance as it predominantly comprises buildings and hardstanding. However, there is some boundary vegetation which will have some ecological value, including an area of scrub and a pond. A Preliminary Ecological Appraisal by Bee Wise Eco (July 2023) which concluded that the site had negligible potential for bats, great crested newts, badgers, and reptiles. Hertfordshire Ecology have confirmed that they do not dispute the findings of the report. In the event of an approval, an informative would be required to ensure the developer is aware of their obligations in relation to protected species legislation.
- 9.92 The submitted report states that the buildings and vegetation on site were confirmed to have potential for nesting birds. The recommendations in the ecological report (s5.4 nesting birds) relating to the timings of building demolition and vegetation removal should be followed to ensure no nesting birds are harmed during the works – this can be appropriately secured via condition in the event of an approval. Consequently, there is no ecological objection to the development.
- 9.93 In terms of BNG, the documents submitted in support of the application demonstrate a potential biodiversity net percentage gain of 861.32%. Herts Ecology have been consulted and it was stated that the submitted landscape master plan corresponds with the information outlined in the metric. It was advised that as the site in its current condition has very limited habitats, with the baseline habitat units standing at 0.43.

9.94 The onsite net change is predominantly owed to the addition of medium distinctiveness habitats such as other neutral grassland, and urban trees along with the addition of a small orchard which has high potential value for biodiversity. Herts Ecology notes that a meadow area is proposed within the area of open space which will contribute to a BNG, however the primary function of this is as a SUDs feature therefore it would not support meadow habitat when full of water. Furthermore, due to its close proximity to the proposed dwellings, it may be also subject to recreational pressures. Nevertheless, Herts Ecology stated that since the net gain is significantly over the minimum 10%, this does not represent a major issue to BNG.

9.95 Subject to a condition requiring the submission of a Biodiversity Gain Plan, no objections are raised with regard to the ecological objectives of the Local Plan, the Neighbourhood Plan, or the NPPF.

iii) Flood risk and sustainable drainage

9.96 Paragraph 167 of the NPPF seeks to steer new development to areas with the lowest probability of flooding from any source. Flood Zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. The application site is located entirely within Flood Zone 1 and therefore represents a very low probability of flooding.

9.97 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.

9.98 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management are consistent with the NPPF.

9.99 The application is supported by a Flood Risk Assessment and a Drainage Strategy. The Environment Agency (EA) and Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application and confirmed no objection subject to suggested conditions. Furthermore, Thames Water have advised that no objections are raised to the submitted information with regard to waste water network and waste water process infrastructure capacity. Accordingly, it is considered that the proposed development would not be in accordance with Policies SP10 and SADM14 of the Local Plan and the NPPF.

iv) Waste management

- 9.100 The Council's Client Services Team have been consulted as part of this application and raised no objection to the principal of the proposed development. Further information will however be required with regards to the location, size and type of storage area proposed for the dwellings. It is considered that if this application were approved that this information could be secured at the reserved matters stage.

v) Contaminated land

- 9.101 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.
- 9.102 The Council's Public Health and Protection Team have been consulted as part of this application and they have stated that they do not object to the development subject to a condition being imposed on any approval to ensure that if any unexpected finds are discovered during construction further assessment work is undertaken. Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy SADM18.

vi) Air quality

- 9.103 Policy SADM18 of the Local Plan advises that development proposals located within 50m of an identified "heavily trafficked route" should include consideration of air quality impacts. In this case, whilst the site falls within 50m of the B156, which has been cited as a heavily trafficked route, no objections have been raised by the Public Health and Protection Team. The In their consultation response, the Council's Environmental Health noted that the proposed development site is not located within an air quality management area.
- 9.104 Due to the scale of the development, it is considered that the proposal would have a negligible impact on air quality. Accordingly, no objections are raised.

vii) Accessible and adaptable dwellings

- 9.105 Policy SP7 of the Local Plan requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet the required Building Regulations Part M4(2) standards for "accessible and adaptable dwellings". Whilst, in this case, the applicant has not indicated in the submission that the development will meet this requirement, it is considered reasonable for a condition to be imposed on any grant of permission to ensure that at least

20% of new dwellings within the development adhere to this part of the Building Regulations in accordance with Local Plan Policy SP7.

viii) Environmental Impact Assessment

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

ix) Sustainable design and low carbon homes

9.107 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.

9.108 The NPPF, at paragraph 157, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

9.109 In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

9.110 Local Plan Policies SP10 and SADM13 seek to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.

9.111 The application is not supported by an Energy and Sustainability Statement nor have any details of measures to minimise the level of carbon emissions arising from the development been provided. A reserved matters application will be required to demonstrate compliance with local and national policy with appropriate energy efficiency measures secured by conditions. On this basis, no objections are raised at this outline stage.

6. Planning obligations

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

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

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

9.114 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.

9.115 The applicant and Council have entered into negotiations 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. The heads of terms sought by the Council are summarised below:

Affordable Housing:

9.116 Policy SP7 of the Local Plan outlines that, subject to viability, affordable housing will be sought. Policy SP7 states that for re-development of previously developed sites in the Green Belt, a target 30% of units should be affordable housing.

9.117 In this case the proportion of affordable housing is 34% and it has been advised that 51% will be socially rented and 49% affordable rent/shared ownership. As such the proposal would exceed the policy requirement of Policy SP7.

Hertfordshire County Council Contributions:

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

- Childcare: £334
- Primary/Nursery Education: £284,213
- Special Educational Needs and Disabilities (SEND): £46,702
- Library Services: £12,306
- Youth Services: £5,205
- Waste Service Recycling Centre: £6,439
- Waste Service Transfer Station: £4,533
- Fire and Rescue Service: £16,365
- Sustainable Travel: £300,344
- Monitoring Contribution: £340 per trigger

WHBC Contributions:

9.119 Financial contributions and projects as follows:

- Outdoor Sport facilities: £67,138
- Indoor Sport facilities:
 - Indoor Bowls - £565
 - Sports Hall - £20,697
 - Swimming pools - £21,739
- Play Facilities: £14,131.20
- Off-site Green Space: £5,387.52
- Waste and recycling bin provision: £4,235
- Monitoring Fee: £5,000

9.120 All S106 financial obligations are subject to indexation.

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

9.122 The applicant and Council have entered into negotiations to address the points outlined above and the heads of terms have been agreed with the applicant. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

9.123 Members should note that all of the Hertfordshire County Council and Welwyn Hatfield Borough Council contributions, as set out, are indicative at this stage and subject to change as they are based on up-to-date evidence.

9.124 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy SP7 and SP13; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

7. The planning balance

9.125 Policy SP1 of the Local Plan requires that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

9.126 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.

9.127 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”.

9.128 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”.

9.129 Footnote 8 provides an “either” clause whereby either would result in the engagement of paragraph 11(d). These two clauses are considered in turn below.

Clause (a): Housing Land Supply

9.130 Paragraph 76 of the NPPF states that:

“Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met⁴⁰: a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded”.

9.131 The new Local Plan was adopted in October 2023 and is therefore less than five years old. The adopted Plan identified at least a five-year supply of specific, deliverable sites at the time its examination concluded.

9.132 Paragraph 76 of the NPPF includes Footnote 40 and takes us to transitional provisions in Footnote 79 which in turn states that:

“As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework”.

9.133 The application was made valid on 5 December 2023, before the publication of the latest version of the NPPF on 19 December 2023 and thus the provisions of paragraph 76 do not apply to this application.

9.134 Footnote 8 also references the transitional arrangements as set out in paragraph 226. The first section of paragraph 226 sets out the contextual arrangements by where local planning authorities may only be required to identify a 4-year housing land supply, rather than a 5-year supply. The second section of this paragraph then sets out the requirement test for the clause to take effect. This clause is restricted to authorities with an emerging Local Plan (Regulation 18 or 19 stage with allocations included). As Welwyn Hatfield Borough Council have a recently adopted Local Plan, paragraph 226 is not engaged.

9.135 Both Footnote 8 and paragraph 226 reference paragraph 77. This indicates that in all other instances (i.e. beyond those set out in paragraph 76 which is not relevant to this application), local planning authorities should be expected to identify a minimum of 5 years housing, unless the reduction as set out in paragraph 226 is relevant; as noted above, they are not relevant to Welwyn Hatfield Borough.

9.136 For the purpose of this application, the NPPF therefore maintains a requirement for the Council to identify a five year housing land supply requirement. At this time, it is considered that there is 3.4 years housing supply. The housing land supply position therefore triggers paragraph 11(d) as per Footnote 8.

Clause (b): Housing Delivery Test

- 9.137 This clause outlines that paragraph 11(d) will take effect where local planning authorities through the Housing Delivery Test (HDT) have housing completions less than 75% of the housing requirement over the previous 3 years.
- 9.138 The Government published the latest Housing Delivery Test results on 19 December 2023, which relate to the three-year period 1st April 2019 – 31st March 2022. The results showed that Welwyn Hatfield delivered 57% of homes against its target for the three-year period. However, the number of homes required was calculated against the standard methodology requirement. Welwyn Hatfield adopted its Local Plan on 12th October 2023 and therefore the new housing requirement figure can be used to re-calculate the housing delivery test result, in line with paragraph 18 of the Housing Delivery Test Measurement Rulebook.
- 9.139 When measured against the newly adopted requirement, the Housing Delivery Test result improves slightly to 65% (which has been confirmed by the Department for Levelling Up, Housing & Communities). Nonetheless, it remains below 75% for the past 3 years and so paragraph 11(d) is additionally 'triggered' by the Housing Delivery Test position.
- 9.140 At this time, the 'titled balance' under paragraph 11 of the NPPF continues to be in effect as per paragraph 11(d) of the NPPF, with it being triggered on both counts:
- a) Housing land supply; and
 - b) Housing Delivery Test result.
- 9.141 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”.*
- 9.142 In terms of adverse impacts arising from the scheme, the proposed development would result in the loss of an employment site, resulting in a degree of conflict with Policy SADM10. However extant planning permission exists which also results in the entire loss of the commercial use of the application site. Therefore the principle of residential development is already found to be acceptable. Accordingly, only limited weight is attributed to the loss of employment land.
- 9.143 As for the benefits of the proposal, there would be an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. However, the economic benefits in terms of construction would be short-term and

therefore limited. Local business would derive some long term economic benefit from the future occupiers spending on goods and services but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

- 9.144 The proposal would provide a social benefit through the provision of 44 dwellings, 15 of which will be affordable homes (34%). This exceeds the policy requirement in Policy SP7 of the Local Plan (30%). This would make a contribution towards the identified housing need within the Borough. Further social benefit arises from the provision of high quality, adaptable and energy efficient homes. There will also be the pedestrian footway improvements arising from the scheme which can be secured via a S278 agreement. These considerations weigh substantially in favour of the proposal.
- 9.145 In terms of the environment, the application site is in a location accessible by sustainable modes of travel with access to a range of services and facilities to meet the day-to-day needs of future occupiers. The proposal would not unduly harm the visual amenity or the character and appearance of the area. The landscaping proposals, including tree and hedgerow planting, along with a new orchard and meadow will provide an opportunity for Biodiversity Net Gain of circa 800% which significantly exceeds the minimum requirement of 10%. These factors weigh moderately in favour of the proposal.
- 9.146 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.

10 Conclusion

- 10.1 In this case, the proposed development has been assessed against the policies of the Local Plan, the Neighbourhood Plan and the NPPF. Subject to conditions and a satisfactory S106 agreement, Officers have found the proposal acceptable in terms of quality of design; landscaping; amenity and living conditions of neighbouring occupiers and future occupiers; highways; drainage; ecology. Other material considerations have also been considered. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. Approved Drawings

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

Plan Number	Revision Number	Details	Received Date
575/23/OUT/ PL1000		Site Location Plan	5 December 2023
575/23/OUT/ PL1001		Existing Site Plan (Topographical Survey)	5 December 2023
575/23/OUT/ PL1002		Illustrative Block Plan	5 December 2023
575/23/OUT/ PL1003		Illustrative Site Plan	5 December 2023
575/23/OUT/ PL1004		Illustrative Access Strategy Plan	5 December 2023
575/23/OUT/ PL1005	B	Illustrative Dwelling Types Plan	10 April 2024
575/23/OUT/ PL1006		Illustrative Built Area Overlay Plan	5 December 2023
575/23/OUT/ PL1007		Illustrative Street Frontage	5 December 2023
575/23/OUT/ PL1008		Illustrative Site Layout Visual	5 December 2023
LM/CFNRWC H/030 C		Landscape Master Plan	5 December 2023
TPP/CFNRW /010 E		Tree Protection Plan	5 December 2023
575/23/OUT/ PL1009	A	Parameters Plan	11 June 2024
24794_08_02 0_01	B	Access Design and Visibility Splay	10 April 2024

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

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

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

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

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

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

- a) Construction vehicle numbers, type, routing;
- b) 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; to protect the living conditions of neighbouring properties, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework

5. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works the dropped kerbs/tactile paving, unobstructed visibility splays, minimum 2m footway

widths, area of new footways at both bus stops fronting the site to facilitate improvements to existing flags, poles installing bus shelters, etc (as shown in drwg no.'s 24794_08_020_01 Rev B and 575/23/OUT/PL1004 rev B dated 05/04/24). These works shall be constructed to the specification of the Highway Authority and completed before commencement of work of the development.

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

6. No development shall commence until details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment/Drainage Strategy (ref 2088/2023 dated October 2023). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:
 - a) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. This shall include the following information:
 - b) Demonstrates that the proposed surface water drainage system does not surcharge in the 100% AEP (1 in 1 year) critical storm duration, flood in the 3.33% AEP (1 in 30 year) plus climate change critical storm duration or the 1% AEP (1 in 100 year) critical storm duration.
 - c) Demonstrates that any flooding that occurs when taking into account climate change for the 1% AEP (1 in 100 year) critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes.
 - d) The discharge rate of surface water runoff should be restricted to 1 in 1-year greenfield runoff rate.

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

7. No development shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor

any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

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

8. No development shall commence until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

REASON: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

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

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

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

PRIOR TO ABOVE GROUND DEVELOPMENT

10. No development above ground level shall take place until a detailed scheme for the offsite highway improvement works as indicated on drawing number (Preliminary Drawing 24794_08_020_01 Rev B) and as described in the

Transport Statement by MEC dated December 2023 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the improvement works referred to in this condition must be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

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 in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. No development above ground level shall take place until details relating to a scheme to protect the proposed development from noise due to transport sources has been submitted to and approved in writing by the Local Planning Authority which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

The scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L_{Amax} levels should not exceed 45dB more than ten times a night in bedrooms. Good acoustic design should be implemented throughout the development to reduce façade noise levels as much as possible.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. To assess overheating with windows closed, a CIBSE TM59 overheating assessment must be undertaken and submitted for review and approval.

If mechanical ventilation is going to be installed, details of the system being installed must be provided such as the ventilation rates that the system can deliver. Ventilation rates for the development must comply with the latest building regulation requirements.

Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc). If outdoor amenity areas cannot comply, then it should be shown through measurements that a suitable place is available within 5 minutes' walk from the development that complies with the amenity noise level.

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

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

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

- a) A schedule of units, together with appropriate plans and drawings, shall be submitted to and be approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010;
- b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures;
- c) All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- d) The person carrying out the building work must inform the Building Control body which requirements apply; and
- e) Written verification of the completion of all dwellings in accord with b) and c) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

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

13. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

14. If contamination is found at any point during the commencement of this development, 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 (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

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

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

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

PRIOR TO OCCUPATION

16. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall 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. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- a) A timetable for its implementation;
- b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated October 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

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

OTHERS

18. The gradient of the vehicular access hereby approved shall be level with the public highway (or not exceed 1:20), also including all the internal footways.

REASON: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

19. The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal by Bee Wise Eco (dated July 2023) and the recommendations in the ecological report (s5.4 nesting birds) relating to the timings of building demolition and vegetation removal should be followed to ensure no nesting birds are harmed during the works.

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

20. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement, Arboricultural Impact Assessment and Tree Protection Plan by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited dated October 2023.

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

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be

undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

7. The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
8. 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.
9. 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
10. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
11. Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

OR

- 11.2 It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed S106 agreement for the following reason and subject to the application not being called in by the Secretary of State:

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

Together with the above drawing numbers to also be included.


POSITIVE AND PROACTIVE STATEMENT

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

Raymond Lee (Development Management)

Date: 16/06/2024



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Colesdale Farm Northhaw Road West Northhaw Potters Bar EN6 4QZ		Scale: DNS
	Development Management Committee		Date: 17-06-2024
	Drawing Number: 6/2023/2455/OUTLINE		Drawn: C. Brady
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