

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 SEPTEMBER 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1532/OUTLINE

LAND AT SOUTH WAY, HATFIELD

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT
ACCESS, FOR THE ERECTION OF 120 HOMES AND A TWO FORM ENTRY
PRIMARY SCHOOL WITH ASSOCIATED ACCESS, OPEN SPACE, LANDSCAPING
AND OTHER INFRASTRUCTURE

APPLICANT: PTARMIGAN HATFIELD LTD. AND THE MRS C HORTON 1974
DISCRETIONARY SETTLEMENT

1 Site Description

- 1.1 The application site has an area of approximately 11.78 hectares and is located on the southern side of South Way, Hatfield. The site comprises two grassland fields bisected by hedgerow. There is also hedgerow, shrubs, and trees along the boundaries. Adjoining the northern boundary, between the site and the South Way carriageway (and grass verge) is a Local Wildlife Site (Southway – Southern Road Verge) which is designated for its grassland indicators. Other Local Wildlife Sites lie further away from the site to the south, south-west, west and east. Millward's Park to the east is ancient, replanted woodland. Bush Wood to the south and Hazel Grove to the north-east are both ancient and semi-natural woodland.
- 1.2 The site is elevated above South Way. Entering the site from South Way, land levels slope upward to the ridgeline at the southern boundary. The topographic low points are to the north-eastern side of the site.
- 1.3 Public Right of Way 023 (restricted byway) and Public Right of Way 021 (footpath) traverse the site and provide onward connections to land to the south and to Welham Green. Public Right of Way 085 (footpath) also connects to the southeastern corner of the site.
- 1.4 To the north of the site, on the opposite side of South Way, is a built-up residential area in the town of Hatfield. To the immediate east is woodland and Links Academy. Adjoining the site to the south-east is Bunchleys Nature Reserve and New Barnfield Central Resource Centre (now closed). To the immediate south is open fields with Welham Green beyond. Adjoining the site to the south-west is Bunchleys field and to the immediate west is Oak Hill Lawn Cemetery and Crematorium.
- 1.5 The site is not located within a Conservation Area and there are no listed buildings within or immediately adjoining the site. Approximately 540m to the east of the site lies the Grade I Registered Historic Park and Garden of Hatfield

House, and within this, a number of listed buildings, including the Grade I Hatfield House.

- 1.6 The entirety of the site is located within Flood Zone 1 (low risk of fluvial flooding).
- 1.7 The northern part of the application site is allocated in the Welwyn Hatfield Borough Council Local Plan (Local Plan) for up to 120 dwellings and a two form of entry Primary School (Site HS11 – Policy SADM26). The southern part of the site lies within the Metropolitan Green Belt. The whole site is washed over by the Mimmshall Valley Landscape Character Area (Mimmshall Valley LCA).

2 The Proposal

- 2.1 Outline planning permission is sought for the erection of 120 dwellings and a two form of entry primary school, with associated access, open space, landscaping, and other infrastructure. All matters are reserved except for means of access.
- 2.2 A new access point (vehicular and pedestrian) is proposed off South Way located to the north-west boundary, utilising an existing access to Oak Hill Lawn Cemetery and Crematorium.
- 2.3 The following plans have been submitted for approval:
 - Site Location Plan (drawing no: 001 Revision C)
 - Parameters Plan (drawing no: 015 Revision L); and
 - Proposed Access Plan (drawing no: 173110/A/13 Revision C).

Parameter Plan

- 2.4 The submitted Parameters Plan sets out the areas of the site for dwellings (including access road, private garden space, car parking areas, children's play space, incidental open space, and landscaping), the primary school (school building and associated infrastructure), school playing fields, green infrastructure (including public open space, tree planting, pedestrian and cycle routes, children's play spaces and sustainable drainage systems), and structural planting.
- 2.5 Dwellings densities would vary between up to 30-40 dwellings per hectare, and dwelling height would be up to two and a half storeys. The school building is proposed to be a maximum of two storeys in height.
- 2.6 From the new access, the access road corridor area continues south-east adjacent to Public Right of Way 23, then turns north-east toward the area of the new primary school.

Illustrative Framework Masterplan

- 2.7 To make the outline element more tangible, the applicants have developed an illustrative masterplan, which is an informed interpretation as to what the scheme might eventually look like within these broad controls. This includes how buildings might be laid out within the overall envelope set out in the Parameter Plan, including how the access routes and green infrastructure would be delivered. While the Illustrative Masterplan represents the applicants' informed thinking at this point in time, it remains as one iteration of how the overall

development might be realised and could therefore be subject to change through future reserved matters applications.

- 2.8 Plans submitted for approval have been amended to address feedback from the Case Officer and consultees. Officers consider that nobody would be prejudiced by such amendments.

3 Reason for Committee Consideration

- 3.1 The application is presented to Development Management Committee because it has been called-in by Councillor Paul Zukowskyj and North Mymms Parish Council have submitted a Major Objection.

- 3.2 The called-in reasoning is stated as follows:

“This site, whilst allocated in the emerging local plan, is not currently allocated and is therefore still in the Green Belt. Development on this site would therefore raise serious planning issues, have a very significant impact on the openness of the Green Belt and be extremely sensitive and raise significant local concern, therefore I believe it should be determined by DMC and not officers”.

- 3.3 The Major Objection from North Mymms Parish Council is stated as follows:

“North Mymms Parish Council have serious concerns at access to the site and suggest two access points to the development to aid the flow of traffic to the primary school. A Toucan crossing is not sufficient for the number of pedestrians using this busy road.”

4 Relevant Planning History

- 4.1 Application Number: 6/2022/0425/EIA
Proposal: Request for screening opinion
Decision: Not EIA development
Decision Date: 15 March 2022

- 4.2 Application Number: 6/2021/3532/PA
Proposal: Pre-application advice for outline planning application with all matters reserved other than access, for the erection of up to 150 new homes and a new two form entry primary school on land at South Way, Hatfield.
Decision Date: 29 April 2022

Summary of advice

- *Whether 150 dwellings and a primary school can be satisfactorily accommodated on the site will depend on the design and location of the built and open space elements of any detailed scheme. Appears to be little scope for 150 dwellings based on indicative masterplan submitted during course of Examination for 120 dwellings and a 2FE primary school*
- *There may be scope for some dwellings with habitable roof space including dormers in the least sensitive and inconspicuous locations within the site. Flatted development will likely be at least three-storeys in height and I am very concerned that development such as this would not be compatible with the site's location and result in a significant adverse effect.*

- *It is noted that a master-plan led approach to landscaping the site was suggested during the local plan Examination. This will not be stipulated upon and it is agreed that landscaping of the site could be appropriately dealt with through the outline planning application and subsequent reserved matters application*
- *HCC Growth & Infrastructure Team have no objection in principle subject to the land specification evidence and guidance being satisfied, in addition to the viability of infrastructure required to make the proposal acceptable in planning terms.*

4.3 Application Number: E6/1955/1279/
 Proposal: Site for residential development
 Decision: Refused
 Decision Date: 21 November 1955

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 Supplementary Design Guidance 2005 (SDG)
- 5.5 Planning Obligations Supplementary Planning Document 2012 (SPD)
- 5.6 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 5.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.8 Hertfordshire Local Transport Plan (2018-2031) 2018

6 Site Designation

- 6.1 The northern part of the application site is allocated in the Local Plan for up to 120 dwellings and a 2FE Primary School (Policy SADM26) and the southern part of the application site lies in the Metropolitan Green Belt.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. 15 representations have been received (13 objections and 2 comments). All representations received are published in full on the Council's website and are summarised below:

Objections

- Lack of infrastructure to support the homes/flats
- Loss of wildlife/wild and endangered species affected
- Loss of green space and amenity
- Proposed access to site and school not acceptable

- Noise, parking, and traffic/congestion issues
- Hatfield already overdeveloped
- Harm to Green Belt and no Very Special Circumstances
- More housing won't enable the Council/Government to meet future Net Carbon Zero commitments
- Loss of property value
- No need for school
- Upgrades to footpaths and installation of lighting along South Way needed
- Impact on toads and snakes
- Approval will set precedent
- Bus service information both out of date and misleading

Comments

- Development would benefit from the inclusion of Swift and Bat bricks integrated within the fabric of the new buildings.

8 Consultations Received

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

- WHBC Public Health & Protection
- WHBC Client Services
- WHBC Landscapes Department
- HCC Highways
- HCC Water Officer
- HCC Growth Team
- HCC Rights of Way
- HCC Historic Environment Advisor
- HCC Minerals and Waste
- HCC Ecology
- HCC Highways
- Lead Local Flood Authority
- NHS
- Affinity Water
- Active Travel England

8.2 The following have responded advising no objection:

- Natural England
- Place Services (Conservation)
- Herts & Middlesex Wildlife Trust
- Thames Water
- Historic England

8.3 There have been no responses from the following consultees:

- Herts & Middlesex Bat Group
- Herts & Middlesex Badger Group
- Cadent Gas Limited
- The Ramblers Association

- WHBC Affordable Housing Department

9 Parish Council Representations

- 9.1 Representation from North Mymms Parish Council in Section 3 above.
- 9.2 Hatfield Town Council have also submitted a strong objection. The reasons are summarised below:

- Irreversible harm to the Green Belt
- Prematurity
- Proposal fails to explain how the Bunchleys Nature Reserve will be protected from harm, both during the construction phase and once established
- Concern about the proposed layout, single point of vehicle access, and highway safety issues

10 Analysis

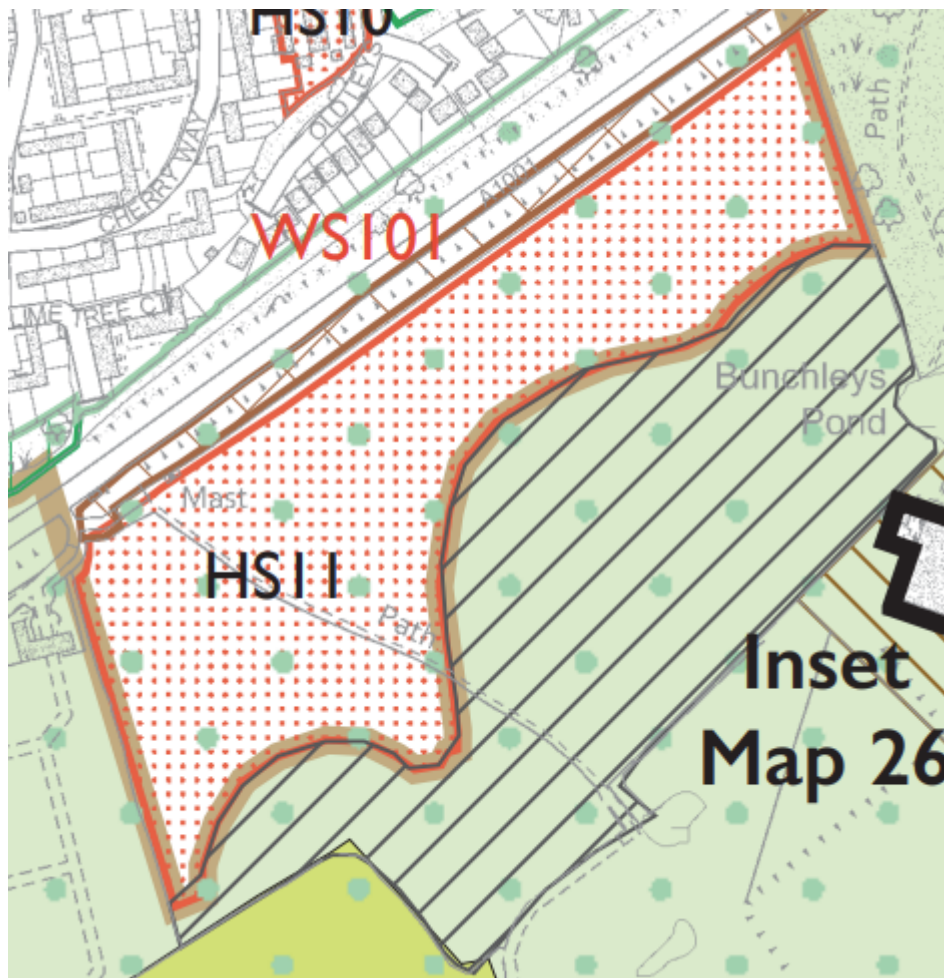
- 10.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Green Belt**
- 3. Impact on the character of the area**
- 4. Means of access**
- 5. Other considerations**
 - i) Housing mix and affordable housing**
 - ii) Flood risk and sustainable drainage**
 - iii) Ecology**
 - iv) Archaeology**
 - v) Environmental pollution**
 - vi) Sustainability requirements**
 - vii) Waste management**
 - viii) Fire hydrant(s)**
 - ix) Self-build and custom housebuilding**
 - x) Environmental Impact Assessment**
- 6. Planning obligations**
- 7. Planning balance and conclusion**

1. Principle of the development

- 10.2 A majority of the application site is allocated for development under Policy SADM26 of the Local Plan. See extract from Policies Map below (Figure 2). The allocation for site HS11 is a dwelling capacity of 120 (+ a 2FE Primary School) to be delivered within 10 years of the plan period. The remainder of the application site to the south is denoted for Landscape Buffering under Policy SP3 of the Local Plan. Policy SP3 (Settlement Strategy and Green Belt boundaries) says in this regard that planting and landscape buffers are proposed, as appropriate, to define newly established Green Belt boundaries, as indicated in the Local Plan and on the Policies Map.

Figure 2



- 10.3 HS11 now forms part of the town of Hatfield, which is described in Policy SP3 as a medium sized town, with good accessibility, a town centre and a series of large and small neighbourhood centres, and a primary focus for new development which will help bring investment, regeneration, and economic growth.
- 10.4 In January 2018, during the emerging Local Plan examination, a Statement of Common Ground (SoCG) was entered into by Welwyn Hatfield Borough Council, Hertfordshire County Council, the promoter, and the landowner – with the offer of land for a 2FE primary school at the site to meet existing education needs in south Hatfield and support wider growth in the Local Plan. The SoCG states that there are no other sites available in the right places to meet the educational needs arising from the Plan in south Hatfield.

- 10.5 The submitted Parameters Plan overlays the allocation HS11 boundary and confirms that the dwellings and school building (and associated infrastructure) will be within its allocation boundary. The only associated development and works outside the allocation and within the Green Belt will be limited to the school playing fields, school hard outdoor PE, school hard informal and social area, green infrastructure, and structural planting. The effect of such development and works on the Green Belt and area's character is discussed in subsequent Sections of this report.
- 10.6 Policy SADM26 outlines that proposals for the allocated sites will need to have regard to the site-specific considerations set out in the justification under the same policy in addition to other relevant planning policy, planning objectives and other material considerations.
- 10.7 The site-specific considerations for site HS11 in the Local Plan are as follows:
- South way road junction to access the site will require significant upgrades
 - Mitigate impact on adjacent wildlife site and ecology
 - Mitigate air and noise pollution from the A1(M) and South Way
 - Mitigate potential impact on Water End SSSI
 - Easement for public rights of way
 - Waste water infrastructure upgrades
 - Provision of land for a new 2FE Primary School site and playing field
 - Access to be provided through the housing allocation from South Way
 - A master-plan led approach to landscaping the site should be followed, including the protection of existing trees/hedgerow where possible. Tree planting along the western site boundary, outside but adjoining the southern site boundary and also along the ridgeline to the south, should be included.
- 10.8 The proposal, in terms of its scale and kind, is in accordance with the site's allocation. The submitted Parameter Plan also designates landscaping and tree planting consistent with the final bullet point above. The landscaping will therefore need to follow this overarching framework at detailed design stage.
- 10.9 Hertfordshire County Council Growth & Infrastructure Team raise no objection to the application, and indeed the proposed school site. Mindful of the proposed extent of built area, their response is however caveated with the Local Planning Authority (LPA) being satisfied that some of the hard standing areas for the school (for informal and formal outdoor play) would be allowed in the Green Belt at the time of submission of reserved matters, and at a size no larger than the Area Guidelines for Mainstream Schools (currently Building Bulletin 103) at this time.
- 10.10 Subject to Officers being satisfied on the matter of hard standing area for the school encroaching into the Green Belt, and all other remaining site-specific consideration regarding access and wastewater upgrades, mitigations and public right of way easements, the principle of the proposed development is accepted. These considerations are discussed in subsequent Sections of this report.

2. Green Belt

10.11 The southern part of the application site (outside the site allocation) is in the Metropolitan Green Belt. The submitted Parameter Plan shows that this part of the site would comprise green infrastructure and the school playing fields. The green infrastructure would include structural planting, strategic public open space, tree planting and associated facilities, pedestrian and cycle routes, sustainable drainage systems and children's play spaces. While not annotated on the submitted Parameter Plan, due to the extent of the build area, the school playing field area would also include hard outdoor PE and both soft and hard informal and social areas.

10.12 The aforementioned SoCG between Welwyn Hatfield Borough Council, Hertfordshire County Council, the promoter, and the landowner included agreement that open spaces and playing field provision will be located outside the allocation boundary subject to detailed design and is a material planning consideration. In this respect, paragraph 4.2 of the SoCG stated:

“It is proposed that the built form of the School will be located within the allocated site boundary, as set out in the Local Plan Policies Map. Open spaces and playing field provision will be located outside of the allocation boundary due to these uses being compatible with the Green Belt designation, subject to detailed design reflecting the open nature of these uses. The school will be accessed through, and integrated with, the housing development. This position is supported by all parties to this agreement”.

10.13 The development/works in the southern part of the site would constitute a material change of use of the land (to outdoor sport or recreation), and the hard pedestrian and cycle routes, sustainable drainage systems, as well as outdoor PE and hard informal and social areas associated with the primary school would constitute engineering operations. Paragraph 155 of the NPPF outlines that these forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

10.14 Paragraph 142 of the NPPF outlines that the essential characteristics of Green Belts are their openness and their permanence. Planning Practice Guidance says that openness is capable of having both spatial and visual aspects.

10.15 Paragraph 143 of the NPPF states that the Green Belt serves five purposes:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.16 Policy SADM34 of the Local Plan applies a similar approach for such proposals in the Green Belt but adds that whether the site lies within a parcel of land which makes a significant or partial contribution to one or more purposes of the Green Belt will be taken into account when assessing the impact of a proposal.
- 10.17 During the Local Plan examination, studies were undertaken to assess the Green Belt including, but not limited to, the contribution to the Green Belt purposes of all land within the Borough. The site falls within larger parcel P56 of the Stage 3 Green Belt Study. Larger parcel P56 was considered to make a partial contribution to purpose (b), significant contribution to purpose (c), and significant contribution to purpose (e). It was not however possible to assess the contribution of Green Belt land to purpose (e) on a parcel-by-parcel basis. All land within the borough was considered to make a significant contribution to this purpose. Due to the smaller size of the site, it is considered that the main purpose which would likely be impacted is (c).
- 10.18 It is noted that matters of appearance, landscaping, layout, and scale are reserved. The detailed design stage will control any physical development/works associated with the green infrastructure to ensure that the open nature of this use is reflected and, therefore, ensuring that openness is preserved and conflict with any purpose of including land in the Green Belt prevented.
- 10.19 In terms of the school playing fields, the soft outdoor PE and play areas may have physical features such as goal posts/nets, play equipment and associated paraphernalia which cumulatively would only have a minimal impact on the Green Belt.
- 10.20 Department for Education (DfE) guidance describes hard outdoor PE as areas that should be capable of being laid out for PE or team games and should include a porous macadam multi-use games area (MUGA). Importantly, DfE guidance for primary school MUGAs does not include fencing, recessed goals, or lighting. Hard informal and social areas are distinct from hard outdoor PE and are described in the same guidance as playgrounds for outdoor play as well as more formal learning activities and including sheltered space. It is considered that the spatial and visual impact of such hard surfaces and essential features/buildings would be limited.
- 10.21 The exact location of hard standing of such hard standing is dependent on the location and design of the main building. However, these areas would need to be adjacent to the school building and, indeed, DfE guidance has a specific requirement for direct access for early years (nursery and reception). It is therefore unlikely that all such hardstanding would be within the Green Belt.
- 10.22 A significant majority of the school playing fields would be for soft outdoor PE and the area's required for soft and hard informal play and hard outdoor PE (and any necessary physical features) would be intimately associated with the school building and very likely partly outside the Green Belt – limiting the extent of development in the Green Belt. Furthermore, the detailed design stage will control the location of hard standing and physical works in the interest of protecting the Green Belt.
- 10.23 Overall, it is considered that the school playing fields (including hard and soft PE, informal and social area, and associated physical works) would preserve openness and not conflict with any of the purposes of including land the Green Belt.

10.24 Having regard to all the above, the principle of the proposed development in the Green Belt is considered acceptable, in accordance with Policy SADM34 of the Local Plan and the NPPF.

3. Quality of design and impact on area's character

10.25 This Outline proposal is guided by the principles set out in the Parameter Plan which would control subsequent reserved matters applications. The maximum height parameters, land uses and access and movement strategy can be assessed.

10.26 To make the outline element more tangible, the applicants have also developed an illustrative masterplan, which is its informed interpretation as to what the scheme might eventually look like within these broad controls.

10.27 The NPPF notes 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 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place.

10.28 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis, amongst other things, of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character.

10.29 Policy SP9 of the Local Plan deals with place making and high-quality design. It states that proposals will be required to deliver a high-quality design that fosters a positive sense of place by responding to numerous principles in an integrated and coherent way. The main principles at this stage are:

- Respond to character and context
- Legible, permeable and well connected
- High quality public space and landscaping
- Space for nature

10.30 The landscape section of Local Plan Policy SADM16 outlines that proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. This policy then goes on to say that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition, and that proposals should take full account of the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein.

10.31 The site lies within the Mimmshall Valley LCA which runs in a north/south direction around Welham Green. The key characteristics of this LCA, as listed in the Welwyn Hatfield Landscape Character Assessment 2005 are:

- Organic field pattern of small woodland blocks and fencing pasture
- Mixed farming
- Major transport corridor
- Water related features
- Valley slopes and floor
- Urban influences

10.32 The application has also been supported by a Landscape and Visual Impact Assessment (LVIA) which concerns the predicted landscape and visual effects arising from the proposed development. Visual impacts relate to changes in views, whereas landscape impacts relate to physical changes to the landscape, which includes changes to landscape character, the historic landscape and landscape components such as trees, landform, and water courses. Mitigation and enhancement measures are detailed to prevent or reduce the effects and residual effects, including those in year 15 after completion once the proposed mitigation has had sufficient time to establish and have meaningful effect.

10.33 Primary mitigation recommended in the LVIA include:

- Retaining and enhancing the existing vegetated boundaries to the developable area of the site;
- Incorporating the existing hedgerow along the existing Right of Way as a green corridor through the development area and enhancing the connectivity between Hatfield and the countryside to the south via the green lane and wider rights of way network;
- Enhancing the southern boundary of the wider site, by reinforcing the existing vegetation and establishing a well treed ridge. The green lane along the ridgeway to provide an east-west pedestrian route (with the potential to be used as a cycleway in the future) improving connectivity with the wider landscape and linking existing/proposed wildlife habitats;
- Concentrating development on the north of the site, with land to the south retained forming gardens or amenity open space where possible so as to not expose development in views southward from Hatfield, or northward from Welham Green, Brookmans Park or Potters Bar;
- Strategic planting using indigenous species or local provenance alongside the creation/enhancement of grassland habitats; and
- Well-sited buildings and spaces or appropriate form and massing.

10.34 Secondary mitigation and monitoring measures include a Construction Management Plan, tree protection measures, and long-term management of the approved landscaping scheme.

Respond to character and context

- 10.35 This principle outlines, amongst other things, that proposals are of an appropriate density (typically between 30-50 net dwellings per hectare (dph)) that combines the efficient use of land with high quality design that respects character and context.
- 10.36 The Parameter Plan confirms an appropriate dwelling density of up to between 30-40dph (net density of 32.89dph). The lower densities are proposed for the southern end of the residential area to reflect the character of Welham Green and respond to the countryside and to the eastern end to respond to Bunchleys Green. Medium to higher density areas cater to the character of south Hatfield and portions of the site that are visually less sensitive.
- 10.37 The Parameter Plan also confirms that the C3 dwelling houses would be up to two and a half storeys in height (i.e. including habitable roof-space above the second storey). The height of the school building is not stated on the Parameter Plan, but the submitted Design & Access Statement (DAS) says that it would be a maximum of two-storeys. In terms of the dwellings, the DAS outlines that the taller buildings will be mainly concentrated in the development core, adjacent to South Way, and at key locations such as junctions and incidental open spaces. Along the development edges, the buildings will generally have a height of two storeys. Dwelling heights would therefore vary between two and two and a half storeys. It is also a salient point that built form would be set back from the top of the embankment along South Way as well as the east and west boundaries. A significant area of public open space including structural planting would also be located between the built-form and the southern site boundary.
- 10.38 The nearest residential built form to the application is within Hatfield, beyond the north side of South Way. Here, the predominant building height is two-storeys however there are examples of two and a half storey dwellings (including habitable roof space and dormers) and three storey blocks of flats. The nearest dwellings to the south are in the settlement of Welham Green which includes a mix of bungalows, chalet style dwellings, two and two and half storey dwellings.
- 10.39 The maximum height parameter is considered to respect local character and context.
- 10.40 The proposed development will undoubtedly alter the character of the site. The submitted LVIA identifies Moderate Adverse landscape effect to the character of the site and character of the LCA in Year 1, decreasing to Minor Adverse by Year 15 as vegetation matures and the proposals integrate into the surrounding landscape. In terms of visual effects, the LVIA attaches the greatest level to be experienced by those receptors within near distance with long-term Moderate Adverse effects to users of South Way immediately adjoining the proposed development and those utilising the immediately adjoining public right of way network that also cuts through the site.
- 10.41 The effect on landscape must also be viewed in the context of the part of the site allocated for development in the Local Plan, meaning that a degree of change has been accepted in principle. It should also be appreciated that the LVIA pre-dated the adoption of the Local Plan.

- 10.42 The area of built form in the submitted Parameter Plan is wholly within the site's allocation and the scale and kind of development proposed is consistent with the allocation, with the remaining southern portion of the site as open space.
- 10.43 Where necessary at this stage, the submitted Parameter Plan incorporates the primary mitigation measures identified in the LVIA. The other primary and secondary mitigation measures can be carried through to detailed design stage. Moreover, the Parameter Plan also incorporates the landscaping principles toward planting listed in the site-specific considerations for HS11 in Policy SADM26.
- 10.44 The proposal takes full account of the relevant LCA and commits to several guidelines (where appropriate at this stage) for managing change including protecting and improving habitat and planting of new woodland.
- 10.45 The weighting to the adverse impacts identified in the LVIA factoring in other consideration is discussed in Section 8 of this report.

Legible, permeable and well connected

- 10.46 The proposal will retain and enhance the existing public rights of way which run across it. There will be new footpaths on site, including a new pedestrian path (Ridgeway Walk) that will run from the site entrance to Bunchleys Green (connecting to Public Right of Way 85) and a pedestrian connection between public right of way (PRoW) 23 and the site entrance. Public rights of way off-site will also be improved as part of agreed off-site highway works.
- 10.47 The proposed new access will include a shared-use route linking to a new toucan signal-controlled crossing facility to the east of the existing junction from South Way, improving connectivity. Other on-site (at this stage) and immediate off-site highway works to promote connectivity and sustainable movement will include:

On-site

- PRoW 21 to be upgraded and legally dedicated as Public Bridleway
- Proposed 'Ridgeway Walk' to be legally dedicated as Public Bridleway
- Pedestrian connection between PRoW23 and the site entrance dedicated as Restricted Byway, to match the current legal classification of PROW 23.

Off-site

- Provision of signalised crossing linking public right of way (PRoW) 21 and PRoWs 162
- Improvements to PRoW 85
- PRoW 163 surface improvements
- Provision of street lighting of South Way between Bishops Rise and Travellers Way
- South Way shared footpath/cycleway including lighting

- Accessibility improvements to 4 bus stops in South Way including provision of Kassel kerbs
- Amendments to speed limit from 60mph to 50mph in South Way.

10.48 A potential ramped solution to replace the existing stairs connecting to PRoW 21 has been considered in detail between the applicant and HCC Highways, although it is noted that there was no objection to the proposal without this in place. After significant testing of different potential solutions, it was agreed by all parties that such an option would not be feasible due to both the likely adverse consequence on housing numbers on site (due to extent of encroachment of a suitable structure into the site) and failure to meet the planning obligations test of being fairly and reasonably related in scale and kind to the development. In light of this, HCC have instead sought provision of improvements to (or replacement of) the existing stairs. Officers consider that such measures could be captured in the second strand sustainability contribution alongside other enhancements of necessary active and sustainable transport network in the broader area that would likely be used by future occupiers/users of the development.

10.49 The above overarching works/measures will create the framework for a permeable and well-connected development. Legibility of the development in terms of ease of understanding and navigation within the development will be addressed at reserved matters stage.

High quality public space and landscaping

10.50 The proposal will provide significant on-site public open space which would be well sited to integrate seamlessly into the wider countryside to the south. As described above, the public open space would include green infrastructure, structural planting (including new woodland) and play space.

10.51 The submitted Arboricultural Impact Assessment states that 3 x C category (low quality) tree and part of a C category group of trees (G5) will be removed. It also states that 1 U category tree (a tree in very poor condition) will need to be removed. The same report also includes tree protection measures.

10.52 The Council's Landscapes Department have been consulted and comment that the trees proposed to be removed to facilitate the development are of poor quality and are not considered a constraint to development, and that such losses could be mitigated through a robust landscape scheme. Precise landscaping details will be subject to reserved matters to ensure high quality public space and landscaping is achieved. The tree protection measures are considered sufficient and appropriate to protect the retained trees and can be secured by condition at this stage.

Space for nature

10.53 Hertfordshire Ecology have been consulted for this application and, subject to conditions, consider that habitats will be conserved and enhanced.

10.54 The application proposes a greater than 20% net gain for biodiversity on-site and Hertfordshire Ecology consider that this could be delivered as predicted. Biodiversity Net Gain (BNG) would be secured as part of a legal agreement, and ensure a meaningful improvement in ecology and biodiversity against the baseline.

10.55 Concluding on the above and on the basis of the parameters set and commitments made, the proposed development would represent an acceptable standard of design in principle which would conserve the area's character, in accordance with Policies SP9 and SADM16 of the Local Plan, the NPPF and relevant local and national design guidance.

Heritage

10.56 There are three designated heritage assets within a 1km radius of the site: The Grove (Grade II listed, list entry no. 1102983); the Church of St John the Evangelist (Grade II listed, list entry no. 1376614); and Hatfield House Registered Park and Garden (RPG) (Grade I, list entry no. 1000343). Within Hatfield House RPG, to the north east of the site, are the Grade I listed Hatfield House (list entry no. 1173363) and Old Place (list entry no. 1348152) with associated Grade II listed structures.

10.57 The application has been supported by a Historic Environment Desk-Based Assessment. The Council's Conservation Advisors (Place Services) and Historic England have been consulted.

10.58 Historic England did not wish to offer any comments and Place Services do not consider that the proposed development within the parameters set would have a harmful impact on these designated heritage assets.

10.59 The proposal would therefore accord with Policy SADM15 of the Local Plan, the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Access

10.60 Paragraph 114 of the NPPF states that developments should ensure "*safe and suitable access to the site can be achieved for *all* users*", and that "*appropriate opportunities to promote sustainable transport modes can be – or have been – taken up*". It references the new National Model Design Code, of which key quotes include: "*New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes*" and "*all streets should be accessible to all members of the community*" (paragraph 59 part 1); plus "*walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less*" (paragraph 33 part 2).

10.61 Paragraph 115 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

10.62 Paragraph 112 goes on to states that "*Within this context, applications for development should, amongst other things:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

10.63 Policy SADM2 of the Local Plan concerns the highway network and safety and is consistent with the NPPF.

Access and safety

- 10.64 As mentioned, a vehicular and pedestrian access at the north-west end of the site onto South Way is proposed. The Parameter Plan also confirms that access would be provided through the housing allocation from South Way, consistent with the site-specific consideration for HS11.
- 10.65 South Way is a Principal classified A road (A1001) with a 60mph speed limit. The adjacent cemetery site has an access onto South Way. It is proposed to amend this access to the cemetery, whereby the road into the cemetery will adjoin the site access road rather than forming a junction with South Way. The new junction arrangement has been the subject of modelling in terms of capacity and HCC Highways raised no issue.
- 10.66 Drawing no. 173110/A/13 Revision C shows the proposed access and toucan crossing. This is incomplete in respect to the cemetery access as it does not show how the pedestrian route connects to the footway within the cemetery site. The detailed design stage will need to address this and also determine how cycle movements can best be addressed and is not a reason to withhold planning permission at this stage.
- 10.67 In order to address the changed nature of South Way resulting from the proposed development, the applicant proposes reducing the speed limit along part of South Way from 60mph to 50mph. This is supported by HCC and would need to be subject to a Traffic Regulation Order (TRO) process.
- 10.68 The highway works to facilitate the development have been subject to Stage 1 Road Safety Audits. While some issues are raised, these are not insurmountable and will need to be addressed at detailed design stage.
- 10.69 Subject to conditions, the proposed vehicular and pedestrian access would provide safe and suitable access to the site for all users.
- 10.70 There would be other pedestrian only means of access to the site (as retained, enhanced, or proposed) which, although not suitable for all users, nevertheless provide a degree of choice and assist in terms of site permeability and connectivity. HCC Highway have not objected on safety grounds, and, as discussed, improvements to the existing stairs from South Way leading to the site and PRoW 21 can be secured as part of a contribution toward sustainable transport enhancements.

Sustainability

10.71 The interventions included in paragraphs 10.46 - 10.48 above are considered necessary to support the sustainability of the site and ensure that appropriate opportunities are provided for sustainable transport modes. These will be secured by either conditions or S106 Agreement.

5. Other considerations

i) Housing mix and affordable housing

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

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

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

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

10.75 The exact housing mix will be confirmed at reserved matters stage however the above housing mix has informed the application.

10.76 In relation to affordable housing, Policy SP7 requires an on-site delivery target of 25% in Hatfield. The application proposes this level of affordable housing as well a policy compliant tenure split of 51% social housing with the remaining 49% to be met by a range in intermediate products. Whilst the quantum outlined above can be secured through the S106 agreement, the exact details of the affordable provision would be finalised once a detailed layout is known at reserved matters stage.

ii) Flood risk and sustainable drainage

10.77 Paragraph 173 of the NPPF outlines that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.

10.78 Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

- 10.79 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management is broadly consistent with the NPPF.
- 10.80 The application has been supported by a Flood Risk Assessment, Addendum to Flood Risk Assessment, Technical Note (in response to LLFA comments), and Watercourse Walkover Survey, and the Lead Local Flood Authority (LLFA) have been consulted accordingly. The level of detail provided is appropriate for an outline application of this type.
- 10.81 The LLFA raise no objection subject to conditions requiring, in summary: Detailed designs of a surface water drainage scheme incorporating specified measures; a Method statement for interim and temporary drainage measures; details of the maintenance and management of the sustainable drainage scheme; and a verification report demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme.

iii) Ecology

- 10.82 Paragraph 180 of the NPPF states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.83 Paragraph 186 of the NPPF sets out the principles local planning authorities should apply when determining planning applications. This includes refusing planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 10.84 Policy SADM16 of the Local Plan concerns ecology and landscape and is broadly consistent with the NPPF. Unlike the NPPF which does not quantify net gain, Policy SADM16 requires development of this kind to deliver a measurable net gain of at least 10%. The application pre-dates mandatory BNG however, as mentioned, BNG in excess of 10% is predicted and considered deliverable by Hertfordshire Ecology.
- 10.85 The application has been supported by a package of ecological information, comprising:
- Preliminary Ecological Appraisal
 - Ecological Impact Assessment (including Addendum)
 - Biodiversity Gain Information
 - Biodiversity Metric 4.0
 - Bat Survey Report
 - Great Crested Newt Survey Report
 - Dormice Survey Report

- Ornithological appraisal of breeding bird assemblages

10.86 Hertfordshire Ecology, Natural England, and the Herts & Middlesex Wildlife Trust (HMWT) have been consulted for this application. Natural England and HMWT raise no objection and Hertfordshire Ecology raise no objection subject to conditions and securing of conservation measures for great crested newts (CGNs) via Natural England's District Level Licence Scheme.

10.87 Hertfordshire Ecology have said that the submitted Ecological Impact Assessment (including Addendum), which concludes that there will be no significant harm to biodiversity, is considered fit for purpose. This includes habitat/biodiversity/wildlife on and off-site. However, Hertfordshire Ecology go on to say that this positive outcome was dependent on avoidance, mitigation, compensation, and enhancement measures. These measures, comprising a Construction and Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP), are recommended to be secured by condition. Such conditions are necessary and reasonable to make the development acceptable in planning terms.

10.88 It is noted that an objection has been received from Hertfordshire Amphibian and Reptile Group (HertsARG). This objection highlights that common toads have been found on a nearby pond and have not been included in the submitted reports. Reference is also made to the common frog, grass snakes, and smooth newt being known. Ultimately, the objection concludes that the development will have permanent and irrevocable negative consequences for pressured species and the mitigation measures suggested are insufficient.

10.89 In response to HertsARG's objection, it is confirmed that the submitted surveys identified common toad to be present. Hertfordshire Ecology have also provided observations in response, which are summarised as follows:

- The numbers of toads stated as being present is not surprising given the substantial size of the ponds, and the suitable woodland habitat present – all of which is noted as being offsite and would appear to be not directly affected by the proposal, albeit it is in very close proximity.
- The objections make a point that the population of breeding common toads in this area are the biggest 'locally'. When assessing species that are not fully protected (such as EPS, including GCN) but only receive some level of protection (Schedule 5 of the WCA, and a priority species under the NERC act in this case), the weight these populations can be afforded can be indicated by whether a population is significant at local, county, regional or even at national level. Given this population is significant at local level, it would not be significant above local interest so it would be hard for this to justify refusal/objection, based on this information alone.
- Concerns surrounding the species mentioned (i.e., grass snake, and common toad etc) can be addressed in the CEMP. It would appear from the Landscape Plans that connectivity between the off-site ponds is to remain.

10.90 The concerns raised by HertsARG are valid, but it is considered that such local interests – primarily associated with offsite features – would not be sufficient to

justify a fundamental constraint and avoidance of the site itself for development. Planning conditions will ensure that no significant harm to biodiversity would arise from the development.

- 10.91 Now turning to BNG. The submitted Ecological Impact Assessment predicts the delivery of a 23.74% increase in habitat units and Hertfordshire Ecology are satisfied that such a net gain could be delivered. Hertfordshire Ecology recommend a condition which would set out how the net gain proposal will be achieved, delivered, and monitored and managed long-term. It is considered that such requirements would be more effectively secured through the S106 Agreement.
- 10.92 The applicant has applied to join Natural England's Great Crested Newt District Level Licensing Scheme to comply with the legal duty to protect GCNs. Subject to the LPA being provided with an Impact Assessment and Conservation Payment Certificate (an IACPC) signed by Natural England confirming the suitability of the site for the development and countersigned by the applicant to show agreement to join the scheme, the LPA will have sufficient information to meet its biodiversity duty for GCN meaning that this matter would no longer represent a constraint to development. It is recommended that submission of an IACPC to the LPA is subject to a grant of planning permission.

iv) Archaeology

- 10.93 Policy SADM15 of the Local Plan concerns heritage and states that an Archaeological Assessment will be required if the scale and/or nature of the proposal are likely to have an impact on the significance of all or part of the asset. An assessment may be required in locations which are not designated but where the potential to contain heritage assets exists or further understanding of the significance of known heritage assets is needed. This approach is consistent with the NPPF.
- 10.94 Historic Environment at Hertfordshire County Council have been consulted and consider that the proposed development is such that it should be regarded likely to have an impact on heritage assets of archaeological interest. The following comments are made:

"The proposed development site is c.500m west of the 17th century gardens and parkland of Hatfield House [Historic Environment Record 7327], on a ridge of high ground between two valleys. To the west is a historic trackway of suspected medieval date [HER 926]. To the south is the site of Parsonage Farm [HER 11386], a post-medieval farmstead with possible origins in a medieval moated site [HER 17488]. In the vicinity finds have been made of medieval pottery [HER 17492], a medieval dagger [HER 6053] and palaeolithic handaxe and flints [HER 1876]. This distribution of finds and features combined with the site's prominent position in the local landscape means it is viable that there are other below-ground archaeological remains preserved due to the lack of previous development on the site".

10.95 An archaeological field evaluation is recommended by condition and is considered both reasonable and necessary in this case.

v) *Environmental pollution*

10.96 The application has been supported by a Phase I Desk Study Report, Air Quality Assessment, and Noise Assessment.

10.97 Policy SADM18 of the Local Plan deals with environmental pollution, including contaminated land and soil pollution, air quality, and noise, and is broadly consistent with the NPPF.

10.98 The Council's Public Health and Protection Department (PH&P Department), Affinity Water, and Thames Water have been consulted. Both the PH&P Department and Affinity Water recommend conditions, while Thames Water raise no objection.

10.99 In terms of waste water, Thames Water have said in their response to the application that in the longer term they, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

10.100 In terms of contaminated land and soil pollution, the submitted Phase I Desk Study Report does not highlight that the land is contaminated. The PH&P Department have undertaken their own desktop study which supports this assertion. An 'unexpected finds' condition is recommended should contamination be found during the course of development.

10.101 The application site is located within or close to an Environment Agency defined groundwater Source Protection Zone 1 corresponding to an Affinity Water Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes operated by Affinity Water.

10.102 Affinity Water have highlighted that the site may be located within an area that is impacted by bromate contamination and raise concern regarding the potential for deep excavation works for foundations and drainage to contribute to water pollution. Avoidance and mitigation measures, through conditions, are recommended which are both reasonable and necessary and can be secured by conditions.

10.103 In terms of air quality, while the application site is not located within an Air Quality Management Area, it is within 50 metres of a major road (A1001). The submitted Air Quality Assessment identifies that the air quality impacts associated with the proposed development are considered to be 'insignificant' at the existing sensitive local receptors. This is not disputed by the Council's PH&P Department. The dust risk assessment has classified the application site as 'High Risk' however mitigation measures are recommended to reduce the effect to 'not significant'. These measures can be secured by planning condition. Air quality concentrations will remain within the relevant objectives, ensuring that future residential receptors are protected.

10.104 Regarding noise, the Council's PH&P Department consider pre-occupation testing to be necessary for this development to ensure that indicated internal noise levels meet the required standard and that the proposed mitigation is suitable. Officers are of the opinion that mitigation measures should be presented alongside reserved matters applications for consideration to ensure that the development is design-led. This can be secured by planning condition.

The PH&P Department also recommend an hours of work condition to protect residents from noise during demolition/construction works beyond reasonable times. It is however considered that any adverse impact would be effectively enforced/controlled through environmental health legislation.

vi) Sustainability requirements

- 10.105 Policy SP10 of the Local Plan sets out the strategic approach to promoting more environmentally sustainable development within the borough, and is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 10.106 Policy SADM13 of the Local Plan supports Policy SP10 and requires all major development proposals to demonstrate that they have sought to maximise opportunities for renewable and low carbon sources of energy supply where consistent with other Local Plan policies. This policy also requires all newly constructed dwellings to achieve an estimated water consumption of no more than 110 litres/person/day. This is to ensure that the higher standard within Building Regulations Part G is met.
- 10.107 Such sustainability requirements will be considered at reserved matters stage in accordance with these policies.

vii) Waste Management

- 10.108 The NPPF seeks to minimise waste and pollution as part of the environmental objective of sustainable development.
- 10.109 Policy SP10 of the Local Plan requires proposals to reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site. Whilst the site is located within the Sand and Gravel Belt, British Geological Survey data does not show any potential deposits of sand and gravel beneath the proposed site. The Minerals Planning Authority therefore has no concerns with regards to the potential sterilisation of minerals.
- 10.110 In relation to the sustainable management of waste during construction, the Hertfordshire County Council Waste Core Strategy and Development Management Policies Document relate to this proposal. To reduce the amount of waste produced on site during the construction process, a Site Waste Management Plan can be secured by condition.

viii) Fire hydrant(s)

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

ix) Self-build and custom housebuilding

- 10.112 Policy SP7 of the Local Plan states that on sites of 100 or more non-flatted dwellings, 2% of serviced dwelling plots should be provided to contribute towards meeting the evidenced demand for Self-build and Custom Housebuilding in the borough.

10.113 At this stage it is not known how many non-flatted dwellings are proposed (nor is this required). A provision/clause will be written into the legal agreement secured under this application should this be triggered. The applicant is agreeable to this approach.

x) Environmental Impact Assessment (EIA)

10.114 An EIA Screening opinion was sought for 150 dwellings and a new 2FE school at the site under application reference: 6/2022/0425/EIA. The Opinion concluded that the proposals were not EIA development. Given that this current planning application now seeks consent for less development (120 units and a 2FE), the Screening Opinion given will continue to be valid. Therefore, it is considered that the proposal would not be likely to have significant environmental effects subject to normal planning controls. Accordingly, the proposal is not considered to be EIA Development and does not require full environmental assessment.

6. Planning obligations

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

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

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

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

Hertfordshire County Council

Financial contributions

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

- Primary Education - £636,654.00 towards the delivery of a new 2FE Primary School at HS11 and/or provision serving the development.

- Secondary Education - £782,617.00 towards the delivery of the new 8FE Secondary Provision at HAT1 and/or provision serving the development.
- Childcare Services age 0-2 - £68,240.00 towards childcare provision serving the development. To be determined.
- Childcare Services age 5-11 - £997.00 towards provision of childcare facilities at the Primary School at HS11 and/or provision serving the development.
- Special Educational Needs and Disabilities - £101,105.00 towards the delivery of the Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development.
- Library Services - £24,714.00 towards increasing the capacity of Hatfield Library and/or provision serving the development.
- Youth Services - £26,909.00 towards sourcing a new centre in Hatfield or improving facilities in buildings within Hatfield where services for Young People projects are delivered and/or provision serving the development.
- Waste Service Recycling Centre - £10,965 towards the provision of a new recycling centre in Welwyn Garden City and/or provision serving the development.
- Waste Service Transfer Station - £12,650 towards the new Eastern Transfer Station and/or provision serving the development.
- Fire & Rescue Service - £45,671.00 towards the expansion of Hatfield fire station.
- Sustainable Transport - £369,120.00 towards Second Strand mitigation. Measures could include but would not be limited to improvement to the stairs linking to PRow 21 and transport improvements identified as Packages 1,3, 4 and 17 in the South-Central Hertfordshire Growth and Transport Plan.
- PRow85 - £50,000.00 toward improvements to make it suitable for more users.
- Travel Plan Monitoring and Support Fee - £15,000.00 (£1,200.00 per annum for 5 years for Residential Travel Plan; £1,500.00 per annum for 6 years for School Travel Plan).
- Monitoring Fees - £340.00 per each distinct trigger point (based on the number of triggers which will be confirmed by HCC within the legal agreement).

10.119 During discussions on a potential ramped access between South Way and PRow 21, the applicant agreed to pay a proportionate sum of £104,000.00 toward its delivery (equating to 8% of the estimated sum for such a measure). However, as explained in paragraph 10.48 of this report, a ramped solution was not feasible. Hertfordshire County Council have sought to apply the same sum

toward delivery of stairs between South Way and PRoW 21 but this is not justified and, therefore, would not meet the planning obligations tests. Officers consider that such a measure could be captured in the second strand sustainability contribution alongside other enhancements of necessary active and sustainable transport network in the broader area that would likely be used by future occupiers/users of the development.

Other obligations

10.120 Other obligations include:

- PRoW 21 to be upgraded and legally dedicated as Public Bridleway
- Proposed 'Ridgeway Walk' to be legally dedicated as Public Bridleway
- Pedestrian connection between PRoW23 and the site entrance dedicated as Restricted Byway, to match the current legal classification of PROW 23.
- Details relating to the school site/education land, including timing of the land transfer to HCC and construction access through the proposed residential area, and Travel Plans.

Welwyn Hatfield Borough Council

Financial contributions

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

- Indoor bowls - £1,618.00 towards purchase of equipment at Hatfield Bowls Club or North Mymms Bowls Club.
- Sports Halls - £59,229.00 towards either of the following: a) investment to Roe Hill Community Hall, which includes upgrading the toilet facilities for hall users and sport users and building a service hatch for those using the outdoor facilities b) towards maintenance/repairs including new flooring at the University of Hertfordshire, The Hive or Hatfield Leisure Centre.
- Swimming Pools - £62,211.00 towards either of the following: a) any maintenance/repairs including replacing flooring, and new lighting at either Hatfield Leisure Centre or University of Hertfordshire, b) a new swimming facility in Welwyn Hatfield as identified within the sports facilities strategy.
- Adult Football Pitch - £3,452.00 towards improving the drainage on the football pitch at Welham Green Recreation Ground.
- Adult Football Changing Rooms - £680.00 towards facilitating the Football Teams playing at Welham Green Recreation Ground, replacing the benches, redecorating, and upgrading the heating.
- Youth Football Pitch - £8,320.00 towards improving the drainage on the football pitch at Welham Green Recreation Ground.

- Youth Football Changing Rooms - £1,681.00 towards facilitating the Football Teams playing at Welham Green Recreation Ground, replacing the benches, redecorating, and upgrading the heating.
- Mini Soccer Pitch - £1,238.00 towards upgrading the 5-a-side pitches at Hatfield Leisure Centre.
- Mini Soccer changing rooms - £245.00 towards maintenance at the Hatfield Leisure Centre changing rooms.
- Rugby Union Pitch - £12,463.00 towards upgrading the Rugby pitch facilities at Roe Hill, including purchase of new lighting.
- Rugby Union Changing Rooms - £2,306.00 towards upgrading the Rugby changing room facilities at Roe Hill.
- Rugby League Pitch - £11,103.00 towards upgrading the Rugby pitch facilities at Roe Hill, including purchase of new lighting.
- Rugby League Changing Rooms - £2,054.00 towards upgrading the Rugby changing room facilities at Roe Hill.
- Cricket Pitch - £10,323.00 towards pitch improvements and cricket wickets/nets at either Newgate Street, Hatfield Hyde, and Hatfield Crusaders to allow clubs to expand.
- Cricket Changing Rooms - £1,899.00 towards investment for the cricket facilities at Newgate Street for its changing rooms and storage, and new pavilion.
- Sand Based Pitch - £21,155.00 towards maintenance/repairs/resurfacing at either the University of Hertfordshire or Chancellors School.
- Sand Based Changing Rooms - £550.00 towards maintenance/repairs/resurfacing at either the University of Hertfordshire or Chancellors School.
- 3G pitch - £9,906.00 towards either of the following: a) improving the MUGA at Roe Hill Hall or improving the 3G pitch at Birchwood Leisure Centre or towards resurfacing the 3G pitch at the University of Hertfordshire, b) a new 3G facility in Hatfield as identified in the sports facilities strategy and Local football facilities plan.
- 3G Changing Rooms - £286.00 towards upgrading the toilet facilities at the Roe Hill Hall Community Hall that serves the football community.
- Waste & Recycling - £14,197.65 for on-site provision.
- Monitoring Fee – Capped at £5,000.00

Other obligations

10.101 Other obligations comprise:

- 25% affordable housing with a tenure split of 51% social rent and 49% intermediate products.
- Biodiversity Net Gain delivery and monitoring and maintenance for 30 years.
- Management Scheme for open spaces, play spaces, and SUDs.
- 2% Self-build and Custom Housebuilding provision (should policy provision be triggered)

NHS Contribution

10.122 The NHS request a financial contribution of £155,040.00 to mitigate the primary health care impacts from the development. The project(s) would involve relocation of Northdown Road Surgery in Hatfield to Highview and/or increasing the capacity of GP premises to the south of the development (through extending, reconfiguring or relocating).

10.123 All S106 financial obligations are subject to indexation. At this stage, the total contributions requested by WHBC, HCC and the NHS are indicative and subject to change as they are based on the indicative number and type of residential units which have been provided by the applicant for the outline component of the proposal.

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

10.125 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement is currently being progressed. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

10.126 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policies SADM1, SP7 and SP13 of the Local Plan, The Planning Obligations SPD, and the National Planning Policy Framework.

8. Planning balance and conclusion

10.127 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”.

10.128 Footnote 8 states:

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

10.129 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

10.130 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”.

10.131 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.

10.132 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”.

- 10.133 The application was submitted before 19 December 2023 (i.e., the publication of the latest NPPG) and thus the provisions of paragraph 76 do not apply to this application.
- 10.134 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.
- 10.135 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.
- 10.136 For the purpose of this application, the NPPF therefore maintains a requirement for the Council to identify a five-year housing land supply requirement. Currently, 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

- 10.137 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.
- 10.138 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 indicate that Welwyn Hatfield delivered 57% of homes against its target, falling below the 75% threshold.

Conclusions on Paragraph 11(d)

- 10.139 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 in this case on both counts:
- a) Housing land supply; and
 - b) Housing Delivery Test result.
- 10.140 Accordingly, 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”.

Summary of adverse impacts

10.141 In terms of adverse impacts, the LVIA predicts a 'Moderate Adverse' landscape effect to the character of the site and LCA in Year 1, decreasing to 'Minor Adverse' by Year 15 as vegetation matures and the proposals integrate into the surrounding landscape. The LVIA also predicts long-term 'Moderate Adverse' visual effects to users of South Way immediately adjoining the site and those utilising the public right of way network that cuts through the site. The effect on landscape must also be viewed in the context of the site being allocated for development through the Local Plan, meaning that a degree of change has been accepted in principle. On this basis, only limited weight is attributed to the adverse impact on character and landscape.

Summary of benefits

10.142 There would be considerable benefits arising from the proposed development. These are set out in the submitted Planning Statement and listed below. The weight attached to each benefit is then assessed.

Key benefits

- Provision of market and affordable dwellings
- Provision of primary school
- Highly sustainable site
- New green infrastructure
- Biodiversity Net Gain
- Economic benefits

Provision of market and affordable housing

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

10.144 The Council cannot demonstrate a five-year supply of deliverable housing sites and the current shortfall is significant. That said, the Council now have an adopted Local Plan which provides a plan-led and positive vision for the future and framework for addressing housing needs. The adopted Local Plan has identified opportunities on specific sites in and around the borough's towns and excluded villages to facilitate the delivery of 9,343 dwellings between 2023/24 and 2032/33, and 13,400 dwellings over the plan period 2016-2036. Moreover, opportunities to meet the remaining need will be the subject of an early review of the Local Plan, and this review will determine additional sites to be allocated to meet the requirement for future years. This position outlines a clear and positive route to improving housing supply for the Borough in the short to medium term and that the Council are actively working towards achieving a five-year supply.

10.145 The provision of housing is undoubtedly a benefit. Considering the above, **significant weight** is afforded to this benefit.

10.146 In terms of affordable housing, the situation is bleak. There is an acute need for affordable housing in the borough and the proposed overall affordable housing provision of 30 dwelling (25%) and tenure split in accordance with local policy attracts **very substantial weight** in favour of the grant of planning permission.

Provision of primary school

10.147 Paragraph 95 of the NPPF recognises the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, stating that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Great weight should be given to the need to create schools through the preparation of plans and decisions on applications.

10.148 As stated in the SoCG for the site's proposed allocation during the Local Plan examination, it is necessary to include a new 2FE Primary School at the application site to meet existing education needs in South Hatfield and support wider growth in the Local Plan. There are no other available sites in the right places to meet the educational needs arising from the Local Plan in South Hatfield.

10.149 Provision of this much needed primary school attracts **very substantial weight**.

Highly sustainable site

10.150 Allocated site HS11 now forms part of the town of Hatfield. In Policy SP3, Hatfield is described as a medium sized town, with good accessibility, a town centre and a series of large and small neighbourhood centres, a primary focus for new development which will help bring investment, regeneration, and economic growth.

10.151 As stated in the Council's Statement under the Stage 8 Hearing session for the Local Plan examination, site HS11 is considered to be located within a highly sustainable location for development. It is accessible by sustainable modes of transport to key destinations such as Highview Neighbourhood Centre, shops within Welham Green Village Centre, secondary schools, the University, Town Centre and an employment area. Likewise, the proposed primary school will be accessible from the urban area of Hatfield and the wider area by a range of sustainable modes of transport.

10.152 The proposal identifies opportunities to promote walking, cycling and public transport which will benefit future residents, pupils, staff, and the wider community. **Significant weight** is afforded to the sustainable location of the site.

New green infrastructure

10.153 As committed in the submitted Parameter Plan, a large proportion of the site would comprise green infrastructure. The extent of which will exceed the Council's Planning Obligations SPD. The proposed provision of green infrastructure would be a benefit which, at this stage, attracts some positive weight. Detailed layout and landscaping would be considered as reserved matters.

Biodiversity Net Gain (BNG)

- 10.154 The submitted Ecological Impact Assessment predicts the delivery of a 23.74% increase in habitat units on-site and is not disputed by the Council's ecology advisors, Hertfordshire Ecology.
- 10.155 The predicted BNG exceeds the requirement in Policy SADM16 of the Local Plan which requires a measurable BNG of at least 10%. The additional BNG above local policy requirement attracts **limited weight** in favour of the grant of planning permission.

Economic benefits

- 10.156 The submitted Planning Statement states:

“The development of 120 new homes will result in intrinsic local and wider economic benefits. Employment relating directly to the construction of the development will have positive economic and social impacts, as will jobs relating to the supply chain that will be supported during the construction period. The development of 120 new homes at this site will also engender sustained local economic benefits relating to additional local expenditure, with additional expenditure on goods and services by future occupiers of the development on first occupation of their new homes and on an ongoing basis in local shops and services in the local area. The local economy would also benefit from New Homes Bonus and Council Tax receipts to be paid to WHBC”, and

“In addition to the benefits arising from the new homes, the primary school will also provide future employment opportunities, both directly i.e. teachers, administrative and maintenance staff, and indirectly i.e. suppliers of food and equipment”.

- 10.157 The creation of construction jobs would only be applicable whilst the development is constructed and, in addition, the future spending of new residents cannot be predicted or quantified. The provision of school jobs and indirect opportunities would represent a permanent economic benefit. **Moderate weight** is attached to the economic benefits which would arise from the development.
- 10.158 The Council could receive a New Homes Bonus as a result of the proposal but is not guaranteed as it is dependent on when the development is completed. Council tax receipts are not an economic benefit. The residents of the new homes would give rise to a commensurate additional call on Council resources.

Conclusion on planning balance

- 10.159 It is considered that the adverse impacts identified would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Planning permission should therefore be granted.

11 Recommendation

11.1 It is recommended that planning permission be approved subject to:

- a) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
- b) Submission of an IACPC to the Local Planning Authority; and
- c) the following conditions:

Approval of reserved matters and time limit

1.
 - i. No part of the Development hereby approved in outline shall commence within any part of the application site until details of the appearance, landscaping, layout, and scale (hereinafter referred to as “Reserved Matters”) for that relevant part have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant part of the development must be carried out as approved.
 - ii. Applications for the approval of Reserved Matters in respect of the part of the Development approved in outline shall be made not later than the expiration of three years beginning with the date of this permission.
 - iii. Commencement of development of that part or parts approved shall begin within two years from the date of approval of the Reserved Matters for that part.

REASON: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Approved drawings

2.

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|--|----------------------|
| 001 | C | Site Location Plan | 23 May 2024 |
| 015 | L | Parameter Plan | 23 May 2024 |
| 173110/A/13 | C | Proposed Site Access & Toucan Crossing | 18 July 2024 |

REASON: To ensure that the Development is undertaken in accordance with the approved drawings.

PRIOR TO OR IN CONJUNCTION WITH RESERVED MATTERS

Surface water drainage scheme

3. Prior to or in conjunction with each reserved matters application, in accordance with the submitted Flood Risk Assessment (LE21534 – XX-LE-GEN-XX-RP-CE-FRA01-P1-Flood Risk Assessment Rev B, May 2023) and subsequent Addendum to the FRA (SW-LE-GEN-XX-RP-CE-TN01, October 2023), detailed designs of a surface water drainage scheme incorporating addressing the following measures matters shall be submitted to and agreed with the Local Planning Authority.

- i. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s.

Or

If infiltration is proven to be unfavourable surface water runoff rates will be attenuated to 11.6l/s as stated within section 4.3.3 of the Flood Risk Assessment.

- ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
- iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- iv. The design of any infiltration/attenuation /detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- v. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

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

The approved scheme will be implemented prior to the first occupation of the development.

REASON: To prevent flooding by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, in accordance with the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS

Construction Management Plan

4. Each phase of the development must not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall include details of:

- i. Construction vehicle numbers, type, routing;
- ii. Access arrangements to the site;
- iii. Traffic management requirements;
- iv. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- v. Siting and details of wheel washing facilities;
- vi. Cleaning of site entrances, site tracks and the adjacent public highway;
- vii. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- x. 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; and
- xi. Phasing Plan.

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

Surface water drainage

5. Each phase of the development must not commence until a Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater has been submitted and approved for that phase of development.

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

Archaeology

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

The development must be carried out in accordance with the programme of archaeological works set out in the approved WSI.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis and publication where appropriate.

REASON: In order to protect any hidden or buried archaeological artefacts or other heritage assets as may be found during construction works in accordance with the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

Interim and temporary drainage measures method statement

7. Each phase of the development must not commence until details and a method statement for interim and temporary drainage measures during the site works and construction of that phase has 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 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.

Landscape & Ecological Management Plan

8. Development (including ground works and vegetation clearance) must not commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP must provide details of all relevant mitigation/compensation measures proposed in the Ecological Impact Assessment (by Logika Group, 26 January 2024) with the exception of biodiversity net gain which shall be demonstrated by other means. The LEMP shall include and demonstrate the following:

- i. A Description of the features to be managed;
- ii. Ecological trends and constraints on site that might influence management of the described features;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management options;
- vi. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five-year period);
- vii. Management responsibilities;
- viii. Ongoing monitoring and remedial measures; and
- ix. Details, make, model and location of 15 integrated bat boxes, 15 integrated swift boxes, any other physical enhancement/ hibernacula features.

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

REASON: To ensure the ecological impacts on the biodiversity present are properly addressed on the site, in accordance with Policy SADM16 of the Welwyn Hatfield Local Plan and the National Planning Policy Framework.

Construction & Ecological Management Plan

9. Each phase of the Development (including ground works and vegetation clearance) must not commence until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- i. A review of any ecological impacts informed by the submitted Ecological Impact Assessment (by Logika Group, 26 January 2024), including but not limited to impacts on retained habitat, reptiles, amphibians, nesting birds and protected/ notable mammals).
 - ii. Risk assessment of potentially damaging construction activities.
 - iii. Identification of 'biodiversity protection zones'.
 - iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - v. The location and timings of sensitive works to avoid harm to biodiversity features.
 - vi. The times during construction when specialist ecologists need to be present on site to oversee works.
 - vii. Responsible persons and lines of communication.
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

REASON: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with the Welwyn Hatfield Local Plan, and the National Planning Policy Framework.

Site Waste Management Plan

10. Each phase of the development must not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority.

The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type.

Each phase of the development shall be carried out in accordance with the approved SWMP.

REASON: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012), the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

Highway improvements

11. Part A

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers and descriptives set out below have been submitted to and approved in writing by the Local Planning Authority.

- i. Provision of signalised crossing linking public right of way (PRoW) 21 and PRoW 162 as indicated in drawing no. 173110/A/17 Revision A.
- ii. Provision of street lighting of South Way between Bishops Rise and Travellers Way.
- iii. PROW 163 surface improvement
- iv. South Way provision of segregated 4 metre wide footpath/cycleway including lighting as indicated in drawing no. 173110/A/19 Revision C.
- v. Accessibility improvements to 4 bus stops in South Way including provision of Kassel kerbs.
- vi. Amendments to speed limit from 60mph to 50mph in South Way with a 20mph limit at the start of the new road from South Way, both subject to separate Traffic Regulation Order (TRO) approval.

Part B

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A (with the potential exception of vii) of this condition shall be completed in accordance with the approved details. Amendments to the speed limit on South Way from 60mph to 50mph and amendments to the speed limit to the new road from South Way to 20mph to be completed in accordance with the approved details only if the TRO application is successful.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with policies 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

Fire hydrant(s)

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

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

PRIOR TO FIRST OCCUPATION/USE

Vehicular / pedestrian access

13. Prior to the first occupation of the development hereby permitted the vehicular / pedestrian access shall be completed and thereafter retained as indicated on drawing number 173110_A_13 Rev C, in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.

Works include provision of a signalised (Toucan) crossing, amendments to the access to the cemetery and amendment to street furniture including repositioning of bus stops.

REASON: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

Preventing discharge of surface water onto highway

14. Prior to the first use of the development hereby permitted, details of the arrangements to be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway shall be submitted to and approved by the local planning authority.

REASON: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

Maintenance and management of the sustainable drainage scheme

15. Prior to first occupation of each phase of the development, details of the maintenance and management of the sustainable drainage scheme must be submitted to and approved in writing by the Local Planning Authority.

The details of the scheme to be submitted for approval shall include:

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

The drainage scheme shall be implemented prior to first occupation of that phase 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.

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.

Verification report

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

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

OTHERS

Unexpected finds

17. If contamination is found at any point during development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:
 - i. A site investigation scheme, to provide information for a detailed risk assessment of 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, ground waters and surface waters, and ecological systems;
 - ii. The results of the site investigation and 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; and
 - iii. A verification plan providing details of the data that will be collected to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. The scheme shall be implemented as approved and any changes to these components will require the express consent of the local planning authority.

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

Authority for approval prior to the first occupation of the development. The approved monitoring and maintenance programme shall be implemented.

Noise mitigation

18. In conjunction with any reserved matters application (including layout, scale or appearance) for each phase, a report, informed by the submitted Noise Assessment (by Air & Acoustic Consultants, May 2023), must be submitted to the local planning authority providing details of all noise mitigation measures to be provided for consideration and assessment.

REASON: The submitted Noise Assessment concludes that some noise mitigation is likely to be required and that the exact degree of mitigation will be determined at the detailed design stage. To protect the amenity of future occupiers/users in terms of noise, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

Compliance with Air Quality Assessment

19. The development hereby approved shall be carried out in accordance with the mitigation measures set out in the submitted Air Quality Assessment (by Air & Acoustic Consultants, May 2023)

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

Tree protection

20. The development shall be carried out in accordance with the tree protection plan, tree protection specification, and method statements, contained in the submitted Arboricultural Impact Assessment Report (by Sharon Hosegood Associates, May 2023)

REASON: To ensure existing trees and landscaping proposed for retention are protected, in accordance with the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

Surface water run-off to Highway

21. Prior to the first use of the development hereby permitted, arrangements shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), the Welwyn Hatfield Borough Council Local Plan, and the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

Other legislation

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

Ownership

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

Extent of highway

Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

Storage of materials

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

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

Debris and deposits on the highway

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Avoidance of surface water discharge onto the highway

The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

Works within the highway (section 278)

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Roads to remain private

The applicant is advised that all new roads associated with this development, will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road, and the developer should put in place permanent arrangements for long-term maintenance.

Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Residential Travel Plan (TP)

A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Education Travel Plan

Modeshift STARS is the national schools accreditation scheme that has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable and active travel. The scheme encourages schools across the country (including Hertfordshire) to promote and increase levels of sustainable and active travel in order to improve the health and well-being of children and young people, as well as reducing local highway impacts arising from school pick up / drop off. Every school in England (outside of London) can participate in Modeshift STARS for free and on completion of an application, schools will automatically have a brand new national standard School Travel Plan. A £1,500 per annum for the six-year entry for the school (overall sum of £9,000 and index-linked RPI March 2020) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the school travel plan including any engagement that may be needed.

To register for Modeshift Stars, visit <https://www.modeshiftstars.org/contact>. Support is available to schools in Hertfordshire from Hertfordshire County Council's Active & Safer Travel Team by contacting activeandsafertravel@hertfordshire.gov.uk or travelplans@hertfordshire.gov.uk.

OR

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

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal, and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies SADM1, SP4, SADM3 and SP13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

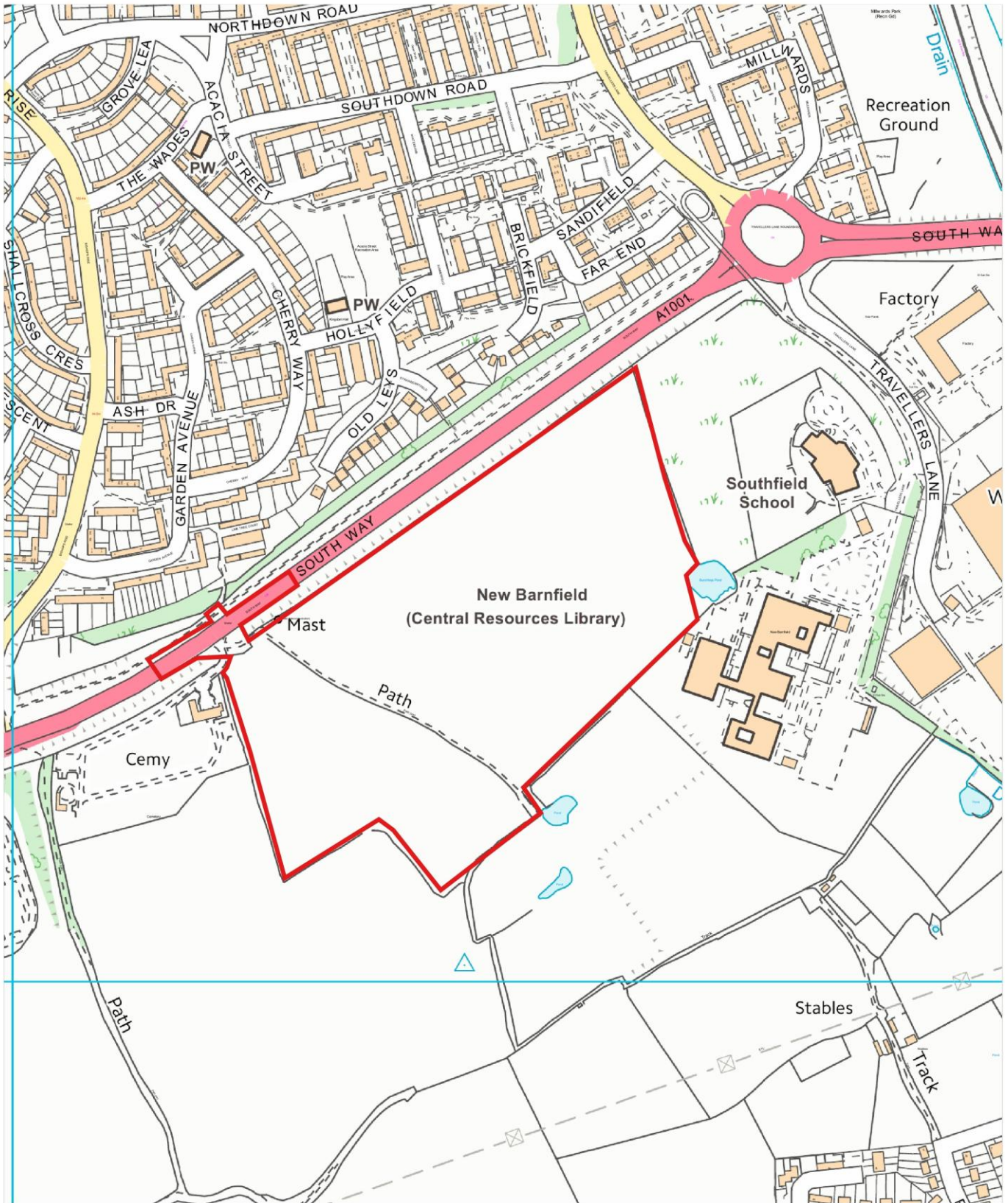
Together with the above drawing numbers to also be included.


POSITIVE AND PROACTIVE STATEMENT

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

David Elmore (Development Management)

Date: 03 September 2024



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|---|--|--|--------|------------|
|  <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p> | Title: | | Scale: | |
| | Land at South Way Hatfield | | 1:5000 | |
| | Development Management Committee | | Date: | 28-08-2024 |
| | Drawing Number: 6/2023/1532/OUTLINE | | Drawn: | R.Islam |
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