

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 16 JULY 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/2431/MAJ

LINK DRIVE CAR PARK, LINK DRIVE, HATFIELD, AL10 8TY

ERECTION OF A 6 X STOREY BUILDING COMPRISING OF 80 X FLATS,  
ASSOCIATED WORKS TO INCLUDE UNDERCROFT CAR PARKING, CYCLE  
PARKING, PLANT AND REFUSE STORAGE

APPLICANT: WELWYN HATFIELD BOROUGH COUNCIL

**1 Site Description**

- 1.1 The site (which is some 0.43 hectares in size) is located to the south of Queensway and the north of Link Drive. The site is currently used as a surface car park which has 114 spaces (long stay). The car park is operated by the Borough Council. Vehicular access to the site is from Link Drive and there is pedestrian access to the site from the town centre (via both a pedestrian crossing and underpass further to the north-east).

**2 The Proposal**

- 2.1 The application seeks planning permission for the erection of a 6 storey building comprising 80 flats (30 1-bed and 50 2-bed). A total of 74 parking spaces are proposed and space for the storage of 80 cycles. During the consideration of the application, the application boundary has been amended to include the skate park and a hamerglass acoustic screen has been proposed to partially surround the skate park. The application also proposes to extend the public right of way which currently runs to the south of Goldings House, along the southern boundary of the application site.

**3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because the application is a major development and the Borough Council is the applicant.

**4 Relevant Planning History**

- 4.1 There are no applications relevant to the consideration of this application.

**5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)

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

## **6 Site Designation**

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

## **7 Representations Received**

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total 9 representations have been received, comprising 7 objections together with 1 in support of the proposal and 1 comment. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Loss of parking and long stay parking;
- Because of the new parking permit systems roads around the town centre that are not in the permit system are getting clogged up with cars;
- There is not enough parking in the town centre;
- The removal of the Link Drive car park will cause loss of footfall to Market Place;
- Roads will not be able to cope with the added traffic from construction and residents;
- Insufficient services to cope with extra residents - doctors and schools are already struggling to cope with demand;
- Local businesses will lose staff and find recruitment difficult if staff have to commute via public transport if sufficient parking spaces are not available;
- More pollution from construction and new residents;
- The site is currently a green area and the development will overshadow that and will be a blot on the landscape.

### *Support*

- The development is critical to the wider regeneration of Hatfield;
- Encourage swift delivery of the proposal in order to continue to move forward the comprehensive regeneration of the town centre.

## **8 Consultations Received**

- 8.1 The Garden's Trust – Objection summarised as follows:
  - This area of Hatfield with lawns and trees on both sides of the road offers the contrast between the residential area and the town centre retail area.

The building proposed would destroy the legibility of the new town idea and the green area which are so typical and essential in separating areas into discrete units.

8.2 The Rambler's Association– Objection summarised as follows:

- When comparing the submitted plans and the exact legal line of the footpath relative to the northern edge of the development site it is unclear whether the footpath has been mis-located on the submitted plans. There is also concern that the parking access road crosses the line of the footpath.

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

- HCC Historic Environment Advisor
- HCC Growth Team
- HCC Transport Programmes and Strategy
- HCC Fire and Rescue Service
- WHBC Public Health and Protection
- WHBC Client Services
- NHS
- Thames Water
- Cadent Gas
- Herts Constabulary
- WHBC Affordable Housing
- Affinity Water
- WHBC Parking
- HCC Spatial Planning
- Lead Local Flood Authority
- Historic England
- Place Services
- WHBC Landscape

8.4 No response was received from the following consultees:

- Herts and Middlesex Wildlife Trust
- Environment Agency
- Herts Ecology

## **9 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
  - i) Flood risk and sustainable drainage**
  - ii) Energy Efficiency**
  - iii) Landscape**
  - iv) Contaminated land**
  - v) Archaeology**
  - vi) Refuse facilities**

- vii) **Electric Car Charging Points**
- viii) **Fire Safety**
- ix) **Other Matters**
- 6. **Environmental Impact Assessment**
- 7. **Planning obligations**
- 8. **The planning balance**

### **1. Principle of the development**

- 9.2 The site lies within the settlement of Hatfield, where in accordance with policy GBSP2 of the adopted District Plan there is no objection in principle to development. Furthermore, Policy R1 of the adopted District Plan states that the Council will require development to take place on land which has been previously used or developed, and this proposal would accord with that policy.
- 9.3 The site is proposed to be allocated in the emerging Local Plan as within the town centre boundary (Policy SADM 4) and as an opportunity area. Policy SADM 23 of the emerging Local Plan states that within this area the Council will allow proposals for changes of use or development for office, hotel, residential, leisure, community or education uses (falling within use classes B1(a), C1, C3, D1 and D2) provided that the proposal would:
- i. Support the regeneration of Hatfield Town Centre and its vitality and viability;
  - ii. Not harm the amenities of the occupiers of nearby residential areas;
  - iii. Be properly integrated into the retail core of the town centre, including the provision of good pedestrian linkages; and
  - iv. Provide adequate highway access and servicing arrangements and would not be detrimental to the highway network including highway safety.
- 9.4 The policy goes on to state that where the site currently provides car parking which serves the needs of the town centre as a whole, this must be replaced within the development proposals or in an appropriate alternative location.
- 9.5 In considering the principle of development, regard should also be had to the Hatfield New Town Renewal Framework July 2016 published by the Hatfield Renewal partnership which includes a long term strategy for the regeneration of the Hatfield town centre and identifies the application site as an opportunity area for consideration which could be realised for development to achieve high density residential provision.
- 9.6 The application proposes the erection of 80 flats on the site, to which there is no objection in principle in accordance with the adopted District Plan. Furthermore, support is found for the residential redevelopment of the site in the emerging Local Plan subject to a number of criteria being met and the replacement of the existing car parking provision.
- 9.7 Members will recall that planning permission was granted at the meeting of the Development Management Committee on the 6<sup>th</sup> February 2020 for the erection of a 4 storey, 420 space multi storey car park on The Common (ref. 6/2019/2478/MAJ). As set out in the report to the Committee, the proposal would allow the consolidation of town centre parking in a central location, allowing for the closure of the existing surface car parks at Link Drive and Lemsford Road and the reconfiguration and reallocation of the car park at Kennelwood Lane. Work has

commenced on the construction of the multi storey car park, and once completed and available for use would provide for the parking spaces that would be lost from the site as a result of its redevelopment for residential development. It is therefore considered that in this respect the relevant part of Policy SADM 23 of the emerging Local Plan which requires the provision of replacement car parking has been met.

- 9.8 It is noted that concern has been raised in some of the representations received that the proposal would result in the loss of parking and that there is already insufficient parking in the town centre. As set out above, the public parking lost as part of this development would be replaced in the provision of the multi storey car park, although it is acknowledged this replacement parking would be located on the northern side of the town centre and may not be as convenient for nearby businesses and community uses as the existing parking provision at Link Drive.
- 9.9 It is also noted that concern has been raised that the loss of the car park will reduce footfall in Market Place, which is located to the north of the site and Queensway. The existing parking provision will be replaced however with 80 flats (30 x 1-bed and 50 x 2-bed) which could result in a total average occupancy of around 133 people. Pedestrian access to the town centre, across Queensway and via Market Place, is to be retained, and it is therefore considered that the existing footfall from users of the car park would be replaced by residents of the development who are accessing the town centre on foot.
- 9.10 Policy SADM 23 of the emerging Local Plan whilst allowing residential development on the site, does not outline the scale of development that is required or proposed. It does however require that any proposal support the regeneration of Hatfield town centre and its vitality and viability, and the residential units proposed by this application in such close proximity to the core retail zone of the town centre would assist in supporting the vitality and viability of the town centre.
- 9.11 Policy H6 of the adopted Local Plan states that in central areas and areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan. A similar approach is continued by policy SP 9 of the emerging LP.
- 9.12 The proposed development would result in a density that would exceed the 50 dwellings per hectare figure specified in the policies. The sustainable location of the site is such that higher density development would be acceptable in principle in this location, and the provision of flats will also generally result in a higher density of development than when compared to houses. However, the main consideration in determining the acceptability of the density of the proposed development, will be in relation to the size, scale and design of the proposed development, and this will be considered later in this report.
- 9.13 Policy SP 7 of the emerging LP states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
14%	23%	41%	22%

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

9.15 The application proposes the following dwelling mix, all of which are proposed to be flats:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
37.5%	62.5%	0%	0%

9.16 The proposal would not therefore meet the requirements of the latest evidence of housing need and market demand. It is noted however that the size of the site will impact upon the type and mix of housing proposed, and therefore it is unlikely to be able to fully meet the latest housing need. The NPPF states that decisions should promote effective use of land in meeting the needs for homes. The benefits associated with the proposed development in respect of the provision of additional housing therefore needs to be balanced against the mix of dwellings proposed.

9.17 A comment was made by a third party that the applicant did not submit with the application a clear case addressing the Council's requirements for a mix of unit types on larger sites. Whilst this is noted, it is considered for the reasons set out above, that subject to a balance of all the considerations relevant to this proposal, there may be justification to allow a departure from policy in this case.

9.18 Policy H7 of the adopted District Plan requires that a minimum of 30% subsidised housing should be provided on suitable sites. However, Policy SP 7 of the emerging Local Plan states that 25% of dwellings on development sites in Hatfield should be affordable. The requirement set out in Policy SP 7 is based on up to date evidence. Whilst due to the stage of preparation of the plan limited weight can be given to some of its policies, in this case having regard to the up to date evidence base, and in accordance with the requirement of the NPPF that policies should be informed by local housing need assessment, it is considered that the requirements of Policy SP 7 should be followed in this case, and 25% of dwellings should be affordable. The application proposes that 25% of the dwellings would be affordable in accordance with Policy SP 7. The exact mix of property tenures and sizes will be agreed during the drafting of the S106 agreement.

9.19 Policy H10 of the adopted District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards. Policy SP 7 of the emerging Local Plan requires that at least 20% of all new dwellings on sites involving 5 or more dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. To ensure the requirements of these policies are met, it is recommended that a condition is attached to any grant of permission that requires a scheme for the delivery of accessible and adaptable homes is submitted and approved. Furthermore, two lifts are proposed in the building to allow step free access to the upper floors.

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

- 9.20 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 9.21 The site, due to its existing use as a surface car park, is currently open in character. The erection of a 6 storey building on the site will therefore result in a significant change to the character and appearance of the site. However, the existing mature landscaping between the northern site boundary and Queensway does, when in leaf, does somewhat obscure views into and across the site. Furthermore, the development would be seen against the backdrop of Goldings House which is a substantial structure and a prominent feature within the streetscene and the surrounding area.
- 9.22 The massing and scale of the building has been broken up through the articulation of the elevations, as well as by the use of glazing, different materials and balconies. The external elevations of the building are proposed to be brick with some areas of aluminium sheeting. The appearance and design of the proposed building would represent a modern addition to the town centre, whilst the flat roof would respect the roof form of nearby residential properties and would allow for a green roof to be provided.
- 9.23 It is also acknowledged that the height and scale of the development needs to be balanced against the desire to support the regeneration of Hatfield Town Centre and its vitality and viability. New residential development can support the vitality of town centres, but the impact on vitality is dependent on the number of residential properties and the result increase in population. Therefore, to support the vitality of the town centre higher density developments are going to be necessary, and in a site such as this which is constrained by its size, the way to achieve a higher density of development is through an increase in the height of buildings.
- 9.24 Furthermore, a resolution to grant permission has been given for a mixed use development at 1-9 Town Centre (ref. 6/2019/2430/MAJ) which was between 2 and 6 storeys in height, and permission has been granted for a 5 storey building at nos. 41-43 Town Centre (ref. 6/2019/1665/MAJ). As a result of these developments, the scale and height of developments within the town centre is increasing and this in turn will result in a change to the character and appearance of the town centre. Therefore, in combination with these other developments, the height and scale of the development proposed by this current application will not be out of keeping with the character and appearance of the development within the wider town centre.
- 9.25 Turning now to the impact of the development on heritage assets, whilst there are no heritage assets on or immediately adjacent to the site, the site is within the wider landscape setting of Hatfield House (Grade I), the Old Palace (Grade I), St Etheldreda's Church (Grade I), and Hatfield Park Registered Park and Garden (Grade I). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning

permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.26 The specific historic environment policies within the NPPF are contained within paragraph 184-202. Paragraph 192 of the NPPF states:

*In determining planning applications, local planning authorities should take account of:*

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

9.27 The viewpoints and wireframe diagrams submitted with the application as part of the Heritage, Townscape and Visual Assessment demonstrate that at its highest point the proposed development will be partially visible in longer views from Hatfield House, but such views would be filtered by existing intervening trees and buildings. Therefore, Places Services have commented that the proposed development will not become a prominent or detracting feature within long views from Hatfield House, Old Palace, St Etheldreda's or Hatfield Park. Whilst the development may be visible in some viewpoints, it will be partially filtered and will become part of the wider landscape setting, which already incorporates views of other buildings. Development here will not be intrusive in views or compromise the settings of the heritage assets, unlike Queensway House and Goldings House (immediately adjacent to the site).

9.28 Historic England have also commented on the application and have stated that they have no objections to the application on heritage grounds. Historic England have commented in respect of this application that the proposal is in line with the design parameters established at the development stage of the strategy for the town centre last year, and its potential harm to the key historic environmental assets can be restricted. Furthermore, Gascoyne Estates have not raised any objections to the application.

9.29 However, it is noted that the Garden's Trust have objected to the application. The Trust consider that the proposed development would completely destroy the legibility of the new town idea and the green areas which are essential in separating areas into discrete area.

9.30 Whilst the concerns of the Garden's Trust are noted, it is considered that the existing use of the site as a surface car park and the scale of the adjacent Goldings House have impacted on what were the original benefits of green areas within the layout of the town. The proposed development would retained the existing adjacent green space, which is allocated in the adopted District Plan as Urban Open Land (Policy OS1), and which also provides a buffer between the application site and the town centre.

9.31 Following amendments to the application during its consideration, a glass acoustic barrier is now proposed along the northern, eastern and southern boundary of the

skate park, to mitigate the impact of noise from the skate park on the future residents of the development. This barrier is proposed to be approximately 6 metres in height. The proposed barrier will be a somewhat alien feature within the streetscene. However it is proposed to be glass which will allow views through it, and therefore in longer distance view of the site it unlikely to be a prominent feature. In closer views, the barrier will be seen against the proposed development and Goldings House beyond, and the visual impact of this element of the proposal does need to be balanced against the benefits associated with the re-development of this site.

### **3. Residential amenity**

- 9.32 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.33 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 9.34 The proposed development, due to the existing open use of the site, will result in a change to the outlook experienced by the occupiers of nearby residential properties. However, due to the orientation of many of the existing nearby dwellings (which do not face directly on to the application site), the intervening highway network (which lies between the application site and surrounding dwellings) and existing landscaping, the proposal is unlikely to result in significant harm to the outlook from these existing properties. Furthermore, due to the distance of the existing dwellings from the proposed building (at its closest the proposed building would be approximately 30 metres from the nearest existing residential property), the proposal is unlikely to result in significant harm in terms of loss of light or overbearing impact.
- 9.35 The proposed building does however share a closer relationship with Goldings House to the east of the application site (which at its closest point is approximately 25 metres from the east facing elevation of the proposed building). The application was accompanied by a Daylight, Sunlight and Overshadowing Report which considered the impact of the development on surrounding buildings and amenity areas/gardens/open space. The Report concluded that levels of daylight and sunlight for surrounding buildings would not be adversely affected by the proposed development and that the development would not adversely overshadow nearby existing amenity areas/gardens/open spaces. The development was considered to meet relevant BRE criteria.
- 9.36 However, following comments made by a third party that the Report did not fully consider the impact of the development on Goldings House, the Report was updated to address these comments. The comments raised were mainly in respect of the impact on windows to communal and circulation areas, and not habitable rooms (which had been predominantly assessed in the Report submitted with the application). The updated Report concluded that although the level of daylight for some of the windows will be affected by the proposed development, the level of impact would not result in significant harm, and that levels of sunlight would not be adversely affected by the proposed development. Having regard to the conclusions reached in the submitted Daylight, Sunlight and Overshadowing

Reports, and that the proposal would meet the relevant BRE criteria, it is considered that the proposed development is unlikely to result in significant harm to the amenity of the occupiers of surrounding residential properties.

- 9.37 Turning now to the future occupiers of the proposed development, it is proposed that all residential units will meet the nationally described space standards in terms of the gross internal area of the dwellings. Each flat would have a private external balcony which provides an area of outside space. There is also amenity space to the south of the skate park and the development is located adjacent to the urban open land to the north and east of the application site. This is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space.
- 9.38 The application site is in close proximity to the local highway network, located between Queensway and Link Drive, and is adjacent to an open air skate park (which is located to the west of the proposed development). The application was accompanied by a Noise Assessment (September 2019) which assessed the impact of noise from these sources, as well as noise from the beer garden of The Town Inn to the north of the application site. The Report recommended a number of measures to mitigation to impact of noise from these sources such as specified glazing and ventilation systems.
- 9.39 Whilst Public Health and Protection have not raised any significant concerns with the development in respect of the impact of noise from traffic, subject to an appropriately worded condition requiring the implementation of a suitable glazing and ventilation scheme, the impact of noise from the adjacent skate park has been the subject of much discussion during the consideration of the application. As well as noise from the skateboarding itself, there is potential for noise from social gatherings associated with the skate park, which could impact future occupants of the proposed development. This type of noise is highly variable and sporadic and as a result future occupiers of the development are likely to be more impacted by it, than compared to the more constant noise from traffic for example. Therefore Public Health and Protection have commented that noise from this source needs to be mitigated against to a higher standard.
- 9.40 Following discussions between the applicant's noise consultant and Public Health and Protection, it is proposed that an acoustic barrier is constructed around the skate park to mitigate the noise from the skate park. Public Health and Protection have commented that the proposed barrier would mitigate the noise from the skate park such that the noise levels will on the whole be below the background noise levels. Accordingly they comment that on this basis the potential for complaints and a harmful impact on the amenity of future occupiers of the development should be avoided. Therefore subject to an appropriately worded condition which requires the provision of measures to mitigate the impact of noise from the skate park, it is considered that the future occupiers of the proposed development are unlikely to be significantly impacted by noise and disturbance from nearby noise sources.
- 9.41 Details of any proposed external lighting has not been provided with the application. Any external lighting proposed/required as part of the development will need to be designed to take into account the ILP guidance in terms of light trespass into windows or sensitive receptors, and vertical lux diagrams will be required to show that any external lighting will not cause an issue. Public Health

and Protection have requested that a condition is attached to any permission granted requiring the submission of an external lighting scheme.

#### **4. Highways and parking considerations**

- 9.42 The Highway Authority do not wish to restrict the grant of planning permission. Turning firstly to traffic generation associated with the development and the impact on the local highway network, the submitted Transport Statement states that the proposed development would generate 22 two way vehicle trips in the AM peak and 21 in the PM peak. This compares with traffic generation associated with the existing use of the site as a car park, which results in approximately 78 two way vehicle trips in the AM peak and 170 two way vehicle trips in the PM peak. The Statement outlines that the proposal will significantly reduce the number of two way movements generated when compared to the existing car park use, although it is acknowledged that the traffic movements associated with existing parking at Link Drive, which is being re-provided in the MSCP at The Common, will remain within the wider highway network of the town centre. The Highway Authority have commented that they are satisfied that the vehicle trip rates associated with the proposed residential development will be significantly less than that for the existing car park and therefore highway impacts will be reduced.
- 9.43 The vehicular access to the development would be via the existing vehicular access to the site from Link Drive. The submitted Transport Statement outlines a review of highway accidents (collisions/injury) locally, and there is no indication within the results that the accidents were as a result of any deficiencies with the access to the site. The Highway Authority have confirmed that there is no evidence that the use of the access is inherently unsafe, nor are there any concerns that visibility from the access is obscured.
- 9.44 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 9.45 The site is located in Zone 2 as defined in the SPG. The site is in an accessible location to services and facilities, with good access to public transport provision and the pedestrian and cycle network. For the residential element of the proposed development the SPG advises maximum parking requirements in zones 1 and 2 of 0.75 spaces per 1 bedroom dwelling and 1 space per 2 bedroom dwelling, which would equate to a total of 72.5 spaces. The application proposes a total of 64 parking spaces, and therefore the number of parking spaces proposed for the development would meet and exceed the parking requirements set out in the SPD.

- 9.46 The application proposes a total of 80 cycle parking spaces. In accordance with the adopted standards, 1 cycle space should be provided for each residential unit in a secure location, which would be conditioned. The application therefore accords with the requirement in this respect.
- 9.47 The proposed development will improve pedestrian linkages to the south east of the site, enabling movement in the direction of the train station, through the provision of the footpath along the southern boundary of the site which will connect into an existing footway to the south of Goldings House.
- 9.48 Concern has however been expressed by County Highways and the Ramblers Association that hard landscaping works associated with the proposed development will impact on the public right of way (134) to the north of the application site. The applicant has indicated that they wish to make improvements to the pavement in this location to improve pedestrian access to the new pedestrian route through the development and to better integrate the development to the park to the north and the footpath network. It is proposed that the footpath is widened and a change is made to the pavement material. To enable these works to take place, a small part of the footpath would need to be temporarily closed, but it would not require the permanent diversion of the right of way.
- 9.49 If the applicant wished to implement this element of the proposal, as the proposed works would affect a public right of way they would require permission to make any alterations to it and to close it temporarily whilst the works were undertaken. This is a matter for the applicant to discuss and agree with Herts County Council. The Highway Authority have however recommended that any permission granted is subject to a condition which requires the submission of a revised landscaping scheme to ensure that the development does not interfere with the public right of way. It is considered that such a condition will enable discussions to be had with Herts County Council about the acceptability of the proposed alterations, whether a temporary closure of the footpath to allow such works to be implemented would be acceptable and to find a mutually acceptable solution. Therefore, it is considered that such a condition is reasonable and necessary in this case. If however the proposed improvement works to the footpath were not permitted by Herts County Council, this would not affect pedestrian access to and from the application site, as the footpath would remain in its existing condition.

## **5. Other considerations**

### *i) Flood risk and sustainable drainage*

- 9.50 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.
- 9.51 Policy R10 of the adopted District Plan requires new development to incorporate water conservation measures wherever applicable, and para. 165 of the NPPF states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Lead Local Flood Authority initially objected to the application, but following the submission of additional information (clarification on the proposed drainage strategy, an

assessment of the SuDS management and treatment train, updated modelling in relation to surface water for all rainfall events, an updated drainage plan, evidence that the applicant is proposing to discharge to the local sewer network and clarification about drainage on the access road), they have now removed their objection.

- 9.52 The proposed drainage strategy (which includes blue roofs, permeable paved parking area and cellular tanked sub-base) is now considered to be acceptable subject to conditions requiring the development to be undertaken in accordance with the principles of the submitted drainage strategy and the submission of a detailed surface water drainage scheme. Such conditions are considered to be reasonable and necessary in this case.

*ii) Energy Efficiency*

- 9.53 District Plan Policy R3 expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The application is accompanied by an Energy Statement which sets out that the proposed development would meet and exceed Part L (conservation of fuel and power) of Building Regulations. The Statement also assesses the technical viability of low and zero carbon technologies and found that only solar technologies may be suitable. Such technologies have not been proposed as part of the development however, as evidence has been provided to demonstrate that the proposal already exceeds Part L requirements. It is therefore considered that the proposal would as best it can accord with Policy R3 of the adopted District Plan.

*iii) Landscaping*

- 9.54 Policy R17 of the adopted District Plan seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 9.55 In order to allow for the construction of the proposed development, it is necessary to remove all but one of the existing trees within the application site. The submitted Arboricultural Report indicates however that the trees to be removed are low and poor quality with evident symptoms of physiological decline that have a very limited useful life expectancy regardless of the proposed development implications. It is therefore considered that the removal of these trees is arboriculturally justified, and the Council's Landscape Officer has confirmed that there is no objection to the proposed tree removals. Some pruning of existing trees which overhang the application is also proposed, and again the Council's Landscape Officer has no objection to the proposed works to facilitate the development. A tree protection plan, to provide trees adjacent to the application site during construction, has been submitted, and the Landscape Officer has confirmed that this plan is sufficient and should be adhered to fully if the application is approved.
- 9.56 A Landscape Masterplan and Tree Planting Plan have been submitted with the application. The Tree Planting Plan indicates that 13 trees are proposed to be planted within the application site as part of the development of the site, and these trees are considered to be sufficient to mitigate the loss of the existing trees on the

site. To ensure that all required details in relation to the proposed tree planting and the wider landscaping of the site is provided, the Landscape Officer has recommended that if planning permission is granted it should be subject to a condition which requires planting details to be provided. Such a condition is considered to be reasonable and necessary in this case.

*iv) Contaminated Land*

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

9.58 Public Health and Protection have considered the information submitted with the application which states that the review of environmental testing and risk assessment identified no soil contamination which warrants remediation. However it states that ground gas protection measures are needed and should be designed to align with existing proposed undercroft parking. Barrier drinking water pipes and a nominal 100mm clean soil capping for soft landscaping is also recommended. Public Health and Protection have therefore commented that they would want to see additional detail in terms of ground gas protection measure and also verification information relating to soils being brought onto the site. They therefore recommend that any permission granted is subject to the standard contaminated land condition.

*v) Archaeology*

9.59 Policy R29 of the adopted District Plan states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.

9.60 The Historic Environment Advisor has commented that historically the application site has been comparatively undeveloped compared to the immediate surrounding area, and excavations at Southfield School, which is to the south of the application site, found evidence of archaeological remains. Furthermore the site is in a relatively prominent position topographically and on gravel, a geology favoured for prehistoric and/or Roman settlements. The Historic Environment Advisor has commented that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest and recommends that any permission granted is subject to a condition requiring archaeological investigations to be undertaken. Such a condition is considered to be reasonable and necessary in this case.

*vi) Refuse facilities*

9.61 Following amendments to the size and number of bin stores, Client Services have confirmed that the proposed bin stores are sufficient to provide for the required number and size of bins. Access to the proposed bin stores is also considered to be acceptable, and County Highways have confirmed that access to the site for refuse vehicles is acceptable.

*vii) Electric car charging points*

9.62 There are no policies within the adopted District Plan which require the provision of electric vehicle charging points. Policy SADM 12 (Parking, Servicing and Refuse) of the emerging Local Plan states that electric vehicle charging points will be incorporated into parking areas for new neighbourhood centre and the necessary infrastructure provided for major residential schemes. Furthermore, the Highway Authority have commented that the provision of electric vehicle charging provision should be considered in order to future proof the development and promote low emission car ownership. It is therefore recommended that any permission granted should be subject to a condition requiring details of electric charging points to be provided as part of the development to be submitted and agreed.

*viii) Fire safety*

9.63 Following an independent review of building regulations and fire safety, the Government have published their response to the 'Building a Safer Future' consultation - A reformed building safety regulatory system. This response states that the Government will legislate for the recommended reforms in new primary legislation through the Building Safety Bill and further secondary legislation where necessary, however this legislation is not yet in place to require the recommendations to be undertaken.

9.64 In this case the applicant consulted with both Hertfordshire Fire and Rescue and Hertfordshire Building Control prior to the submission of the application to review and agree the required fire safety measures, and their requirements were incorporated into the final design of the development. The facades of the building are proposed to be constructed in non-combustible materials and a sprinkler system is to be incorporated within the building.

*ix) Other matters*

9.65 Policy D7 of the adopted District Plan requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. The Architectural Liaison Officer of Hertfordshire Constabulary has commented that crime prevention measures have been incorporated into the design of the proposed development, and they therefore fully support the application. In light of these comments it is considered that the proposal would not result in any conflict with the requirements of Policy D7.

9.66 Policy 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 (Waste Local Plan) requires the submission of a Site Waste Management Plan (SWMP) to assist in reducing the amount of waste produced on site. Having regard to the requirements of Policy 12 of the Waste Local Plan a SWMP should be required as a condition of any permission granted, and such a condition is reasonable and necessary in this case.

9.67 The Spatial Planning Team, HCC have commented that the site could be underlain with sand and gravel deposits and they would therefore like to encourage the opportunistic use of these deposits should they be found in the construction of the development. It is therefore recommended that an informative is attached to any permission granted to remind the applicant of this.

## **6. Environmental Impact Assessment**

9.68 A request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was submitted to the Council in July 2019 to establish whether the proposed developments which formed part of the Council's town centre renewal programme (The Common, 1-9 Town Centre and Link Drive) constituted environmental impact assessment development (ref. 6/2019/1804/EIA). It was determined that the proposed developments would not have significant environmental effects by virtue of factors such as their nature, size or location and would not therefore constitute environmental impact assessment development.

## 7. Planning obligations

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

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

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

9.71 Below are the S106 heads of terms sought by the Council and other relevant bodies. The applicant has been made aware of required contributions.

<b>Contributions/Matter</b>	<b>Contribution</b>
Affordable Housing	20 units
Open space/Green space	£8,137.40
Play space	£21,344.00
Waste and recycling	£6,976.00
Indoor and outdoor sports facilities	£5,098 Artificial Grass pitch £3,179 Indoor/Outdoor Bowls £25,778 Sports Hall £26,847 Swimming Pool
Primary Education	£47,410.00
Secondary Education	£21,150.00
Youth Service	£640.00
Library Service	£7,884.00
Highways	£36,250.00
Travel Plan	Submission of Travel Plan document
Green Travel Plan Evaluation and Monitoring fee	£6,000
GP Provision	£56,624.00
Mental health	£15,557.00
Community Healthcare	£14,562.00
Fire Hydrants	

Monitoring fee	£5,000
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- 9.72 These requested contributions are considered to be reasonable and pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.73 The NHS did also request a contribution of £177,157 towards acute healthcare costs (refurbishment of wards and update of communal areas at Lister Hospital). However it was considered that the requested contributions and works would not meet the test identified above, and therefore this contribution cannot be included in the S106 agreement.
- 9.74 If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, a S106 agreement will be completed in accordance with the specified heads of terms. Subject to the completion of a Section 106 Agreement, it is considered that the proposal would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010 (as amended).

## **8. The planning balancing**

- 9.75 Whilst there is no objection in principle to development on this site, it is acknowledged that some aspects of the proposal are not fully compliant with the relevant policies of the adopted District Plan i.e. dwelling mix. Furthermore it is acknowledged that the scale and height of the development will result in a significant change to the character and appearance of the site and its surroundings.
- 9.76 However, these matters must be balanced against the benefits of the proposed development. The Council's position in respect of housing land supply is acknowledged, and the proposed development will result in the construction of much needed housing, and in a location close to Hatfield town centre. Due to this proximity, the proposed development would also result in benefits to the vitality and viability of the Hatfield town centre, through increased footfall and activity, assisting in the Borough Council's desire to regenerate the town centre.
- 9.77 Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Taking into account all of the considerations relevant to the determination of this application, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.

## **10 Conclusion**

- 10.1 There is no objection in principle to development on this site, and the proposal would provide much needed housing and assist in the regeneration of the town centre.

10.2 Subject to conditions and a planning obligation the proposal would have no significant adverse impact upon designated heritage assets, residential amenity, highways, flood risk and sustainable drainage and other relevant matters. Some conflict with the development plan has been identified in respect of dwelling mix and in terms of the visual impact on the development, but for the reasons set out above it is considered that these conflicts are outweighed by the benefits of the proposed development in this case.

10.3 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 completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement for:

1.	Affordable Housing	20 units
2.	Open space/Green space	£8,137.40
3.	Play space	£21,344.00
4.	Waste and recycling	£6,976.00
5.	Indoor and outdoor sports facilities	£5,098 Artificial Grass pitch £3,179 Indoor/Outdoor Bowls £25,778 Sports Hall £26,847 Swimming Pool
6.	Primary Education	£47,410.00
7.	Secondary Education	£21,150.00
8.	Youth Service	£640.00
9.	Library Service	£7,884.00
10.	Highways	£36,250.00
11.	Travel Plan	Submission of Travel Plan document
12.	Green Travel Plan Evaluation and Monitoring fee	£6,000
13.	GP Provision	£56,624.00
14.	Mental health	£15,557.00
15.	Community Healthcare	£14,562.00
16.	Fire Hydrants	
17.	Monitoring fee	£5,000

and the following conditions:

### **PRE-COMMENCEMENT CONDITIONS**

1. Prior to commencement of the development hereby permitted a Construction Management Plan (or Construction Method Statement) shall be 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 / Statement shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities.

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 D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

2. A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as suggested by the evaluation;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

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

REASON: To secure the protection of and proper provision for any archaeological remains in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. Prior to commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan as approved shall be implemented throughout the construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Hertfordshire Waste Core Strategy and Development

management Policies DPD 2012 and Policy R5 of the Welwyn Hatfield District Plan 2005.

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

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

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

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

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

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

3. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that

demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

5. Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005.

5. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

1. Final detailed engineered drawings and drainage plan of the proposed SuDS features including their, location, size, volume, depth, any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Silt traps for protection for any residual tanked elements.
3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall then be completed and managed in accordance with the agreed details.

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

#### PRIOR TO ABOVE GROUND DEVELOPMENT

6. Prior to any above ground development, details relating to a scheme to protect the proposed development from noise due to traffic, the skate park and commercial/industrial businesses the applicant shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be implemented prior to the first occupation of any part of the development.

For traffic noise the scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS8233:2014. For commercial/industrial noise and skate park noise the scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms are 10dB below the standards within BS 8233:2014 and L<sub>max</sub> levels are not to exceed 40dB internally with windows closed.

If opening windows raises the noise levels above those listed above, then mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975. Alternative methods and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, no reliance on closed curtains/blinds and the ventilation rate for the system being substituted for those within Appendix P. Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

7. Prior to any above ground development, details identifying the location of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric car charging points shall be installed as approved prior to first occupation of the development and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM 12 of the Draft Local Plan Proposed Submission August 2012.

8. Prior to commencement of above ground works, details of the external materials of construction of the development hereby approved, including details of windows, doors and balconies, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: In the interest of the appearance of the development in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. Prior to commencement of above ground works, a scheme setting out the arrangements for the delivery of accessible housing for the development shall be submitted to and approved by the local planning authority in accordance with the following requirements:
  - a) No development of residential development above ground level shall take place until a schedule of units, together with appropriate plans and drawings, has been submitted to and approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010.
  - b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.
  - c) For each block all units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval for that block and in compliance with the corresponding part of the Building Regulations in that regard.
  - d) Written verification of implementation of units in para c) will be supplied to the local planning authority within 30 days of the practical completion of the block it forms part of.

REASON: To ensure that suitable housing is provided to households in need of accessible or wheelchair housing in accordance with Policies D1 and H10 of the Welwyn Hatfield District Plan 2005.

#### PRIOR TO OCCUPATION

10. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy prepared by Conisbee, reference 190223/S Manoli, version 2, dated September 2019, the latest Drainage Strategy drawing number 190223-CON-X-00-DR-C-1000, revision P5 dated Jul 2019, and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.4 l/s during the 1 in 100 year event plus 40% of climate change event.
  2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 239.5 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in blue roofs, permeable paving and attenuation tanks.
  3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

11. Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, waste bins/bin storage facilities shall be provided as shown on the approved application plans, including the provision of a smooth floor surface and a coded lock on the doors of the storage facility, and thereafter retained in accordance with the approved details.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

13. Prior to the first occupation of the development hereby approved and notwithstanding the details submitted with the application, hard landscaping details shall be submitted to and approved in writing by the Local Authority and shall include details to demonstrate that the development retains existing public footways and rights of way alongside the site. Thereafter the development shall implemented in accordance with the approved details.

REASON: To protect pedestrian routes and Rights of Way network abutting the site in accordance with the Hertfordshire County Council Local Transport Plan 4 Policies 1 and 5 and Policy D1 of the Welwyn Hatfield District Plan.

14. Prior to first occupation of the development hereby approved, secure cycle parking shall be provided in accordance with the submitted application plans, and thereafter retained in accordance with the approved plans.

REASON: To ensure the provision of secure long term cycle storage for each residential unit, in accordance with Policy M6 of the Welwyn Hatfield District Plan 2005.

15. Prior to the first occupation of the development hereby approved the site shall be landscaped in accordance with landscaping details which have been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping details shall include details of all planting on site, plant sizes, planting spacing, planting methods and aftercare.

REASON: In the interest of the amenity value of the development in accordance with Policies D2 and D8 of the Welwyn Hatfield District Plan 2005.

16. 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 Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

#### OTHER

17. Prior to the installation of any external lighting, a scheme of external lighting installations (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Thereafter the development shall accord with the approved details.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with the objectives of Policies D1, D2 and R20 of the Welwyn Hatfield District Plan.

18. The development hereby approved shall accord with the submitted Arboricultural Impact Assessment Report (Sept 2019), including the Tree Protection Plan contained within the report, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the existing trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

19. The development hereby approved shall accord with the details within the submitted Energy Strategy (Sept 2019), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with Policy SD1 of the Welwyn Hatfield District Plan.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
2279 11	A	Landscape Masterplan	29 June 2020
2279 12	G	General Arrangement	29 June 2020

2279 15	A	Tree Planting Proposals	29 June 2020
M9731-HUN-A-03-0001	P2	Existing Site Location Plan	29 June 2020
M9731-HUN-A-03-0002	P2	Existing Block Plan	29 June 2020
M9731-HUN-A-03-0003		Existing Streetscene Elevation 1 & 2	1 October 2019
M9731-HUN-A-03-0005		Planning & Legal Boundaries	1 October 2019
M9731-HUN-A-03-0004		Existing Streetscene Elevation 3 & 4	1 October 2019
M9731-HUN-A-05-0001	P2	Proposed Floor Level 01	29 June 2020
M9731-HUN-A-05-0002	P2	Proposed Floor Level 02	29 June 2020
M9731-HUN-A-05-0003	P2	Proposed Floor Level 03	29 June 2020
M9731-HUN-A-05-0004	P2	Proposed Floor Level 04	29 June 2020
M9731-HUN-A-05-0005	P2	Proposed Floor Level 05	29 June 2020
M9731-HUN-A-10-0001		Proposed Section	1 October 2019
M9731-HUN-A-11-0003		Proposed Elevation 1 & 2	31 October 2019
M9731-HUN-A-15-0001		Flats type sheet 1 (Flat types 1 & 2)	1 November 2019
M9731-HUN-A-15-0002		Flat types sheet 2 (Flat types 3 & 4)	1 November 2019
M9731-HUN-A-03-0005		Proposed Block Plan	24 October 2019
M9731-HUN-A-05-0006	P2	Proposed Roof Plan	29 June 2020
M9731-HUN-A-11-0004	A	Proposed Elevation 3 & 4	5 February 2020
M9731-HUN-A-11-0002	A	Proposed Elevation 3 & 4	5 February 2020
M9731-HUN-A-05-0000	P2	Proposed Floor 00	29 June 2020
190223-CON-X-00-DR-C-1000	P5	Drainage Strategy	27 April 2020
M9731-HUN-A-01-0002	P	Skate Park Elevations and Floor Plan	29 June 2020

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

#### INFORMATIVES

1. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The

Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

2. 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.

3. 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.
4. 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.
5. 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.
6. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
7. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

8. The applicant is advised that all routes associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website [www.hertfordshire.gov.uk/services/transtreets/highways/](http://www.hertfordshire.gov.uk/services/transtreets/highways/) or by telephoning 0300 1234047. Comments: Development proposals represent the redevelopment of land presently providing public
9. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
10. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be found on Thames Water's website using the following link: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
11. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
12. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
13. Excavations or piling activities are likely to generate turbidity in the chalk aquifer, especially if the activity is carried out below the groundwater table. This could travel to the Hatfield abstraction point and cause disruption to the scavenging process. The developer should therefore contact Affinity Water at least 15 days in advance of any excavation or piling activities.
14. Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due the potential presence of contaminated land and the risk for contaminants to remobilise and cause groundwater pollution. The additional risk here is the potential mobilisation of the bromate plume which could result in minimising the effect of the scavenging process and putting at risk downstream public water supply sources.

15. Surface water from the car park area is likely to carry on oil and hydrocarbons. It is therefore recommended that the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network.
16. There are potentially water mains running through / near to part of proposed development site. The developer should contact Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).
17. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact the Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk) . Please note that charges may apply.
18. Being within a water stressed area, the Developer is encouraged to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.
19. The planning authority has determined the application as low risk from chalk mining, on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take a watching brief during construction for any chalk mines. Should evidence be found, expert advice from properly qualified experts should be sought, to ensure that the historic chalk mining activities in the area will not adversely affect the development. Details should be submitted to the Local Planning Authority for approval.
20. According to British Geological Data the proposed development site could be underlain with sand and gravel deposits. The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits (if they are of suitable quality), should they be found in construction of the developments (deposits may be found in the creation of foundations and footings).

## 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.



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Link Drive Car Park Link Drive Hatfield		Scale: DNS	
			Date: 03-07-2020	
	Project: Development Management Committee	Drawing Number: 6/2019/2431/MAJ	Drawn: Emma Small	
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