

Part I

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(Hatfield)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –19 DECEMBER 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2024/1569/FULL

HATFIELD MARKET PLACE AL10 0LN

PUBLIC REALM ENHANCEMENTS INCLUDING NEW LAYOUT, LANDSCAPING,
PAVING, PLAY EQUIPMENT, LIGHTING AND STREET FURNITURE.
ALTERATIONS TO LAND LEVELS TO REMOVE THE BARRIER BETWEEN THE
SHOPS AND THE OPEN SPACE FOLLOWING THE DEMOLITION OF THE
EXISTING REDUNDANT MARKET TRADING HUT

APPLICANT: WELWYN HATFIELD BOROUGH COUNCIL

1 Site Description

- 1.1 The application site is located in the centre of Hatfield, to the north of Queensway (B6426), and currently comprises of a mix of hard and soft landscaping which populates the fairly open public realm. A number of mature trees and other low-level forms of vegetation are contained within brick planters around the site. The perimeter is bounded by metal railings above a brick plinth.
- 1.2 To the north, east and west of the site, the public realm is bounded by a two-storey building containing independent retail units within Hatfield Market Place, with deck-access at first-floor level. A Public House is positioned to the north-east of the application site. To the south, the site is bounded by Queensway which is a busy B-road. It is a key transport corridor into Hatfield and forms the southern boundary around the core retail area of the town. A roundabout which provides connections with Link Drive and Woods Avenue is located to the south-west of the application site. There is also a bus stop just outside of the application site to the south. On the opposite side of Queensway is Link Drive, a relatively new development which consists of 80 flats, parking and associated outdoor space.

2 The Proposal

- 2.1 The application seeks planning permission for public realm enhancements including a new layout, landscaping, paving, play equipment, lighting and street furniture. The proposal also involves alterations to land levels to remove the barrier between the shops and the open space following the demolition of the existing redundant market trading hut.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the Assistant Director (Planning) considers it prudent for the application to be considered by Development Management Committee.

4 Relevant Planning History

- 4.1 The relevant planning history is summarised below:

Application Number: S6/1982/0588/

Decision: Refused

Decision Date: 31 August 1984

Proposal: Supermarket and 4 shops with first floor office and store and basement car park

Application Number: S6/1986/0015/DC

Decision: Granted

Decision Date: 13 February 1986

Proposal: Environmental improvements to Market Place

Application Number: S6/2004/0001/FP

Decision: Approval Subject to s106

Decision Date: 24 September 2004

Proposal: Redevelopment of eastern end of Hatfield town centre, comprising demolition of existing buildings and provision of new mixed use development including new retail (a1, a2, a3, a4, a5), non resident institution uses (d1), 275 residential units, new 'market hall', public realm and bus interchange, together with associated provision for access, servicing, parking (including multi storey car park) and landscaping. Partial retention of white lion house and retention, alteration and change of use of Kennelwood house. Temporary uses of site including; contractors compound, public car park, site accesses, and associated security fencing.

Application Number: S6/2007/0282/AD

Decision: Granted

Decision Date: 20 April 2007

Proposal: Erection of 3 no. four paneled non-illuminated re-development signs located adjacent to the common car park, Kennelwood car park and Queensway house.

Application Number: S6/2010/0136/MA

Decision: Approval Subject to s106

Decision Date: 11 April 2012

Proposal: Redevelopment of Eastern End of Hatfield Town Centre, comprising demolition of existing buildings and provision of new mixed use development including new retail (A1, A2, A3, A4, A5), community meeting rooms (D2), office use (B1) or health use (D1), 94 residential units, 3 live/work units, new public realm, public toilets, taxi rank and bus interchange, together with associated provision for access, servicing, parking and landscaping

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.6 Hertfordshire Local Transport Plan (2018-2031) 2018
- 5.7 National Design Guide 2021 (NDG)

6 Site Designation

- 6.1 The site lies within Hatfield Town Centre and a Core Retail Zone, as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2023.

7 Representations Received

- 7.1 The application was advertised by means of neighbour consultation letters and site notices. In total, 1 representation was received in support of the scheme. This is published in full on the Council's website and is summarised below:

Support in general but an issue was raised regarding the bus interchange in this location due to 4 separate stops being required for different routes, which does not encourage bus travel.

8 Consultations Received

- 8.1 The following consultees have responded advising that they have no objections to the proposal in principle, some of which are subject to the inclusion of conditions or informatives:

- WHBC Estates
- Hertfordshire Constabulary
- Hertfordshire Rights of Way
- Hertfordshire Ecology
- Hatfield Town Council
- Hertfordshire Transport Programmes and Strategy
- Public Health and Protection
- WHBC Landscapes

- 8.2 No response was received from the following consultees:

- Hertfordshire Lead Local Flood Authority
- Hertfordshire Building Control
- Environment Agency
- Hertfordshire Minerals and Waste Team

9 Analysis

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

- 1. Principle of the development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Landscaping**
 - iii) Refuse and recycling**
 - iv) Public safety and security**
 - v) Flood risk and drainage**

1. Principle of the development

9.2 The application site lies within Hatfield Town Centre and a Core Retail Zone, as designated in the Local Plan. The Town Centre was built following the town's designation as a New Town and was largely completed by the 1960s. It is typical of its era, with a car-free pedestrian precinct at its heart. In terms of land uses, the town centre comprises a large Asda anchor store on the western side and a mixed-use retail area on the eastern side, based around a central street with two public squares (White Lion Square and Market Square), located to the north and south respectively. The Town Centre provides convenience and comparison shopping for Hatfield, plus community and leisure facilities.

9.3 The Local Plan outlines that some of the New Town infrastructure is beginning to age and new investment is needed in Hatfield Town Centre in order to regenerate this area. The Local Plan also indicates that Hatfield will continue to be a main focus of shopping, leisure, housing and employment opportunities.

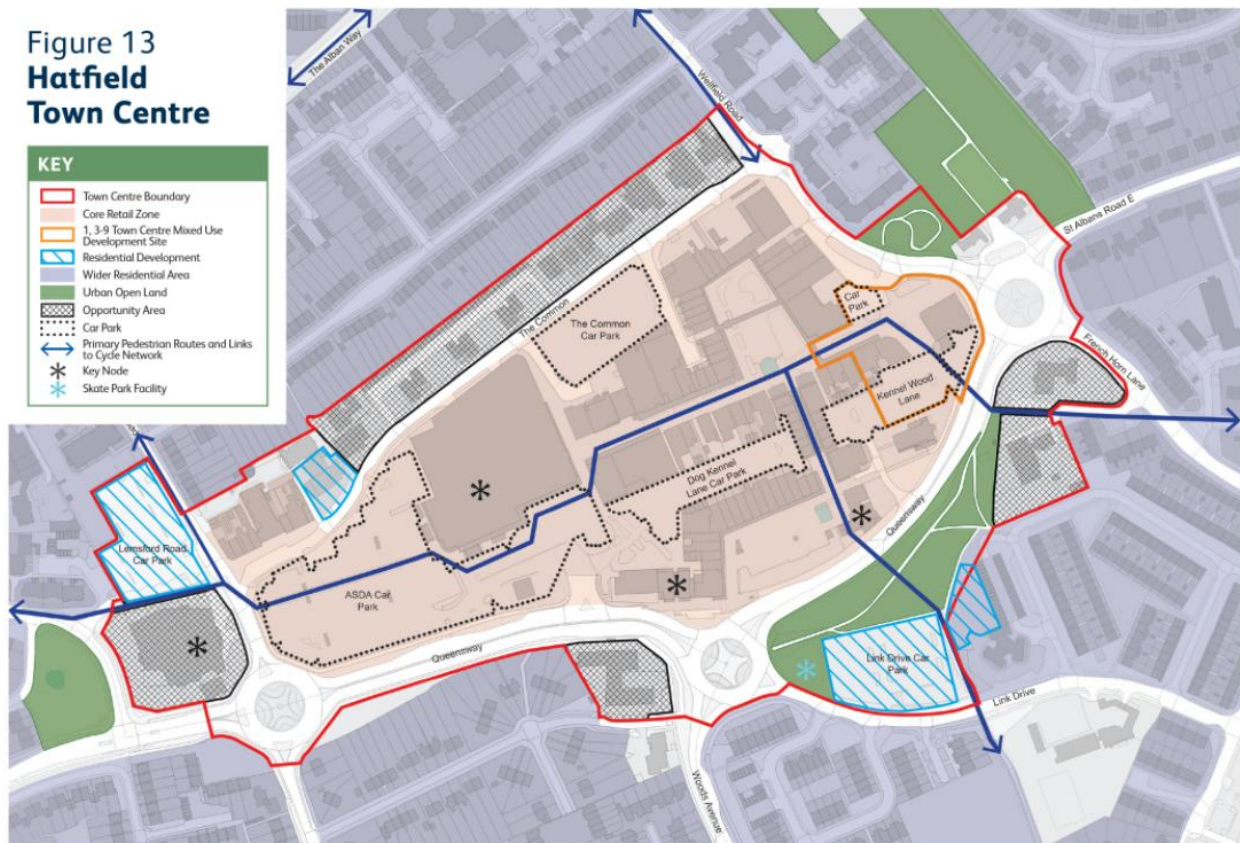
9.4 The Council has developed a vision for the future of Hatfield, which has informed its spatial strategy for the town and forms part of a wider overall strategy to maintain and enhance its role, among other things:

- As a town with an identity and legacy it can be proud of;
- As a main centre for employment in the borough;
- As a centre for shopping - with a stronger town centre, the Galleria and network of neighbourhood centres working together; and
- As a centre for community services and facilities, including sport, culture, arts and heritage.

9.5 Objective 1 for Hatfield is to secure the regeneration of Hatfield town centre and High View neighbourhood centre to strengthen their roles as part of the town's retail, leisure and community service provision. Objective 3 is to improve the identity of the town through public realm improvements, place making, signage, public art and facilitate cultural activities, while Objective 6 relates to supporting the provision of new community infrastructure through investment and regeneration of Hatfield town centre.

9.6 The overall vision is to secure the regeneration of Hatfield Town Centre and create a vibrant and successful centre which meets the community's needs for retail, leisure and community service provision. It aims to create a town centre which realises its potential as a sustainable, attractive, safe, clean and lively place for those who wish to shop, work, reside or relax in it. Policy SP20 (Hatfield Town Centre Strategy) seeks to promote the co-ordinated regeneration of Hatfield Town Centre in line with specific objectives. This will be achieved in accordance with the Strategy Diagram in Figure 13 of the

Figure 13
Hatfield
Town Centre



Local Plan below:

9.7 Policy SADM22 is also relevant (Development within Hatfield Town Centre Core Retail Zone). This states that applications for development in the Core Retail Zone will be required to address, amongst other things, the following design and land use principles:

- Opportunities should be taken to enhance the immediate physical environment to improve the character and quality of the town centre.
- Opportunities should be taken to improve the public realm and its functionality by ensuring a consistent and coordinated treatment of materials and street furniture and substantially improving key pedestrian routes within the town centre.
- Opportunities should be taken to improve pedestrian and cycle connectivity to the wider network and to respond to natural connections and design lines.

9.8 This planning application seeks to improve the quality of the environment and public realm of Hatfield Market Place, through enhancements to the landscaping, layout, access and open space. It also seeks to deliver new play infrastructure and improved places for members of the public to rest and socialise. It is therefore considered that the principle of development has clear support at a local policy level. In terms of national policy, the development would accord with Section 7 of the NPPF (ensuring the vitality of town centres) and Paragraph 90 in particular, which states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. There are therefore no objections to the principle of the development, subject to meeting other policies in place, as discussed below.

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

9.9 Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place.

9.10 Paragraph 139 of the NPPF states that significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

9.11 Consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).

9.12 Welwyn Hatfield Local Plan Policy SP1 states that new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe,

environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.

- 9.13 Furthermore, Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. Development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials. It continues to add that places should be easy to understand and navigate by virtue of the layout, and design of routes and views. Places should be accessible, well connected and easy to move through for all in society. New routes should connect into the existing route network and be safe and pleasant to use.
- 9.14 Policy SP9 goes on to state that public open spaces should be coherent, attractive, multi-functional, safe, inclusive and utilise high quality soft and hard landscaping, and should promote health and wellbeing, with play and leisure spaces well located and attractively designed to encourage their use. Public spaces and publicly accessible buildings should be designed to be inclusive, promote social interaction and provide opportunities for informal cultural and economic activities. The design of development should create a sense of safety and security that is consistent with achieving active, welcoming, and legible places. Open space should be multi-functional, attractive and accessible public spaces, which facilitate sport and physical activity.
- 9.15 The proposed development seeks to achieve the aims listed in the above planning policies by reviving the public realm within Hatfield Market Place via the delivery of public realm improvements and new accesses to the site. These interventions propose to improve the appearance of the public realm through adding play infrastructure and places to rest and socialise. As such, the development seeks to contribute to the economic vitality, viability and health of the town centre by providing an active and restorative public realm and supporting local businesses at Hatfield Market Place.
- 9.16 Local Plan Policy SP20 relating to the Hatfield Town Centre Strategy, sets out how the Council will promote the co-ordinated regeneration of Hatfield Town Centre and will support development within the town centre boundary that: makes a positive contribution to improving the town centre's viability and vitality; helps to create a comfortable, safe, attractive and accessible shopping environment; and improves both the overall mix of land uses in the centre and its connectivity to adjoining areas. Local Plan Policy SP20 makes particular provision for enhancing the quality of the environment and public realm. On this basis, the proposed development represents investment within the public realm to Hatfield Market Place and aims to support the role of the public realm in this location to act as a destination in the town, also strengthening the Core Retail Zone in line with Policy SADM22. The proposal would therefore endorse the enhancement of the immediate physical environment to improve the character and quality of the town centre. The proposed development incorporates a number of design features in accordance with the above

principles. These include access and layout improvements, delivery of new play infrastructure, leisure equipment and new tactile surfaces.

- 9.17 The proposed development would renew the existing public realm with additional space for inclusive play, street furniture and new planting and trees. Hatfield Town Council have commented on this part of the proposal, setting out that the play equipment should be accessible for all, including children with mobility needs. The applicant has responded to this within the supporting information, stating that accessibility has been a guiding priority in the selection of play equipment, and the proposal ensures it accommodates children with varying mobility needs. The development also involves the re-profiling of the land, to replace the existing steps, upstands and railings with gentler slopes, in order to improve accessibility compared to the existing arrangement. In this regard, the development would provide a better-quality space in the town centre for resting, playing and socialising, which could result in greater footfall in this area of the Core Retail Area in Hatfield.
- 9.18 A new wayfinding infrastructure is proposed in order to improve legibility and permeability across the site, improving the existing routes and creating new elements of visual interest. The County Rights of Way team have commented on this part of the proposal, stating that the planting in the south-eastern section at the end of Pathway 136b could potentially cause an obstruction. The plans demonstrate that a path would lead from the existing pedestrian crossing through the site. These comments are noted. However, the proposal provides a clearer path to the pedestrian crossing which is a very small diversion from pathway 136b, which would be the likely destination for the majority of people using this pathway. With this in mind, the proposal is considered to protect the aims of the Public Right of Way.
- 9.19 The proposed development also incorporates better-quality vegetation and greenery to existing, which would deliver greater biodiversity benefit and seasonal interest whilst retaining the existing trees. Through the incorporation of greenery and play space, the proposed development would comply with the principles as set out in Policy SP9 with respect to space for nature and healthy and active spaces. This placemaking approach is considered to reflect high quality design which would encourage a greater uptake and use of the space.
- 9.20 The design of the scheme reflects the local aviation heritage of Hatfield, through integrating this into the development. As a result, the proposal would represent an enhancement to the character and quality of Hatfield Town Centre, through a consistent and co-ordinated application of materials and street furniture. As such, these measures align with the principles relating to the public realm as set out in Local Plan Policy SADM22. The incorporation of aviation-themed floor-marking refers to the historic industry of aviation in Hatfield and contributes to a distinct sense of place, whilst reflecting the overarching design approach to encourage colour, identity and placemaking, as well as activities and purpose for all. In terms of the proposed play equipment, the submitted section plans suggest there would be raised playground equipment which would follow the aviation theme. There would also be natural trails including timber stepping stones and fixed chess tables.

- 9.21 Pocket active spaces with play and family equipment are proposed, which would provide opportunities for physical activity and social interaction. Pocket reflective spaces are also proposed, promoting health and well-being through safe and inclusive design within the planting pockets. This approach to active and restorative spaces aligns with the healthy and active principles contained within Policy SP9, through the creation of multi-functional, attractive and accessible public space.
- 9.22 Hatfield Town Council have commented on the application, noting that the development should be inclusive and accessible to as many people as possible. The re-profiling of the site will support the accessibility of the public realm, with steps, upstands and railings to be replaced with gentle slopes. This will address the existing incongruous and inaccessible change in levels across the site, to provide better pedestrian movement within the site and its wider context. The Town Council added that some residents would still need the benefit of handrails to negotiate certain slopes, however, the applicant added that the landscape has been carefully designed to eliminate steep slopes, which reduces the need for handrails. This step-free design will provide easy and safe access for residents and visitors, particularly for those with mobility needs.
- 9.23 The Town Council also added concerns relating to the metal railings between the site and Queensway Road. The main concerns are that these railings are critical to ensuring the site remains a safe space for young children. The supporting information provided by the applicant sets out that the importance of this safety feature is acknowledged and confirms that the railing will not be removed but will instead be painted to enhance its durability and appearance.
- 9.24 Further comments from Hatfield Town Council state that the town centre would benefit from safe and clean public toilets for residents and visitors to use. The applicants supporting statement sets out that public toilets are not included within the scope of this project but acknowledge that public amenities are important to the town centre. However, as they do not form part of this application, this would not be a sufficient reason to resist the development. The Town Council have also suggested there is also a lack of seating by the Play Trails/Wheels Area which may prove problematic for parents and guardians with young children wishing to use this area. The applicant has confirmed they are willing to consider options to enhance seating in this area, which could be secured by condition.
- 9.25 In terms of the materials palette, the proposal incorporates a variety of colours, such as buff, grey and red coloured concrete block pavers, resin bound gravels and rubber crumb play surfaces in bright colours (such as deep orange and luminous bright red). The intention of this is to work with the existing green palette of the tree and landscaping in the area and create an intentional contrast which would transform the area into a destination. A condition can ensure these materials are utilised.
- 9.26 In terms of furniture palette, the proposal would include curved benches with galvanised steel bases, picnic benches, double steel litter bins, Sheffield cycle

stands. Photos of these features are provided in the submitted Design and Access Statement and a condition can ensure these details are utilised.

- 9.27 Overall, it is therefore considered that the proposed development would adhere to local and national policy in terms of its design and would improve the existing character of Hatfield Market Place, therefore improving the public realm. In order to ensure the longer-term durability of the public realm, a strategy can be secured by condition for its management and maintenance.

3. Residential amenity

- 9.28 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land. Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Policy SADM18 of the Local Plan seeks to ensure that no new development would cause disturbance to people or the natural environment due to noise and/or vibration pollution. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase.
- 9.29 It is noted that the nearest residential properties are approximately 35m away from the application site, consisting of a large block of flats located between the shops on the edge of the Market Place and Asda. To the north, residential units are located above retail units within the town centre approximately 60m from the application site. Properties to the east and south are separated by Queensway and an area of landscaped open space. Existing residential properties which have the potential to be impacted by the development are therefore located within a populated area within a busy part of Hatfield town centre. It is noted that the addition of a children's play area could see an increase in noise levels, however, it is not considered that the alterations would detrimentally alter noise levels in terms of the existing use of the space as a public area. Therefore, the improvements proposed to Hatfield Market Place would not give rise to any harmful impacts to the surrounding neighbours. Furthermore, due to the nature of the development, and the distance of the nearest residential properties from the scheme as discussed above, there would not be any significant changes in terms of loss of light, outlook or privacy.
- 9.30 In this case, the Council's Public Health and Protection Officer has reviewed the application and considers that the proposal is acceptable, subject to standard restrictions on times of construction noise and dust. This can be secured by informative. No concerns are raised with regard to additional light to be generated from the proposal either.
- 9.31 In summary, considering the scale of the development and the separation distances from neighbouring properties, the proposal would not have a detrimental impact on the amenity of existing occupiers in terms of loss of

light, outlook, privacy, light or noise. The proposal would therefore be in accordance with the NPPF, Policies SP9, SADM11 and SADM18 of the Local Plan and the SDG.

4. Highways and parking considerations

- 9.32 Policy 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.
- 9.33 Local Plan Policy SADM2 reiterates this, setting out that development proposals will be permitted provided there would be no negative impacts on highway safety and are designed to allow safe and suitable means of access to and from the site for all users. Policy SP4 is also relevant.
- 9.34 Policy SADM3 (sustainable travel for all) states that development proposals should make provision where appropriate for:
- ii. Cyclists, through safe design and layout of routes integrated into new development and the wider cycle network and provision of secure cycle parking and where appropriate changing facilities.
 - iii. Pedestrians (including disabled persons and those with impaired mobility), through safe, accessible, direct and convenient design and layout of routes within the new development and wider pedestrian network.
 - iv. Safeguarding existing Public Rights of Way and promoting enhancements to the network, where appropriate, to offer walking and cycling opportunities.
 - v. Public transport, through measures that will improve and support public transport and provide new public transport routes.
 - vi. Community transport, through the implementation of Travel Plans where appropriate (for example including measures that will promote carpools, car sharing and voluntary community buses, community services and cycle schemes).
 - vii. Servicing and emergency vehicles.
 - viii. Facilities for charging plug-in and other ultra-low emission vehicles.
- 9.35 The development proposes to improve access to the public realm through enhancing 3 existing pedestrian linkages from the south, north, and west. These linkages connect the site with the town centre and White Lion Square to the north, the residential area to the south, and ASDA to the east. The scheme would refine these linkages and improve the access through the site from its wider context. In turn, this would further reinforce the public realm at Hatfield Market Place as a key destination within the Core Retail Zone, which is accessible for a range of users.
- 9.36 The site will continue to be served by the local bus stop to the south on Queensway outside of the site. The site will provide additional street furniture, alongside an improved pedestrian network as a result of the improved wayfinding signage. These measures are supported by Local Plan Policy SADM3, which promotes accessibility and integration into the wider

community and existing networks. The delivery of 10 additional cycle stands is also proposed, promoting the use of sustainable modes of travel in accordance with Local Plan Policy SP4 and SADM3.

- 9.37 The County Highways Officer has been consulted on the application and confirmed the development is acceptable, subject to a condition requesting a Construction Method Statement to be submitted to the Local Planning Authority, and recommended informatives. This would ensure the impacts from construction on the surrounding road network are minimised.
- 9.38 There are also some Public Rights of Way adjacent to, and inside the application site. Policy SADM3 refers to safeguarding existing Public Rights of Way and promoting enhancements to existing networks. The County Rights of Way team have been consulted and have confirmed that the development would potentially obstruct route 136b due to an area of proposed soft landscaping. However, as discussed earlier in this report, the altered route would provide a better user journey.
- 9.39 A neighbour comment has been received in support of the development but raises concerns regarding the existing bus interchange. The scheme does not propose to alter the existing arrangements, as the bus stops are located outside of the boundaries of the application site. Furthermore, Hertfordshire Highways have reviewed the proposal and have not identified any bus stop improvement works that are required to render this development acceptable. Therefore, there are no concerns raised in this regard.
- 9.40 The development would therefore have an acceptable impact on highway and pedestrian safety and would accord with the relevant local and national policy in this regard as set out above.

5. Other considerations

i) Ecology and biodiversity

- 9.41 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework, every grant of planning permission, subject to some exceptions, is expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat and should otherwise be refused.
- 9.42 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition'. Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted. The applicant has confirmed on the application form that if permission is granted for the development to which this application relates, the biodiversity gain condition would apply.

- 9.43 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 9.44 The NPPF outlines that planning decisions should protect and enhance biodiversity and, when determining planning applications, local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated against, or, as a last resort, compensated for, then permission should be refused.
- 9.45 The application is accompanied by a Biodiversity Metric and a Biodiversity Net Gain Assessment which states that the proposed development would result in a net increase of 0.16 habitat units (14.27%).
- 9.46 Hertfordshire Ecology have been consulted on the application and have confirmed that it has been demonstrated that the required biodiversity uplift can be achieved and that the scheme is automatically subject to a General Biodiversity Gain Condition which requires the delivery of a Biodiversity Gain Plan. This is a statutory condition as every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. It will therefore be kept separate to the list of recommended conditions at the end of this report.
- 9.47 A further condition of approval is recommended for a Landscape and Ecological Management Plan (LEMP). This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site, will be created, enhanced, and monitored following the completion of the capital works required to create them.
- 9.48 As such, subject to the recommended conditions and informatives, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.

ii) Landscaping

- 9.49 Local Plan Policy SP12 encourages the creation and enhancement of strategic green infrastructure across the borough. Opportunities to link existing green spaces and to improve public access and amenity will be supported, in order to provide a comprehensive network of functional and linked spaces for the benefit of wildlife, biodiversity and the community. This is supported by Local Plan Policy SADM16, which outlines an expectation for proposals to maintain, protect, conserve and enhance biodiversity.
- 9.50 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained.
- 9.51 The NPPF sets out at Paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136

acknowledges that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

- 9.52 The development would require the removal of Category C trees, which would be compensated with new planting elsewhere. The Council's Landscapes Officer has reviewed the proposal and considers that further information will be required in respect of tree protection measures, including a full arboricultural survey, tree protection plan and method statement. This can be secured by condition. There are also some concerns regarding the proposed plant species. However, it is considered that alternative species could also be secured by condition, in addition to further details regarding planting methods, densities, aftercare and management and maintenance.
- 9.53 The development would include the provision of biodiverse beds and planting islands, as well as new trees across the site. In addition, the existing moderate and high-quality trees within the site will be retained. The delivery of planting beds across the southern boundary of the site provides a planting buffer which runs adjacent to Queensway, acting as natural screening for the public realm from the adjacent carriageway.
- 9.54 Features described as 'wet pour' rubber mounds are proposed as part of the development, which would serve as part of a new play trail. The mounds would be modest in height and would not appear unduly dominant in their surroundings. Detailed section plans of these features could be secured by condition.
- 9.55 Hatfield Town Council have commented on the proposed landscaping alterations, stating that a condition should be added in the event of an approval to ensure any trees, plants, and bushes are maintained. This can be secured by condition in the event of an approval, along with the management and maintenance of the remainder of the public realm.

vi) *Refuse and recycling*

- 9.56 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:
- a. Perform their role effectively without prejudicing or being prejudiced by other functions and users;
 - b. Maintain an attractive and coherent street scene and protect visual amenity; and
 - c. Avoid creating risk to human health or an environmental nuisance.
- 9.57 In this case, the submitted plans indicate the location of proposed litter bins within the area. However, there is a lack of information on the individual design of the bins. Further details can be secured via condition in the event of an approval, along with details of other street furniture.

vii) *Public safety and security*

- 9.58 Local Plan Policy SP9 requires public places to be appropriately sited, designed and lit in order to maximise natural surveillance and a sense of safety. Proportionate steps may need to be taken to reduce vulnerability and increase resilience in locations where large numbers of people may be expected to congregate.
- 9.59 The application proposes to fit new spotlights to three of the existing lighting columns and six new single head lighting columns. Feature lighting is also proposed within trees around the centre and south of the site. The existing area is prone to groups of people congregating, and this proposal seeks to improve this, giving a sense of purpose to the area and creating a brighter, more open public realm that can be enjoyed by a wider range of people. The Council's Public Health and Protection Officer has confirmed there are no concerns with the proposed lighting.
- 9.60 Hatfield Town Council have commented on wider public safety, stating that the removal of the barriers between the shops and the recreational area is a positive, as long as the design does not encourage the misuse of the site by those on skateboards, scooters and bicycles, which would discourage people from visiting and enjoying the space as intended. The applicant has responded to this comment to confirm that the Town Councils commitment to a safe and welcoming environment is shared and the design has incorporated features aimed at minimising unintended uses of the space, while ensuring it remains attractive for families and individuals to enjoy.
- 9.61 Hertfordshire Constabulary have also commented on the proposal, noting that they were approached before the planning application was submitted in order to provide comments about how the scheme can assist with crime prevention. Their comments confirm that their feedback regarding security has been incorporated into the design of the development. Hertfordshire Constabulary are therefore in support of the scheme in this regard.

v) *Flood risk and drainage*

- 9.62 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. Policy SADM14 of the Local Plan is similar in these aims.
- 9.63 This site is located within Flood Zone 1 i.e. a low probability of flooding. However, some areas on site are more at risk of surface water flooding. The proposal includes a drainage strategy which would utilise the existing infrastructure. Alterations to land levels are proposed, as well as the removal of a wall, in order to direct any excess surface water to the centre of the square, towards the existing gullies. The land levels would have a maximum gradient of 1:21. Some of the existing gullies at the foot of the existing wall would be removed. The hard surfacing would comprise of a combination of block paving, resin bound gravel and concrete paving slabs.

9.64 The Lead Local Flood Authority (LLFA) have been consulted and have not raised any comments on the proposed drainage scheme. The Environment Agency have not commented either. As the proposal seeks to improve the existing situation and no objections have been raised from either party, it is not considered that there would be a reason to withhold planning permission on the grounds of the proposed drainage strategy.

9.65 A condition can secure a detailed management and maintenance plan for the Sustainable Drainage System (SuDS) features, including an inspection timetable and arrangements for adoption and any other measures necessary to ensure the efficient operation of the scheme throughout its lifetime. A separate condition can also ensure the development implements the approved drainage strategy prior to the marketplace being brought back into use.

10 Conclusion

10.1 Further to the above and subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining or future occupiers living conditions, highway safety, or any other material considerations. It would also promote the co-ordinated regeneration of Hatfield town centre and support development within the town centre. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Recommendation

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

PRE-COMMENCEMENT CONDITIONS

1. No development shall commence until a Construction Method Statement 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 details. The Construction Management Statement shall include details of:

- Access arrangements to the site
- Traffic management requirements
- Construction and storage compounds (including areas designated for car parking, loading/ unloading and tuning areas)
- Siting and details of wheel washing facilities
- Cleaning of site entrances, site tracks and the adjacent public highway
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/ drop off times
- Provision of sufficient on-site parking prior to commencement of construction activities

- Post construction restoration/ reinstatement of the working areas and temporary access to the public highway
- Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including the extent of hording which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements

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), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a Public Realm Management Strategy, including hard and soft landscaping, play equipment, lighting and street furniture has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with approved strategy.

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

3. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with Herts Ecology. The LEMP shall be carried out as approved. The LEMP shall include details of measures to protect and enhance existing habitats, as well as a plan to show species enhancements on-site reflecting proposals within the Biodiversity Gain Plan, to demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site, will be created, enhanced and monitored following the completion of the capital works required to create them, to demonstrate that at least 10% Biodiversity Net Gain on-site will be created, enhanced and monitored.

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

4. No development shall commence until full details of Arboricultural Information in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details. The Arboricultural Information must include:

- a) A Tree Survey
- b) An Arboricultural Impact Assessment

- c) A Tree Protection Plan
- d) An Arboricultural Method Statement

The development shall not be implemented other than in accordance with the approved details.

REASON: To ensure the satisfactory protection of retained trees, shrubs, and hedgerows during the construction period and in the interest of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Notwithstanding the submitted landscaping details, no development shall commence until full details of hard and soft landscape works shall be submitted and approved by the Local Planning Authority in writing. Thereafter, the development shall be carried out in accordance with the approved details prior to the first use of any part of the development (or within such a period as may first be agreed in writing with the Local Planning Authority. The landscaping details to be submitted shall include:
 - a) Existing and proposed levels (including cross-sections) showing earthworks and mounding;
 - b) Trees and hedgerow to be retained;
 - c) Planting plans, including written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
 - d) Hard surfacing materials;
 - e) Means of enclosure and boundary treatments; and
 - f) Details of additional seating areas

All agreed landscaping comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the first use of the site or in agreed phases, whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: In the interests of visual amenity and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. The development hereby permitted shall not be carried out other than in accordance with the approved surface water drainage strategy. The mitigation measures shall be fully implemented prior to the marketplace being brought back into use and subsequently in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

7. No development shall commence until a detailed management and maintenance plan for the Sustainable Drainage System (SuDS) features has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include an inspection timetable and arrangements for adoption and any other measures necessary to ensure the efficient operation of the scheme throughout its lifetime. The approved details shall be adhered to throughout the lifetime of the development.

REASON: To ensure the drainage system is maintained throughout the lifetime of the development to an acceptable standard in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. The development shall not be completed other than in accordance with the submitted materials and furniture palette in the Design and Access Statement dated August 2024, unless otherwise agreed in writing with the Local Planning Authority.

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

9. All hard and soft landscaping works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
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3801-BDP-00-XX-DR-L-0000	R00	Site Location Plan	19 August 2024
3801-BDP-00-XX-DR-L-0001	R00	Landscape General Arrangement Plan	19 August 2024
3801-BDP-00-XX-DR-L-0002	R00	Levels & Drainage Plans	19 August 2024
3801-BDP-00-XX-DR-L-0006	R00	Existing Site Plan	19 August 2024
3801-BDP-00-XX-DR-L-0102	R00	Planting Plan Zoom 2 of 3	19 August 2024
3801-BDP-00-XX-SE-L 0001	R00	Section A	19 August 2024
62300BWL S-01		Topographical Survey Sheet 1 of 1	19 August 2024
3801-BDP-00-XX-DR-L-0005	R00	Proposed Planting Plan	19 August 2024
3801-BDP-00-XX-DR-L-0103	R00	Planting Plan Zoom 3 of 3	19 August 2024
3801-BDP-00-XX_DR-L-0101		Planting Plan Zoom 1 of 3	19 August 2024
3801-BDP-00-XX-SE-L-0002	R00	Section B & C	19 August 2024
231065- P-10		Tree Survey	19 August 2024
3801-BDP-00-XX-DR-L-0003		Tree Removal Plan	19 August 2024

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

Biodiversity Net Gain Condition

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

REASON: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Biodiversity Net Gain Informative Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the Biodiversity Gain Condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition (as set out above at the end of this decision notice) is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by Welwyn Hatfield Borough Council (the local planning authority) before commencement of the development. There are exemptions, transitional arrangements and requirements relating to irreplaceable habitat which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

In the opinion of the Local Planning Authority, the approved development is engaged by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, is subject to the statutory Biodiversity Gain Condition and none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the

effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Advice on information required to discharge Biodiversity Gain Condition

A Biodiversity Gain Plan to secure at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat as per the statutory condition as set out on this Decision Notice must be submitted to the Local Planning Authority and approved before the development can commence. In order to discharge the condition, the following information will be required:

-details of purchase and monitoring of the offsite biodiversity units, a biodiversity metric for the site, costings and evidence of appropriate legal agreements to guarantee delivery of ongoing habitat management requirements specifically:

- i. Identification of receptor site or sites with associated plans;
- ii. Details of the offsetting requirements of the development in accordance with current DEFRA biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A Management and Monitoring Plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme and itself to include:
 - a) Description of all habitat(s) to be created / restored / enhanced within the scheme including expected management condition and total area;
 - b) Review of Ecological constraints;
 - c) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
 - d) Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
 - e) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - f) Identification of persons responsible for implementing the works;
 - g) A timetable of ecological monitoring to assess the success of all habitats creation/enhancement.
 - h) The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods / management prescriptions, should the monitoring deem it necessary.
 - i) Evidence that appropriate arrangements are in place to ensure the Council is funded to monitor the proposed biodiversity gain from the site(s) proposed over a period of 30 years. This would normally be in the form of a freestanding S106 agreement with a biodiversity provider which has already secured on-going monitoring contributions for the Council.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in your development becoming subject to enforcement action.

INFORMATIVES

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

All pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

Any emergency deviation from these conditions shall be notified to the Council without delay.

Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

Permissible noise levels are not specified at this stage.

All efforts shall be made to reduce dust generation to a minimum.

Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
4. 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.
5. 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

6. 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.
7. 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.
8. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

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.

Jessica Fuller (Development Management)
Date: 22 November 2024



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	Hatfield Market Place AL10 0LN		1:5000
Development Management Committee		6/2024/1569/FULL	Date: 03-12-2024
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