

Part I

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(Hatfield East)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 1 DECEMBER 2022  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2021/3422/MAJ

SALISBURY SQUARE HATFIELD AL9 5AD

ERECTION OF 1 X BUILDING CONTAINING 3 X FLATS, 11 X OFFICES AND 1 X  
RETAIL UNIT (USE CLASS E), ERECTION OF 5 X TERRACE HOUSES WITH  
PARKING AND ASSOCIATED WORKS, INVOLVING DEMOLITION OF EXISTING  
SHOPPING PARADE WITH 7 X MAISONETTES ABOVE, ALTERATIONS TO  
EXISTING PARKING AREA AND ERECTION OF A PARKING AREA

APPLICANT: Mr Anthony Downs

**1 Background**

- 1.1 In February 2013, planning permission was granted under reference S6/2011/1994/MA for the redevelopment of Salisbury Square subject to conditions and planning obligations. This scheme involved the provision of additional retail units and some 24 dwellings comprising 19 flats and 5 town houses. It also included provision of a new two decked car park, townscape and other public realm improvements including opening Salisbury Square to vehicles on a one-way direction from Park Street. The planning conditions were all subsequently approved by the Local Planning Authority and a material start made on site to the scheme. However, this scheme is not being progressed on grounds of economic viability.
- 1.2 In February 2020, the Local Planning Authority provided pre-application advice in relation to a revised scheme for the regeneration of Salisbury Square to include the erection of a retail unit, office units and 16 dwellings comprising 10 flats and 6 houses, together with an access road, footpaths, parking, drainage and all ancillary works.

**2 Site Description**

- 2.1 The application site is currently occupied by 'The Parade', a row of seven retail units of approximately 630sqm with seven maisonettes located above. The remainder of the site comprises Salisbury Square itself, which provides an area of open space to the south of The Parade, and a surface car park to the north of The Parade providing 65 car parking spaces.
- 2.2 The application site extends to around 0.49 ha of land and relates directly to an area which was comprehensively redeveloped in the early 1970's. The resulting character and quality of the built environment in this area contrasts markedly with the more historic parts of Old Hatfield.

- 2.3 The site lies entirely within the Old Hatfield Conservation Area. None of the buildings within the application site are statutorily listed, although the site adjoins a number of Grade II Listed Buildings which front onto Park Street. The site appears to have been included within the Conservation Area more because of its historic function as part of Old Hatfield, rather than as a reflection of the quality of its built environment. Part of the site, towards the east and south-east boundary, falls within an Area of Archaeological significance.
- 2.4 Salisbury Square and the area surrounding has changed overtime. Many of the previous shop units which surround Salisbury Square are now fall within Use Class E: Commercial, Business and Service use, such as food and drink establishments and offices. There are also sui generis uses such as hot-food take-aways. Many of the buildings, including the former Job Centre, have been converted to residential use.
- 2.5 Salisbury Square is not currently a successful place. It was designed to offer a green and open space at the heart of Old Hatfield. However, it suffers from a lack of activity and vibrancy with relatively little pedestrian traffic through the Square. It fails to make the most of its location, with much of the activity of Old Hatfield happening on the streets outside its boundaries, which are vehicular routes. The open space at the Square's centre is generally unwelcoming and inflexible. Some of the buildings which surround the Square are also of a poor appearance and no great architectural style and do little to enhance its character. The public car park to the north of the Square is a very poor space and is not overlooked by any development. It is faced by the backs of the shops and maisonettes on Salisbury Square and the shops and pubs of Park Street. It is also poorly lit and considered to be an uninviting place at night. However, the Square's location and basic form offer significant potential, and the application proposals seek to create an enhanced public space, of superior character and appearance.

### **3 The Proposal**

- 3.1 Full planning permission is sought for the redevelopment of Salisbury Square, following the demolition of seven vacant retail units and maisonettes, known as The Parade. The proposed development has been reduced in scale compared to the extant permission and now comprises the following elements:
- 3 no. flats
  - 5 no. 3-bedroom houses
  - Commercial units within Use Class E totalling approximately 1,312sqm, divided into 11 separate office units and 1 retail unit (246sqm)
  - Total car parking provision of 65 spaces and cycle parking
  - The introduction of vehicular access into Salisbury Square
  - Townscape and public realm enhancements
- 3.2 The residential development will include a new terrace of homes to complete and mirror existing new town houses on Arm and Sword Lane. Flats would be situated above the development of new retail/office space at ground floor level within a replacement building marking the northern side of Salisbury Square.
- 3.3 The application is accompanied by a range of documentation and supporting material, as listed below:

- Design and Access Statement (including Salisbury Square Exhibition Survey, Old Hatfield Charrette (2008), Hatfield Building Code, Planning Policy Audit 2021, RSK Approved Methodology and Waste Management Plan)
- Heritage Statement
- Transport Statement
- Travel Plan
- Car Parking Plan
- Energy and Sustainability Statement
- Ecological Assessment
- Bat & Nesting Bird Survey
- Arboricultural & Planning Integration Report
- Tree Constraints Plan
- Tree Protection Plan
- Geotechnical Report
- Surface and Foul Water Drainage Strategy Report

#### **4 Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee because Welwyn Hatfield Borough Council has a land ownership interest in the application site.

#### **5 Relevant Planning History**

- 5.1 Application Number: 6/2019/2826/PA  
Decision: Granted  
Decision Date: 05 February 2020  
Proposal: Regeneration of Salisbury Square; demolition of existing shopping parade building with maisonettes above including garage block and retaining wall structures; layout of public spaces; erection of new linked buildings containing 10 flats; 1 x A1 retail unit with basement; 4x B1 (a) office units; erection of terrace of 5 houses and 1 x mews dwelling; access road with shared surfaces and footways; parking; footpath access alterations, drainage and all ancillary works
- 5.2 Application Number: S6/2011/2092/CA  
Decision: Granted  
Decision Date: 02 March 2012  
Proposal: Demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures
- 5.3 Application Number: S6/2011/1994/MA  
Decision: Granted subject to S106  
Decision Date: 07 February 2013  
Proposal: Redevelopment of Salisbury Square; demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures; construction of new road and layout of public spaces; erection of new building containing 19 flats and 4 shops with basements; new two level car park; erection of terrace of 5 houses with road and footways; access alterations, drainage and all ancillary works

#### **6 Relevant Planning Policy**

- 6.1 National Planning Policy Framework 2021 (NPPF)

- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 6.7 Hertfordshire Waste Development Framework 2012

## **7 Site Designation**

- 7.1 This site lies entirely within the Old Hatfield Conservation Area. Part of the site towards the east and south-east site boundary falls within an Area of Archaeological significance as outlined in the Welwyn Hatfield District Plan 2005.

## **8 Representations Received**

- 8.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total 11 representations have been received, comprising three objections together with two in support of the proposal and six comments. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Object to opening the square up to car access and removing trees and turning it into car parking- Hatfield train station has a multi-storey car park less than 350m away and Hatfield House also has their own car park around 300m away.
- Proposed picnic tables outside York House- who wants to eat lunch in a car park.
- Sustainability- the demolition of the existing building would waste a great deal of embedded CO2. A much better proposition would be to reuse the building.
- It is proposed to build private houses on a public carpark and to pave over half the public green space for parking- not acceptable.
- The proposed loss of mature trees constitutes permanent damage to the amenity and habitat.
- Should be reducing emissions and car use, not encouraging it.
- By essentially privatising the Salisbury Square car park, there will be insufficient parking for visitors that travel from further afield.
- Everyone who currently parks in the Salisbury Square car park will now park at the nearest on street parking. This will artificially overcrowd/narrow these streets increasing the likelihood that accidents will occur.
- A development turned a restaurant into 4 flats. As part of the planning approval process for this development, it was determined that the development be "car-free", so as not to increase the parking burden on the community. Therefore the property is ineligible for council issued residents parking permits. This logic is not being maintained with the current

development proposal, as the owners/occupiers of the newly developed buildings will be given the option to buy a permit for the new parking spaces.

- Parking in Old Hatfield is a major problem which has only got worse over time caused particularly by the conversion of offices and shops into housing use.
- Parking permits are an issue- too many permits for number of spaces available. Where will these people park, or will new permits be applied for.
- It is very disappointing that the site border for this application has been set to exclude the green space that is to remain within the square (near the former Job Centre), and that it is not proposed to reduce the height of this in order to make it level with the pavement.

### *Support*

- Extremely pleased with the proposed regeneration. It has been a long time coming and this can only inject new life into the very tired looking Old town.
- Strongly support this long awaited planning application, which is important for regeneration of Old Hatfield.
- Conforms well to the principles for the sustainable development of Old Hatfield.
- The proposal provides a good balance of uses, with the offices replacing some of the employment space lost locally and also helping to provide potential customers for local retail units etc during the daytime.
- It is good to see that the residential provision is a mix of houses and flats, when many other local developments are purely flats – this helps towards WHBC's preferred housing mix.
- The provision of electric charging (active and passive) plus secure and public bike parking is welcome, as is the planned car club.

### *Comments*

- Clear access to be maintained at the East and West ends of the pedestrian access during all stages of construction.
- Pedestrian access between the Easternmost new terraced house and the existing buildings to be maintained (no gate installed).
- Construction programme from commencement to completion to be provided.
- Section 61 - hours of permitted noisy construction works during the week and not permitted during the weekend to be confirmed.
- Opening hours permitted by the council for the retail units to be confirmed.
- Type of commercial/retail businesses that will be considered for letting and how they will use the building to be confirmed.
- Signage/advertising from commercial/retail tenants to be discreet.
- Whether residential properties are to be sold or rented to be confirmed.
- Are there any public parking spaces available in the new car park for short stays (2 hours) during the week and long stays (unrestricted) at weekends, similar to the current setup?
- Car club space arrangements to be confirmed.
- Bat survey required.
- Noise and dust from proposed demolition and construction- method statement required.

- Perhaps a car rental service amongst residents could be set up to reduce the demand for parking spaces.
- The current public recycling facility within the car park is not shown on the plans.
- It is not clear that the permit holders have been specifically alerted to the changing ownership status of the car park and its implications.
- There are considerable parking pressures within parking zone B01 and there is potential to alleviate the situation by allowing evening / weekend parking within the car park by local residents / B01 permit holders, i.e. at times when demand from office workers etc is reduced.
- The existing “Costcutter” parade must be rebuilt before the new houses in Arm & Sword Lane. This is mainly to avoid the possibility that the development halts after the new houses have been built, and partly to avoid a “nowhere to park” interim scenario.
- The elevated green space remaining in the square should be reduced to a level with the rest of the square as part of the redevelopment.
- There is no information on plans for the various trees on the site, and there does not appear yet to be a landscape / planting plan. Recent developments do not inspire confidence that the developer is interested in green landscaping, and a plan should be required including maintenance responsibility.
- Request measures to ensure that swift nest bricks are incorporated into this major development as a biodiversity enhancement.

## **9 Consultations Received**

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

- Thames Water
- HCC Water Officer
- Conservation
- WHBC Client Services
- WHBC Public Health and Protection
- Hertfordshire Constabulary
- Environment Agency
- HCC Historic Environment Advisor
- HCC Minerals and Waste
- Joint Committee of the National Amenities Society
- Affinity Water
- HCC Transport Programmes and Strategy
- Cadent Gas
- HCC Growth and Infrastructure Team
- WHBC Landscape and Ecology
- Lead Local Flood Authority

9.2 No response was received from the following consultees:

- The Ramblers’ Association
- HCC Rights of Way (South)

## **10 Town/Parish Council Representations**

10.1 Hatfield Town Council strongly support the application.

## **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 historic character of the Conservation Area and the setting of the adjacent Listed Buildings**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Landscaping**
- 6. Other considerations**
  - i) Ecology and biodiversity**
  - ii) Flood risk and surface water drainage**
  - iii) Renewable energy**
  - iv) Contaminated land**
  - v) Archaeology**
  - vi) Refuse and recycling**
  - vii) Accessible and adaptable dwellings**
  - viii) Waste management**
  - ix) Lighting**
  - x) Chalk mining**
  - xi) Houses in multiple occupation**
- 7. The planning balance**

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

11.2 Policy SD1 of the District Plan advocates sustainable development and this is broadly consistent with the NPPF. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.

11.3 Policy R1 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. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (Para.120) and the efficient use of land (Para.124).

11.4 Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries.

11.5 The site is not allocated for additional housing and as such comes forward as a windfall residential development where District Plan Policy H2 applies. This policy states 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 build new communities to support infrastructure and provide demand for services and facilities;
  - v. The physical and environmental constraints on development of land.
- 11.6 The application site is situated within the town of Hatfield and is currently occupied by 'The Parade', a row of seven retail units with seven maisonettes located above. The remainder of the site comprises Salisbury Square itself, which provides an area of open space to the south of The Parade, and a surface car park to the north of The Parade providing 65 car parking spaces. Land in built-up areas, such as parks and gardens, are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although parks and gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective.
- 11.7 The application site is located within an area where the infrastructure has been developed to provide good transport links for existing residents, with Hatfield train station, which is a major bus interchange and transport hub for the area, located directly opposite the site. There is also a wide range of services and facilities available within walking or cycling distance of the site. Existing infrastructure would absorb the development and there would be a benefit on nearby services and facilities.
- 11.8 In principle there is no objection to this site being used for residential purposes in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies which are assessed below.
- 11.9 Turning to the commercial aspect of the development, paragraph 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (reference to town centres in the NPPF applies to city centres, town centres, district centres and local centres). Sub-paragraph 86 a) states that planning policies should promote long-term vitality and viability of centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.
- 11.10 District Plan Policy TCR24 states that the Council will encourage A1 retail uses within Old Hatfield and will resist any change of use which would result in the loss of this use. However, on 1<sup>st</sup> September 2020, the Government introduced radical changes to the Town and Country Planning (Use Classes) Order 1987. One of the most significant changes, was the introduction of new Use Class E (Commercial, Business and Service) which amalgamated a range of both town centre and non-town centre uses, including retail, day centres, creches, research and development/light industrial uses, indoor recreation and doctor's surgeries. The main driver has been to enable a repurposing of buildings in response to changing demand, without the need for planning permission. In light of this change, references to class 'A' uses in Policy TCR24 are no longer applicable, therefore this policy is considered to be out of date and not consistent with the NPPF, therefore it should only be attributed limited weight.
- 11.11 Notwithstanding the above, it is notable that the preamble to Policy TCR24 identifies that Old Hatfield has a unique retail function. Whilst retaining some of



the characteristics of a Large Village Centre, it does not perform exactly the same functions because it serves the local business community, as well as local residents, and as such displays a mix of specialist and service uses. These uses are not located in one frontage, but are dispersed within the centre, being based both in and around Salisbury Square. The Council recognises that Old Hatfield has suffered from pressures for change of use from convenience retail uses to either specialist retailing uses, or non-retail uses, such as service and hot food outlets, and that this has eroded the provision of local, convenience shopping. It is therefore considered important to maintain and, if possible, improve the provision of convenience retail uses.

- 11.12 Many of the former retail units which surround Salisbury Square are now in various Class E uses, such as food and drink establishments and offices. There are also sui generis uses such as hot-food take-aways. Of the seven retail units to be demolished (totalling 630sqm in floorspace), only one is occupied by a convenience retailer (Costcutter) with a floorspace of approximately 80sqm. The other six units are vacant.
- 11.13 The proposed development would deliver approximately 1,312sqm of new Class E floorspace, including a retail unit measuring approximately 246sqm, together with a further 11 office units. In addition to a numerical comparison, it is also material that the new floorspace would be of far greater commercial attractiveness compared to the early 1970's Salisbury Square parade. In this respect, a commercially successful development is likely to increase footfall within the area, bringing enhanced vitality and viability to new and existing businesses. It is therefore considered that the principle of a mixed commercial use within the proposed development meets the aspirations of Policy TCR24 and the NPPF.

## **2. Quality of design and impact on the historic character of the Conservation Area and the setting of the adjacent Listed Buildings**

- 11.14 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.
- 11.15 These objectives are broadly consistent with the Council's Emerging Local Plan, with Policy SP9 of the draft Local Plan dealing with place making and high quality design and Policy SADM11 amenity and layout.
- 11.16 The NPPF has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. As such, there is also consistency between the Council's Saved and Emerging Local Plan with the NPPF.

- 11.17 The site is located within the Old Hatfield Conservation Area. Section 72 of the Listed Buildings and Conservations Areas Act (1990) states that 'special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area'. Section 16 of the NPPF 'Conserving and enhancing the historic environment' is broadly consistent with Policy SADM15 'Heritage' of the Emerging Local Plan.
- 11.18 The submitted Design and Access Statement explores the design and layout in more detail, which is discussed below. Further to this is the history of the site and the rationale behind the proposals.
- 11.19 The site is likely to have been included within The Old Hatfield Conservation Area more because of its historic function as part of Old Hatfield, rather than as a reflection of the quality of its environment. Salisbury Square is located on the route of the old Great North Road and was once a thoroughfare for all traffic coming north/south towards Hatfield House. A large part of the historic pattern of development which characterised Old Hatfield was lost in the early 1970s, when much of the area was comprehensively redeveloped. Today, the Great North Road by-passes Old Hatfield, having been designed to allow traffic to pass through the area with as little interruption as possible. Where once the road wound through tight pedestrian-dominated streets, it is now wide, and physically separated from pedestrians. However, while this may allow traffic to move freely, it also removes activity from the centre of Old Hatfield.
- 11.20 The application site relates directly to an area which was comprehensively redeveloped in the early 1970's and most of the buildings and public spaces within and around the site date from this time. This area is in need of regeneration as it has a poor appearance, characterised by a number of vacant shops and poor quality open space. The resulting character and quality of the built environment in this area contrasts markedly with the more historic parts of Old Hatfield. None of the buildings within the application site are statutorily listed, although the site adjoins a number of Grade II Listed Buildings which front onto Park Street. With regard to the demolition of the existing property, it is considered that subject to a high quality development on the site which meets the relevant policies within the District Plan, its' demolition would not be detrimental to the character and appearance of the locality.
- 11.21 The rationale behind the application proposals is to take elements from the area's past and present to create a superior public realm. It is proposed to reinstate vehicular access into Salisbury Square. Since the creation of Salisbury Square, Old Hatfield has been cut off from the passing activity of the Great North Road. In one way this is a benefit, as the volume of traffic on the modern road is something to which the streets of Old Hatfield are poorly suited. However, one apparently unintended consequence of the revised street pattern has been to reduce the level of activity passing through the area to the extent that it has led to a serious decline in the vitality of Old Hatfield by reducing the visibility and accessibility of local shops and removing much of the passing trade. This application proposes to reintroduce a vehicular route into Salisbury Square. Vehicular access to the Square, and short-stay parking spaces, would increase the potential for passing trade which would improve demand for businesses situated within the Square.
- 11.22 Salisbury Square currently accommodates quite a large space at its centre, but the design of this space is poor, and is considered poorly maintained and

underused. The application proposes to reduce the size of the open space, but also to make the new space far more user-friendly.

- 11.23 The Conservation Officer notes that a similar scheme was approved under S6/2011/1994/MA. The principle of demolishing the existing buildings and redeveloping the site has therefore previously been accepted. The loss of the existing buildings is not considered to be harmful to the significance of the Conservation Area. The shopping parade does not contribute to the significance of any of the nearby listed buildings as part of their setting and its demolition would not harm the significance of these listed buildings.
- 11.24 Moving to the proposed redevelopment of Salisbury Square, the proposed new (linked) building would be three storeys in height and of a similar height to the existing buildings on Salisbury Square. The ridge heights of the new building are varied and for example, lower than that of the former Job Centre building (Black Horse House – 36 Salisbury Square) which is four storey. The scheme takes advantage of the site topography which slopes downward from West to East across the Square. The proposed new linked building would continue to enclose Salisbury Square on its northern side and has been designed to accord with the traditional character of Old Hatfield and follows the principles set out in the Estate's Building Code for Hatfield.
- 11.25 The mixed-use building is designed to read as a series of historic buildings, connected by a later, more modern intervention. The bronze link is set back from the frontage, reducing the bulk and massing of the building. Traditional materials are offset against a high-quality contemporary cladding which provides a sense of architectural evolution within a historic environment.
- 11.26 The ground floor of the proposed buildings would be characterised by traditional timber shop frontages, which would form the edges of Salisbury Square, and would be used as retail/commercial units. The first and second floors would comprise of either facing brick or render to reflect the mixed character of the surrounding area and would be used as commercial/ residential. Dormers would also feature within the proposed mansard roof.
- 11.27 A new shared surface roadway would be provided within the square, with vehicular access from Arm and Sword Lane running from the rear of The Great Northern Public House. A separate pedestrian access into the square would be provided at the bottom of Arm and Sword Lane, beyond the terrace of new town houses, leading through to the new development.
- 11.28 In terms of height, scale and relationship with the street scene and locality, it is considered that the new mixed-use building would appear appropriate in its context and relate well to the existing pattern of development.
- 11.29 Overall, it is considered that the architectural style, roof form, windows and detailing proposed for the building is sympathetic to the locality and appropriate in scale, thus the proposal is considered acceptable and that, subject to the use of high-quality materials, the development would be of a good standard. It is considered that the new building would visually enhance Salisbury Square, and the traditional style of the design overall relates well to the design of adjacent buildings and the character of the area.

- 11.30 Two bike stores are proposed which would accommodate 26 cycle parking spaces. The proposed cycle stores are to be located to the east of the site, one backing onto the gardens of the properties within Park Street and the other further south adjacent to York House. In terms of footprint, they would measure 25sqm and 15sqm respectively. Both cycle stores would have a height of approximately 2.3m and be of constructed from transparent glass supported on a simple metal frame.
- 11.31 Two bin stores are also proposed, one for residential waste and the other for commercial waste. These would be located to the west of the site for ease of access for the refuse freighter during collection. The residential bin store would have a footprint of approximately 17sqm and measure approximately 4.2m in height, whilst the commercial bin store would have a proposed footprint of approximately 10sqm and measure approximately 3.6m in height. The bin stores would have a traditional pitched roof, timber clad outbuilding appearance.
- 11.32 It is considered that the proposed cycle and bin stores would be of a suitable size, scale, design and siting so as not to harm the character and appearance of the site, the Conservation Area or the setting of nearby listed buildings.
- 11.33 Turning to the proposed terrace of houses to the north of the site, these would face a similar terrace of the on the north side of Arm and Sword Lane. The two terraces would create a new residential street and would bring activity to an area currently dominated by back yards and surface car parking. The new terrace of houses would form a strong sense of enclosure and recreate a former street at this location. The submitted Heritage Statement identifies that there was formerly a row of houses broadly in this location called (Viaduct Villas) and also an old street in this location called Arm and Sword Yard. The houses would be two storeys in height with further accommodation in the roofspace. Each house would feature a small dormer window to the front and rooflights to the rear, albeit plot 1 would also incorporate a rear and side dormer, which would be reflective of the character of other recent residential development within the immediate area. The houses would be set on lower ground to the new buildings in Salisbury Square and would be stepped up the hill towards the Great North Road. The terrace has been designed in a traditional style, reminiscent of many of the older buildings in Old Hatfield in terms of their door and window types and sizes, building height, roof pitch and materials. The scale of the new street would be similar to that of many of the older streets in the nearby area, such as Fore Street and Park Street.
- 11.34 Overall, the proposed demolition of the shopping parade and construction of new buildings with a traditional design and use of high-quality materials would improve the appearance of the site and the surrounding Conservation Area. The resulting bulk and scale of the development would be comparable to the existing buildings which front onto the Square whilst creating a stronger sense of enclosure and continuity. The proposed terrace houses would face a development of houses similar in design and scale creating a new street. In conclusion, subject to conditions, it is considered that the scheme provides a good standard of design that would enhance the character and appearance of the area.

### 3. Residential amenity

- 11.35 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.
- 11.36 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.
- 11.37 Draft Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupants of the proposed development.
- 11.38 With regard to properties on Park Street to the east, there would be an approximate 26m separation distance maintained between the rear elevation of the nearest property, No.7 Park Street, and the new 2½ / 3 storey mixed-use building fronting Salisbury Square. This is a similar distance to that which was approved under application reference S6/2011/1994/MA, and the element of the proposed building closest to Park Street within this current application is of a lower height than previously granted. The proposal is therefore considered to be a sufficient distance and scale to cause no undue detrimental impact in terms of an overbearing impact or a loss of light. In terms of privacy and the numerous windows proposed to the east elevation facing Park Street, along with the proposed terrace area, the proposal is considered to be a sufficient distance to not cause undue loss of privacy.
- 11.39 The proposed mixed-use building is also considered to be of a suitable separation distance from The Great Northern Public House and the proposed five terraced dwellings to the north of the site, and York House and other buildings sited further south of the site, so as to not pose a significant detrimental impact upon residential amenity. The proposed building is also to be no closer to 36 Salisbury Square (the former Job Centre which is currently being converted into residential units) than that of the previous approved scheme, thus and notwithstanding the updated use of the building, the current proposal is also considered acceptable from a residential amenity perspective.
- 11.40 As for the impact that the proposed five terraced properties may create to surrounding residential amenity, it is considered that the terraced properties opposite, to the north of the site on Hand and Sword Lane, would be a sufficient distance from the proposal to not be detrimentally impacted as a result. This is also the case for the Great Northern Public House to the west. The closest property in Park Street would be sited approximately 17m away which is considered a sufficient distance. It should be noted that the L-shaped building to the south-east in close proximity to the row of terraces are garages and therefore the proposal would not have an impact to amenity as this is not in habitable use.
- 11.41 Turning to future occupants, all proposed dwellings would be compliant with the Nationally Described Space Standards, and as stated within the submitted Design and Access Statement, the proposed flats would meet the accessible and

adaptable standards (Building Regulations Part M4(2)), with 38% of the proposed dwellings complying with Building Regulations Part M4(2), exceeding emerging policy requirements.

- 11.42 Policies H4 and D1 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. Each of the five new houses would have a private garden which can be accessed externally from the rear of the property. Although the rear gardens for the proposed 3-bed houses are not large, these gardens face south and are not so small that they would not provide the minimum to be expected of a garden (i.e. clothes drying and “sitting out” etc). It is also relevant that all residents of Old Hatfield are presently able to access the Hatfield Park Estate free of charge and enjoy the large areas of open space that this offers. The gardens are therefore considered to be adequate to serve the needs of future occupants both in terms of their size and their orientation.
- 11.43 Flat 3 on the second floor would benefit from a large terrace area overlooking Salisbury Square to the south, whilst flat 1 and 2 would not benefit from any private amenity space. However, occupants would be able to make use of the open space within Salisbury Square as well as a more informal area of soft landscaping located within a short walking distance, approximately 80m, to the north of the viaduct. This is considered satisfactory as future occupants of the proposed flats would be aware of the surrounding environment and the urban character of the locality. Also, as previously stated, all residents of Old Hatfield are presently able to access the Hatfield Park Estate free of charge and enjoy the large areas of open space that this offers. Subsequently, on balance, no objections are raised in this regard.
- 11.44 In terms of noise, the proposed residential use is not likely to cause any adverse impacts to the existing neighbouring occupants. However, the Council’s Public Health and Protection Officer advised that the proposed development needs to comply with the Council’s noise requirements for transport sources and noise from commercial operations. The Council’s Public Health and Protection Officer notes that noise complaints have been received in the past regarding the Great Northern Public House in terms of noise from amplified music which would need to be assessed for the new development. This is also the case for any other commercial operations that are already established in the locality, along with any new proposed commercial operations as part of the new development and the surrounding transport network. A condition is therefore recommended for a scheme to protect the proposed development from noise to be submitted and approved prior to above ground development, to ensure that noise will not have an adverse impact on the living conditions of future occupants.
- 11.45 The new dwellinghouses would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupants. NPPF paragraph 54 states *“planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”* The Planning Practice Guidance (PPG) advises that *“Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”*. In this case, given the relatively

small plot sizes and the close proximity of neighbouring properties, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupants, with particular regard to overbearing impact, loss of light and loss of privacy. Therefore, to protect the amenity of neighbouring occupants, it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwellings (class A) and porches (class D).

- 11.46 In light of the above observations, it is considered that the proposed development would respect and sufficiently retain the amenity of surrounding residential properties and, subject to conditions, would provide a good level of amenity for future occupants in accordance with District Plan Policies, the Supplementary Design Guidance and the relevant paragraphs of the NPPF in this regard.

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

- 11.47 The application proposes to return vehicular activity into Salisbury Square. It will cater for traffic coming from Great North Road and visiting Salisbury Square, but it will not provide a through route to Park Street.

- 11.48 The Highway Authority issued their initial response to the amended scheme on 2<sup>nd</sup> March 2022 which recommended refusal due to insufficient information in relation to a number of issues. The applicant worked positively towards addressing the issues of concern and in response submitted various amended plans which included:

789 - PL - 080 - B - Proposed Refuse and Cycle stores  
789 - PL - 108 - D - Proposed Site plan roofs level  
789 - PL - 109 - E - Proposed site plan ground floor level  
789 - PL - 110 - B - Retail and apartment block - Ground Floor  
789 - PL - 150 - C - Houses Ground Floor  
789 – PL – Salisbury Square Drawing Issue Sheet 26.5.22

- 11.49 Following re-consultation, the Highway Authority has confirmed that it does not wish to restrict the grant of permission, subject to suggested conditions.

#### *Vehicle Access:*

- 11.50 Vehicular access remains on the south side of Arm and Sword Lane, but will be via a new vehicular access located to the west of the proposed row of terrace dwellings which would not only serve the new car park, but also the new residential and retail development. A further access will be retained to the east of the proposed row of terrace dwellings to provide access the 3 car parking spaces. Unlike the previous application of S6/2011/1994/MA, the proposed new road though the site would not offer access from Great North Road to Park Street.
- 11.51 The Site Layout Plan shows pedestrian access will be from two points on Arm and Sword Lane, with these being alongside the vehicular accesses, to connect the existing footway on the south side of Arm and Sword Lane. Access will also be provided to the east via three existing pedestrian access points that connect the existing footway on the east side of Park Street, and to the south via an existing pedestrian access point that connects to the existing footways on

Batterdale. Pedestrian access will also be provided to the west via a new footway proposed as part of a consented scheme (6/2017/1902/FULL) that is currently being constructed on the east side of the A1000 Great North Road south from Arm and Sword Lane.

11.52 The Highway Authority requested details of the dropped kerb and tactile paving on either side of the vehicular access from Arm And Sword Lane, and visibility splays of 2.4m x 43m. This has been provided by the applicant by way of amended plans as detailed above.

11.53 The Highway Authority are satisfied with the proposed vehicle and pedestrian accesses proposed.

*Construction:*

11.54 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Environment Management Plan (CEMP) will be required. A CEMP can be appropriately secured by condition.

*Parking provision:*

11.55 Paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 111 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

11.56 Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

11.57 The proposals include the removal of the existing short stay public car park which currently provides 65 spaces, and the creation of a shared surface parking provision throughout the site for 65 parking spaces. This includes provision for disabled users and an indicative car club space as well as spaces for retail, commercial and new residents.. The proposed car parking will also be managed using parking permits to deter commuter parking as operates more widely within Old Hatfield. It will be a shared surface car parking area.

11.58 Based on the development mix for the scheme set out below, a maximum of 59.75 parking spaces is the guideline figure for the proposed development:

5 x 3-bedroom house (5 x 2.25 spaces= 11.25 spaces)

3 x 2-bedroom flat (3 x 1.5 spaces= 4.5 spaces)

264m<sup>2</sup> retail (9 spaces)

1049m<sup>2</sup> commercial (35 spaces)



- 11.59 The site is located within zone 2 in terms of parking which allows a reduction in the number of parking spaces from that of the maximum number which is assessed as appropriate for the site. The site is located within zone 2 as the site is located within an urban area which is considered to be a sustainable location. Within the Parking Standards SPD it states that 25-50% of the maximum number of parking provision could be considered appropriate for a site within zone 2. If a reduction of 50% is applied to the proposed parking provision at Salisbury Square, 30 spaces could be considered acceptable. Moreover, if it were to be considered that as little as 25% of the maximum parking provision could be acceptable, this would see a provision of 15 spaces for the proposed development.
- 11.60 In terms of the loss of some public parking, whilst this is acknowledged, the site is considered to be located within a sustainable location, where sustainable modes of transport are encouraged to help the current climate crisis.
- 11.61 For the reasons discussed above, the proposed parking provision is considered acceptable. A condition is to be imposed for details of the proposed parking spaces allocated to each unit, prior to occupation, to ensure that residential units have allocated parking spaces.

*Sustainable travel & accessibility:*

- 11.62 There has been a very significant shift towards increasing focus on sustainable travel and highly accessible developments since the previous application, when the NPPF was fundamentally revised, and Hertfordshire County Council's new LTP4 was adopted. Since that time, additional government guidance has been published to reinforce this approach, and both the County Council and Welwyn Hatfield Borough Council have declared a climate emergency. As such, all new development must now accord with this approach.
- 11.63 Paragraph 110 of the NPPF states that developments should ensure "*safe and suitable access to the site can be achieved for \*all\* users*", and that "*appropriate opportunities to promote sustainable transport modes can be – or have been – taken up*". It references the new National Model Design Code, of which key quotes include: "*New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes*" and "*all streets should be accessible to all members of the community*" (paragraph 59 part 1); plus "*walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less*" (paragraph 33 part 2).
- 11.64 Paragraph 112 of the NPPF 2021 goes on to states that "*development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas*"... "*address the needs of people with disabilities and reduced mobility in relation to all modes of transport*"... and "*create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles*".
- 11.65 Hertfordshire County Council's Local Transport Plan 4 (2018) echoes this, placing a much greater emphasis on the importance of sustainability/accessibility than its predecessors. Policy 1 for example states that the first step to consider is that "*opportunities to reduce travel demand and the need to travel*" are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised

forms of travel. This user hierarchy should be at the heart of all new development proposals, and each user is considered in turn below.

- 11.66 The proposal is to incorporate 36 cycle parking spaces, 26 of which will be covered within the proposed two cycle stores, and a further 10 uncovered. This is proposed to encourage sustainable modes of transport.
- 11.67 It is also proposed to include Electric Vehicle (EV) Charging Points within the scheme. The submitted statement included in the covering letter states that 20% of the car parking spaces will have EV charging points. This means that at least 13 of the 65 car parking bays must be served by an active EV charging point. This is supported by the 789 - PL - 109 - E - Proposed site plan ground floor level drawing which shows 11 EV charging points near 21 parking bays to the southeast of the site. These 21 parking bays include 1 disabled bay and 1 car club bay. This provides opportunities to encourage use of non-car modes and reduce reliance upon fossil fuel-powered private cars.
- 11.68 Moreover, Old Hatfield is in a highly accessible location, and the application site is only around 50m from Hatfield railway station at its closest point. There is a bus interchange located immediately adjacent to the railway station, which offer a good range of services to local destinations. The application site is also located within 1km of Hatfield town centre, which contains a wider range of convenience and comparison shops and is within easy access by bus or cycle.

*Trip generation:*

- 11.69 Herts County Council (HCC) as Highway Authority has reviewed the application submission and have no objection to the proposed development, subject to planning conditions. The Transport Statement and other relevant documents have been used to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates were reviewed and are considered to have a minimal impact on the local highway network.

*Highway safety:*

- 11.70 Within the Transport Statement, the applicant has included a review of 5-year accident data covering the surrounding highway network within the vicinity of the proposed development. There is no evidence to suggest that the proposed development will have an adverse impact on the safety of the surrounding highway network, particularly as it is predicted there will be a net reduction in the number of vehicular trips generated.

*Refuse strategy:*

- 11.71 Following further information requested by the Highway Authority, the applicant has submitted Drawing No. SSHT-WSP-00-XX-DR-TP-0002 P03, a swept path analysis for an 11.4m long vehicle entering and exiting the site access junction. Based on this information, the Highway Authority are satisfied that a refuse vehicle can enter and exit the site without the body of the vehicle encroaching on the footway. The Drawing Nos. SP102 and PL05 have shown that the maximum dragging distance for a bin collection is 25m and is in line with the standards set out in Roads in Hertfordshire: Highways Design Guide. Details of refuse storage are discussed further in the report.

## **5. Landscaping**

- 11.72 District Plan Policy R17 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.
- 11.73 The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 11.74 Salisbury Square itself is not currently a successful place. It was designed to offer a green and open space at the heart of Old Hatfield, however, the existing landscaping within Salisbury Square is minimal and unattractive. Most of the square is covered with grassed raised planters making the area dysfunctional. The Square therefore suffers from a lack of activity and with relatively little pedestrian traffic through the Square. It fails to make the most of its location, with much of the activity of Old Hatfield happening on the streets outside its boundaries, which are vehicular routes. The open space at the Square's centre is unwelcoming and inflexible, as it is surrounded by a brick wall and which appears poorly maintained. Within the submitted Design and Access statement it notes that residents expressed a strong desire for a safe, welcoming environment, and more flexible and useable public spaces.
- 11.75 It is proposed to make use of Salisbury Square to fulfil its wasted potential. The scheme proposes to create a multi-functional, accessible space for the whole community to use. The square will be predominantly a shared surface, made up of a mixture of conservation granite paving and resin bonded gravel. Where required, Montague bollards will be used to control the traffic. The Square will be defined by the planting of young trees.
- 11.76 It is anticipated that the regeneration of the enhanced square will create a pleasant and accessible space, allowing community events such as Farmers Markets and Christmas Fairs to be held, bringing locals and visitors to the area. The proposed new parking area on the eastern side of the Square (outside York House) will be a multi-purpose space and closed at certain times in order to accommodate these events.
- 11.77 An Arboricultural and Planning Integration Report by GHA Trees arboricultural consultancy has been submitted as part of the application, report dated 22<sup>nd</sup> November 2021. The Arboricultural and Planning Integration report states that nine individual trees and one group of trees are to be removed to facilitate the development. Although these trees have some amenity value, none are of exceptional quality. The Landscape Officer was consulted on this application, and it is considered that the assessment of the trees is a fair appraisal, and no objection is raised to their removal, provided that suitable landscaping is provided within the new scheme.

- 11.78 Overall the Council's Landscaping Officer has no objections to the redevelopment of this part of Old Hatfield, subject to some minor concerns with regard to tree planting and soft landscaping, which can be dealt with through planning conditions. A planning condition is suggested requiring a landscaping scheme to be submitted prior to any onsite activity and approved by the Local Planning Authority. A landscaping scheme would include means of enclosure and boundary treatments, vehicle and pedestrian access and circulation areas, hard surfacing, other hard landscape features and materials, planting plans and street furniture. At the very least the Landscape Officer expects that the landscaping should replace the trees removed, but a scheme of this size is expected to bolster and enhance the landscape and biodiversity on site and as such, the landscaping should also consider the use of vertical greening and/or green roofs.
- 11.79 Further conditions should be imposed requiring a detailed Arboricultural Method statement to be submitted and approved prior to the commencement of any works on site.

## **6. Other considerations**

### *i) Ecology and biodiversity*

- 11.80 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity.
- 11.81 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that "*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*".
- 11.82 The Environment Act 2021 gives greater emphasises to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.0). However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023.
- 11.83 An Ecological Assessment by Pro Vision (report date November 2021) was submitted with the application, as has a Bat and Nesting Bird Survey Report by eco-scope, ecological solutions (report date October 2021). It was considered that the existing ecology of the site is limited, being largely amenity grassland, with some hedges and scattered trees, along with some introduced shrub.
- 11.84 In terms of impact upon birds, it is possible that the site supports nesting birds and caution should therefore be taken with demolition works. This can be dealt with through a suitably worded condition.
- 11.85 In terms of bats, it was found that although bat flight activity was recorded during an emergence survey in September 2021, no evidence of roosting bats was found, and as such no further surveys were considered necessary. Since

roosting is not confirmed, a bat informative would suffice for the protection of any bats that may be found.

11.86 Overall, there is no in principle ecological objection to the development. No significant ecological constraints have been identified that would prevent permission being granted, subject to appropriate mitigation and enhancement measures being implemented. Further detail will be required to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. In view of this, conditions securing these measures have been suggested

*ii) Flood risk and surface water drainage*

11.87 Emerging policy SADM14 requires Flood Risk Assessments and a sustainable drainage system to manage surface water run-off and surface water flood risk for all major developments. The NPPF seeks to steer new development to areas with the lowest probability of flooding from any source. Flood Zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1.

11.88 In the previous application of S6/2011/1994/MA a Flood Risk Assessment (FRA) was submitted. It was confirmed in the FRA that the application site is located entirely within Flood Zone 1 and therefore represents a very low probability of flooding. The Environment Agency (EA), upon the previous application, confirmed that they do not have any record of specific issues with groundwater flooding at the site, and have comment on this application with no comment. The EA do however note that whilst the site is located within a Source Protection Zone 3, neither the previous nor proposed use pose a high contamination risk. As the entire site is located in Flood Zone 1, and the site is also less than 1 hectare in area, a further Flood Risk Assessment is not required. Moreover, a Sequential Test, which gives preference to locating new development in Flood Zone 1, does not need to be undertaken for the development proposals.

11.89 The application is supported by a Surface and Foul Water Drainage Strategy Report prepared by WSP Gascoyne Estates Ltd, a Surface, a Foul Water Drainage Strategy Report dated November 2021 and a letter to the Lead Local Flood Authority dated 19<sup>th</sup> August 2022. It is proposed to split the site into 2 catchments. The submitted Design and Access statement states that surface water runoff will be attenuated for events up to and including the critical 1 in 100 year + 40 % climate change rainfall event. An attenuation volume of 48m<sup>3</sup> is required for catchment 1 to restrict flows from the site in line with predevelopment rates and 149m<sup>3</sup> for catchment 2 to limit flows to the equivalent greenfield discharge. Catchment 1 is proposed to discharge at a maximum rate of 18.6 l/s to an existing Thames Water surface water sewer, north of the Site (un-named). Catchment 2 is to discharge to Thames Water surface water manhole 3601 at the restricted rate of 2.9 l/s.

11.90 Moreover, foul water flows are proposed to be directed towards an existing Thames Water sewer running west-east through the north of the site at Manhole 3619 at a peak rate of 0.9 l/s as per Thames Water methodology.

11.91 It will also be necessary to implement treatment devices such as trapped gullies and catchpit manholes to prevent any contamination and silt ingress into the drainage system, accordingly, a condition is suggested.

- 11.92 Thames Water has been consulted and have confirmed that they do not have any objection to the development.
- 11.93 The Lead Local Flood Authority (LLFA) initially provided two objections to the application. The objection was on the basis that there was insufficient information submitted to confirm that the site will not increase flood risk to the site and elsewhere, and that appropriate sustainable drainage techniques can be provided. Upon the submission of further information, the objection from the LLFA was overcome, subject to conditions.

*iii) Renewable energy*

- 11.94 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.
- 11.95 The NPPF, at Paragraph 152, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 11.96 In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 11.97 District Plan Policy R3 states that the Council will expect all development to: (i) Include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping; and (ii) Incorporate the best practical environmental option for energy supply. Emerging Local Plan Policy SP10 seeks to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.
- 11.98 The proposed development seeks to provide sustainable and energy-efficient new homes. These will reflect (as a minimum) Development Plan objectives as well as Building Regulations requirements, alongside the aspirations of emerging policy. This is supplemented by aspirations to increase efficiency in the construction phase (as set out in the Site Waste Management Plan and through the adoption of Modern Methods of Construction) but also through the long-term use of the development.
- 11.99 In terms of the latter, the key driver for the scheme is to provide a positive response to Welwyn Hatfield's declared Climate Change Emergency from June 2019, and as such the design ethos has been honed to ensure that the scheme provides homes that exceed current requirements and provide a low carbon solution that are designed to reflect and meet future requirements.
- 11.100 This is set out in some detail within the accompanying Energy and Sustainability Statement but refers to measures which include the use of air

source heat pumps for the three apartments in the main building, with the proposed row of terraces proposed to be connected to the existing ground source heating system and the retail/commercial units having a VRV/VRF heat pump system. The buildings are proposed to be structurally energy efficient though thermally efficient walls, roofs and floors, along with ensuring air tightness.

11.101 The weight to be afforded to these measures would clearly be greater if delivery was assured. In this regard the applicant has confirmed their agreement to a condition which would provide a delivery mechanism.

11.102 In terms of location, Old Hatfield is in a highly accessible location, and the application site is only around 50m from Hatfield railway station at its closest point. There is a bus interchange located immediately adjacent to the railway station, which offer a good range of services to local destinations. The application site is also located within 1km of Hatfield town centre, which contains a wider range of convenience and comparison shops and is within easy access by bus or cycle. This makes the site a sustainable location. Moreover, the proposal is to incorporate 36 cycle parking spaces, 26 of which will be covered within the proposed two cycle stores, and a further 10 uncovered. This is proposed to encourage sustainable modes of transport. It is also proposed to include Electric Vehicle (EV) Charging Points within the scheme. The submitted statement included in the covering letter states that 20% of the car parking spaces will have EV charging points. This provides opportunities to encourage use of non-car modes and reduce reliance upon fossil fuel-powered private cars.

11.103 The measures summarised above provide strong positive contribution to ambitions to reduce carbon demand. As such, these measures weigh heavily in favour of the development.

#### *iv) Contaminated land*

11.104 District Plan Policy R2 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.

11.105 A contamination condition was previously discharged under reference 6/2015/1889/COND following the approval of S6/2011/1994/MA. A Phase 1 and 2 contaminated land assessment has been undertaken by RSK and submitted in support of this current application.

11.106 The Council Environmental Health Officer has reviewed the submission and recommended that conditions are included for a verification report be submitted prior to occupation, as well as ensuring that if any unexpected finds are discovered during construction, further assessment work is undertake. Accordingly, subject to the imposition of the above-mentioned condition, the proposal would not be contrary to Policy R2.

#### *v) Archaeology*

11.107 District Plan Policy R29 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.

- 11.108 The site lies partly within and adjacent to Area of Archaeological Significance No.17 and so Policy R29 applies. An archaeological desk-based assessment was submitted as part of the previous application of S6/2011/1994/MA, noting that the potential for surviving archaeological remains in the area of the car park is medium but lower across the rest of the site. The County Archaeologist was consulted on the previous application of S6/2011/1994/MA and advised that the proposed development is likely to have an impact on heritage assets and a planning condition was suggested.
- 11.109 The condition imposed upon the grant of permission of S6/2011/1994/MA was subsequently discharged under reference 6/2015/1571/COND through the submission and approval of the final version of the Archaeological Written Scheme of Investigation. Therefore, it is necessary to impose a condition on this current application to ensure that the site investigation and post investigation assessment is completed in accordance with the programme set out in the Written Scheme of Investigation approved under the discharge of condition application 6/2015/1571/COND, and the provision made for analysis and publication where appropriate.
- 11.110 Accordingly, subject to the imposition of conditions, the proposal would not unduly impact on archaeology and complies with Policy R29.
- vi) Refuse and recycling*
- 11.111 The plans submitted show a designated refuse area for the residential use as well as an additional designated refuse area from the commercial use.
- 11.112 The residential refuse area would serve the five houses and three flats proposed. As shown on Drawing No. 789-PL-080 B, the refuse store would be capable of accommodating one 1100 litre bin and two 240 litre bins, both used for refuse, as well as eight 240 litre bins which are to be used for recycling. The Council's Client Services Team raised no objection to the proposed development but stated a different number/size for the proposed refuse/recycling bins to that shown on the plans, and that the store should be no more than the recommended maximum 15m drag distance for refuse operatives. The plan indicates that the store would be sited approximately 13m from the proposed new access. Furthermore, residents would not have to carry waste more than 30m to the refuse storage area which is in accordance with MfS 6.8.9.
- 11.113 Turning to the commercial refuse area, this store would be sited approximately 37m away from the proposed access. The refuse store would be capable of accommodating three 1100 litre bins. Whilst the proposed commercial bin store is sited more than the 15m drag distance, swept path analysis has been undertaken to ensure refuse vehicles can manoeuvre the internal road layout and access within 25m of any bin storage area or collection point. Occupants of the commercial units would not have to carry waste more than 30m to the refuse storage area which is in accordance with MfS 6.8.9. The Council's Client Services Team raised a concern with regards to the shared arrangement of waste between each commercial unit, since the waste requirements will vary from business to business. Nevertheless, it was suggested that this can be resolved via a Trade Waste Agreement for each business and therefore this should not restrict the grant of planning permission.



11.114 No concerns have been raised by the Highways Authority in this regard and the development would therefore be acceptable, subject to further details and clarification of the refuse arrangements which can be secured by condition.

*vii) Accessible and adaptable dwellings*

11.115 Policy H10 of the 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.

11.116 As stated above, draft Local Plan Policy SP7 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, 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 Modifications consultation.

11.117 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.

*viii) Waste management*

11.118 The buildings on the site are to be demolished as part of this development which will generate a significant quantity of waste. It would be reasonable to request that materials are recycled and re-used as appropriate.

11.119 A Waste Management Plan is included in the submitted Planning Design and Access Statement at Appendix H. This plan was the Waste Management Plan discharged under reference 6/2015/1863/COND for condition 10 imposed upon the original grant of permission (S6/2011/1994/MA).

11.120 The plan states that where possible, construction waste will be broken down into fractions that can be recovered or recycled. One of the prime objectives of the process is to minimise the waste sent to landfill; however where materials have to be disposed of in this way, they will be sent to a local facility. On-site waste minimisation and management methods will be employed, with particular emphasis on waste minimisation, including practical measures to be implemented to ensure effective sorting, storage, re-use, recovery, recycling and the provision of facilities to enable this.

11.121 The development will make use of recycled building materials wherever possible. In addition, the generation of construction-related waste can be significantly reduced through the use of pre-fabricated elements, which can be transported to the building site.

11.122 A condition will be imposed to ensure that the proposed demolition works are undertaken in accordance with the Waste Management Plan submitted within Appendix H of the submitted Design and Access Statement, and that which has

previously been discharged under reference 6/2015/1863/COND, with any alterations to this plan to be submitted to and approved in writing by the LPA.

*ix) Lighting*

11.123 Policy R20 seeks to avoid light pollution from external lighting in new development.

11.124 Lighting within the proposed development would be limited to that required to make its public spaces safe and welcoming after dark, and for domestic and retail/ commercial purposes. The types of lighting would be selected with sensitivity to surrounding development, and with a view to minimising light pollution so as to accord with the criteria of Policy R20. Lighting units would be traditional in design to be in keeping with the character of the conservation area.

11.125 A condition is suggested requiring lighting details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

*x) Chalk mining*

11.126 There is a history of chalk mining activity in the Borough which has left voids beneath the ground surface in some areas. The responsibility for every development rests with the developer and/or landowner, and the grant of planning permission or of building regulation approval does not warrant or indicate that the application site is safe or suitable for the development proposed. This application site is identified in the Chalk Mining Risk Assessment map produced by the Council's external Consultants as being in a low risk area. The site has also been checked against the Council's Hatfield Chalk Mining Risk Assessment Tool and is designated as being 'Low' therefore an informative and a planning condition would be reasonable for any permission granted.

*xi) Houses in multiple occupation*

11.127 Since 11th January 2012, there has been an article 4 direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.

11.128 As a result of the Direction, it is considered appropriate and reasonable to include on new housing developments within Hatfield details to inform developers that there is an Article 4 Direction, by virtue of an informative, but also include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that a condition is attached.

**8. The planning balance**

11.129 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.

11.130 The Council's current position in respect of housing land supply is acknowledged: *"The Government published the housing delivery test results on 14 January 2022, which confirmed that Welwyn Hatfield had built 1,486 homes in the period 2018/19-2020/21 against a target of 2,245."* This equates to 66%, and, because supply has fallen below 75%, the Council is required to apply the presumption in favour of sustainable development when determining planning applications.

11.131 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."*

11.132 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<sup>8</sup>, 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<sup>7</sup>; 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.*

11.133 In this case, the tilted balance is engaged.

11.134 Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

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

11.136 The proposed development would deliver eight additional residential units in a Borough where a shortfall in housing has been identified. Short term

economic benefits would also arise from the construction of the development. Further economic benefit arises from the new commercial floorspace that will be created as a result of the proposed development, as well as the enhanced vitality and viability of the area. Social and environmental benefits arising from the development would include the provision of comfortable and energy efficient new homes within walking distance to shops and services.

11.137 No other significant adverse harm or conflicts with policies that affords protection have been identified. In view of the above, the benefits of the proposal are not outweighed by significant or demonstrable harms. As such, the proposed development is considered to accord with the relevant policies of the District Plan 2005, the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework and there are no other material considerations sufficient to justify a refusal of planning permission.

**12 Conclusion**

12.1 The proposal is considered to form a positive enhancement and appropriate form of development for the site. The scheme would appropriately maintain the character and appearance of the surrounding area, would be of an appropriate density, layout and design. Furthermore, the proposed development would maintain the residential amenity that adjoining dwellings and properties currently enjoy and the proposed layout and existing surrounding uses would not give rise to a detrimental impact to the future occupants of these properties. In addition, the proposal would not have a detrimental impact on highway safety, landscaping, waste management, wildlife, archaeology, residential amenity or potential contaminated land to an extent that would justify the refusal of the application on these grounds.

12.2 Subject to conditions, the proposal is considered acceptable. Accordingly and for the reasons given, the proposal is recommended for approval.

**13 Recommendation**

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

**PRE-COMMENCEMENT CONDITIONS**

1. Approved Drawings

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
789-PL-108	C	Proposed Site Plan	22 April 2022
SSHT-WSP-00-XX-DR-TP-0002	P03	Refuse Swept Path Analysis	22 April 2022
789-PL-080	B	Proposed Refuse & Cycle Stores	10 June 2022

789-PL-109	E	Proposed Site Ground Floor Plans	10 June 2022
789-PL-110	B	Retail & Apartment Block Ground Floor Plan	10 June 2022
789-PL-150	C	Houses - Proposed Ground Floor Plans	10 June 2022
789-PL-010		Site Location Plan	7 December 2021
789-PL-011		Existing Site Plan	7 December 2021
789-PL-020		Demolition Plan	7 December 2021
789-PL-025		Existing Sections	7 December 2021
789-PL-027		Existing Plans & Elevations	7 December 2021
789-PL-090		Street Furniture & Finishes	7 December 2021
789-PL-111	A	Retail & Apartment Block First & Second Floor Plan	7 December 2021
789-PL-112	A	Retail & Apartment Block Roof & Basement Plan	7 December 2021
789-PL-120	A	Retail & Apartment Block Elevations 1	7 December 2021
789-PL-121	A	Retail & Apartment Block Elevations 2	7 December 2021
789-PL-130	A	Retail & Apartment Block Sections 1	7 December 2021
789-PL-151	B	Houses - Proposed Floor Plans	7 December 2021
789-PL-155	B	Houses - Proposed Elevations	7 December 2021
789-PL-156	A	Houses - Proposed Garden Wall & Section	7 December 2021

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

2. Construction Management Plan

No development shall commence until Part A of the Construction Management Plan, to enable demolition, has been submitted to and approved in writing by the Local Planning Authority.

No development above ground level, other than demolition, shall take place until Part B of the CMP shall be submitted to and approved in writing by the LPA.

Thereafter, the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan 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 car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Policies 5, 12, 17 & 22 of Hertfordshire's Local Transport Plan (adopted 2018); Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### 3. Archaeology

A) No development, other than demolition work, shall 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.

#### 4. Tree Protection

No development, other than demolition work, shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved statement. The Arboricultural Method Statement must include:

- a) A specification for the pruning of trees to be retained in order to prevent accidental damage by construction activities;
- b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection;
- c) The specification of the routing and mean of installation of drainage or any underground services within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- d) The details and method of construction of any other structures such as boundary walls within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- e) The details of any proposed alterations to existing ground levels within the Root Protection Area (RPA) and/or canopy spread of retained trees; and
- f) Provision for the supervision, by an appropriately qualified arboricultural consultant, of any works within the root protection areas of trees to be retained.

REASON: To ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policy D1, D2, D8, R17 & RA10 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM11 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 5. Structural Design Certificate

No development, other than demolition work, shall commence until a structural design certificate, completed and signed by a Chartered Engineer, and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall certify that appropriate site investigations have been carried out at the site. The scheme shall include an investigation and assessment to identify those precautions or measures deemed to be required in the design and

construction of the proposed development minimise any danger which might arise as a result of ground conditions.

The scheme as approved shall be fully incorporated in the design and construction of the proposed development.

REASON: To ascertain the stability of the site and to determine the structural suitability of the development thereon in view of prevailing ground conditions in accordance with the National Planning Policy Framework. To ensure that no development is undertaken which may be prejudiced by existing ground conditions in accordance with the National Planning Policy Framework.

#### 6. Landscaping Scheme

No development, other than demolition work, shall commence until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:-

- a) means of enclosure and boundary treatments;
- b) car parking layout and markings;
- c) vehicle and pedestrian access and circulation areas;
- d) hard surfacing, other hard landscape features and materials;
- e) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
- h) management and maintenance details.

REASON: The landscaping of this site is required to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies D1, D2 & D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM11 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 7. Petrol Interceptors

No development, other than demolition work, shall commence until details of the petrol interceptors and treatment devices such as trapped gullies and catchpit manholes have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved statement.

REASON: To protect groundwater resources, in accordance with Policy R7 of the Welwyn and Hatfield District Plan 2005; SADM18 draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

#### 8. Contamination (Affinity Water)



No development, other than demolition work, shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth;
- b) A Risk Assessment identifying both the aquifer and the abstraction points as potential receptors of contamination; and
- c) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply.

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

REASON: To protect groundwater resources, in accordance with Policy R7 of the Welwyn and Hatfield District Plan 2005; SADM18 draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

#### 9. Infiltration

No development, other than demolition work, shall commence until details of a Surface Water Drainage Scheme that does not include infiltration has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

REASON: To protect groundwater resources, in accordance with Policy R7 of the Welwyn and Hatfield District Plan 2005; SADM18 draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

### **PRIOR TO ABOVE GROUND DEVELOPMENT**

#### 10. Materials

No development above ground level shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted, including that of the doors, windows and shopfronts, are submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved materials.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 & D2 of the Welwyn Hatfield District Plan 2005; Policies SP1 & SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 11. Refuse and Recycling

No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the

Local Planning Authority. Thereafter, the approved refuse and recycling storage must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: In order that the Local Planning Authority may be satisfied with the provisions for refuse and recycling storage in the interest of safeguarding the amenities of neighbouring occupants and the area in general in accordance with Policy D1 of the Welwyn and Hatfield District Plan 2005; Policy SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 12. Sound Insulation (including ventilation)

No development above ground level shall take place until details relating to a scheme to protect the proposed development from noise due to transport sources is submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, and not occupied until the approved measures are in place.

The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms. Relaxed noise levels will be considered if it can be shown that good acoustic design has been implemented and all steps have been taken to achieve the non-relaxed noise levels in BS8233:2014.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented.

Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority such as a TM59 assessment) conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that overheating will not occur. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment.

Mechanical ventilation can be installed, with ventilation rates required to provide 4 air changes per hour to habitable rooms. However, mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres). Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc). If outdoor amenity areas cannot comply, then it should be shown through measurements that a suitable place is available within 5 minutes' walk from the development that complies with the amenity noise level.

REASON: To protect the residential amenity and living conditions of future occupants in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

13. Noise from nearby existing and proposed commercial operations

No development above ground level shall take place until details relating to a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment are submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, and not occupied until the approved measures are in place.

Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019.

Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and L<sub>Amax</sub> levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered.

Consideration must be given to the Nation Planning Policy Framework and the agent of change.

REASON: To protect the residential amenity and living conditions of future occupants in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

14. EV Charging Facilities

No development above ground level shall take place until details of EV charging facilities are submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details. The approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate EV charging facilities in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 5, 19 & 20 of Hertfordshire's Local Transport Plan (adopted 2018); Policies SP10, SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

15. Energy Efficiency Measures

No development above ground level shall take place until details to meet the minimum requirement of energy efficiency measures as set out in the submitted energy and sustainability statement is submitted to and approved in writing by the Local Planning Authority. Further or suitable alternative measures to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently the approved energy efficiency measures must be fully installed in accordance with the approved details, made fully operational, prior to the occupation of the building and thereafter retained as such for their operational lifetime.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency and maximises energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development in accordance with Policies SD1, R3 & R4 of the Welwyn Hatfield District Plan 2005; Policies SP1, SP10 & SADM13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 16. Fire Hydrants

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

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties in accordance with the National Planning Policy Framework.

#### 17. Accessible and Adaptable Homes

No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing within that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved statement. The scheme must include the following:

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

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1 & H10 of the Welwyn Hatfield District Plan 2005; Policy SP7 of the draft Local Plan Proposed Submission; and the National Planning Policy Framework.

## **PRIOR TO OCCUPATION**

### **18. Existing Access – Widened or Improved**

Prior to the first occupation of the development hereby permitted, the vehicular access improvements, as indicated on drawing numbers 789 – PL – 108 C and 789 – PL – 109 E, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policies SP4, SADM2 & SADM3 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### **19. Parking Area Surfaced**

Prior to the first occupation of the development hereby permitted, all on site vehicular areas, including internal access roads, forecourts and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with approved drawings.

REASON: To ensure satisfactory access into the site and parking provision for the development in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policy M14 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### **20. Parking Allocation**

Prior to the first occupation of the development hereby permitted, a scheme which shows the parking spaces allocated to each unit must be submitted to and approved in writing by the Local Planning Authority. The car parking allocation must be provided in accordance with approved details and retained thereafter.

REASON: To ensure that the spaces are allocated and provided prior to the occupation of the units in the interests of highway safety and in accordance in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Planning Guidance Parking Standards 2004; Interim Policy for Car Parking Standards and Garage Sizes 2014; and the National Planning Policy Framework.

### **21. Cycle Storage**

Prior to the first occupation of the development hereby permitted, the provision of secure cycle parking shall be completed and made available for use in accordance with details/specifications as submitted and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupants of the proposed development and in the interests of encouraging the use of sustainable modes of transport, in accordance with Policies 1, 5 & 8 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M6, M14 & D1 of the Welwyn Hatfield District Plan 2005; Policy

SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## 22. SuDS

Prior to the first occupation of the development hereby permitted, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

Subsequently, the approved drainage system shall be implemented in accordance with the approved Detailed Design and associated Surface Water Drainage Strategy.

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

Reference: Surface and Foul Water Drainage Strategy Report carried out by WSP Gascoyne Estates Ltd reference 8003-WSP-ZZ-RP-D-0001-P03, Surface and Foul Water Drainage Strategy Report dated November 2021.

And justification contained within:

Letter to LLFA dated 19 August 2022 in response to the LLFA Holding Objection

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site; and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 & R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## 23. External Lighting

Prior to the first occupation of the development hereby permitted, details of any external lighting to be erected within the site shall be submitted to and approved in writing by the local planning authority.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting, and should be designed to minimise light spill, in particular directing light away from any boundary vegetation / trees to enable dark corridors to be used by wildlife as well as directing lighting away from potential roost / nesting sites.

Subsequently the approved external lighting scheme must be installed prior to occupation of the development and maintained in good working order in perpetuity with the development.

REASON: To help create a safe place and assist with the reduction of the fear of crime; to protect the living conditions of future occupants and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with Policies D1, D7, R11 & R20 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM16 & SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 24. New Plant and Equipment

Prior to first occupation of the development hereby permitted, the applicant shall submit to, for approval in writing by the Local Planning Authority, details of a scheme to mitigate the noise from new plant and equipment. The impact of new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019. When noise sources show signs of tonality, the noise levels must be at least 10dB below background noise level at the nearest receptor location. In instances where the noise source presents no tonality, the noise level must be at least 5dB below the background noise level at the nearest receptor location.

REASON: To protect the residential amenity and living conditions of future occupants in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the Emerging Local Plan 2016; and the National Planning Policy Framework.

#### 25. Contaminated Land

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### **OTHERS**

#### 26. Protected Species

The development must not be carried out other than in accordance with the mitigation measures of the bat and nesting bird surveys by eco-scope, ecological solutions (report date 20 October 2021) and within the constraints of any relevant EPS licence.

The development must not be carried out other than in accordance with the recommended ecological mitigation measures set out in the approved ecological assessment by Pro Vision (report date November 2021).

In the event of bats or evidence of them being found, work must stop immediately, and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### 27. Waste Management

The proposed demolition works shall be undertaken in accordance with the Waste Management Plan submitted within Appendix H of the submitted Design and Access Statement, and that which has previously been approved under reference 6/2015/1863/COND.

Subsequently, the development shall not take place other than in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development in compliance with Policy R7 of the Welwyn Hatfield District Plan 2005; and Hertfordshire Waste Development Framework 2012 & Hertfordshire; and the National Planning Policy Framework.

#### 28. Previously Unidentified 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 and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

##### *Investigation and risk assessment:*

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- a) A survey of the extent, scale and nature of contamination.
- b) 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; and
  - ecological systems;
- c) An appraisal of remedial options, and proposal of the preferred option(s).

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

*Remediation Scheme:*

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy R2 & R7 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

**29. Demolition/Vegetation Clearance**

Any building and vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

REASON: To protect wintering, roosting, feeding, resting, breeding birds in accordance with the Wildlife and Countryside Act 1981 (As amended) and Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

**30. Landscape Preparation**

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

REASON: 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 & D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### 31. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A & D of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 & D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### 32. Article 4 Direction

The residential units hereby permitted shall be used for Class C3 dwellinghouses only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class I of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

REASON: The Article 4 Direction covering Hatfield removes the Class I permitted development right to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the local planning authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 1995 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012; Policies GBSP2, D1 & D2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

## **Informatives**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707

357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

3. The planning authority has determined the application 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 expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
4. The applicant is advised that no development (including demolition) should commence until wheel-cleaning apparatus to prevent the deposit of debris, mud etc on the highway has been agreed with the Highway Authority. Hertfordshire County Council Transport Planning and Policy can be contacted on 03001234040
5. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
6. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
7. This planning permission gives no entitlement to affect any public rights of way or established highway within the application site. Any diversion, extinguishment, stopping up or creation of a public right of way may need its own Order under the Highways Act 1984 or The Town and Country Planning Act 1990 (As amended) before any works affecting the rights of way can be commenced. For further information, please contact the local planning authority on 01707 35700, or Hertfordshire County Council, Environment Department on 01992 555555
8. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire - A Guide for New Developments and by a contractor who is authorised to work in the public highway. Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
9. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3m of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames

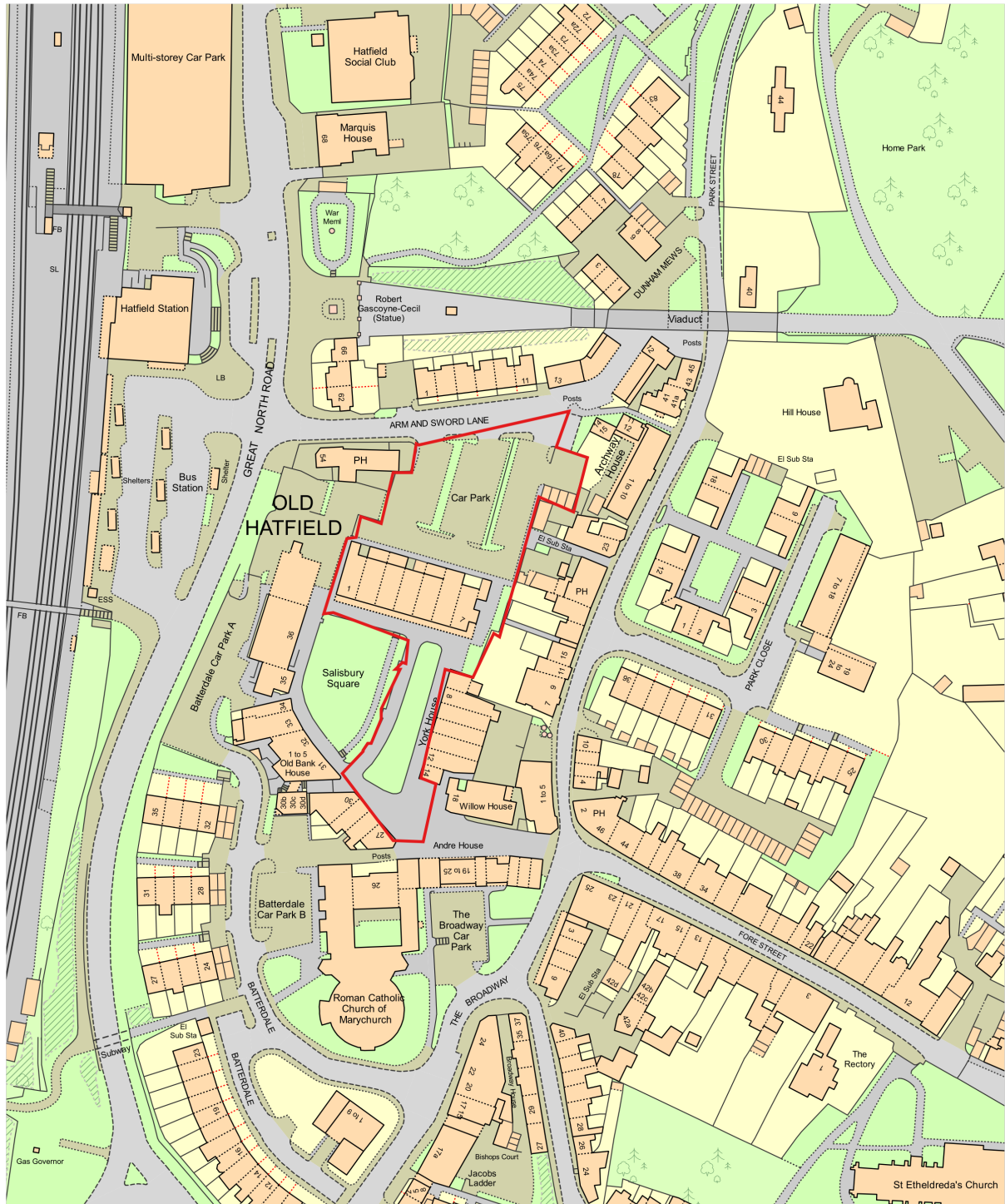
Water Developer Services on 0845 850 2777 to discuss the options available at this site.


10. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
11. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at [www.smartwaste.co.uk](http://www.smartwaste.co.uk) or [www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html](http://www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html). For further information on this, please contact Hertfordshire County Council on 01992 556254.
12. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
13. 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 County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
14. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the

site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

Ashley Ransome (Development Management)  
Date: 21<sup>st</sup> November 2022



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Salisbury Square Hatfield AL9 5AD		Scale: DNS
			Date: 14-11-2022
	Development Management Committee	6/2021/3422/MAJ	I Azunma
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**Classification:** Unrestricted

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