

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

6/2024/2035/OUTLINE

ST CHRISTOPHERS NURSING HOME DRAKES WAY HATFIELD AL10 8XY

OUTLINE PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS
(USE CLASS C2) AND ERECTION OF UP TO 72 NO. RESIDENTIAL
DWELLINGS (USE CLASS C3), WITH ALL MATTERS RESERVED

APPLICANT: EVEN HATFIELD LTD

1 Site Description

- 1.1 The site is located directly south of Hatfield Leisure Centre, east of Travellers Lane and De Havilland Nursery and Primary School, and to the north and west of two-storey residential development on Drakes Way and Stanley Drive.
- 1.2 The site is approximately 1.5 hectares in area and is occupied by five single storey buildings and a two-storey communal 'hub' which forms St Christopher's residential care home (use class C2). St Christopher's closed in August 2023, and it remains vacant.
- 1.3 The wider site includes landscaped communal areas for residents enclosed by a perimeter boundary hedge and fencing.
- 1.4 The site is accessed by a single-entry point to the south of the site from Drakes Way, with an area of hard standing located to the centre of the site for parking.
- 1.5 The site is located in Flood Zone 1 (least likely to flood) and is not located within a conservation area, nor is it within the Metropolitan Green Belt.

2 The Proposal

- 2.1 Outline planning permission is sought for the demolition of existing buildings (use class C2) and erection of up to 72no. residential dwellings (use class C3), with all matters reserved.
- 2.2 An indicative layout plan has been provided to illustrate how the site could be developed. The indicative mix includes 1 and 2 bed apartments and 2, 3 and 4 bed houses at scales of two and three stories.
- 2.3 The primary access into the site is proposed to be from the retained and adapted access off Drakes Way. In addition, a new access is proposed to

the east of the existing access. Parking is shown throughout the site in various forms including driveways, parking courts and visitor bays. Landscaping and areas of open space are proposed throughout the indicative site.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Zukowskyj.

4 Relevant Planning History

- 4.1 Application Number: S6/2005/1309/FP
Decision: Granted
Decision Date: 9th January 2006
Proposal: Erection of single storey extensions to Scott House (house 1), Johnson House (house 4) and Bonnington (house 5)
- 4.2 Application Number: 6/2015/1974/PN24
Decision: Withdrawn
Decision Date: 9th December 2015
Proposal: Installation of solar panels on East, West and South facing roofs.
- 4.3 Application Number: 6/2024/0678/PA
Advice Date: 21st June 2024
Proposal: Pre-application advice for demolition of the existing buildings and the erection of 58no. residential dwellings (Use Class C3).
Summary of advice: The proposed development is considered acceptable in principle. However, additional details are required to be submitted to be able to fully assess the proposal in respect of all other elements to include the loss of a care home, affordable housing and Vacant Building Credit (VBC), design, landscaping, residential amenity (existing and future), highways and parking, biodiversity, flood risk and sustainable drainage and energy and sustainability.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2023 (NPPF)
- 5.2 National Design Guide 2021 (NDG)
- 5.3 Planning Practice Guidance (PPG)
- 5.4 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Planning Obligations Supplementary Planning Document 2012 (SPD)
- 5.7 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 5.8 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

- 5.9 Recycling and Refuse Separation and Storage Planning Guidance 2015
- 5.10 Waste management in buildings Code of Practice 2005
- 5.11 Hertfordshire Local Transport Plan (2018-2031) 2018
- 5.12 Manual for Streets
- 5.13 Hertfordshire Waste Development Framework 2012

6 Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield Local Plan.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total, five representations have been received, comprising one objection together with four comments. All representations received are published in full on the Council's website and are summarised below:

- Squeezing too many properties onto this land.
- Need houses, not flats.
- Parking is an issue – no parking permits within surrounding area.
- Poor infrastructure in Hatfield – more properties will result in the existing infrastructure being stretched further.
- Suitable for swift bricks to be included for biodiversity enhancement.
- Increase in traffic upon the Drakes Way / Travellers Lane junction as a result of the development – this junction is already extremely busy and difficult to navigate.
- Parking along Drakes Way already very busy – can more parking bays be provided within new development, or alternatively, can the number of parking bays along Drakes Way be increased.

8 Consultations Received

- 8.1 An objection has been received from the Lead Local Flood Authority which is summarised as follows:

- Further consideration should be given to above-ground, open SuDS features before below-ground attenuation tanks are accepted in principle. This is a requirement of the SuDS hierarchy.

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

- Affinity Water
- HCC Growth Team
- HCC Minerals and Waste Team
- HCC Transport Programmes and Strategy
- Herts Ecology
- NHS

- Thames Water
- WHBC Client Services
- WHBC Landscape and Ecology
- WHBC Public Health and Protection

9 Town/Parish Council Representations

- 9.1 Hatfield Town Council have commented on the application. The proposed development is supported, welcoming the provision of more housing and inclusion of a variety of dwelling sizes.
- 9.2 Members did however have several suggestions with respect to how the development could be improved:
- Concerns regarding the lack of social, affordable or intermediate rent housing within this application - appropriate requirements for such housing should be strongly considered before planning permission is granted.
 - Concerns about traffic flows at peak times across the site, and access onto and from Drakes Way – consider a better design which would allow a continuous loop road around the site, e.g. sacrifice plot 48 to allow an effective one-way system;
 - Number of unadopted roads in Hatfield causing issues and thus careful consideration must be given to how these roads will be maintained and repaired in future years – Members were strongly in favour of these roads being adopted by the Highway Authority or Welwyn Hatfield Borough Council; and
 - Sufficient developer contributions are needed to improve and upgrade the local public services and amenities needed to support 72 households. This especially applies to health provisions and specifically to the lack of GP services in this specific area of Hatfield.

10 Analysis

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

- 1. Principle of development**
- 2. Loss of care home**
- 3. Quality of design and impact on the character of the area**
- 4. Residential amenity**
- 5. Highways and parking considerations**
- 6. Other considerations**
 - i) Housing mix and density
 - ii) Affordable housing and Vacant Building Credit (VBC)
 - iii) Accessible and adaptable dwellings
 - iv) Landscaping and trees
 - v) Ecology and biodiversity
 - vi) Flood risk and sustainable drainage
 - vii) Environmental Pollution
 - viii) Refuse and recycling
 - ix) Minerals and waste management
 - x) Sustainable design and low carbon homes
 - xi) Environmental Impact Assessment

7. Planning obligations

8. The planning balance

1. Principle of the development

- 10.2 Policy SP1 of the Council's Local Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern which prioritises previously developed land. These objectives are consistent with the NPPF which encourages the use of previously developed land, and sites that are physically well-related to existing settlements (Para.89), the development of under-utilised land and buildings (Para.124) and the efficient use of land (Para.128).
- 10.3 There is also the need to minimise travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk. Moreover, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF, as well as the principles set out within Policy SP1.
- 10.4 The site has not been allocated in the Local Plan for additional housing supply and as such would come forward as a windfall residential site. Policy SADM1 would therefore apply. This policy states that all applications for windfall residential development on unallocated sites will be granted provided:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.5 In terms of criteria i) of SADM1, Previously Developed Land (PDL) is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Due to the presence of existing permanent buildings on the site, and given that the redevelopment of the site would incorporate the demolition of the existing buildings and the construction of the new dwellings, the site is considered to be classified as PDL.
- 10.6 In terms of accessibility, the site is situated within the town of Hatfield which benefits from a railway station that is sited an approximate 1.4 mile walking/cycling distance to the north. A bus interchange is also located next to the train station. The closest bus stops to the site are located on the

northern and southern sides of Travellers Lane, approximately 0.1 miles away, which benefit from frequent bus services. There is also an abundance of footpaths in this location, providing adequate pedestrian access to services and facilities located a short walk away within Hatfield. As such, access to services and facilities from the application site would not entirely be restricted to the use of the private car. The site is therefore considered to be in a sustainable location, in accordance with criteria ii).

- 10.7 There is no evidence to suggest that the existing infrastructure nearby would not be able to absorb the development. There would be a benefit (albeit limited) on services and facilities nearby as the future occupants of the new dwellings have the potential to support and provide demand for nearby services and facilities. The proposal is therefore considered to meet criteria iii) of Policy SADM1.
- 10.8 Finally, the proposal is not considered to undermine the delivery of allocated sites or the overall strategy of the Plan, nor is it considered to result in disproportionate growth, in accordance with criteria iv) and v) of Policy SADM1.
- 10.9 For the reasons above, there is no in principle 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 discussed below.

2. Loss of care home

- 10.10 The proposal seeks residential development of the site, following demolition of the existing buildings. As set out earlier within the report, the site was last used as a care home for up to 168 people. Although vacant, the proposal would still result in the loss of a care home.
- 10.11 Policy SP7 states that, in addition to the overall housing target, a net increase of around 200 bed-spaces of specialist residential or nursing care (use class C2) will be supported in the Borough's towns and excluded villages over the Local Plan period.
- 10.12 There are however no policies contained within the Local Plan which seek to protect existing care homes. Similarly, within the context of the NPPF, paragraph 11 and the 'presumption in favour of sustainable development', there are no specific policies which favour or protect care homes in the context of making the best use of sites and meeting the need for housing.
- 10.13 Notwithstanding the above, in response to a request for pre-application advice, Officers asked the applicant to explain why the site could not continue to be used as a care home. The Planning Statement at Appendix 2 provides a letter from Carterwood, who are industry experts in the field of care home and specialist residential tenures. The letter evaluates the loss of St Christopher's Care Home (SCCH) by comparing its accommodation quality to that of newly developed and planned care homes. This assessment was conducted through a desktop review, utilising floor plans, the latest Care Quality Commission inspection reports, photographic evidence, and data from Carterwood regarding SCCH and both operational

and planned care homes in the Welwyn Hatfield Borough Council (WHBC) local authority area.

- 10.14 The letter concludes that, out of 168 bedrooms, only eight meet the current market standards for accommodation. Consequently, the care home falls short of modern standards and operator requirements for high-quality care facilities, failing to adequately meet the needs of individuals requiring care in a registered care home. It is therefore unlikely that the care home would be re-registered in its existing form. Moreover, with the significant number of bedrooms requiring modernisation, this is not considered to be financially viable. The dispersed arrangement of the buildings on site is also sub-optimal, since the provision of care across separate buildings is more challenging compared to a single or connected building.
- 10.15 Further to the above, the Planning Statement provides a letter from JLL at Appendix 3 which sets out marketing evidence. The site was advertised on the open market from 18th October to 5th December 2023. All 12 offers to purchase the site were from residential developers or property companies, concluding that there was no demand for the site from the care sector.
- 10.16 In summary, the existing care home is not fit for purpose, it is not suitable for meeting current needs for care provision, would not be financially viable for refurbishment and that, accordingly, there is no demand for the site to remain as a care home. Given this and the flexibility which is afforded in policy for the loss or change of use of a care home, it is considered that a residential proposal for the site would be acceptable.

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

- 10.17 The Government attaches great importance to the design of the built environment. The NPPF notes at paragraph 131 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 10.18 The National Design Guide (NDG) provides further details as to what is considered as constituting good design and states that good design involves careful attention to the context for places and buildings and hard and soft landscape (amongst others), and a well-designed place is made up of the following components: layout, form, scale, appearance, landscape, materials, and the details of the building.
- 10.19 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals will need to respect

neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.

10.20 Notwithstanding the above, this application is in outline form and as such reserves matters relating to appearance, layout and scale to a subsequent application. These elements are therefore not, and cannot, be fully assessed at this time.

10.21 An indicative layout plan has been provided with the application to demonstrate that the site can accommodate the number of units proposed. The plan shows the indicative location of housing, accesses, parking areas and landscaping.

The submitted details indicate that development could consist of 44 dwellings, along with 28 apartments accommodated across two blocks. Whilst the layout is not being considered for approval at this outline stage, the proposed scale of development is generally acceptable. The indicative layout appears to relate well to the site's character, context, and surroundings through its residential use and building heights, which align with the existing residential area, density and townscape. Moreover, the reserved matters stage presents an opportunity to improve upon the illustrative layout to deliver a scheme which accords with the high standard of design required to meet both local and national policy.

10.22 In view of the above, it is considered that a good standard of development which respects the visual amenities and the character of the area can be adequately safeguarded with conditions at reserved matters stage, in accordance with the Local Plan and the NPPF.

4. Residential amenity

10.23 The NPPF at Paragraph 130 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.

10.24 Local Plan Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. It 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.

Impact on neighbours

10.25 At this outline stage it is not possible to fully assess the impact of the proposal on the amenities of the occupiers of neighbouring dwellings, as no elevation drawings have been provided and the layout of the dwellings are currently indicative only. Notwithstanding, since the initial pre-application discussions, amendments have been made to the indicative layout to minimise the impact on neighbouring occupiers. In designing the indicative

layout, the applicant has had regard to the siting of buildings in relation to orientation and separation from neighbouring properties. Full consideration of neighbour amenity would be undertaken at reserved matters stage, following the submission of details relating to the layout, height, design and levels.

- 10.26 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during the construction phase. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. Such impacts are normal, and to be expected, of these developments, but are also short-term impacts that only last the duration of the construction phase.
- 10.27 These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site-specific Construction Environment Management Plan (CEMP), which could accompany the submission of a reserved matters application or be secured by condition upon grant of a reserved matters. In addition, there is separate environmental health legislation which further safeguards the amenity of residents.

Living conditions for future occupiers

- 10.28 Policy SADM11 of the Local Plan requires, as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The NDSS outline the minimum requirements for floor space and storage for new dwellings. Moreover, there is an expectation that all dwellings will benefit from private rear amenity gardens which meet local and national guidance by being functional and useable in terms of their width, depth, shape and orientation.
- 10.29 Detailed floor and elevation plans have not been submitted as part of this outline application since design and appearance are matters that are reserved for a subsequent application. As such, at this outline stage it is not possible to fully assess the living conditions of future occupiers.
- 10.30 Turning to amenity space, this is shown on the submitted indicative layout. Officers are satisfied that a good standard of amenity can be achieved when layout is considered under a reserved matters application.
- 10.31 In terms of noise and vibration, regard should be had to Policy SADM18. This policy sets out that development proposals should ensure that pollution would not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment. A Noise and Vibration Impact Assessment is required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration.
- 10.32 Whilst the proposed residential use is not likely to cause any adverse impacts, the latter is of relevance to this application. The application site is located adjacent to Hatfield Leisure Centre and astro pitches to the north

and Oxlease House, a children's day nursery to the north-east. This is likely to create noise to future occupiers of the development and therefore the impacts must be considered.

- 10.33 A noise impact assessment has been submitted in support of the application. There are several noise sources that have the potential to impact the proposed site as detailed above. The Council's Environmental Health Officer has commented on the application, agreeing that the proposed mitigation measures should be implemented and are to be secured via a condition. Moreover, the Council's Environmental Health Officer has recommended a condition for the submission of a validation report prior to occupation to confirm that the mitigation measures have been installed and are effective.
- 10.34 In summary, further details will be required at the reserved matters stage to ensure that there will be no significant harm to neighbour amenity and a good level of amenity is provided for future occupants in accordance with Local Plan Policies, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

5. Highways and parking considerations

- 10.35 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 10.36 Paragraph 114 of the NPPF states that developments should ensure "safe and suitable access to the site can be achieved for all users", and that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up". It references the new National Model Design Code, of which key quotes include: "New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes" and "all streets should be accessible to all members of the community" (paragraph 59 part 1); plus "walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less" (paragraph 33 part 2).
- 10.37 Paragraph 115 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 10.38 Paragraph 116 goes on to states that "*Within this context, applications for development should, amongst other things:*
- 1. give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

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

10.39 Policy SADM2 of the Local Plan concerns the highway network and safety and is broadly consistent with the NPPF. It states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.

10.40 Access and layout are matters reserved for future consideration. Notwithstanding, an indicative layout is provided to show how an acceptable scheme could come forward.

10.41 The primary access into the site is proposed to be from the retained and adapted access off Drakes Way. In addition, a new access is proposed to the east of the existing access, which is offset from the T-junction opposite.

10.42 The application has been supported by the submission of a Transport Statement, Travel Plan and Construction Management Plan.

10.43 The County Council's Highways Team have been consulted on the application and have reviewed the supporting documentation. In summary, the Highway Authority considers that the proposal would not have significant impacts on the highway networks, therefore presenting no objection, subject to contributions, conditions and informatives.

Vehicular/ Pedestrian Access

10.44 The Highway Authority have no objection to the proposed vehicular and pedestrian access routes. Nevertheless, access is indicative at this outline stage and will be subject to further detailed technical plans which are to be secured via condition at reserved matters stage and under a section 278 agreement with the Highway Authority.

Swept Path Analysis

10.45 A swept path analysis is shown on submitted drawings demonstrating that a 12.1m long Refuse Collection Vehicle (RCV) can enter and exit the site in forward gears. Both the Highway Authority and WHBC Client Services consider that this would be acceptable.

Visibility

10.46 Paragraph 5.3.5 of the submitted Transport Statement sets out that visibility splays of 2.4m by 25m will be provided to both access point off Darkes Way. The proposed level of visibility splays as shown on the submitted

drawings is considered acceptable by the Highway Authority and are in accordance with the current highway standards. Nevertheless, access is indicative at this outline stage and the visibility splays are to be secured via condition at reserved matters stage.

Highway Safety

- 10.47 A stage 1 Road Safety Audit (RSA) was conducted in connection with the site access arrangement off Darkes Way. The Highway Authority have reviewed the RSA which show no significant highway safety concerns.

Trip Generation

- 10.48 The applicant has undertaken a TRICS assessment to establish the likely level of trip generation as result of the development.
- 10.49 The Transport Statement summarises the anticipated trip generation associated with the proposed development. It indicates that there would be a total of 78 and 60 person trips in the AM and PM peak respectively. This includes 33 car trips in the AM and 33 car trips in PM peaks hours.
- 10.50 The Highway Authority is content with the TRICS report, advising that the predicted trips would not have significant impacts on the adjacent local highway network.

Sustainable travel and accessibility

- 10.51 The Local Plan seeks to achieve a sustainable pattern of development within the Borough with the emphasis on promoting the use of sustainable modes of travel and on improving safety for all highway users. Policy SADM3 requires development proposals to make provision for cyclists and pedestrians through safe, accessible and integrated layouts.
- 10.52 The application site is proposed to incorporate suitable pedestrian and cycle routes throughout, as well as being well connected and located within one of the more sustainable locations in the Borough. Access to facilities and services in the centre of Hatfield is a short walk away, with Hatfield railway station sited an approximate 1.4 mile walking distance to the north. A bus interchange is also located next to the train station. The closest bus stops to the site are located on the northern and southern sides of Travellers Lane, approximately 0.1 miles away, which benefit from frequent bus services. There is also an abundance of footpaths in this location, providing adequate pedestrian access to services and facilities located a short walk away within Hatfield.
- 10.53 As such, access to services and facilities from the application site would not entirely be restricted to the use of the private car, therefore promoting sustainable travel.

Construction

- 10.54 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Management Plan (CMP) is required. The submission documents include a CMP (Odyssey, October 2024). The

Highway Authority have reviewed the CMP, and whilst it fulfils most of the requirements, further information is required to make it acceptable in highways terms. Accordingly, a condition for a revised CMP is required to be imposed at outline stage.

Parking provision

- 10.55 Paragraph 111 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.
- 10.56 The Parking Standards SPG use maximum standards that are not consistent with the NPPF and are therefore afforded less weight. In light of this, 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. The Council's Interim Policy for Car Parking Standards outlines that the Council's parking standards are now treated as guidelines rather than maximums. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 10.57 In terms of parking provision, the SPG guidance suggests the following:
- 1.25 spaces for each 1-bedroom dwelling
 - 1.5 spaces for each 2-bedroom dwelling
 - 2.25 spaces for each 3-bedroom dwelling
 - 3 spaces for each 4 or more-bedroom dwelling
 - 0.2 spaces per dwelling for visitor provision
- 10.58 In applying the proposed residential mix, the guideline number of parking spaces would equate to 133.4 based on the following:
- 16 x 1 Bed = 20 spaces
 - 40 x 2 Bed = 60 spaces
 - 12 x 3 Bed = 27 spaces
 - 4 x 4+ Bed = 12 spaces
 - 72 total units = 14.4 visitor spaces
- 10.59 The indicative layout shows parking provision to include private driveways, communal parking courts and dedicated visitor bays, providing approximately 110 spaces across the site.
- 10.60 Representations have been received regarding the impact on parking stress locally. The scheme is not yet at a detailed design stage and so information regarding the number of parking spaces per dwelling, visitor spaces, etc are not yet formalised, and so this impact will be fully assessed at the reserved matters stage when detailed drawings are submitted. It will be expected that adequate parking provision will be provided on site for the new residents of the scheme.

EV charging

- 10.61 Policy SADM12 of the Local Plan states that appropriate provision should be made for vehicle charging infrastructure within new residential development. The NPPF at paragraphs 111 and 116 also seek development to provide charging facilities, as does the Northaw and Cuffley Neighbourhood Plan. HCC Local Transport Policy 5 requires all new development to provide EV infrastructure. While the Development Plan and NPPF support EV charging, the level of provision is not quantified. In terms of the Building Regulations, Approved Document S (Infrastructure for charging electric vehicles) aims to ensure that, where practicable, all new buildings and have EV charging points.
- 10.62 The submitted Planning Statement confirms that electric vehicle charging provision will be provided to all houses within the curtilage of the dwelling. For the flats, charging equipment would be provided within the shared parking area.
- 10.63 The provision of vehicle charging infrastructure for each residential unit is supported and will be assessed at the reserved matters stage. Where additional details in relation to EV charging infrastructure are required, or where there is justification to secure an enhanced provision beyond Building Regulations, this can be secured by condition imposed at the reserved matters stage.

Cycle Parking

- 10.64 Policy SADM12 of the Local Plan sets out that the type and quantum of cycle parking will be informed by the standards set out in the Council's parking standards. The policy also requires detailed consideration of the siting, layout and design of cycle parking to ensure an attractive and coherent street scene is maintained.
- 10.65 The submitted Planning Statement sets out that a bike store would be provided within rear gardens of each dwellings. For the apartments, a bike store is incorporated within the footprint of each of the blocks. Further detailed information with respect to cycle storage can be submitted at reserved matters stage.
- 10.66 The proposal therefore accords with the cycle parking spaces as set out within the Welwyn Hatfield District Plan Parking Standards SPG (2004).
- 10.67 Overall, subject to conditions, the development would not have a severe impact on the operation of the wider highways network to warrant the Local Planning Authority to withhold planning permission. The conditions pertaining to vehicular accesses, visibility, sustainable transport travel infrastructure, travel plan, car parking and cycle parking as set out within the Highway Authority's response do not meet test set out in paragraph 55 of the NPPF at this outline planning stage. These matters will form part of the reserved matters application, if necessary, will be controlled by condition in accordance with the NPPF. No objections are therefore raised in regard to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2 and SADM12 of the Local Plan or the NPPF.

6. Other considerations

i) Housing mix and density

10.68 Policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive, and mixed communities. To this end, Policy SP7 requires proposals for 10 or more new dwellings to demonstrate how the mix of tenure, type and size of housing proposed has had regard to the Council's latest evidence of housing need and market demand with the aim of meeting the various needs of different households, couples, families with children, older people and people with disabilities. The NPPF is broadly consistent with this.

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

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

10.70 The mix of unit sizes and types is reserved for future consideration up to a maximum of 72 units. Notwithstanding, an indicative mix of units is shown within the submission to help illustrate how the site could come forward with this quantum of development:

16 x 1-bedroom (22%)
40 x 2-bedroom (56%)
12 x 3-bedroom (17%)
4 x 4-bedroom (5%)

10.71 The Technical OAN paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats. The indicative layout proposes a mix of apartments, semi-detached and terraced properties comprising 44 houses (61%) and 28 flats (39%) out of a total of 72 units.

10.72 In summary, whilst the proposed mix doesn't closely follow the implied housing need set out within the Technical OAN paper, Policy SP7 is not intended to perform as a prescriptive policy requirement for each application but reflects the need across the borough across the life of the local plan. Additionally, the final mix will be finalised at the reserved matters stage, and the acceptability of the type of housing proposed can be assessed at this point.

10.73 In terms of density, Policy SP9 sets out that proposals should respond to the character and context of the surrounding area, where appropriate densities (typically between 30-50 net dwellings per hectare) that combine the efficient use of land with high quality design are required. Higher density development will be encouraged in accessible locations, such as around transport hubs or town and neighbourhood centres, where this is appropriate. The NPPF is broadly consistent with this.

10.74 Having regard to the requirements set out in Policy SP9, the indicative layout of the site provides a net density of approximately 48 dwellings per

hectare. This density would be towards the higher figure as set out within Policy SP9. Given the site's location within the built-up area of Hatfield, the proposed indicative density is considered appropriate for the context.

- 10.75 No self-build or custom housebuilding is required to be provided since the proposal is for less than 100 dwellings. Moreover, Policy SP7 sets out that as part of the overall housing target, around 5% of all new housing should comprise housing which is specially designed for older people and people with disabilities. Consideration should be given to this during the submission of a reserved matters application.

ii) Affordable housing and Vacant Building Credit (VBC)

- 10.76 As part of the overall housing target, a proportion of new homes built in the borough are to be for affordable housing. Policy SP7 sets out the basis for which affordable housing will be sought. An on-site delivery target of 25% affordable housing in Hatfield is required by Policy SP7. The on-site delivery target will be applied to the nearest whole number of dwellings, e.g. a development of 16 new dwellings would require the provision of 6 new affordable homes (where 5.6 is 35% of 16).

- 10.77 Within the submitted Planning Statement, the applicant sets out that whilst Policy SP7 seeks a 25% affordable housing provision for sites in Hatfield, the NPPF does, however, support the re-use of brownfield land to incentivise brownfield development.

- 10.78 The NPPF at paragraph 65 sets out that:

To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

- 10.79 Footnote 31 of the NPPF goes on to advise:

Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

- 10.80 Further to the NPPF, the Planning Obligations section within the Planning Practice Guidance (PPG) sets out Vacant Building Credit (VBC) in more detail.

- 10.81 With respect to VBC, the PPG states:

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the

equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

- 10.82 Moreover, the PPG sets out the relevant circumstances in deciding whether a use has been abandoned.
- 10.83 The Local plan does not have any specific policies contained within it surrounding VBC. Such a consideration would therefore fall to be assessed against the NPPF and PPG.
- 10.84 In this instance, the proposed development would see a vacant building demolished (previous use as a C2 care home) and replaced by a new building (proposed C3 private dwellings). The submitted Planning Statement sets out that at the time of the latest Care Quality Commission inspection on the 4th May 2023, only 62 people (of the site's 168 capacity) were resident at the care home, and only three of the five buildings were in use. The care home was subsequently rated as 'Requires Improvement' for safety and leadership. Occupation subsequently reduced to the point that the care home was closed in August 2023 and it remains vacant.
- 10.85 As a result of the above, it is considered that the proposed development would represent 'brownfield land', with the proposal seeking to redevelop the site (demolish the existing buildings and replace with new). Taking account of the PPG, and having regard for the circumstances of the site set out above, it is considered that the building in question has not been abandoned. Moreover, it is not considered that the existing building has been made vacant for the sole purposes of re-development, nor is the existing building covered by an extant or recently expired planning permission for the same or substantially the same development. In this instance, VBCs are therefore considered to apply to this scheme.
- 10.86 Turning to the amount of affordable housing contributions required from the proposed development and the proportionate amount this should be reduced by through applying VBCs. The formula for calculating VBC is as follows:
- Policy Compliant affordable provision x (net increase GIA / proposed GIA) = resultant affordable housing requirement with VBC applied.*
- 10.87 As this application is in outline form, the proposed Gross Internal Area (GIA) would be fixed by the later Reserved Matters application and so it is not possible to calculate the precise requirement for affordable housing with VBCs applied.

- 10.88 Notwithstanding, for the purpose of this application, indicative VBC calculations will be undertaken. The existing GIA equates to approximately 54,000 square metres. The indicative scheme shows a very slight uplift in resultant GIA of around 4,014 square metres (58,014 square metres proposed in total). This would result in an indicative resultant requirement of around 1.2 affordable units once a VBC is applied.
- 10.89 The resultant affordable housing requirement following VBC being applied (approximately 1.2 units) is to be secured through a S106 planning obligation. The applicant, within their Planning Statement, have set out that given the very small contribution of affordable housing that would be required once VBC is applied, it is highly unlikely that a Registered Provider (RP) would be interested in a very small contribution of on-site S106 affordable housing. As such, the applicant requests that the S106 obligation should give flexibility to allow for an off-site contribution.
- 10.90 In line with the NPPF and Policy SP7, the priority will be for affordable housing to be delivered on the application site. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision may be accepted provided the agreed approach results in the delivery of affordable housing within contributes to the objective of creating mixed and balanced communities. In view of the circumstances set out above, in this case, there is no objection to a commuted sum in lieu of onsite provision. The commuted sum would be used to meet broader Council objectives to deliver affordable housing in the Borough, this sum would accelerate the delivery of much needed affordable homes. The commuted sum is to be agreed and secured via a planning obligation and will form part of the S106 Agreement
- 10.91 In summary, the Council accept the principle of applying VBCs to the proposed development.

iii) Accessible and adaptable dwellings

- 10.92 The Local Plan at Policy SP7 seeks to secure a proportion of all new dwellings to be accessible and adaptable. The policy sets out that at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. In addition, 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'.
- 10.93 For both M4(2) and M4(3), provision will be rounded up to the nearest whole number. Furthermore, for the M4(2) and M4(3) standards to be applied, a condition on a planning consent must require it.
- 10.94 The submitted application documents set out that the indicative site plan would allow for all 72 units to meet Nationally Described Space Standards (NDSS) and Building Regulations M4(2) space standards. This would be secured at reserved matters stage, once a final layout is confirmed.

iv) Landscaping and Trees

- 10.95 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.
- 10.96 The NPPF sets out at paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 10.97 Policy SP9 of the Local Plan requires that the appropriate definition of spaces should be created or maintained through the siting, layout and design of routes, buildings, landscaping and boundary. These principles are broadly consistent with Policy SADM11 which states that the outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of for instance, boundary treatments and landscaping.
- 10.98 Whilst details of landscaping are reserved for future consideration, an indicative layout is provided to show how the development could come forward. The application is also supported by an Arboricultural Impact Assessment.
- 10.99 The Council's Landscape and Ecology team have commented on the application. The landscaping as proposed is not considered acceptable, especially in relation to the area of open space, species proposed and the drainage strategy. Moreover, the Landscape and Ecology team are not accepting of the Arboricultural Impact Assessment and the suggested tree removals on site. They have advised that much more detailed information is required to be submitted to enable further consideration to be given.
- 10.100 Whilst the above concerns are acknowledged, precise landscaping and arboricultural information will be subject to reserved matters to ensure high quality public space and landscaping is achieved, as well as the retention of appropriate trees. This can also be secured through condition at this stage.

v) Ecology and biodiversity

- 10.101 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply

if permission is granted. The applicant has confirmed on the application form that if permission is granted for the development to which this application relates, the biodiversity gain condition would apply.

- 10.102 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.
- 10.103 Local Plan Policy SADM16 seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 10.104 Herts Ecology have been consulted on the application. A Preliminary Ecological Appraisal (PEA) has been submitted (PJC Consultancy, September 2024) to support the application.
- 10.105 Herts Ecology have advised that the site itself is of limited ecological importance, however Oxleys Wood Local Nature Reserve (LNR) is located 60m east of the site, which is designated for its ancient woodland and deciduous woodland. Given the scale of the development and the habitats adjacent, Herts Ecology advise that a Construction Environmental Management Plan (CEMP) should be conditioned.
- 10.106 A bat report has been submitted which outlines the results of emergence and endoscope surveys. No bats were seen emerging from any of the buildings, and no evidence of bats was observed during the endoscope inspection. Activity was generally low across the site. An informative is therefore advised in the unlikely event that bats are found during the works.
- 10.107 An assessment of all trees within the site was conducted to determine their potential for bat roosting. The findings indicate that none of the trees were suitable, as they lacked features conducive to bat roosts. However, bats were observed during the surveys, mainly in the southern part of the site, indicating its value as a foraging and commuting habitat. To mitigate the impact of the development, the bat report recommended implementing a sensitive lighting scheme, which can be secured by condition. Additionally, the creation of new species-rich hedgerows and wildflower areas, including night-scented flowers, was suggested. These measures will be considered when the detailed landscaping proposals are assessed at the reserved matters stage.
- 10.108 Demolition of the buildings should only occur between November and March so as to avoid the core hibernation period, should bats be present. The mitigation measures within the PEA should be followed in full, and also encompassed within the suggested CEMP condition.

- 10.109 The PEA considered that it was unlikely that great crested newts and reptiles will be utilizing the site. An informative is sufficient in this regard.
- 10.110 It was considered unlikely that badgers will be utilizing the site, however the PEA also states that given the presence of the onsite woodland, mammal push throughs and mammal paths were identified onsite. The PEA recommends at S4.3.57 that a pre-works survey for badgers should be carried out onsite and within a 30m radius to ensure that no new setts have been established. This can be encompassed within the suggested CEMP condition.
- 10.111 Birds next were found in B2 and B4. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. To reduce the risk of an offence being committed, Herts Ecology advise that the recommendation outlined in s4.3.50 of the PEA should be included in the suggested CEMP condition.
- 10.112 Turning to Biodiversity Net Gain (BNG). BNG is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. The site is considered to be major development due to the number of units proposed. A 10% BNG is therefore required.
- 10.113 A biodiversity metric and BNG feasibility report have been submitted (PJC Consultancy, October 2024).
- 10.114 The net gain report outlines that given the current proposals, it is anticipated that a 10% net gain cannot be achieved on site. It has then been advised that the proposals should be altered to include additional tree planting, and larger areas of grassland created across the site. Habitat creation on site should be the focus, however if this is not possible, Herts Ecology advise that an offsite location will need to be sought to deliver the surplus 5.34 units.
- 10.115 Herts Ecology advise that the minimum requirement for determination has been provided. The biodiversity gain condition will apply to this application. BNG for this site is considered as 'significant' net gain due to the creation of medium distinctiveness habitats, and the enhancement to medium distinctiveness habitats. It is therefore advised that this significant net gain for the respective habitat units is secured via a legal agreement. Moreover, a Habitat Management and Monitoring Plan (HMMP) should also be added as a condition of approval.
- 10.116 Overall, there is no ecological objection to the development, subject to mitigation measures, and no fundamental constraints associated with the BNG plans proposed for the development. Further detail will be required to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. A condition for a Biodiversity Gain Plan and a Habitat Management and Monitoring Plan will be imposed to ensure the delivery of a minimum of 10% net gain in biodiversity is to be delivered and secured for long-term biodiversity benefit.

vi) Flood risk and sustainable drainage

- 10.117 The overarching aim of development and flood risk planning policy, as set out in the NPPF and Planning Practice Guidance (PPG), is to ensure that the potential risk of flooding from all sources is taken into account every stage of the planning process.
- 10.118 Paragraph 173 of 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. The site lies wholly within Flood Zone 1 (least likely to flood).
- 10.119 Sustainable Drainage Systems (SuDS) are surface water management practises which aim to enable surface water to be drained in a way that mimics (as closely as possible) the run-off and drainage of a parcel of land prior to its development.
- 10.120 There are a number of ways in which SuDS can be designed to meet surface water flood risk, water quality, biodiversity and amenity goals. Given this flexibility, SuDS are generally capable of overcoming or working alongside various constraints affecting a site, such as restrictions on infiltration, without detriment to achieving these goals. The overall design of SuDS schemes should take account of the principles set out in Policy SADM14 alongside other policies within the Local Plan.
- 10.121 Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 10.122 All applications for new development must demonstrate that surface water discharges accord with the principles laid out in the drainage hierarchy, in such that a discharge to the public sewerage system is avoided, where possible. The hierarchy is outlined within paragraph 56 of the PPG states that the type of sustainable drainage system will depend on the proposed development and its location, as well as any planning policies and guidance that apply locally. Where possible, preference should be given to multi-functional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 10.123 The PPG acknowledges that particular types of sustainable drainage features may not be practicable or appropriate in some locations, such as

the use of infiltration techniques from potentially polluting development in areas where groundwater provides a potable supply of water.

- 10.124 In this case, the proposed SuDS seek to utilise attenuation tanks which are designed to manage excess rainwater and surface water runoff. They temporarily store this water during heavy rainfall and then release it at a controlled rate to prevent flooding and reduce pressure on drainage systems. These tanks are particularly useful in urban areas with lots of hard surfaces where water can't naturally soak into the ground. By holding and slowly releasing the water, they help protect homes, businesses, and the environment from flood damage.
- 10.125 The reason for attenuation tanks being selected for the current indicative layout is due to the urban location of the site where densities are higher and as such large areas of open space are not available to provide features such as swales and SuDS basins. Moreover, infiltration rates are not currently available at the site and existing surface water sewers at and around the site suggests that the feasibility of infiltration systems may not be appropriate. Any future reserved matters application will require a ground investigation to examine existing groundwater levels and the suitability of the substrate to receive infiltration. A condition requiring these details has been suggested.
- 10.126 Whilst the proposed drainage scheme is indicative at this outline stage, it does demonstrate a surface water management solution that reduces the surface water run-off from the site when compared to the existing situation, and shows that the proposed development does not result in an increase to the risk of flooding on or off site.
- 10.127 The LLFA welcome the restricted discharge rate and betterment offered by the proposals, as well as the provision of permeable paving and rainwater butts. However, the LLFA commented that further consideration should be given to above-ground, open SuDS features before below-ground attenuation tanks are accepted in principle.
- 10.128 Officers acknowledge that this is a requirement of the SuDS hierarchy, however, above ground features cannot be secured at this outline stage given that layout and landscaping are reserved matters. SuDS selection will need to be coordinated with the open space requirements for this development as part of the reserved matters application. As an urban site, there isn't a great deal of space for swales and open ponds to provide the required attenuation, but, again, this can be subject to detail at the reserved matters stage. What is required at this outline stage is a balanced judgement having regard to local and national policy and guidance. In this case, Officers are of the view that SuDs selection should be controlled through condition and carefully considered at the reserved matters stage.
- 10.129 Affinity Water, Thames Water and Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application. The latter two consultees originally raised concerns with the information submitted and had requested further information. The applicant provided additional information requested, and Thames Water have subsequently removed their objection. They have recommended a condition which is included at the end of this report. The objection from the LLFA still remains. This is discussed further within the planning balance section of the report.

10.130 Thames Water have confirmed no objection to the planning application with regard to foul water sewerage network infrastructure capacity, wastewater network and wastewater process infrastructure capacity. In the third paragraph of their consultation response, Thames Water states that the current surface water network cannot support the development's requirements. This statement seems to contradict earlier comments in the same email. Additionally, it is unclear if these comments consider the proposed discharge rate, which will be significantly lower than the existing rate. Officers have requested clarification on this point. Nevertheless, the proposal includes a surface water management plan that reduces runoff from the site compared to the existing buildings. This plan demonstrates that the proposed development will not increase the risk of flooding either on-site or off-site and is therefore not considered objectionable in this regard. Thames Water has suggested the following condition, which further supports the view that they do not object to the development in principle. This condition, together with those suggested by the LLFA have been included in Officer's recommendation.

10.131 Affinity Water were also consulted, commenting on matters of water quality, water efficiency and infrastructure connections and diversions, concluding with no objection.

10.132 Accordingly, subject to appropriately worded conditions to secure implementation of the drainage strategy, it is considered that the proposed development would be in accordance with Policies SP10 and SADM14 of the Local Plan and the NPPF.

vii) Environmental Pollution

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

10.134 The application has been supported by the submission of a Phase 1 Desk Study for contamination (Lustre Consulting, September 2024) and a Noise Assessment (Lustre Consulting, October 2024).

10.135 The Council's Environmental Health and Protection Officer has been consulted on the proposal, as have Affinity Water and Thames Water.

10.136 The potential impacts of noise as a result of the proposal and the impact of existing noise upon the proposed development are discussed above within the residential amenity section of this report.

Air quality:

10.137 Policy SADM18 of the Local Plan sets out that prevailing air quality and potential impacts upon air quality arising from airborne emissions, dust and odour associated with the construction and operation of a proposal (including vehicular traffic) will be considered when determining planning applications. Proposals that would result in or be subject to unacceptable risk to human health and the natural environment from air pollution, or would prejudice compliance with national air quality objectives, will be refused.

10.138 Policy SADM18 goes on to further set out that an Air Quality Assessment that demonstrates how prevailing air quality and potential impacts upon air quality have been considered and how air quality will be kept to an acceptable standard through avoidance and mitigation will be required for major and minor development proposals that are:

- i. Likely, due to the nature of the proposal, to give rise to significant air pollution;*
- ii. Within an Air Quality Management Area;*
- iii. Within 50 metres of a major road or heavily trafficked route;*
- iv. Within proximity to a source of air pollution which could present a significant risk to human health; and/or*
- v. Particularly sensitive to air pollution due to their nature, such as schools, health care establishments or housing for older people.*

10.139 The proposal is not considered to give rise to significant air pollution (i), neither is the site located within an Air Quality Management Area (ii). In regard to criterion (iii), the site is not located within 50m of a heavily trafficked route. The proposal and site do also not meet with (iv) or (v) as set out above.

10.140 The Council's own air quality monitoring evidence clarifies that there are no exceedances against relevant air quality standards (based on particulate generation) in this area. This matter has been discussed through the Local Plan Examination and was agreed. The proposal would have a negligible impact on air quality. On this basis, there are no objections in this regard.

10.141 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during construction. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. These impacts can be managed and mitigated in line with best practice secured through the implementation of a site specific Construction Environment Management Plan (CEMP) discussed above within the residential amenity section of this report.

Contaminated land and soil:

10.142 Policy SADM18 of the Local Plan concerns environmental pollution and states, amongst other things, that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment. Moreover, proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

10.143 The application is supported by a Phase 1 Desk Study for contamination (Lustre Consulting, September 2024) The Council's Environmental Health Officer has reviewed the submission, agreeing that further investigation work is necessary to gain a better understanding of the potential contamination risks. A condition is recommended to be imposed to secure this through an invasive site investigation. Accordingly, subject to the

imposition of the above-mentioned condition, the proposal would not be contrary to Policy SADM18.

Light pollution:

- 10.144 Policy SADM18 of the Local Plan sets out that proposals that include external lighting schemes, including floodlighting, will be approved where it can be demonstrated through a Lighting Assessment that all of the criteria can be satisfied.
- 10.145 The Council's Environmental Health Officer has commented on the application noting that the football pitches to the rear of Hatfield Leisure Centre include flood lighting. A condition is recommended for a light impact assessment to be carried out to assess the potential light impact on the proposed development. This assessment would then inform the layout of the development under a future reserved matters application.

viii) Refuse and recycling

- 10.146 The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area, contrary to Policy SP9 of the Local Plan. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF. Of particular concern is the potential for heavy and unwieldy bins obstructing the footpath as this could force people with sensory or mobility impairments, wheelchair users and those with prams or pushchairs into the road, putting them at risk of conflict with traffic.
- 10.147 The National Design Guide (H3) points out that *“Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”*
- 10.148 The submitted Planning Statement outlines that refuse collection will be from within the site. For the houses, refuse bins will be located to the rear of properties with residents dragging bins to the site frontages on collection day. For the apartments, a communal bin store would provided within appropriate drag distances. No further details are provided at this outline stage.
- 10.149 The Council's Client Services Team provided comment on the application. Further information was requested with respect to a bin store diagram for the apartments and a tracking diagram to show that the refuse freighter could manoeuvre around the turning head in front of plots 44-48. The applicant provided the further information requested with the Council's Client Services Team advising that the requirements requested are met.

10.150 Further detail with respect to refuse and recycling would be secured at reserved matters stage, once a final layout is confirmed.

ix) Minerals and waste management

10.151 In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.

10.152 Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.

10.153 Turning to waste management. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

10.154 Policy SP10 of the Local Plan requires proposals to reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site.

10.155 The County Council's Minerals and Waste Planning Officer has been consulted on the proposal. They have raised no objection subject to the imposition of a condition to secure a Site Waste Management Plan, prior to the commencement of development, which will allow for more detailed information to be secured. This has been recommended accordingly at the end of this report.

x) Sustainable design and low carbon homes

10.156 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.

10.157 The NPPF, at paragraph 157, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate.

10.158 Local Plan Policies SP10 and SADM13 seek 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. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.

10.159 The indicative proposal seeks to provide sustainable and energy-efficient new homes. These will reflect (as a minimum) Development Plan objectives as well as Building Regulations requirements.

- 10.160 The application is supported by an Energy and Sustainability Statement which sets out in detail the proposed measures to minimise the level of carbon emissions arising from the proposed indicative development.
- 10.161 Whilst the proposed measures provide strong positive contributions towards the Council's ambitions to reduce carbon demand, the details in relation to energy and sustainability are only indicative. These matters will be considered further at the reserved matters stage in accordance with the aforementioned policies.

xi) Environmental Impact Assessment

- 10.162 The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the overall area of development would be less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. Consequently, an EIA is therefore not required in this instance.

7. Planning obligations

- 10.163 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 10.164 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 10.165 Policy SP13 of the Local Plan relates to infrastructure delivery and its purpose is to ensure that settlements within the borough are supported by infrastructure that is accessible, affordable, and appropriate to the needs of the community it serves. This policy states, amongst other things, that developers will be required to contribute to the reasonable costs of enhancing existing infrastructure or providing new physical, social, and green infrastructure, required as a result of their proposals, through financial contributions.

Hertfordshire County Council

Financial contributions

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

- Primary Education (including Nursery Education) - £407,409 towards the delivery of a new primary school at HS11 and/or provision serving the development.
- Secondary Education - £392,323 towards the delivery of a new secondary school at HAT1 and/or provision serving the development.
- Childcare Contribution age 0-2 - £2,933 increasing the capacity of 0-2 year old childcare facilities at Brightside Preschool in Hatfield and/or provision serving the development.
- Childcare Contribution age 5-11 - £338 towards increasing the capacity of 5-11 year old childcare facilities at a new primary school at HS11 and/or provision serving the development.
- Special Educational Needs and Disabilities (SEND) - £69,140 towards new Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old and/or provision serving the development.
- Library Services - £12,754 towards increasing the capacity of Hatfield Library and/or provision serving the development.
- Youth Services - £8,541 towards the delivery of a new centre in Hatfield or improving facilities in buildings within Hatfield where Services for Young People projects are delivered and/or provision serving the development.
- Waste Service Recycling Centre - £5,659 towards the new provision at Welwyn Garden City and/or provision serving the development.
- Waste Service Transfer Station - £7,590 towards the new provision at the Eastern Transfer Station and/or provision serving the development.
- Fire & Rescue Service - £27,402 towards the expansion, or re provision, of Hatfield Fire Station and/or provision serving the development.
- Highways/Transport - £494,064 towards Package 4 Hatfield-Woods Avenue / Travellers Lane Corridor included in HCC's South Central Growth and Transport Plan.
- Travel Plan Evaluation and Monitoring Fee - £6,000.

- Monitoring Fees - £340 per each distinct trigger point (based on the number of triggers which will be confirmed by HCC within the legal agreement).

Welwyn Hatfield Borough Council

Financial contributions

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

- Sports Halls - £31,266 towards maintenance/improvements/refurbishment including new flooring, lighting and heating at either Birchwood Leisure Centre, Hatfield Leisure Centre, University of Hertfordshire or Bishops Hatfield girls school.
- Swimming Pools - £32,840 towards either of the following A) maintenance/repairs including new lighting, heating and flooring at Hatfield Swim Centre or the University of Hertfordshire, B) Towards a new swimming pool to be located within the borough as identified within the sports facilities strategy.
- Indoor bowls - £854 towards maintenance/improvements to either Hatfield Bowls Club or North Mymms Bowls Club including purchase of new equipment and upgrades to the changing facilities
- Adult Football Pitch - £1,822 towards either of the following projects - A) To improve the drainage on the football pitch at Welham Green Recreation Ground, B) Towards pitch maintenance and drainage at Birchwood Leisure Centre.
- Adult Football Changing Rooms - £6,501 towards either of the following projects - A) Replacing the benches, redecorating and upgrading the heating for the football teams playing at Welham Green Recreation Ground, B) Towards maintenance/ upgrading the changing facilities at Birchwood Leisure Centre.
- Youth Football Pitch - £4,393 towards either of the following projects - A) To improve the drainage on the football pitch at Welham Green Recreation Ground, B) Towards pitch maintenance and drainage at Birchwood Leisure Centre.
- Youth Football Changing Rooms - £9,576 towards either of the following projects - A) Replacing the benches, redecorating and upgrading the heating for the football teams playing at Welham Green Recreation Ground, B) Towards maintenance/ upgrading the changing facilities at Birchwood Leisure Centre.
- Mini Soccer Pitch - £655 towards pitch improvements at Hatfield Leisure Centre.

- Rugby Union Pitch - £6,576 towards pitch maintenance, drainage improvements and new floodlights at Roe Hill, Hatfield.
- Rugby Union Changing Rooms - £15,642 towards maintenance/upgrading of the changing facilities at Roe Hill, Hatfield OR The University of Hertfordshire OR Welwyn Rugby Club.
- Rugby League Pitch - £5,860 towards pitch maintenance, drainage improvements and new floodlights at Roe Hill, Hatfield.
- Rugby League Changing Rooms - £15,862 towards maintenance/upgrading of the changing facilities at Roe Hill, Hatfield OR The University of Hertfordshire OR Welwyn Rugby Club.
- Cricket Pitch - £5,449 towards new cricket wickets, nets, maintenance to the pitches at either North Mymms Cricket Club, Hatfield and Crusaders Cricket Club or Newgate Street.
- Cricket Changing Rooms - £6,199 towards maintenance, redecorating, upgrading including new heating and lighting at either North Mymms Cricket Club, Hatfield and Crusaders Cricket Club or Newgate Street.
- Sand Based Pitch - £11,164 towards either of the following A) Pitch maintenance and improvements at either The University of Hertfordshire OR Chancellors School (the only sand based pitches in the borough) or B) Towards floodlights at Chancellors School to allow them to play and train in the winter.
- Sand Based Changing Rooms - £4,613 towards maintenance and improvements at either the University of Hertfordshire OR Chancellors School.
- 3G pitch - £5,232 towards either of the following A) Towards pitch improvements/maintenance/resurfacing at either Birchwood Leisure Centre, Hatfield Leisure Centre, the University of Hertfordshire, Hatfield Football Academy or Roe Hill, B) Towards a new 3G pitch located within the borough as identified within the Local football facilities plan and the sports facilities strategy.
- 3G Changing Rooms - £1,801 towards maintenance/upgrades at either Birchwood Leisure Centre, Hatfield Leisure Centre, the University of Hertfordshire, Hatfield Football Academy or Roe Hill.
- Public Open Space - £8,193 towards a project to be confirmed within the vicinity of the site.
- Play Facilities - £21,491 towards a project to be confirmed within the vicinity of the site.
- Waste & Recycling - £6,744 for on-site provision of waste receptacles.
- Monitoring Fee - Capped at £5,000

10.168 Other obligations comprise:

- Vacant Building Credits (VBCs) and resultant affordable housing requirement, in lieu of 25% affordable housing.
- Biodiversity Net Gain delivery and management/maintenance for 30 years.
- Management Scheme for internal roads, footpaths, open spaces, play spaces, and SUDs.

NHS Contribution

10.169 The NHS request a financial contribution of £120,384 to mitigate the primary health care impacts from the development. The projects would involve the relocation of Northdown branch GP surgery to the Highview development and reconfiguration or expansion of Potterells Medical Centre.

Summary

- 10.170 All s106 financial obligations are subject to indexation. At this stage, the total contributions requested by WHBC, HCC and the NHS amount to £1,757,271. noting that the figures are indicative and subject to change as they are based on the indicative number and type of residential units which have been provided by the applicant for the outline component of the proposal.
- 10.171 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 10.172 The applicant and Council have entered into negotiations to address the points outlined above and a draft s106 agreement is currently being progressed. If the Development Management Committee resolve to grant planning permission subject of the completion of the s106 agreement, this document will be completed.
- 10.173 The proposal, subject to the completion of a s106 agreement, would comply with Policies SADM1, SP7 and SP13 of the Local Plan, The Planning Obligations SPD and the NPPF.

8. The planning balance

- 10.174 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means (paragraph c) approving development proposals that accord with an up-to-date development plan without delay.
- 10.175 Taken together, paragraph 11(d) and footnote 8 of the NPPF set out the circumstances in which housing delivery should be considered as a material consideration when dealing with applications.
- 10.176 The Welwyn Hatfield Local Plan was adopted in October 2023 and is less than five years old. The adopted plan identified at least a five-year supply of

specific, deliverable sites at the time that its examination concluded. Therefore, in accordance with paragraph 79 of the NPPF, the Council is not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes.

- 10.177 However, the latest Government published Housing Delivery Test data (December 2023) which related to the period running from 1st April 2019 to 31st March 2022 showed that Welwyn Hatfield delivered 57% of homes against its target, falling below the 75% threshold. Therefore, in accordance with footnote 8, the 'tilted balance' set out in paragraph 11(d) of the NPPF is in effect in this instance. With this in mind, planning permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.

Summary of adverse impacts

- 10.178 In terms of adverse impacts arising from the scheme, the proposed development would result in the loss of a residential care home (use class C2). There are however no policies contained within the Local Plan which seek to protect existing care homes. Similarly, within the context of the NPPF, paragraph 11 and the 'presumption', there are no specific policies in the Framework which seek to favour or protect care use in the context of making the best use of sites and meeting the need for housing.
- 10.179 Notwithstanding, the applicant has sufficiently evidenced that the existing care home is not fit for purpose, it is not suitable for meeting current needs for C2 care provisions, would not be financially viable for refurbishment and that, accordingly, there is no demand for the site to remain as a care home. Moreover, the C2 use has already ceased as explained earlier within the report, and as such, there is no current care home provision at this site.
- 10.180 Given this and the flexibility which is afforded in policy for the loss or change of use of a care home, it is considered that a residential proposal for the site would be acceptable and only limited weight is attributed to the loss of a care home facility.
- 10.181 A further adverse impact of the scheme is the outstanding objection from the LLFA. Officers acknowledge that a requirement of the SuDS hierarchy is to explore open SuDS features before below-ground attenuation tanks are accepted in principle, above ground features cannot however be secured at this outline stage given that layout and landscaping are reserved matters.
- 10.182 SuDS selection will need to be coordinated with the open space requirements for this development as part of the reserved matters application. As an urban site, there isn't a great deal of space for swales and open ponds to provide the required attenuation, but, again, this can be subject to detail at the reserved matters stage. What is required at this outline stage is a balanced judgement having regard to local and national policy and guidance. In this case, Officers are of the view that SuDS selection should be controlled through condition and carefully considered at the reserved matters stage.. In this case, Officers are of the view that SuDS selection should be controlled through condition and carefully considered at

the reserved matters stage. Therefore, on balance, it is considered that limited weight is attributed to the LLFA objection.

Summary of benefits

- 10.183 Benefits arising from the proposed development include the provision of housing within a highly sustainable site, biodiversity net gain, and economic benefits. These are considered in turn below:

Housing:

- 10.184 Paragraph 60 of the NPPF seeks to support the Government's objective of significantly boosting the supply of homes. To achieve this, the NPPF notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.185 The Council cannot demonstrate a five-year supply of deliverable housing sites and the current shortfall is significant. That said, the Council now have an adopted Local Plan which provides a plan-led and positive vision for the future and framework for addressing housing needs. The adopted Local Plan has identified opportunities on specific sites in and around the Borough's towns and excluded villages to facilitate the delivery of 9,343 dwellings between 2023/24 and 2032/33, and 13,400 dwellings over the plan period 2016-2036. Moreover, opportunities to meet the remaining need will be the subject of an early review of the Local Plan, and this review will determine additional sites to be allocated to meet the requirement for future years. This position outlines a clear and positive route to improving housing supply for the Borough in the short to medium term and that the Council are actively working towards achieving a five-year supply.
- 10.186 As discussed earlier in this report, Welwyn Hatfield Borough Council have, in recent years, fallen short of their targets for housing provision. The Local Plan allocates sites for housing in order to assist with housing delivery. The application site is not an allocated site and therefore represents a windfall of 72 dwellings towards the Council's targets.
- 10.187 This proposal would be for a significant amount of housing but it is also not guaranteed when it would begin to contribute. The proposal would help in addressing some short-medium term needs but a developer would need to be found, applications for reserved matters prepared, assessed and approved, conditions discharged and groundworks undertaken.
- 10.188 The calibration of the weight to be attached to this benefit is not an exact science and there is no prescribed methodology. In balancing all of these factors together the contribution to market housing in this context that the proposal would make attracts significant weight in favour.

Site sustainability:

- 10.189 The application site is located within the town of Hatfield. In Policy SP3, Hatfield is described as a medium sized town, with good accessibility, a town centre and a series of large and small neighbourhood centres, a

primary focus for new development which will help bring investment, regeneration, and economic growth.

- 10.190 The site is considered to be located within a highly sustainable location for development, with access to a range of local services such as Highview Neighbourhood Centre, shops within Hatfield Town Centre, primary and secondary schools, the University and an employment area in a close proximity. Sustainable modes of transport afford good connectivity to key local destinations, in particular bus stops are a short walk from the site, and Hatfield railway station that is sited an approximate 1.4 mile walking distance to the north. A bus interchange is also located next to the train station.
- 10.191 Moreover, the proposal identifies opportunities to promote walking, cycling and public transport which will benefit future residents and the wider community. Significant weight is afforded to the sustainable location of the site.

Biodiversity Net Gain:

- 10.192 The submitted documents demonstrate that whilst an on-site 10% BNG increase cannot be provided, the final layout of the site has not yet been detailed, and an off-site location for BNG could be utilised.
- 10.193 The detail of BNG provision is to be secured by conditioned through the submission of a biodiversity gain plan, as well as through a S106 legal agreement. This attracts limited weight in the planning balance.

Economic benefits:

- 10.194 A number of economic benefits will arise from this proposal. These include the provision of jobs during the construction phase of the development by creating employment opportunities on site and indirectly supporting businesses through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long-term economic benefit from the future occupiers spending on goods and services, but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

11 Conclusion

- 11.1 Having regard to all the above, it is considered that the adverse impacts identified would not significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF is taken as a whole. Planning permission should therefore be granted.

12 Recommendation

- 12.1 It is recommended that the Committee resolves to grant planning permission subject to:
- a) Completion of a satisfactory s106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement; and

b) 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:

| Plan Number | Revision Number | Details | Received Date |
|--------------------------|------------------------|--|----------------------|
| 3425-DEN-ZZ-XX-DR-A-1006 | B | Indicative Site Layout | 21 October 2024 |
| 3425-DEN-ZZ-XX-DR-A-1007 | A | Indicative Site Layout In Context 1:1000 | 21 October 2024 |
| 3425-DEN-ZZ-XX-DR-A-1008 | A | Indicative Site Layout In Context 1:500 | 21 October 2024 |
| 23386_01 | | Topographic Survey | 21 October 2024 |
| 0010 | | Existing Floor Plans | 21 October 2024 |
| 3425-DEN-ZZ-XX-DR-A-1000 | A | Location Plan | 21 October 2024 |
| PJC.1359.001 | C | Landscape Strategy Plan | 21 October 2024 |
| 20207-DS-002 | A | Foul Water Drainage Strategy | 27 November 2024 |
| 20207-DS-003 | A | Drainage Strategy | 27 November 2024 |
| 24-166-005 | | Delivery Vehicle Access and Internal Manoeuvring Swept Path Analysis | 12 November 2024 |
| 24-166-020 | | Bin Store Layout | 12 November 2024 |

2. Approval of Details - Outline

Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. Time Limit for Submission of Reserved Matters

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

4. Drainage Scheme

Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and SuDS Strategy reference FRA20207.1D dated 03 October 2024, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i) Detailed ground investigations including infiltration testing in accordance with BRE Digest 365 (or equivalent). If infiltration is proven to be feasible, it should be used for surface water disposal.

or

If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

- ii) Full consideration of the SuDS hierarchy with preference for above-ground SuDS for conveyance and attenuation, to be sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including appropriate allowances for climate change). Below-ground attenuation shall only be used if above-ground features are not technically feasible.
- iii) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- iv) The design of any basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- v) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including any ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- vi) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

- vii) A detailed maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

REASON: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, and in accordance with the Welwyn Hatfield Local Plan and the National Planning Policy Framework.

5. Drainage During Demolition

No development shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

REASON: To prevent flooding and pollution offsite in accordance with the Welwyn Hatfield Local Plan and the National Planning Policy Framework.

6. Contamination

No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

- a) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- b) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Thereafter, the development must not be carried out other than in accordance with the approved detail, unless otherwise agreed 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Tree Protection

No development 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, unless otherwise agreed in writing by the Local Planning Authority. 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 protect the existing trees, shrubs and hedgerows in the interest of maintaining the character and amenity of the area and minimising the impact of development in terms of ecology, biodiversity and climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Construction Ecological Management Plan

No development shall commence until Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) Pollution (dust) control measures which should include the erection of protective fencing to ensure no negative impact on the retained woodland to the southwest of the site.
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of “biodiversity protection zones”.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Pre-works survey for badgers
- j) Schedule of demolition to ensure buildings are demolished outside of the core hibernation period
- k) Mitigation for bats, reptiles, great crested newts, and birds

Thereafter, the development must not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

9. Contamination through Ground Works (Affinity Water)

No development involving excavations (excluding demolition and those required for investigation) shall commence until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- 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, including sampling for bromate presence.
- b) A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- c) A Risk Assessment identifying both the aquifer and the abstraction point as a potential receptor of contamination, and an assessment for bromate plume disturbance.
- d) A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including bromate to a public water supply. Any excavations must be

undertaken in accordance with the terms of the approved method statement.

- e) Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply

Thereafter, the development must not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid mobilising any contamination including bromate in the aquifer and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Surface Water Drainage Scheme (Affinity Water)

No development shall commence until a Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. Thereafter, the development must not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid mobilising any contamination including bromate in the aquifer and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. Site Waste Management Plan (SWMP)

No development shall commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type.

Thereafter, the development shall be carried out in accordance with the approved SWMP, unless otherwise agreed in writing by the Local Planning Authority.

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

12. Construction Traffic Management Plan (CTMP)

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing.
- b) Traffic management requirements.
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities.
- e) Cleaning of site entrances, site tracks and the adjacent public highway.
- f) Timing of construction activities to avoid school pick up/drop off times.
- g) Provision of sufficient on-site parking prior to commencement of construction activities; and
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway

Thereafter the construction of the development shall only be carried out in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

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 Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

13. Crossing onto Travellers Lane

No development shall commence until detailed engineering designs of a safe and secure crossing for pedestrians and cyclists on Travellers Lane have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. These works shall be implemented in accordance with the approved details, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

14. Bus Stops Upgrade

No development shall commence until details of a scheme to upgrade the closest existing bus stops on Travellers Lane, to include bus shelters with real time information display screens, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. These works shall be implemented in accordance with the approved details, and constructed to the

specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

15. Provision of Tactile Crossings on existing access point

No development shall commence until details of a scheme to provide tactile paving crossings has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, for the following junctions:

- a) At the junction of Kingsmill Court and Drakes Way
- b) At the junction between Allen Court and Darkes Way
- c) At the junction of Drakes Way near the house number 12

These works shall be implemented in accordance with the approved details, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

16. Landscape Ecological Management Plan (LEMP)

No development above ground level shall take place until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

- a) description of the objectives;
- b) habitat/feature creation measures proposed;
- c) timetable for implementation;
- d) maintenance of habitat/feature creation measures in the long term and those responsible for delivery; and
- e) monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

Thereafter the LEMP shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of

climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION

17. Contamination Verification Report

Prior to the first occupation of the development hereby permitted, 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, unless otherwise agreed 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Sound Insulation Pre-Occupation Testing

Prior to the first occupation of the development hereby permitted, a noise verification report (including pre completion noise testing) must be submitted to and approved in writing by the Local Planning Authority.

The noise verification report must demonstrate the following:

That the recommended noise mitigation measures in the Noise Assessment by Leisure Consulting, Report Ref: 5064_AC_1.0, have been installed and implemented, including the adoption of good acoustic design.

Noise tests must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms.

Noise testing must show that outdoor amenity areas comply with the 55dB WHO Community Noise Guideline Level, if outdoor amenity areas cannot comply, then it must be shown through testing that a suitable place is available within 5 minutes walk from the development that complies with the amenity noise level.

Noise testing must show that noise from commercial sources (all commercial noise from Hatfield Leisure Centre) at the facades that include habitable rooms, does not exceed the background noise levels (LA₉₀) by more than 5dB in relation to BS4142: 2014+A1:2019.

Testing must take place at the properties that would be worst affected by the commercial noise sources, as in the closest properties to the

noise sources. Testing must also take place for a suitable period so representative noise levels can be recorded.

Non-compliance with these levels will require additional mitigation measures to be incorporated into the development, prior to the occupation of the development and that additional work, shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

REASON: To protect the occupants of the development from noise disturbance and secure a high standard of design and amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. External Lighting Impact

Prior to the first occupation of the development hereby permitted, a lighting impact assessment must be submitted to and approved in writing by the Local Planning Authority.

The assessment must look at the impact from the flood lighting at the football pitches at Hatfield Leisure Centre and how this will affect the proposed development.

The submission must include vertical lux diagrams and horizontal light spill which show potential light trespass into windows of the proposed residential properties.

REASON: To protect the occupants of the development from noise disturbance and secure a high standard of design and amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

20. External Lighting Scheme

Prior to the first occupation of the development hereby permitted, details of external lighting must 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.

This scheme should also accurately identify the features/areas of interest, describe levels of illumination prior to, during, and post-development, and should be shown in suitable contour plans and charts so that it can be clearly demonstrated that lit areas will not compromise existing use. Proposed lighting should accord with best practice (Bats and Artificial Lighting at Night 08/23) and maintained accordingly. These proposals should also be accompanied by a statement by an ecologist on how it achieves these goals.

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, unless otherwise agreed in writing by the Local Planning Authority.

No further external lighting should be added, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To help create a safe place and assist with the reduction of the fear of crime; to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Surface Water Drainage Scheme Verification Report

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

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

22. Surface Water Network Upgrades (Thames Water)

Prior to the first occupation of the development hereby permitted, confirmation will be provided that either:-

- a) All surface water network upgrades required to accommodate the additional flows from the development have been completed; or
- b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. Habitat Management and Maintenance Plan

The development shall not be occupied until a Habitat Management and Maintenance Plan (HMMP), based on the template published by Natural England and prepared in accordance with the approved Biodiversity

Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The HMMP shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. This shall include details of measures to protect and enhance existing flora, fauna and habitats, as well as a plan to show species enhancements on-site reflecting proposals within the Biodiversity Gain Plan, to demonstrate that at least 10% Biodiversity Net Gain will be achieved and managed on-site.

REASON: The proposed habitats to be created are required in the interest of enhancing the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, ensuring measurable net gains to biodiversity and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHERS

24. Noise from Construction

Construction deliveries, demolition and construction works, which shall include use of any plant or machinery, cleaning and maintenance of plant or machinery, deliveries to the site and movement of vehicles within the curtilage of the site, must not take place other than between the hours of:

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

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. Phase 1 Desk Study

The development hereby approved shall be carried out in accordance with the Phase 1 Desk Study for contamination (Lustre Consulting, September 2024), unless otherwise agreed 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

26. Bat Emergence Survey

The development hereby approved shall be carried out in accordance with the Phase 2 Bat Survey Report by PJC dated September 2024, unless otherwise agreed in writing by the Local Planning Authority.

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

27. Preliminary Ecological Appraisal

The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal by PJC dated September 2024, unless otherwise agreed in writing by the Local Planning Authority.

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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. Noise Assessment

The development hereby approved shall be carried out in accordance with the Noise Assessment by Lustre Consulting dated October 2024, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the occupants of the development from noise disturbance and secure a high standard of design and amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

29. Reporting of Unexpected Contamination

If 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 must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. Unexpected Contamination (Affinity Water)

If contamination is found at any time when carrying out the approved development that was not previously identified, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- a) Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

1. Biodiversity Net Gain Condition

Development may not be begun unless:

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

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

2. BNG Informative

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

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

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

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

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

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

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

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

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

compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Advice on information required to discharge Biodiversity Gain Condition

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

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

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

3. Other Legislation

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

4. Ownership

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

5. Statutory Consultee Advice

The developer is advised to have regard to the representations received from statutory consultees which include advisory information and informatives.

6. Building Control

In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

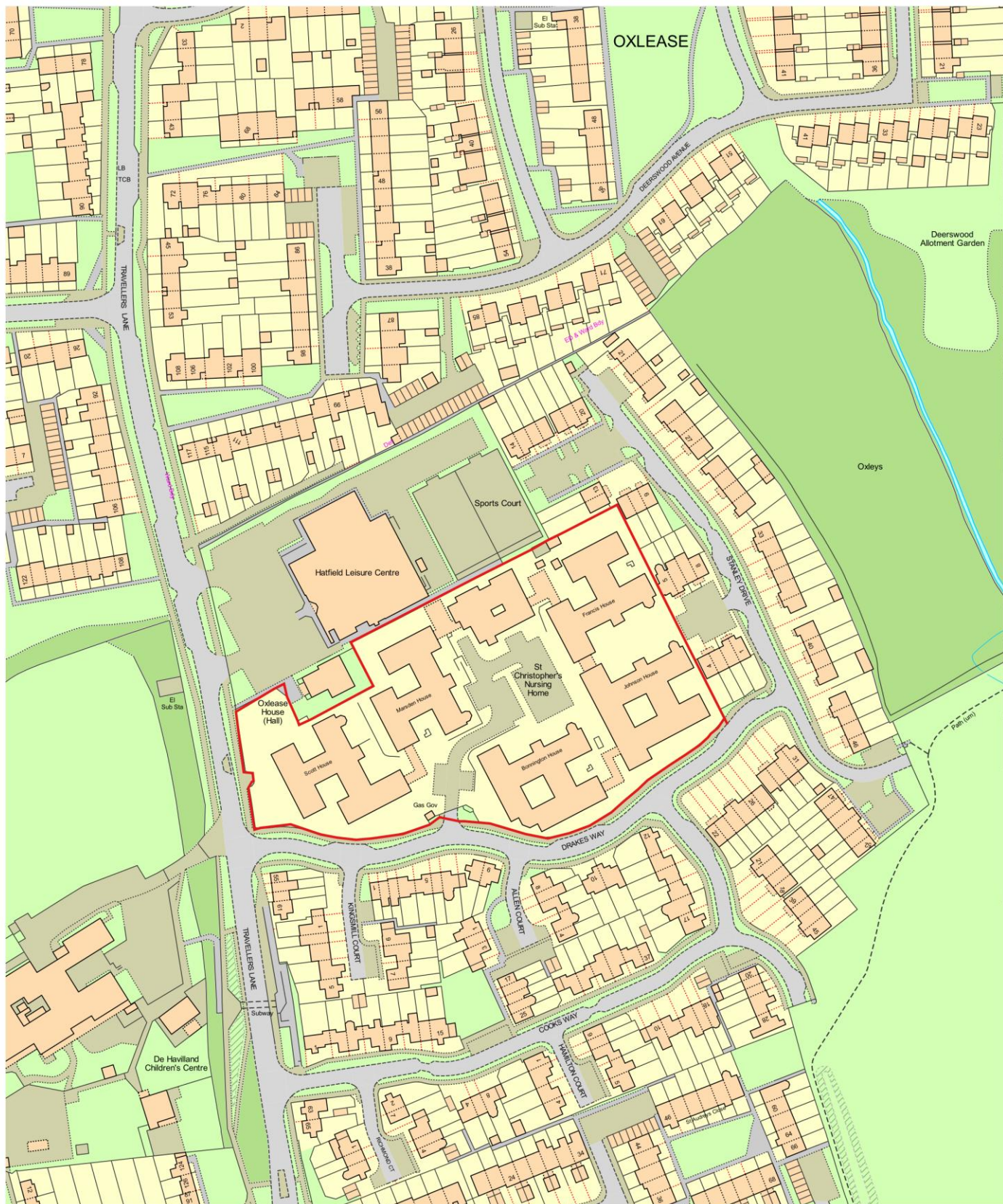
OR


It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed s106 agreement for the following reason and subject to the application not being called in by the Secretary of State:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.

Together with the above drawing numbers to also be included.

Ashley Ransome (Development Management)
Date: 09/12/2024



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|--|---|-----------------|------------------|
|  WELWYN HATFIELD | Title: St Christopher's Nursing Home Drakes Way Hatfield AL10 8XY | | Scale: 1:5000 |
| | Development Management Committee | | Date: 03-12-2024 |
| Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE | 6/2024/2035/OUTLINE | Drawn: I Azunma | |
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