

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 28 JULY 2022
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2022/1097/OUTLINE

LAND TO NORTH OF BRADMORE WAY, BRADMORE WAY, THE BROOKMANS
ESTATE, BROOKMANS PARK

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED EXCEPT
ACCESS, FOR UP TO 125 DWELLINGS, A CARE FACILITY FOR UP TO 60
BEDROOMS (USE CLASS C2), AND A SCOUT HUT (USE CLASS F2)

APPLICANT: AURORA PROPERTIES (UK) LIMITED

1 Site Description

- 1.1 The site is 8 hectares and lies adjacent to the northern boundary of Brookmans Park. Existing residential development is located along the southern boundary and Peplins Wood lies to the west and north of the site, with a section of the northern eastern boundary lying open. The East Coast Mainline railway line is located nearby to the west of the site, and Brookmans Park Golf Club to the east and southeast of the site.
- 1.2 The site lies within the Metropolitan Green Belt and Potters Bar Parkland Landscape Character Area. Peplins Wood is a Local Wildlife Site and Water End Swallow Holes Site of Special Scientific Interest lies approximately 440 metres to the west of the site.
- 1.3 The Draft Local Plan Proposed Submission 2016 was submitted for examination on 15 May 2017 and an Inspector was appointed by the Secretary of State to carry out an independent examination. The examination has undergone several stages - the most recent being Stage 9 Hearings Sessions held during February and March 2021.
- 1.4 The Stage 9 Hearing Sessions were held on the Borough's Full Objectively Assessed Housing Need (FOAHN), treatment of Green Belt boundaries at allocated sites, and Local Plan Windfall Allowance. Hearing sessions were also held on further housing sites submitted to the Examination by the Council in November 2020. The Inspector also examined sites that passed the Council's site selection process in 2019, but were subsequently rejected by the Council, plus several sites which had failed but were in locations which either had no or very little planned growth.
- 1.5 In July 2021 the Inspector wrote to the Council setting out his findings following the Stage 9 Hearing Sessions. The Inspector requested the Council submit a list of additional sites that have been selected from all of those examined and are sufficient to at least provide a FOAHN of 15,200 dwellings.

- 1.6 The Council considered its response at the Special meeting of the Council on 27th January 2022. A strategy to deliver 13,279 homes, not dependent on the release of high harm sites, was put forward to the Examination. The Council highlighted to the Inspector that the strategy was close to meeting the requirement for a specific supply of sites for the first 10 years of the requirement. The Inspector has subsequently confirmed that 15,200 dwellings are required and that the Council could put forward sites to meet this FOAHN for the first ten years of the plan period, subject to an early Local Plan review. The Council is due to consider its response at a Special meeting of the Council on 26th July 2022.
- 1.7 The application site includes land identified as BrP12a in the Housing and Economic Land Availability Assessment (HELAA) 2019 as well as additional land forming part of the wider field to the north-eastern side. The HELAA assesses the development potential of sites for housing and employment, and forms an important part of the evidence base for the new Local Plan.
- 1.8 BrP12a is one of several sites that had passed the Council's site selection process for allocation in the draft Local Plan for 87 dwellings and an 80 bed care home, or for up to 125 dwellings if for housing only. However, the site has not been selected for inclusion in the draft local plan and has not been formally submitted to the Examination. A larger site (BrP12) had also previously passed the Council's site selection process for allocation for 125 dwellings, an 80 bed care home and a scout hut, but similarly has not been formally selected for inclusion and submission to the Examination.
- 1.9 In addition to the site being larger than BrP12a, more development is proposed in comparison to that considered in the site selection process.
- 1.10 In 2021 the Local Plan Inspector examined the additional sites not put forward by the Council and in June 2021 provided his observations on sites including, but not limited to, those which have not been formally submitted to the Examination by the Council. This included site BrP12a.
- 1.11 The Inspector did not conclude on the sites that have not been formally submitted to the Examination by the Council, but did discuss, where appropriate, his findings on the evidence base, including the representations and hearing discussions, concerning these sites.
- 1.12 In his round up notes (EX273) the Inspector stated the following:

"This site, which could accommodate over 100ds, was not independently assessed by the LUC GB study. It formed a part of a much larger parcel (P66), which was centred around Brookmans park golf course. Additionally, it forms about a half of parcel P66a which also includes a finger of open agricultural land extending further into the countryside to the north-east. The harm to GB purposes, if both wider areas were to be developed, was assessed as being moderate-high.

The site is immediately to the north of existing development at Peplins Way, through which it would gain access. Its western and much of its northern side are contained by Peplins Wood and there is woodland a short distance to the east across a part of the golf course. The LUC study noted these elements of containment and also found that the sub parcel was more strongly contained by the existing built development than the larger parcel. It also found that the GB

harm that could result from release of the site would be more limited than the whole parcel. These considerations are more acute in the context of the proposed site than in the context of the sub-parcel as a whole. Consequently, if it had been separately assessed, its rating could have been different. Whilst the assessment comments that the development of the whole sub-parcel would lead to greater containment of the golf course to the south, weakening its contribution to the GB, the golf course is to the east of the site and not the south. It is also screened from much of the golf course by vegetation.

I have commented elsewhere on the inappropriateness of introducing a green gap policy into the site assessment process at this stage. Whilst this site is undoubtedly open land between Brookmans Park and Welham Green, as the LUC study notes, when considering the local purpose, there are blocks of woodland to the north-west of the parcel, between the settlements, which act as separating features. Whilst the railway does act as a connecting feature and does reduce the perception of separation between them, the railway is physically distant from this site and not visible, there being woodland to separate them. In considering the site's contribution to the Local Purpose, LUC also found that it only played a partial role in preventing the perception of merging between the two settlements.

There is currently a gap of about 0.5km between built development at the two villages. The proposal may reduce it by 50m if the whole of the area up to Peplins Wood were to be developed but the development could clearly be offset to avoid this. Indeed, as Peplins Wood is a Local Wildlife site, there will be a requirement for an undeveloped buffer, with a minimum width of 15m, in any event. The development could be screened from the rest of the parcel to the north-west by earth mounding and planting, removing any impact that it would otherwise have on the wider GB to the north-east.

The Council comments that the proposal, in common with the development of WeG6, would reduce the gap between Brookmans Park and Welham Green by 100m. However, this calculation ignores the observations that it makes elsewhere about the need to offset development at WeG6 from the boundary, in order to maintain the flood plain, and it doesn't consider the point discussed above about the wild life considerations or the potential to extend Peplins Wood.

The site is between 0.5km and 0.75 km from the village centre which has a range of local shops and other facilities as well as bus stops with regular services to a number of destinations. The railway station is a little further distant, but the PS is much closer and within easy walking distance. From a movement perspective, this is a sustainable location for residential development.

The access via Peplins Way is congested, particularly at school start and finish times, but any potential issues that could affect the free flow of traffic could be mitigated. Wildlife and flooding issues could also be appropriately mitigated. The site could contribute to the five-year supply of housing”.

- 1.13 Although the Inspector has provided observations on BrP12a (as one of several Green Belt sites not formally submitted to the Examination), he has stated that the Council's choice of sites needs to be accompanied by evidence that objectively justifies the choice and distribution of the proposed sites. The distribution of development should reflect the plan's Development Strategy, which requires a proportionate distribution of housing between the two main towns and the excluded villages.

- 1.14 The draft Local Plan makes provision for growth in Brookmans Park. In his round up notes following the Stage 9 Hearings (EX273) the Inspector identified that site HS22 (Land west of Brookmans Park Railway station), which is a significant allocation, has been found sound and there are exceptional circumstances to justify its removal from the Green Belt.
- 1.15 BrP12a has not been selected for inclusion in the Plan. The Officer recommended strategy that was put to Members in January 2022 was that an extension to HS22 (BrP4) was sequentially preferable to BrP12a and that the addition of BrP12a would not result in a proportionate approach to distribution.
- 1.16 The 13,279 homes agreed at the Special meeting of full council on January 27th 2022 did not include BrP12a (or BrP12) for allocation or any additional growth in Brookmans Park.

2 The Proposal

- 2.1 Outline permission is sought (with all matters reserved except for access) for up to 125 dwellings, a care facility for up to 60 bedrooms and a scout hut.
- 2.2 Vehicular and pedestrian access to/from the development would be provided via an extension to Bradmore Way at the southern boundary of the site.
- 2.3 Of the 125 dwellings, 36% would be affordable housing (45 units) and 8% (10 units) are proposed as self-build.

3 Reason for Committee Consideration

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

4 Relevant Planning History

- 4.1 Application Number: E6/1955/0696/
Decision: Refused
Decision Date: 23 August 1955
Proposal: Site for residential development
- 4.2 Application Number: E6/1973/3481/
Decision: Refused and Appeal Withdrawn
Decision Date: 23 October 1973
Proposal: Site for residential development (109.06 acres at four dwellings to an acre)

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 Metropolitan Green Belt 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 notice. In total 513 representations have been received, comprising 494 objections together with 13 in support of the proposal and 6 comments. All representations received are published in full on the Council's website and are summarised below:

Objections – summarised as follows:

- Services, facilities and infrastructure cannot accommodate development
- Road heavily congested and traffic issues
- Highway safety and capacity concerns
- Harm to Green Belt (appropriateness, openness and purposes) and no very special circumstances
- Loss of wildlife, habitats, ecology and biodiversity
- Very low number of parking spaces proposed for both the scout hut and care home
- Proposed dwellings all have limited or very small private outdoor spaces
- Development will not be in keeping with area
- Invasion of privacy
- Not allocated in District Plan or emerging Local Plan
- The site has been considered by the Council through the emerging Local Plan but was dismissed
- Bradmore Way will not be able to cope with required construction traffic
- Large increase in pollution
- Site has low capacity to accommodate landscape change
- Loss of land in agricultural use
- Flood risk
- No consideration given to Levelling Up and Regeneration Bill

Support, summarised as follows:

- Brookmans Park most sustainable village in the Borough
- Provision of affordable housing
- Site within walking distance of primary school
- Site has strong and well-established Green Belt boundaries. It would be a natural extension to the existing village
- Proposal would help toward housing land supply
- Pros of site significantly outweigh the cons
- Care home needed for area

8 Consultations Received

- 8.1 Natural England – Objection summarised as follows:
- Further information required to determine impact on designated sites (Water End Swallow Holes SSSI)
- 8.2 Campaign to Protect Rural England (CPRE) – Objection summarised as follows:
- Harm to Green Belt and no very special circumstances
 - Council's calculation of housing need at the EiP are based on out-of-date population projections and the amount of land required
 - Adverse impact on local services and facilities, wildlife and potential loss of biodiversity
- 8.3 Lead Local Flood Authority – Objection summarised as follows:
- The information provided does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development
- 8.4 Herts & Middlesex Wildlife Trust – Objection summarised as follows:
- Biodiversity net gain not demonstrated. Net loss predicted. No definitive measures put forward to provide a net gain. Application therefore not compliant with NPPF requirement for biodiversity net gain.
- 8.5 The following have responded advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied:
- HCC Water Officer
 - WHBC Client Services
 - NHS
 - HCC Public Health Department
 - WHBC Public Health & Protection
 - Thames Water
 - HCC Growth & Infrastructure Team
 - Affinity Water
 - WHBC Landscapes Team
 - WHBC Affordable Housing Team
 - HCC Historic Environment Advisor
- 8.6 The following have responded with comments:
- Hertfordshire Ecology
 - Sport England
 - Place Services (Historic Building Consultant)
- 8.7 The following have responded advising no objection:
- Cadent Gas
 - British Pipeline Agency
- 8.8 No response was received from the following consultees:
- HCC Minerals & Waste Team

9 Town/Parish Council Representations

9.1 North Mymms Parish Council have raised a major objection to the proposed development. The reasons are summarised as follows:

- Site not accepted by WHBC in the emerging Local Plan nor was it included in the Draft Local Plan
- Harm to Green Belt (appropriateness, openness and purposes)
- Significant increase over number of dwellings in Peplins Way and Bradmore Way
- Out of character with locality
- Development will obscure views of Watling Chase Community Forest and the heritage asset of Peplins Wood
- Access, traffic, parking and safety issues
- Biodiversity currently present will be spoiled
- Strain on services and facilities
- Inclusion of care home questionable given the abundance of similar older person facilities in the Borough and beyond
- Not clear if NHS monies will support infrastructure in North Mymms
- Noise concerns in close proximity to railway line
- Lack of landscaping
- Expansion of Brookmans Park Primary School from 1.5FE to 2FE will only exacerbate current traffic issues
- Travel Plan disingenuous
- Proposed open pond next to play area is unacceptable
- Flood risk

10 Representation of Councillor Rebecca Lass

10.1 Councillor Rebecca Lass has called-in the application for the following reasons:

- The application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee. - The fact the site is in the greenbelt and not in the local plan.
- The application has attracted an unusually high level of public interest which might be reflected in the number of letters or emails, or a petition received in connection with the application. - There has been a high level of local interest, including the formation of residents groups
- The application has wider ramifications of more than just local interest - as this is outside the draft local plan, there is the wider consideration of how speculative applications are considered.

11 Analysis

11.1 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. Setting of heritage assets**
- 4. Highways and access**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Noise and air quality**
 - iv) Contaminated land**
 - v) Archaeology**
 - vi) Accessible and adaptable dwellings**
 - vii) Environmental Impact Assessment**
- 6. Planning obligations**
- 7. The planning balance**
- 8. Conclusion**
- 9. Recommendation**

1. Principle of the development

11.2 The NPPF sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area (NPPF paragraph 49)

11.3 It is considered that the proposed development would not result in a proportionate approach to the distribution of housing in the borough and, therefore would undermine the plan-making process. However, it is noted that, at present, the emerging Local Plan has not been found sound and there are still uncertainties surrounding the direction of the emerging Local Plan in the context of the recent decision by Full Council on 27 January 2022. It is therefore considered that the emerging Local Plan is not at an advanced stage. Therefore the determination of this application would not be premature.

11.4 Policy R1 of the District Plan states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land.

11.5 Whilst the application site is greenfield land and the applicant has not demonstrated that no suitable opportunities exist on previously used or developed land, it is appreciated that the Council's current housing land supply

position together with the likely need to release Green Belt land to accommodate residential development, are clear signs that previously used or developed land within the borough is not available for a development of such scale.

Residential development (125 dwellings)

- 11.6 Policy H2 of the District Plan outlines that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
 - iii. The capacity of existing and potential infrastructure to absorb further development;
 - iv. The ability to reinforce existing communities, including providing a demand for services and facilities; and
 - v. The physical and environmental constraints on development of land.
- 11.7 Policy SADM1 of the emerging Local Plan applies a similar approach to windfall development.
- 11.8 Criterion (i) is discussed above. In terms of criterion (ii), the site would adjoin the northern edge of Bradmore Way and Peplins Way and is within walking distance to the village centre and Brookmans Park Primary School. The village centre has a vibrant range of local shops and other facilities as well as bus stops and a train station with regular services to a number of destinations. The location and accessibility of the site is considered to be acceptable.
- 11.9 The proposal would result in a notable extension to Brookmans Park and new communities would be created. These communities would help to strengthen existing communities nearby and provide a material increased demand for services and facilities. Accordingly, there would be no conflict with criteria (iv).
- 11.10 Criteria (iii) and (v) are discussed in detail later in this report.

Care facility

- 11.11 Policy H9 of the District Plan states that the Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Incorporation of special needs housing schemes in residential development in central areas will be encouraged.

11.12 Policy CLT 17 of the District Plan states that the Council will grant planning permission for the establishment or extension of residential homes falling within the relevant use class in existing residential areas, either by the development of vacant sites or by conversion of existing properties provided that:

- i. The scale of the proposal will not be detrimental to the established character of the surrounding residential area, nor the amenity of adjoining occupiers;
- ii. The proposal includes acceptable access and car parking provision, including visitors' parking;
- iii. The proposal is located so that it is accessible to essential facilities; and
- iv. The proposal does not result in a concentration of such facilities resulting in an overload of local facilities or a change in character of the residential area in which it is located.

11.13 Criteria (i) and (ii) would be dealt with at reserved matters stage.

11.14 In terms of criteria (iii), while the application site is located outside the specified settlement of Brookmans Park as designated in the District Plan, it is nevertheless accessible to essential facilities.

11.15 Policy SP7 of the emerging Local Plan states with regard to specialist housing that, in addition to the overall housing target, a net increase of around 330 bed-spaces to help meet the accommodation needs of those who need specialist (Use Class C2) residential or nursing care will be supported in the borough's towns and excluded villages. That figure was however reduced to 201 bed-spaces which is set out in the 2020/21 Annual Monitoring Report.

11.16 The 2020/21 Annual Monitoring Report also outlines that 151 bedrooms have been completed since 2016/17 with a further 265 bedrooms expected to be delivered over the next five years.

11.17 While the provision of C2 care homes is due to exceed the anticipated level of need borough wide, it is noted that none of the care facilities completed since 2016/17 or expected to be delivered over the next five years are located in Brookmans Park. Indeed, one of the planning objectives for Brookmans Park in the emerging Local Plan is to improve the provision of care homes. It is therefore considered that the proposal therefore would not result in an overconcentration of such facilities in Brookmans Park.

11.18 Accordingly, there would be no conflict with Policy H9 of the District Plan or criteria (iii) or (iv) of Policy CLT 17 of the emerging Local Plan.

Scout hut

11.19 The Council support the provision of new community services and facilities. In this case, it is considered that the scout hut would be in a convenient location to the communities it would serve and is accessible non-car modes of travel, in accordance with relevant policies SP6 and SADM7 of the emerging Local Plan.

Green Belt

Appropriateness

- 11.20 Policy GBSP1 of the District Plan seeks to maintain the Green Belt but otherwise does not explain how development is to be managed.
- 11.21 Paragraph 149 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. None of these exceptions are relevant to the proposed development. As such, the proposal represents inappropriate development in the Green Belt. In accordance with the NPPF, this harm carries substantial weight against the proposal.

Openness

- 11.22 Paragraph 137 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 11.23 There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.
- 11.24 The application site is completely free of development. The proposal would introduce built development to the site in the form of up to 125 dwellings, a care home and scout hut, together with supporting infrastructure including access roads and pavements. The precise layout and form of the development would be determined at reserved matters stage. Even taking into account the potential for landscaping and open space integral to the layout, there would be a considerable reduction in the openness of the site in both spatial and visual terms and resulting in harm to the Green Belt. In accordance with the NPPF, this harm carries substantial weight against the proposal.

Green Belt purposes

- 11.25 Paragraph 138 of the NPPF states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 11.26 As part of the Council's emerging Local Plan examination, a Green Belt Study titled the 'Welwyn Hatfield Green Belt Study Stage 3 March 2019' (Stage 3 Green Belt Study) was produced. Two of the three key aims of the Study were to:
- Undertake a comprehensive and rigorous assessment of the Green Belt to establish which areas are 'most essential' to retain; and which areas, if developed, could have less harm on the Green Belt; and
 - Assess the contribution to the Green Belt purposes of all land within the Borough to establish if there are any areas of weaker performing Green Belt that may be more suitable (in Green Belt terms) for a new settlement.
- 11.27 The application site falls within parcel 66 which was assessed in the Draft Local Plan site selection process and included in the Stage 3 Green Belt Study. A smaller sub-parcel of land in the northwest section of parcel 66 (Parcel 66a/site BrP12) was also considered. BrP12a is approximately half the size of BrP12 and consists of the western section of parcel 66a/site BrP12.
- 11.28 The assessment found the release of all of parcel 66 to cause moderate-high harm to the Green Belt. It also considered parcel 66 to make limited or no contribution to purpose 'a' (unrestricted sprawl of large built-up areas); a partial contribution to purpose 'b' (preventing the merging of neighbouring towns); a significant contribution to purposes 'c' (safeguarding the countryside from encroachment); limited or no contribution to purpose 'd' (preserving setting and special character of historic towns); and a significant contribution to purpose 'e' (assisting urban regeneration).
- 11.29 It is considered that the proposed development, by virtue of its scale and location, would not conflict with purpose (a) or (d) above.
- 11.30 In terms of purpose (b), it is appreciated that the application site is significantly smaller in area than parcel 66 and that it would be contained to the north and east by protected woodland, and to the south by the settlement of Brookmans Park. Furthermore, as highlighted in the examining Inspector's observations of site BrP12a, there will be a requirement for an undeveloped buffer, with a minimum width of 15 metres, in any event. There is also potential for additional mitigation measures at detailed design stage.
- 11.31 While the development would reduce the gap between Brookmans Park and Welham Green, having regard to the above factors, it is considered that the development would not result in the actual coalescence between these two settlements, nor would the impression of coalescence be perceived spatially or visually. It is therefore considered that there would be no conflict with purpose (b) above.
- 11.32 In terms of purpose (c), the site comprises open sloping grassland located immediately beyond the northern edge of the settlement of Brookmans Park. It is bordered by woodland to the north and west and an established tree belt to the east. There is a notable open gap to the north-eastern side of the site which affords longer range views of the countryside. The train line beyond the woodland to the west is not visible from the site. Despite the presence of dwellings and their gardens beyond the southern boundary, it is considered that the site has an overwhelming rural character. The experience of the site on the ground is that of countryside beyond the settlement and with limited influence from the properties on Bradmore Way and Peplins Way.

- 11.33 While views of the site would be localised, it is considered for the above reasons that the proposed development would represent a significant encroachment into the countryside and, therefore, fail to assist in safeguarding the countryside from encroachment. The proposal would therefore conflict with purpose (c). In accordance with the NPPF, this harm carries substantial weight against the proposal.
- 11.34 Further to the above, it is noted that unlike site BrP12a, the site would extend around the north-western side of the golf course. The result of this is a notably greater containment of the golf course, weakening its contribution to the Green Belt.
- 11.35 In terms of purpose (e), there is no substantive evidence to suggest that development at this site would disincentivise the urban regeneration of sites elsewhere. Given the scale of development proposed it is not considered that the proposals would be likely to adversely impact on the regeneration of urban redevelopment sites elsewhere. There would as a result be no conflict with this purpose.

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

- 11.36 As described above, the site has an overwhelming rural character and the experience on the ground is that of countryside beyond the settlement with limited influence on it.
- 11.37 Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality, and that the design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the SDG.
- 11.38 One of the design principles is character and Policy D2 (Character and Context) states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed and that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 11.39 These objectives are broadly consistent with Policy SP9 Council's Emerging Local Plan and the design aims of the NPPF.
- 11.40 The site is located in the Potters Bar Parkland Landscape Character Area (Potters Bar LCA). Policy RA10 of the District Plan states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment (WHLCA). The WHLCA requires the Potters Bar LCA to be improved and restored.

11.41 Key characteristics identified in the WHLCA for the Potters Bar LCA include:

- relic estate planting and landscape features
- relic estate architecture
- extensive areas of recreation
- urban edge influences
- ridgelines and valleys
- open views
- mixed farming

11.42 The site is a parcel of open undeveloped paddock land which contains and is influenced by a majority of the attributes representative of the LCA. This includes: landscape features, a suburban edge, open views and farming. Despite the site having a sub-urban edge influence it is considered that it does not resonate with this characteristic for the reasons explained in paragraph 11.32 above.

11.43 The submitted Landscape and Visual Impact Assessment (by Liz Lake Associates, April 2022) considers that the proposals for the site would have a 'slight adverse impact' on the LCA and, with mitigation measures, it would have a longer term 'slight adverse to negligible effect'. Officers do not agree with this conclusion. The proposed development would transform what is an open agricultural/grazing field to a built-up suburban development forming an extension to the settlement of Brookmans Park. The built form would diminish open views and appreciation of other key features of the site which are characteristic of the Potters Bar LCA. This would not be acceptability mitigated by the mitigation measures outlined.

11.44 Having regard to the above, it is considered that the proposed development would severely detract from the character of the site and area, in conflict with Policies D2 and RA10 of the District Plan, the Council's SDG, Policy SP9 of the emerging Local Plan and the NPPF. It is considered that this harm carries substantial weight against the proposal.

3. Setting of heritage assets

11.45 The application has been supported by a Heritage Assessment (by Gareth Jones Heritage Planning, 22 February 2022) which concludes that the proposed development would have no harmful effects on heritage assets.

11.46 The submitted Heritage Statement has been reviewed by the Council's Built Heritage Consultant (Place Services) and assessment has been made.

11.47 Place Services note that there are no designated heritage assets within close proximity to the site. Hatfield House and Park (Grade I Registered Park and Garden containing several Grade I, II* and II listed buildings) is approximately 1km north of the site. There are also Grade II listed buildings at Skimpans Farm north-west of the site and a Grade II listed walled garden and house at Potterells to the west of the site.

11.48 Place Services consider that due to the distance of these heritage assets from the site, intervening woodland, development, roads and railway line, the proposed maximum 2.5 storey height, and the position of the site on the edge of existing development, there is not considered to be any impact on the setting of these heritage assets. Officers agree with this view.

11.49 The proposal would therefore be compliant with Section 16 of the NPPF as there is no harm caused to the significance of any designated heritage assets.

4. Highways and access

11.50 Vehicular access into the new development would be provided by extending Bradmore Way. The Bradmore Way carriageway is typically 5m wide. It is proposed that the existing verges and footways on Bradmore Way are extended in front of the two properties which are either side of where this road currently terminates.

11.51 The supporting illustrative layouts indicate an internal road network that would provide 5.5m wide carriageways with 2.0m wide footways on each side. In order to accord with a design speed of 20mph, the internal road layout offers forward visibility splays for drivers of 25m.

11.52 The application has been supported by Transport Assessment (by TPP Consulting, April 2022) and Travel Plan (by TPP Consulting, April 2022).

11.53 Hertfordshire Highways have been consulted for this application and consider the Transport Assessment to be unacceptable for a number of reasons, explained as follows.

11.54 The Transport Assessment says that Automatic Traffic Counts (ATC) were installed along Bradmore Way for the period between 08 February 2022 to 14 February 2022. It has however been discovered through neighbour representations that from 07 February to 11 February, Brookmans Park Primary School (situated along Bradmore Way) promoted a 'Walk to School Week' to encourage children and parents to walk, cycle or scoot to school. Week commencing 14 February also marked the start of the school holiday.

11.55 The Highways Authority state that ATC surveys are contrary to both National Planning Policy Guidance (NPPG) and Department for Transport (DfT) advice.

11.56 NPPG Paragraph 015 Reference ID: 42-015-20140306 notes:

"In general, assessments should be based on normal traffic flow and usage conditions (eg non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours)."

11.57 DfT Tag Unit M.1.2 Paragraph 3.3.7 Data Sources and Surveys notes:

"Neutral periods are defined as Mondays to Thursdays from March through to November (excluding August), provided adequate lighting is available, and avoiding the weeks before/after Easter, the Thursday before and all of the week of a bank holiday, and the school holidays. Surveys may be carried out outside of these days/months, ensuring that the conditions being surveyed (e.g. traffic flow) are representative of the transport condition being analysed/modelled."

11.58 Bradmore Way is the only access road to the site and therefore accurate baseline traffic flows are considered fundamental to determine the impact. In the absence of accurate baseline traffic flow conditions, the Highway Authority cannot be satisfied that the proposed development would not have an unacceptable impact on highway safety and that there would not be a severe

impact on the road network including Bradmore Way and its junction with Brookmans Avenue.

- 11.59 Furthermore, the friction of movement of vehicles resulting in unsafe parking on footways, verges or blocking the highway during school drop off and collection times has not been established in the baseline, nor has it been assessed following the trip generation. Parking 'beat' surveys are required during the school drop off / collection times to establish whether the additional traffic flow would create an unsafe highway and footway environment.
- 11.60 As mentioned, the only route to services and facilities in the village centre is via Bradmore Way. The Highways Authority highlight that this road has a number of crossings with no tactile paving, and severance occurs as there is no clear crossing route on a pedestrian desire line from Bradmore Way to westbound bus stops on Brookmans Avenue or to Station Close (to then access the station). The Highways Authority consider that this means of access does not provide an acceptable pedestrian environment to the village centre, as well as to the primary school for future residents, and neither would it meet the needs of future residents with disabilities and reduced mobility.
- 11.61 For the above reasons the proposed development would conflict with Policy M5 of the District Plan, paragraphs 110(a), 111, 112(a) and 112(b) of the NPPF as well as Policy SADM12 of the emerging Local Plan which is broadly consistent with the NPPF. This harm carries substantial weight against the proposal.

5. Other considerations

i) Ecology and biodiversity

- 11.62 Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site. A similar approach is outlined in Policy SADM16 of the emerging Local Plan.
- 11.63 Paragraph 174(d) of the NPPF explains that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 11.64 Paragraph 180(a) of the NPPF then goes on to outline that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 11.65 The application has been supported by an Ecological Appraisal Report (by Liz Lake Associates, March 2022) and associated appendices, and a Biodiversity Net Gain Metric.
- 11.66 Both Hertfordshire Ecology and Herts & Middlesex Wildlife Trust have commented on this application.
- 11.67 The Site is undeveloped land and comprises a block of agricultural grassland. It is located south and east of Peplin's Wood, which is a non-statutory Local Wildlife Site (LWS) and Ancient Woodland Inventory (AWI) site. To the south-east of the Site is Brookmans Park Golf Course; to the east is another grassland field; and to the south is part of the existing Brookmans Park residential area.

- 11.68 The proposed development would result in the loss of all the existing grassland habitat.
- 11.69 The Ecological Appraisal Report outlines that further surveys for bats, great crested newts and reptiles are planned to ensure that legally protected species are not harmed. Hertfordshire Ecology advise that the results should be submitted prior to determination of the application which is agreed by Officers. Therefore, based on the information provided it cannot be reasonably concluded that the proposal would not be harmful to the site's ecology and biodiversity. Without such assurance the proposal conflicts with Policy R11 of the DP, paragraph 180(a) of the NPPF and emerging Policy SADM16 of the emerging Local Plan. This harm carries substantial weight against the proposal.
- 11.70 In terms of biodiversity net gain (BNG), the submitted Planning Statement states in paragraph 3.56 that in order to compensate for the loss of grassland required to enable scheme development, it is proposed to provide a 10% BNG. There are however a number of issues and inaccuracies with the submitted BNG report and metric, which are summarised as follows:
- Financial contribution calculated to compensate for the net loss in area-based habitat units is insufficient
 - The metric does not provide calculations for the off-site baseline or off-site post intervention. Off-site habitat improvements need to demonstrate that the existing BU value and ability to deliver sufficient uplift to achieve the shortfall and subsequent management over a minimum 30-year period (in perpetuity)
 - No details – other than the broad application site landscaping proposals – that any of the BNG needs can be met or delivered.
 - The metric should be altered so that gardens are correctly assigned
 - All condition scores for all habitats must be justified
 - The offset unit score should be calculated and satisfy the trading rules before an offset sum is agreed.
- 11.71 In light of the above, it cannot be reasonably concluded that the proposal is likely to provide BNG, nor has an appropriate mechanism for securing BNG been advanced by the applicant. While the lack of BNG does not justify a refusal of planning permission in itself, it has not been demonstrated that the proposal would contribute positively to the biodiversity of the site and minimise impacts on biodiversity. Consequently, there would be further conflict with Policy R11 of the District Plan, Policy SADM16 of the emerging Local Plan and the NPPF.
- 11.72 Natural England have also been consulted for this application given the proximity of the site to the LWS and AWI, as well as Water End Swallow Holes Site of Special Scientific Interest (SSSI).
- 11.73 Natural England explain that the application, as submitted, could have potential significant effects on the SSSI and insufficient information has been submitted to determine the significance of these impacts and the scope of mitigation. The SSSI is designated for its geology/hydrology and surface water from the proposal would be going into an existing water course that, in turn, goes to the SSSI.

11.74 Paragraph 180(b) of the NPPF outlines that development within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. This approach is broadly consistent with Policy R13 of the District Plan.

11.75 As no likely impacts have been identified in the applicant's submission, the appropriate assessment cannot be made. This is a matter which weighs substantially against the proposal.

ii) Flood risk and sustainable drainage

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

11.77 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

11.78 Policy SADM14 of the emerging Local Plan is in accordance with the NPPF.

11.79 The application has been supported by a Flood Risk Assessment and Drainage Strategy (by WHS, 13 April 2022).

11.80 The Lead Local Flood Authority have been consulted for this application and raise an objection as the information submitted does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. Information on the following matters are required pre-determination:

- Feasible surface water discharge needs demonstrated;
- Provision of greenfield runoff rates and pre and post-development calculations including half drain down times;
- Provision of appropriate management of surface water;
- Detailed infiltration tests in accordance with BRE Digest;
- Justification of SuDS features, applying the SuDS hierarchy;
- Management and maintenance schedule; and

- Provision of appropriate treatment of surface water

11.81 The application fails to demonstrate that the development will not increase flood risk at the site and elsewhere. Furthermore, the sustainable drainage system is unacceptable. Consequently, the proposal conflicts with Policy SADM14 of the emerging Local Plan and the NPPF. This is a matter which weighs substantially against the proposal.

iii) Noise and air quality

11.82 Policy R19 of the District Plan states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land uses or to be affected by unacceptable noise or vibration from other land uses. This approach is broadly consistent with Policy SADM18 of the emerging Local Plan and the NPPF.

11.83 The application has been supported by an Acoustic Design Statement (by AIRO, 21 March 2022) which concludes that with good acoustic design incorporated the majority of the site to be Low to Medium risk closest to the railway and Negligible to Low risk at the eastern side of the site.

11.84 The main source of noise affecting the site will be from the railway line to the west and the submitted Acoustic Design Statement focuses on that aspect.

11.85 The Council's Public Health & Protection Officer (PH&P Officer) has been consulted for this application and recommends a pre-occupation testing condition based on the level of information submitted. It is considered that such a condition could be applied at reserved matters stage, but would be dependent on the results of additional noise surveys required at detailed design stage.

11.86 In terms of air quality, Policy R18 of the District Plan states that the Council will have regard to the potential effects of a development on local air quality when determining planning applications. Consideration will be given to both the operational characteristics of the development and to the traffic generated by it.

11.87 Policy SADM18 of the emerging Local Plan states that proposals that would result in or be subject to unacceptable risk to human health and the natural environment from air pollution, or would prejudice compliance with national air quality objectives, will be refused.

11.88 The above approaches are broadly consistent with the NPPF. The NPPF also outlines that opportunities to improve air quality or mitigate impacts should be identified and development should, wherever possible, help to improve local environmental conditions and this includes air quality.

11.89 While an air quality assessment has not been provided with the application, it is considered that given the nature, scale and location of the development, as well as measures to mitigate air quality impacts such as: a construction management plan; EV charging; cycle provision; landscaping, and improvements to sustainable transport (all of which are either indicated or would be required), there is unlikely to be an unacceptable impact in this respect. The Council's PH&P Officer has also confirmed that there are no air quality concerns for this site.

iv) Contaminated Land

- 11.90 Policy R2 of the District Plan outlines that on sites which are or may be contaminated, applications must be accompanied by a full survey of the level of contamination and proposals for remediation measures. In considering whether planning permission should be granted, the Council will need to be satisfied that there will be no unacceptable risk to health or the environment arising from the remedial works or the proposed use of the site in relation to the type of contamination. This approach is broadly consistent with the NPPF.
- 11.91 Policy R7 of the District Plan states that planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater.
- 11.92 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of soil and water pollution and remediating and mitigating contaminated land, where appropriate.
- 11.93 Policy SADM18 of the emerging Local Plan applies a similar approach to contamination.
- 11.94 The proposed development site is located near to an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to an Affinity Water Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 11.95 The application has been supported by a Desk Study Report (by GEA, dated: March 2022) which provides research on the history of the site with respect to possible contaminative uses. It also provides a preliminary contamination risk assessment and preliminary recommendations with respect to the design of suitable foundations.
- 11.96 The Council's PH&P Officer, Affinity Water and Thames Water have been consulted in this regard.
- 11.97 The submitted report concludes that a ground investigation will be required to confirm the ground conditions and to provide parameters for foundation design. Accordingly, a condition is recommended by the Council's PH&P Officer requiring a site investigation scheme and, if required, a remediation scheme and verification plan. A similar condition is recommended by Affinity Water with regard to risks of turbidity, uncontrolled discharges and mobilisation of any existing contaminants. Such a condition is considered necessary and reasonable
- 11.98 Thames Water have outlined in their consultation response that they are currently working with the developer of application 6/2022/1097/OUTLINE to identify and deliver the off-site foul water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the foul water network to serve 60 dwellings (incl. 60 bed care facility and scout hut) or 125 dwellings (not incl. 60 bed care facility and scout hut) but beyond that, upgrades to the waste water network will be required.

11.99 Works are ongoing to understand this in more detail and as such Thames Water consider it prudent for an appropriately worded planning condition to be attached to any approval to ensure development does not outpace the delivery of essential infrastructure. Such a requirement can be suitably secured by condition.

v) Archaeology

11.100 Policy R29 of the District Plan states that where a proposal for development may affect remains of archaeological significance, or may be sited in an area of archaeological potential, developers will be required to undertake an archaeological assessment, if necessary with a field evaluation, and to submit a report on the findings to the Local Planning Authority, before an application is determined. This approach is broadly consistent with Policy SADM15 of the emerging Local Plan and the NPPF.

11.101 The application has been supported by an Archaeological Desk Based Assessment (by Abrams Archaeology, dated: 02 March 2022) and Hertfordshire County Council's Historic Environment Advisor (HEA) has been consulted accordingly.

11.102 The Archaeological Desk Based Assessment (ADBA) outlines that possible traces of remnant ridge and furrow ploughing were present in the centre of the site, which are associated with Medieval to Post-Medieval field systems. A shallow ditch and bank along the northern edge of the application site at the boundary which may be associated with the ridge and furrow was also observed. The ADBA concludes that there is a low to medium potential for archaeological remains from the Medieval and Post-Medieval periods to be present within the site, and a low potential for archaeological remains of earlier date.

11.103 Based on the finding of the ADBA, the HEA recommends provisions to be made, including: a non-intrusive geophysical survey, field evaluation and, if required, mitigation measures. The condition recommended is considered to be both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal, in accordance with the above policies.

vi) Accessible and adaptable dwellings

11.104 Policy SP7 of the emerging Local Plan was subject to discussion at the Stage 3 Hearings in February 2018. In response to objections a modification was proposed requiring that on all qualifying sites that at least 30% of all new dwellings on sites involving five or more dwellings be required to meet Building Regulations Part M4(2) standards for accessible and adaptable dwellings. Also, 1.5% of all new dwellings on sites involving 50 or more new dwellings will be required to meet Part M4(3) standards for wheelchair user dwellings. This modification is set out in the schedule of Main Modifications (Examination Document EX235) and will form part of a future Main Modification consultation.

11.105 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance. A planning condition is suggested to ensure that at least 20% of new dwellings within the development adhere to this part of the Building Regulations.

vii) Environmental Impact Assessment (EIA)

- 11.106 A screening opinion has not been sought at this site for the development proposed to determine whether it is likely to have a significant effect on the environment and therefore require an EIA.
- 11.107 The proposed development is not contained within Schedule 1 of the EIA Regulations. It is however Schedule 2 development by virtue of the overall area of the development exceeding 5 hectares. Notwithstanding this, taking into account the selection criteria set out in Schedule 3 of the EIA Regulations (insofar as they are relevant to the proposed urban development project) as well as normal planning controls, it is considered that the proposal would not be likely to have significant environmental effects. Accordingly the proposal is not considered to be EIA Development and does not require full environmental assessment.

6. Planning obligations

- 11.108 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.
- 11.109 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.
- 11.110 Policy IM2 of the District Plan states that in order to satisfy the sustainability aims of the Plan and secure the proper planning of the area, development will be required to provide for the infrastructure, services and facilities which are directly related to it and necessary to the granting of planning permission. This includes on-site facilities, off-site improvements, services and facilities and affordable housing.
- 11.111 The Planning Obligations SPD expands on Policy IM2 of the District Plan and relates to new development in the borough. It provides detailed guidance on the type and scale of planning obligations sought, in addition to setting out Welwyn Hatfield Borough Council's approach to securing planning obligations, with the aim of establishing a transparent, fair and consistent process for negotiating and monitoring planning obligations.
- 11.112 Policy M3 of the District Plan requires the submission of a Green Travel Plan for large scale development. Policy M4 requires necessary development to include provision for alteration to existing or new transport infrastructure or services.

11.113 The above approach is broadly consistent with Policies SADM1 and SP13 of the Emerging Local Plan.

11.114 The heads of terms sought by the Council are summarised below:

Affordable Housing

11.115 District Plan Policy H7 seeks the provision of affordable housing on sites above 1 ha or with 25 or more units with a minimum of 30% subsidised housing. The proportion type and mix will be based on the latest housing needs survey.

11.116 Draft Policy SP7 states that for sites falling within excluded villages, which includes Brookmans Park, a minimum of 35% of units should be affordable housing, subject to viability. The proposed development exceeds the emerging policy requirement, as it is proposed to provide 36% affordable housing.

Hertfordshire County Council Contributions

11.117 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:

- Primary Education: £937,262 (toward expansion of Brookmans Park Primary School or toward new primary school provision up to 2FE & land costs)
- Secondary Education: £1,022,926 (toward expansion of Chancellor's Secondary School)
- Childcare Service: £30,867 (toward childcare use of scout hut on-site)
- Special Educational Needs and Disabilities: £138,362 (toward delivery of new Severe Learning Difficulty special school places for pupils aged from 2 years to 19 years)
- Library Service: £13,862 (toward increasing the capacity of Brookman's Park Library or its future re-provision)
- Youth Services: £25,041 (toward new centre in Hatfield or its future re-provision)
- Waste Service: £37,913 (toward the expansion at Potters Bar Recycling Centre or its future re-provision)
- Sustainable Transport: £875,616 (toward developing active travel corridor between Hatfield, Welham Green, Brookmans Park and Potters Bar)
- Travel Plan Monitoring and Support Fee: £2,400 per annum (separate Travel Plan required for 125 dwellings and 60 bed care home)
- Monitoring fees: £340 per each distinct trigger point

WHBC Contributions

11.118 WHBC financial contributions as follows:

- Open Space/Green Space: £21,886.80 (toward improvement works at Gobions Open Space)
- Waste & Recycling: £9,525.98
- Indoor Sport: Indoor bowls (£1,782 toward maintenance to the facility/equipment at Hatfield Bowls Club); Sports Halls (£66,962 toward either a new sports hall facility in Hatfield or maintenance works to the current Birchwood facility sports hall, includes flooring, accessibility, toilets)

and repairs); swimming (£70,285 toward either a new swimming facility within Welwyn Hatfield, or towards improvement works to the current swimming pool at Hatfield swim centre)

- Outdoor Sport: Sand based artificial grass pitch (£3,461 toward maintenance improvements at Chancellors School or the University of Hertfordshire); 3G pitch (£18,897 toward a new 3G facility at either Chancellors School, The Ridgeway academy or Birchwood leisure, or toward related improvement works at Chancellors School, Birchwood leisure centre, and Ridgeway academy; Adult football natural grass pitches (£32,245 toward pitch maintenance repairs to improve the pitch quality at either of the following sites: Chancellors School or Welham Green recreational ground); Youth football (£29,863 toward either pitch maintenance repairs to improve the pitch quality at Chancellors School or towards a new youth pitch at Welham Green recreational ground); Mini-soccer (£2,167 toward pitch maintenance repairs to improve the pitch quality at either Welham Green recreational ground or Chancellors School); Rugby Union (£9,313 toward pitch maintenance repairs at either Chancellors School or Roe Hill); Cricket (£10,314 toward pitch improvements and or additional cricket wickets/cricket squares at either Newgate Street, Hatfield and Crusaders cricket club or North Mymms Cricket club, and/or an inspection report for the improvement works needed at Newgate street.
- On-site open space and SUDS maintenance
- Self-build plots
- Securing biodiversity net gain (on-site compensation and offsetting)
- Monitoring fee - £5,000

NHS Contributions

11.119 The NHS would require the following contributions to manage the impact of the development on healthcare provision:

- General medical services: £193,750.00 (toward expansion, reconfiguration and digitisation of patient records at Potterells Medical Centre)
- Mental health services: £25,218.00 (toward expansion and reconfiguration at Roseanne House in Welwyn Garden City)
- Community services: £22,753.00 (toward expansion and re configuration at Queensway Health Centre)

11.120 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy Regulation 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.

11.121 Members should note that all of the Hertfordshire County Council, Welwyn Hatfield Borough Council and NHS contributions as set out, are indicative at this stage and subject to change as they are based on up-to-date evidence as well as the number and type of residential units which have been provided by the applicant at this outline stage. In the event of outline planning permission being granted, the figures would be adjusted to reflect the details to be finalised at the reserved matters stage.

11.122 A S106 Agreement has not been completed to secure the required contributions/obligations. The proposal would therefore conflict with Policies IM2, M3, M4 and H2 of the District Plan; Policies SP13 and SADM1 of the emerging Local Plan and the NPPF. This is a matter which weighs substantially against the proposal.

7. The planning balance

11.123 In decision-taking, if an authority cannot demonstrate a five year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in Paragraph 11(d) of the NPPF.

11.124 The recent Annual Monitoring Report (2020/21) indicates the current position of the five-year housing land supply in the Borough. The housing land supply of 2.46 years was identified.

11.125 In addition, the Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284 which equates to 63% of its delivery.

11.126 In accordance with paragraph 11(d) of the NPPF, this means that the policies which are most important for determining the application are to be considered to be out-of-date as Footnote 8 clarifies that:

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

11.127 For decision taking this means:

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.128 However, in accordance with Footnote 7 to Paragraph 11(d)(i), land that is designated as Green Belt and areas at risk of flooding are both specified as policies that protects areas or assets of particular importance. Harm has been identified in these respects which individually provide a clear reason for refusing the development proposed except in ‘Very Special Circumstances’. Therefore, the presumption in favour of sustainable development (also known as the tilted balance) does not apply in this case.

Very special circumstances?

- 11.129 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 11.130 Paragraph 148 of the NPPF then goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.131 The proposal constitutes inappropriate development in the Green Belt. There would also be a considerable loss of Green Belt openness and conflict with one of the purposes of including land in the Green Belt. In accordance with the NPPF, substantial weight is attached to each of these harms.
- 11.132 Added to this is "any other harm" arising from the development. Other harms comprise: impact on character of the site and area; insufficient information with regard to impact on highway safety and capacity; failure to demonstrate that the proposal would give priority to pedestrian movements in the area and address the needs of people with disabilities and reduced mobility in relation to all modes of transport; failure to demonstrate that the development will not increase flood risk at the site and elsewhere and that the sustainable drainage system is acceptable; insufficient information submitted regarding protection of legally protected species and failure to demonstrate a positive impact on the biodiversity of the site; insufficient information submitted to determine the significance of impacts on SSSI; and lack of a legal agreement in order to mitigate the impact of the development on local infrastructure and services. Each of these harms carry substantial weight against the proposal.
- 11.133 The applicant considers that there are a number of compelling very special circumstances, which in this case justify the approval of this development. These are set out in paragraph 7.4 of the submitted Planning Statement and include:
- a) *The very limited contribution the application site makes toward the purposes of including land within the Green Belt, together with the localized impacts on openness of the Green Belt. This should be considered in the context of a new, more defensible settlement edge being proposed as a result of the scheme and the containment from existence of extensive woodland to the north and west, the East Coast Mainline railway to the west, the mature woodlands and hedgerows on the golf course to the east and the urban settlement of Brookmans Park to the south, meaning the development would remain entirely contained;*
 - b) *The very considerable need for market and affordable housing of various mix, tenures and types in Welwyn Hatfield Borough where, at present, there is clear evidence of an existing shortfall of approximately 3,000+ homes over the next five years;*
 - c) *The acute under-delivery of affordable housing Welwyn Hatfield Borough that has left many households within the local authority area without any realistic prospect of having their housing needs met now, or under the emerging Local Plan;*

d) Acute affordability ratio in the borough and, in particular, in Brookmans Park;

e) From the sustainability credentials of the proposed development and the proposed location; particularly, the benefits in improving the social, economic and environmental conditions within Welwyn Hatfield Borough, it is clear that Brookmans Park is a highly sustainable location when judged in the context of the proposed residential development and the ability of that settlement to accommodate new housing within existing infrastructure. This is even more relevant when the sustainability of Brookmans Park is compared with other settlements within the borough that do not have the range, capacity or quality of facilities, services and amenities which already exist in Brookmans Park and would be capable to accommodate new housing without the need to expand those facilities in the short to medium term.

- 11.134 In terms of (a), contrary to this assertion, it has been considered that the site would make more than a limited contribution to one Green Belt purpose and that there would be a considerable reduction in Green Belt openness as a result of the development. Furthermore, it is not considered that the site would remain entirely contained. No weight is afforded to this matter.
- 11.135 In terms of (b), the shortfall of housing supply in the Borough is considerable and significant. The applicant however has not provided clear evidence that housing completions will begin on site within five years. As such, it cannot be reasonably concluded that the proposed development would contribute toward the Council's five year supply of deliverable housing sites. This reduces the weight to be given to market housing from 'very substantial' to 'substantial' in favour of the proposal. Very substantial weight is afforded to the proposed provision of affordable housing.
- 11.136 In terms of (c) and (d), this is similar to (b) with regard to the acute under-delivery of affordable housing. As confirmed, very substantial weight is afforded to this benefit.
- 11.137 In terms of (e), it has been considered in this report that Brookmans Park and the application site is a sustainable location for residential development given its proximity to services and facilities. However, the proposal has not been deemed a suitable windfall site for residential development against Policy H2 of the District Plan. No weight is afforded to this factor.
- 11.138 The proposal would have an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long term economic benefit from the future occupiers spending on goods and services but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.
- 11.139 The proposal would provide a social benefit through the provision of 125 dwellings which would make a considerable contribution towards the identified housing need within the Borough.
- 11.140 In terms of environmental sustainability, having regard to the harm identified, no weight can be afforded in favour of this factor.

11.141 In paragraph 7.8 of the submitted Planning Statement further benefits of the proposal are listed. The benefits, not already set out above are listed as follows:

- Provision of Self-Build homes;
- Provision of a C2 care home in accordance with the specific requirement in the draft Local Plan;
- Potential for a significant modal shift from car dependency to walking and cycling;
- Provision of dedicated EV charging points to every home;
- Supporting the vitality and viability of the existing village;
- Developer contributions by way of a S106 Agreement to provide enhancements to highways, healthcare, education, and recreational infrastructure;
- Ecological enhancements to the site and compensatory improvements; and
- Net biodiversity gain

11.142 The provision of 10 of the 125 dwellings (8%) as self-build homes would make a positive contribution to the supply of self-build plots in the Borough.

11.143 The Council has a statutory duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, with reference to the number of entries added to the authority' register. The statutory duty has not been met.

11.144 Considering the percentage of dwellings proposed as self-build, very significant weight is attached to this benefit.

11.145 In terms of the provision of a C2 care home, as explained in paragraphs 11.15-11.17 of this report, the identified need for such facilities is due to be met over the next five years. It is however appreciated that care provision has not and is not due to occur in Brookmans Park and the emerging Local Plan seeks to improve the provision of care homes. Significant weight is attached to this benefit.

11.146 It is not considered that the proposal would result in a significant modal shift from car dependency to walking and cycling. While in a sustainable location for residential development, Brookmans Park is still reliant on larger towns for employment and main services – as noted in paragraph 4.11 of the emerging Local Plan. Also, the proposal has not demonstrated that a first priority would be given to walking and cycling or that it would be a suitable windfall site. Consequently, no weight can be afforded to this factor.

11.147 In terms of the provision of dedicated EV charging points to every home, this is now a requirement of the building regulations (Approved Document 'S'). No weight is afforded to this factor.

11.148 The provision of 125 dwelling and a 60 bed care facility will have a positive effect on the vitality and viability of the village in terms of use of shops and services. Given the scale of the development, moderate weight is attached to this benefit.

11.149 In terms of developer contributions, this would be a standard requirement of such development to mitigate its impact on services, facilities and infrastructure. This is a neutral factor, afforded no weight.

- 11.150 In terms of ecology, the application has failed to demonstrate that the proposal would result in ecological enhancements/improvements to the site, or provide a net gain for biodiversity. No weight is afforded to this factor.
- 11.151 Taking account of the above, it is considered that the other considerations advanced by the applicant would not clearly outweigh the harm to the Green Belt and other harms resulting from the proposal. Very special circumstances necessary to justify the development do not exist and, therefore, this application is recommended for refusal.

8. Conclusion

- 11.522 It is concluded that the proposed development conflicts with the development plan, the Council's emerging Local Plan and the NPPF. No very special circumstances exist to justify the development.

9. Recommendation

- 11.153 It is recommended that planning permission is refused for the following reasons:
1. The proposal would represent inappropriate development in the Green Belt, result in a considerable loss of Green Belt openness and represent a significant encroachment into the countryside. No very special circumstances exist to clearly outweigh this harm. Consequently, the proposal conflicts with Policy GBSP1 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework.
 2. The proposed development would severely detract from the character of the site and area, in conflict with Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
 3. The application has failed to demonstrate that there would not be an unacceptable impact on highway safety and that the impact on the road network would not be severe. Furthermore, the application has failed to demonstrate that priority first would be given to pedestrian movements in the area and that the needs of people with disabilities and reduced mobility would be addressed. Consequently, the proposal conflicts with Policy M5 of the Welwyn Hatfield District Plan 2005, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.
 4. Insufficient information has been submitted with regard to the impact of the proposed development on legally protected species (bats, great crested newts and reptiles). As such, it cannot be reasonably concluded that the proposal would not be harmful to the site's ecology and biodiversity. Furthermore, the application has failed to demonstrate that it would contribute positively to the biodiversity of the site. Without such assurances, the proposal conflicts with Policy R11 of the Welwyn Hatfield District Plan, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.
 5. Insufficient information has been submitted with regard to the impact of the proposal on Water End Swallow Holes Site of Special Scientific Interest. The

proposal could have potential significant effects on this Site of Special Scientific Interest and it is not considered that the benefits of the development in the location proposed clearly outweigh its impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Consequently, the proposal would conflict with Policy R13 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

6. The application fails to demonstrate that the proposed development will not increase flood risk to the site and elsewhere. Furthermore, the sustainable drainage system is unacceptable. Consequently, the proposal conflicts with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.
7. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions and provisions by any method other than a legal agreement. The proposal is therefore contrary to Policies IM2, M3, M4 and H2 of the Welwyn Hatfield District Plan 2005; Policies SP13 and SADM1 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
490/20/OUT /PL1000		Site Location Plan	11 May 2022
490/20/OUT /PL1001		Existing Site Plan (Topographical Survey)	11 May 2022
490/20/OUT /PL1002		Constraints And Parameters Plan	11 May 2022
490/20/OUT /PL1003		Illustrative Block Plan	11 May 2022
490/20/OUT /PL1004		Illustrative Site Layout Plan	11 May 2022
490/20/OUT /PL1005		Illustrative Access Strategy Plan	11 May 2022
490/20/OUT /PL1006		Illustrative Dwelling Types Plan	11 May 2022
490/20/OUT /PL1007		Illustrative Massing Study	11 May 2022
490/20/OUT		Illustrative Green Spaces	11 May 2022

/PL1008		Plan	
490/20/OUT /PL1010		Illustrative Site Sections	11 May 2022
490/20/OUT /PL1011		Illustrative Visuals	11 May 2022
490/20/OUT /PL1012		Illustrative Visuals	11 May 2022
490/20/OUT /PL1100		Land Ownership Plan	11 May 2022
490/20/OUT /PL1101		Land Ownership Plan 1 Of 2	11 May 2022
490/20/OUT /PL1102		Land Ownership Plan 2 Of 2	11 May 2022
UTC-0661- P05-TPP		Tree Protection Plan	11 May 2022
UTC-0661- P02-TCP		Tree Constraints Plan	11 May 2022
1573A2 001	B	Landscape Masterplan	11 May 2022
2012-1353- DWG-213		2.4m X 25m Visibility Splays	11 May 2022
2012-1353- DWG-212	A	25m Forward Visibility	11 May 2022
2012-1353- DWG-214	A	Proposed Site Access	11 May 2022
2012-1353- AT-107(1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(2)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(2.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(3)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(4)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(4.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(5)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(5.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(6)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022

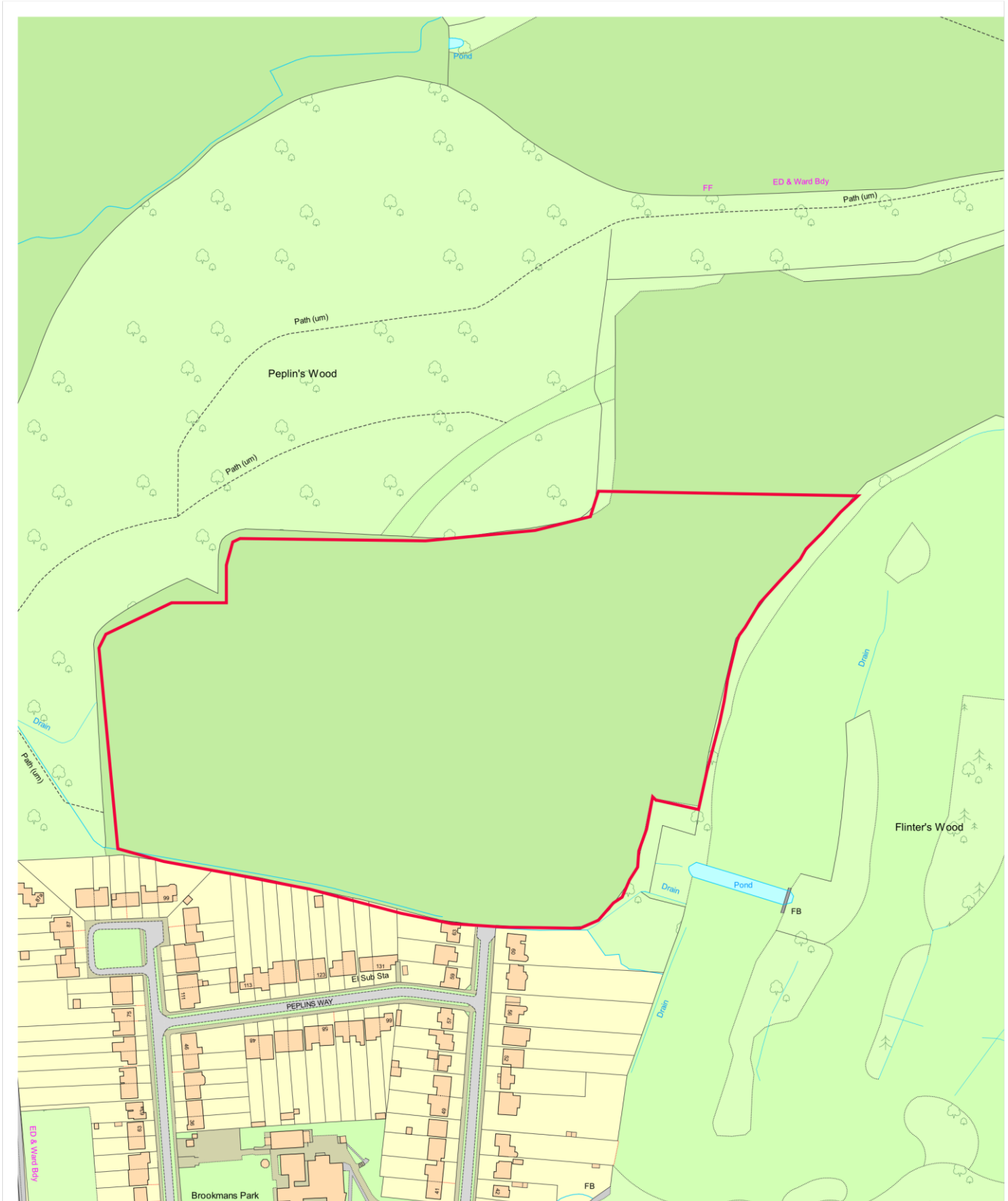
2012-1353-AT-107(7)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(2)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(2.1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(3)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(4)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
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2012-1353-AT-108(6)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(7)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-109(1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(2)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(2.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(3)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(4)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(4.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(5)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(5.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(6)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(7)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022


POSITIVE AND PROACTIVE STATEMENT

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

David Elmore (Development Management)

Date: 14/07/2022



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Land to the North of Bradmore Way Bradmore Way The Brookmans Estate Brookmans Park		Scale: DNS
			Date: 13-07-2022
Development Management Committee	6/2022/1097/OUTLINE	Drawn: E Engelhardt	
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