

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 20 OCTOBER 2022  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2020/3418/MAJ

SANDYHURST, 1 WELWYN BYPASS ROAD, WELWYN, AL6 9HT

DEMOLITION OF EXISTING SINGLE DWELLING AND RELACEMENT WITH 37 DWELLINGS (30 APARTMENTS AND 7 HOUSES, INC 12 AFFORDABLE UNITS) TOGETHER WITH LANDSCAPING, AMENITY, REVISED PEDESTRIAN ACCESS, VEHICULAR ACCESS, CAR AND CYCLE PARKING

APPLICANT: JARVIS HOMES LTD

## **1 Site Description**

- 1.1 The application site currently comprises a large garden serving a single detached home on the east side of By Pass Road and west of the northbound A1 Road. The site itself is currently well screened by mature planting along each road frontage, by mature planting along its northern boundary with existing houses and flats on Node Way Gardens and only glimpsed views of the house through the site access and through thinner vegetation are possible when approaching from the south along By Pass Road.
- 1.2 The site is generally at a lower level than By Pass Road with the site sloping down from west to east with the A1 road at a still lower level to the east.
- 1.3 On the north side of the site there is established residential development of houses and flats up to three storeys in height at Node Way Gardens, on the opposite side of By Pass Road is a petrol filling station and the junction with London Road opposite the southern end of the site and the petrol filling station exit opposite the north west corner of the site.
- 1.4 The site is located within the Green Belt, just south of the village boundary and within the Ayot St Peter Wooded Upland Landscape Character Area but is not within a conservation area or close to any other heritage asset.

## **2 The Proposal**

- 2.1 Planning permission is sought for the erection of 37 dwellings following the demolition of the existing dwelling on the site. Seven dwelling houses are proposed in two short terraces (3 and 4 dwellings) parallel to the site frontage with By Pass Road. Thirty flats are proposed in four blocks, 3 similarly designed blocks aligned with the dwelling houses and with the adjoining roads and a fourth block at a right angle to the roads and facing north/south on the southern side of the site.

- 2.2 A single vehicular access to serve the entire site would be created at the north-west corner of the site with a looping access road providing a frontage to each group of houses and flats and access to parking spaces located throughout the site. The existing domestic access at the south west corner of the site would be retained for pedestrian and cycle access only, and two new pedestrian accesses would be created from By Pass Road between and to the south of the two short terraces.
- 2.3 The two storey dwelling houses on the site frontage would be constructed using red-multi bricks with timber cladding and tiled roofs, the flat blocks are each three storeys in height and would be constructed using similar complementary finishes.
- 2.4 The site's sloping topography has been utilised so that the building blocks vary in height and stepped eaves and ridge heights would provide visual interest and variety through the site.
- 2.5 The terraced houses each have private rear gardens within which there would be space for refuse bins, sheds and cycle parking. The southern flat block would have access to a detached bin storage building and a secure cycle storage building adjacent. The three flat blocks on the eastern side of the site would have integral bin and cycle stores.
- 2.6 A total of 55 car parking spaces including visitor and disabled parking spaces are located close to homes throughout the site.
- 2.7 The site currently contains a significant number of trees, predominantly located around the boundaries of the site but there are some mature specimen trees that have a high value in the local landscape. The application is therefore accompanied by an arboricultural report which identifies the trees which are to be removed as a result of the development and also those which are to be retained.
- 2.8 The application is also accompanied by a preliminary ecological appraisal report, as the wooded nature of the site is a rich environmental resource with the potential habitat for protected species to be present.
- 2.9 Also accompanying the application is a Transport Statement that assesses the likely impacts of the development on the local road network capacity and upon road safety, and a noise impact report considering the effects of noise upon the flats, principally emanating from the A1 motorway.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because this is a 'Major' application located in the Green Belt and the recommendation is for approval.

### **4 Relevant Planning History**

- 4.1 The site is a proposed allocation in the Draft Local Plan Proposed Submission Document 2016 (site HS19 (Wel4)).

### **5 Relevant Planning Policy**

- 5.1 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.2 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)-  
As Members are likely to be aware, the Local Plan process has been underway since 2017 and the Inspector has advised the Council that an overall figure of 15,200 new homes is required to ensure that the Local Plan is considered sound. On the 13 January 2022 the Cabinet Planning and Parking Panel (CPPP) considered a report on the Council's Emerging Plan and was asked to consider options to make provision for the delivery 15,200 homes for the Emerging Local Plan to be found sound. The CPPP, rejected officer recommendations to increase the housing numbers to 15,200. This decision was endorsed by Cabinet on 18 January 2022 and Full Council on 27 January 2022. Given the current uncertainty surrounding the emerging Local Plan, only limited weight is given to its' policies.
- 5.3 National Planning Policy Framework (NPPF)
- 5.4 National Design Guidance
- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site is within the Parish of Welwyn as designated in the Welwyn Hatfield District Plan 2005 and in the Green Belt.

## **7 Representations Received**

- 7.1 The application was advertised by means of 140 neighbour notification letters and a press notice and site notice. In total 3 representations have been received as follows:

We would like to see works to improve safety on the B197: 1) Clearly sign the southbound cycle lane. The Road Safety Audit for the development incorrectly states there is a northbound cycle lane on the B197 including warning signs for drivers exiting the site to expect cyclists on this cycle lane. 2) Given a pedestrian was seriously injured on 18.4.2018 crossing the B197 a reduction of the road speed limit to 30 mph is required. 3) Right turns off the B197 into the development should be banned to prevent cars cutting across cyclists. Cars can go north to the roundabout and back south to turn in. This issue is not addressed by the Road Safety Audit. 4) Where the southbound cycle lane ends at the Frythe, replace the current solid white line with the correct end of cycle lane markings and signs. 5) There should be a safe cycle route from the proposed development to Monks Walk School.

The development should make provision for the installation of at least 30 swift bricks (swift bird) within the new development secured by a planning condition.

A large number of B quality trees and shrubs are shown for removal. More replacements should be included to ensure appropriate screening on the edge of the village. The development is dominated by car parking. It is likely that some of the residents would use Welwyn North Station. The existing footpath link from Welwyn is very poor and cyclists would have to use the main busy road. I recommend a S106 agreement to ensure the existing footpath is upgraded to encourage more sustainable transport for pedestrians and cyclists.

## **8 Consultations Received**

8.1 The following have responded advising that they have no objections to the proposal;

- Welwyn Hatfield Borough Council Parking Services
- Welwyn Hatfield Borough Council Client Services
- Hertfordshire County Council Historic Environment
- Thames Water
- Cadent Gas

8.2 The following have responded advising that they have no objections to the proposal in principle, subject to conditions being imposed;

- Welwyn Hatfield Borough Council Trees and Landscapes
- Welwyn Hatfield Borough Council Public Health and Protection
- Hertfordshire County Council Transport Programmes and Strategy
- Hertfordshire County Council Minerals and Waste Policy Team

8.3 Affinity Water - We object to this Application because we are concerned that it has the potential to impact adversely the supply of water. It is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:-

- Any deep excavations to be approved in writing by the Local Planning Authority in conjunction with Affinity Water and supported by an Intrusive Ground Investigation study to avoid displacing any shallow contamination to a greater depth.
- Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.
- Surface water should not be disposed of via direct infiltration into the ground via a soakaway.
- The onsite drainage system should incorporate an oil/water interceptor to prevent petrol/oil being discharged into the surface and groundwater network.
- Onsite bunding to contain fuel and chemical spills during construction.
- A scheme to achieve compliance with the target water use of 110/litres/person/day to be submitted to the Local Planning Authority for approval.

- 8.4 Hertfordshire County Council Lead Local Flood Authority – objection raised due to insufficient information submitted. It is understood that the surface water discharge method is via an existing ditch however further evidence has been requested by the flood authority to ensure that this ditch does connect to the River Mimram. Confirmation was also required as to whether this ditch is wholly located within the application site.
- 8.5 Herts & Middlesex Wildlife Trust – Object, the ecological report identifies a NERC section 41 priority habitat (Lowland Mixed Deciduous Woodland). NPPF requires that the mitigation hierarchy should be applied to priority habitat. However, no ecological justification for the loss of this habitat has been offered. Neither have any measurable mitigation or compensation measures. What has been suggested is that some trees will be kept and losses should be compensated. Yet no definitive or measurable compensation has been offered.
- Further information and additional mitigation/compensation has been identified and submitted by the applicant’s consultant ecologist.
- 8.6 Hertfordshire County Council Growth Team - seek financial contributions via Section 106 contributions towards the following projects · Primary Education towards the expansion of Welwyn St Mary’s C of E Primary School by 1 form of entry, Secondary Education towards the expansion of Monks Walk Secondary School by 1 form of entry, Library Service towards Welwyn Garden City Library, provision of fire hydrant serving the site.
- 8.6 No responses were received from the following consultees;
- National Health Service
  - Hertfordshire County Council Ecology

## **9 Town/Parish Council Representations**

- 9.1 Welwyn Parish Council comment as follows: ‘Welwyn Parish Council agreed at its Planning and Licencing committee meeting of the 26<sup>th</sup> January 2021 to submit NO COMMENT on this application.’

## **10 Analysis**

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. Principle of development within the Green Belt**
  - 2. Quality of design and impact on the character of the area**
  - 3. Residential amenity**
  - 4. Highways and parking considerations**
  - 5. Other considerations**
    - i. Ecological impacts**
    - ii. Trees and Landscaping**
    - iii. Flood risk/Surface water drainage issues**
    - iv. Refuse and recycling**
    - v. Neighbour representations**
  - 6. Environmental Impact Assessment**
  - 7. Planning Obligations**
  - 8. The planning balance**

## 1. Principle of the development within the Green Belt

- 10.2 Paragraph 147 of the NPPF states that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.
- 10.3 The site is located entirely within the Metropolitan Green Belt. The applicant has stated that the site has a number of existing buildings and therefore should be considered previously developed land where the test of openness has already been disturbed. It was also noted that there would be a significant landscape buffer which safeguards the countryside from further encroachment to the south. However, there is no exception listed in Paragraph 149 of the NPPF that is relevant to this case. The development proposed would clearly have more impact upon the openness of the Green Belt over and above the existing buildings found at the site. As a consequence the proposed 37 dwelling housing scheme represents inappropriate development which, by definition, is harmful to the Openness of the Green Belt. Such development should not be approved except in very special circumstances [VSC] and local planning authorities should not approve inappropriate development unless the VSC clearly outweigh the potential harm to the Green Belt from the proposal.
- 10.4 The application is accompanied by a planning statement which at 6.9 acknowledges that “the onus is therefore placed on the Applicant to demonstrate the very special circumstances under which planning permission should be granted for development and that *‘the very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.’* The applicants planning statement identifies the following VSC: -
- Delivery of houses to meet the five year land supply
  - Delivery of affordable housing (12 units or 30%)
  - Provision of a mix of housing dwelling types and sizes and different tenures.
  - All homes to meet national internal space standards
  - Provision of new homes at a higher density of 37 dwellings per hectare making efficient use of land
  - The Site has been designated as a New Site for housing in the Emerging Local Plan and has been classified as not making a significant contribution to the Green Belt designation. Given the advanced stages of the Local Plan and the demonstrated need in the borough to deliver new housing, it can be argued that the redevelopment of the Site with 37 new residential dwellings can be considered very ‘special circumstances’ and that any harm to the Green Belt can be outweighed by the special consideration of the need to deliver sites that can contribute to meeting the housing demands set for the borough.
- 10.5 The delivery of housing land is not a supportable justification on its own for development in the Green Belt. but in association with other benefits can be supported and recent appeal decisions have held the housing provision can constitute very special circumstances.

- 10.6 Similarly, a great deal of benefit identified by the applicant as VSCs would ordinarily be delivered by any comparably-sized residential scheme by simply complying with local and national policy. Limited weight, therefore, can be afforded to these matters relating to the simple provision of housing, the mix of housing sizes and types proposed, the internal space standards and the relatively higher densities proposed.
- 10.7 In line with Paragraph 48 of the NPPF 2021, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).
- 10.8 Therefore, the Draft Local Plan policies relating to this site should carry substantial weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process.
- 10.9 The applicant's justification for this inappropriate development derives mainly from the stated policy intention of the Council to remove the Green Belt designation from this entire area of land. The site is included in the Draft Local Plan Proposed Submission Document 2016 that was subject to public consultation. The site was one of three proposed for allocation in Welwyn under Policy SADM29. Collectively 10 comments were received, only two of the representations made specific reference to this site. The Council's Green Belt Stage 3 assessment noted that the release of Parcel 10a comprising entirely of the site would result in moderate-low harm to the Green Belt. The strengthening of the boundary to the south west through planting would further strengthen the boundary and reduce the visible harm through screening the development more effectively.
- 10.10 In connection with this planning application it is noteworthy that the Parish Council does not object and of three representations received one is concerned with cycle facilities and the impact of the development on cycling, the second relates to the provision of bird boxes/bricks within the new buildings and the third concerns the removal of some B quality trees and shrubs, number of onsite parking and the need for a S106 agreement to upgrade the existing footpath.
- 10.11 The Council's emerging Local Plan has been subject to Examination since 2017 and is considered to be at an advanced stage. Whilst, due to unresolved differences, the exclusion of the site from the Green Belt is not yet certain, there are a number of reasons that go in favour of the development. First, the site is allocated in the draft Local Plan and has been the subject of only very limited comment from residents and interested parties. Secondly, the Council's five year housing land supply was recently declared at 2.46 years, which is considerably below a 5 year supply as required by the Framework, and this was also recently described by an appeal Inspector as "a bleak position" and a "considerable and significant" shortfall which needs to be addressed. Given the existing deficiencies in the Council's 5 year housing land supply position, it is considered that the delivery of 25 market homes and 12 affordable homes represents a substantial benefit in this instance.

10.12 The site is allocated as a Housing Site in the emerging Local Plan. It follows therefore that it must be considered to be in a sustainable location. This is evidenced by the site's location adjacent to an established residential area, its' accessibility by means of transport other than the private car, its' proximity to Welwyn Village and its range of services and facilities which are all in walking distance. The capacity of existing infrastructure is sufficient to be able to accommodate the development but in advance of the Adoption of the emerging local plan it remains Green Belt. An assessment must therefore be made in the planning balance section of this report.

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

10.13 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes 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. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

10.14 The National Design Guidance (NDG) lists ten characteristics which contribute towards the creation of well-designed places. These include context, identity and built form and should include an analysis of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character, the street pattern, their proportions and landscape features, the proportions of buildings framing spaces and streets, and the local vernacular, other architecture and architectural features that contribute to local character.

10.15 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's own Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area and also with the Digswell Character Appraisal. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

10.16 The existing site is screened by mature boundary planting and as identified by the Council's landscape team some key specimen trees which are to be retained if the development proceeds. The proposed new homes are to be set within this landscape setting which would continue to be defined from and separate to the open field to the south. Being confined between roads on two sides and existing residential development on the north side of the development there are strong boundary treatments that despite the loss of some trees would ensure there would be relatively modest visual harm resulting from the redevelopment of this residential garden.

10.17 The residential use would be consistent with the adjoining land use and the design and scale of the dwellings would be broadly similar with other homes in the area. Notwithstanding the site's location in Green Belt the proposed development would not appear out of place in this edge of settlement location.



10.18 The mix of flat blocks and short terraces of dwellings combined show a development with visual interest and a reasonable mix of buildings, private space, circulatory space all within a mature landscape setting. It is considered that with the imposition of planning conditions a suitably high standard of design and appearance will be secured both in the short and longer term, meeting the design objectives of the District Plan's Design Policies and the Council's Supplementary Design Guidance and National Planning Design Guidance. The development would provide a well-designed residential development that would fit within its' immediate setting.

### **3. Residential amenity**

10.19 Each of the dwellings is designed to achieve the national Internal Space Standards. The seven dwelling houses have individual garden spaces for external amenity and the flats each have either balcony space or, in the case of ground floor flats, patios and small gardens. All residents would therefore have access to some private external amenity space and the entire development would be within a landscaped setting with mature trees around them.

10.20 The site's location adjacent to the A1 motorway means there is potential for relatively high levels of noise on the site. To address this constraint the three flat blocks (flats 20 -37) are orientated parallel to the road and so provide a physical barrier screening homes to the east from noise. Internally the rooms facing towards the motorway comprise kitchens and lobbies with living rooms and bedrooms located on the quieter sides of the flats. The result is that the Council's Public Health Team does not object to the application if suitable conditions are imposed. The internal and external living conditions are therefore considered to be a reasonable standard.

10.21 Similarly the location adjacent to the motorway means air quality could be a concern. The application is accompanied by an air quality assessment to quantify pollutant concentrations using dispersion modelling. These results indicated that pollutant levels across the site were below the Air Quality Objectives. The location is therefore considered suitable for the proposed residential use without the inclusion of mitigation methods to protect future users from poor air quality. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction activities was predicted to be not significant. Such measures may be controlled by planning conditions.

10.22 The proposed development has its nearest neighbours on the north side and the position and orientation of homes, and the presence of established landscaping means the existing neighbouring homes would not be significantly affected in terms of overlooking or loss of privacy. The amenity of existing occupiers is therefore considered to have been respected and it is noteworthy that no adverse representations have been received from neighbours of the site. Overall it is considered that the living conditions of the adjoining occupiers would be maintained to an acceptable level in accordance with Policy D1 and R19 of the District Plan 2005, the Supplementary Design Guidance 2005; Policy SADM11 of the Emerging Local Plan and the National Planning Policy Framework and National Design Guidance.

10.23 The amenities of the neighbouring properties and the wider area would be maintained to an acceptable level during the construction of the development through the use of conditions requiring a Construction Traffic Management Plan and dust control measures. These issues may be reasonably and appropriately secured via condition.

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

10.24 The site is in an accessible location with a bus and cycle route on its west side, and is also within a relatively short distance of the national rail network and within a comfortable walking distance of a range of local services and facilities. The proposal would secure a total of 55 parking spaces and secure, lockable cycle parking for each dwelling. The overall provision of car parking and cycle parking together with its accessible location mean the development would provide adequate and convenient car parking.

10.25 The application is accompanied by a Transport Statement which after some revision and clarification has resulted in no objection from the Highway Authority subject to the imposition of planning conditions including those securing some localised off site road improvements. These conditions would ensure that the development would not adversely impact the local road network in terms of capacity or safety.

10.26 Having regard to all of the above, the proposal would provide an acceptable level of on-site car parking and is acceptable in terms of highway impacts, therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

#### **5. Other considerations**

##### *i) Ecological impacts*

10.27 The NPPF states that the 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 and that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.

10.28 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity.

10.29 Policy R16 refers to Protection of Species and outlines that planning permission will not be granted for and development of use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.

10.30 The application is accompanied by an arboricultural impact assessment identifying and categorising trees within the site and indicating which are to be retained within the development and which would be removed as a result of the development. Also there is an Ecological Impact Assessment compiled following assessment over a number of years and several site visits. It is based on the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines (2018). It identifies the likely impacts the scheme might have upon notable and/or protected species and habitats and identifies the need for any

follow up detailed/specialist surveys. It provides recommendations to avoid/mitigate potential adverse impacts upon notable and/or protected species and habitats identified as potential receptors within the construction footprint or the relevant zones of influence associated with each receptor, which in this case are identified as woodland priority habitat, nesting birds, bats, hedgehog and stag beetles. Phase two surveys were also undertaken with respect to bats.

- 10.31 The report contains a number of habitat and species specific recommendations designed to mitigate any adverse ecological impacts including that any tree works be carried out in accordance with relevant British Standards and that any woodland loss be compensated for by planting tree replacements on a 2:1 ratio and creation of 175m of native hedgerow on the southern boundary and further active woodland management including coppicing to reinvigorate the small area of woodland present on the eastern/southern edge of the site. It also contains recommendations in terms of site clearance avoiding the bird-nesting season or being supervised by an experienced ecologist, and incorporation of new nesting boxes and habitat creation suitable for nesting. It recommends habitat creation to enhance the site's potential for roosting bats and for inclusion of bat boxes within the buildings and a low light scheme close to areas of woodland. The creation of a stumpery for invertebrate species and use of methods designed to prevent harm to hedgehogs and to facilitate their commuting between green spaces are also recommended. The report recommends that these methods of mitigation and enhancement be made the subject of planning condition.
- 10.32 The National Planning Policy Framework is clear that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity. Whilst Herts Ecology have not responded to the consultation on the application the Hertfordshire and Middlesex Wildlife Trust request that the applicant goes further by producing a measurable matrix of bio-diversity value and impacts in order to assess whether the level of mitigation is sufficient to achieve policy aims of biodiversity net gain (BNG) and in response to this the applicant's ecologists have done further work and identified further forms of mitigation and enhancements which can be secured by planning condition, the result being that areas of neglected habitat may be better managed and reinvigorated, and that new habitat opportunities be created within the development site. The Herts and Middlesex Wildlife Trust comments acknowledge some of the recommendations as valid but remains critical of the loss of part of the woodland habitat in particular and the amount of enhancement proposed, suggesting that a more measurable level of net-biodiversity gain should be secured. The Council's adopted planning policies however are less specific, the District Plan's Saved Policy R11- Biodiversity and Development requires all new developments to demonstrate how they would contribute positively to the biodiversity of the site by; (i) The retention and enhancement of the natural features of the site; (ii) The promotion of natural areas and wildlife corridors where appropriate as part of the design; (iii) The translocation of habitats where necessary, where it can be demonstrated that the habitat or species concerned cannot be successfully accommodated within the development; (iv) The use of locally native species in planting in accordance with Policy D8 Landscaping; (v) Helping meet priorities/targets set out in the Local Biodiversity Action Plan and Saved Policy R17 - Trees, Woodland and Hedgerows seeks the protection and retention of existing trees, hedgerows and woodland by the use of planning conditions and

new developments to be required to incorporate new planting with locally native species and in accordance with Policy D8 Landscaping.

10.33 If permitted the development would reduce the area of priority woodland present on the east side of the site and this would represent a loss of habitat, however the recommendations of the ecological assessment accompanying the application include improved management of the remaining area of woodland and significant new tree and hedgerow planting alongside the various other species specific recommendations such as bird and bat boxes, creation of stumpery for invertebrates such as beetles, and translocation of soils to provide a growing medium for new planting and retention of soil borne flora and fauna. Overall it is considered that the ecological mitigation proposed would, on balance, accord with the aims of the Council's adopted policies and the implementation of mitigation measures may be secured by the imposition of planning conditions.

ii) Trees and Landscaping

10.34 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. The existing site already contains extensive landscaping, some of which would be lost as a result of the development. However, the proposed development would include new planting designed to reinforce the landscaped character of the site in particular along its southern side which will include new tree planting and hedgerow planting. Details of species, the size of specimens and the density of planting can be secured by condition. The creation of a well-designed boundary to the countryside edge would reflect the character of the area and reduce the visual and environmental impacts of the development. The retention of key trees within the site will afford the site a more mature character.

10.35 The Council's Landscape Team is satisfied with the arboricultural report accompanying the application and do not raise any objections provided a detailed landscape plan is provided, to include a list of trees removed and any tree works required to facilitate the development and a Tree Protection Plan and Arboricultural Method Statement is produced to include details of any tree protection and special constructions measures to minimise the impact on the trees. These can be secured by condition.

iii) Flood Risk and Surface Water Drainage

10.36 The application is accompanied by a Flood Risk Assessment that confirms the site is at low risk of flooding and that the development is not likely to increase the risk of flooding for other areas.

10.37 It is noted that due to the site being located in ground water protection zone 1, whereby underlying the site are aquifers from which water is extracted, infiltration has been ruled out by the applicant as a method of surface water discharge. Affinity Water is clear that it does not support a drainage system that relies upon infiltration as it may affect water quality and so recommends a number of planning conditions to ensure water quality is maintained.

10.38 In this case, the proposed strategy for the development is use permeable paving, a form of SUDS which will discharge to an underground tank that will also take the runoff from the buildings before discharging to the ditch located to the

southeast of the site. It is proposed to restrict the rate of discharge to 1.75l/s which is equal to the existing greenfield runoff rate.

- 10.39 The County Council Local Lead Flood Authority has reviewed the submitted Flood Risk Assessment and an objection has been raised due to insufficient information submitted. Further evidence was requested by the flood authority to ensure that this ditch does connect to the River Mimram. Confirmation was also required as to whether this ditch is wholly located within the application site.
- 10.40 The applicant subsequently submitted additional information to support this proposed drainage method which demonstrates the presence of the ditch along the application site. However due to ongoing staff shortages at the Lead Local Flood Authority, no response had been provided to date. Therefore independent drainage advice was sought externally through RAB Consultants.
- 10.41 Upon assessment of the submitted details, RAB Consultants advises that as the proposal seeks to restrict the rate of discharge to be the same as that currently on site, there will be no material impact on surface water drainage. RAB Consultants were also satisfied with the information submitted regarding the location of the existing ditch. No objections were therefore raised. It is noted however a condition securing a detailed surface water drainage scheme would be imposed if planning permission is granted to ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development.

iv) Refuse and recycling

- 10.42 The proposed layout shows an access road which would allow refuse vehicles to enter and leave the site in forward gear. The Council's Client Services Team raise no objection to the principle of the proposed development subject to bins being secured via a clause in a S106 obligation. Adequate refuse and recycling bins would be provided to meet the needs of the occupiers in accordance with the Council's standards with payment for bins secured via a S106 obligation.

iv) Neighbour representations

- 10.43 Two representations have been received, one seeking cycle route improvements and the other the inclusion of swift bricks within the new buildings. The proposal includes off site road improvements as per highway authority requirements and the ecological mitigation proposals include a range of mitigation including bird and bat boxes.

## **6. Environmental Impact Assessment**

- 10.44 The relatively modest site area (1Ha) and the limited number of dwellings proposed, together with the anticipated environmental effects of the development, are not considered sufficient to warrant an Environmental Impact Assessment.

## **7. Planning obligations**

- 10.45 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.

10.46 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.

#### Affordable Housing

10.47 Affordable Housing - The proposal is above the threshold for affordable housing in the current District Plan. The application proposes that 12 flats be provided as affordable homes (32.4%). These comprise Plots 26 – 31 inclusive Affordable Rented (3 no. 1 bed flats & 3 no. 2 bed flats) and Plots 32 – 37 inclusive Shared Ownership / Intermediate (3 no. 1 bed flats & 3 no. 2 bed flats).

10.48 Notwithstanding this, whilst the number of affordable housing being provided would be appropriate, the applicant has not agreed to provide the Council's preferred tenure which is normally a 51/49 split of social rent and shared ownership units. The applicant states that there is a viability issue with providing socially rented units within the scheme.

10.49 In this case, the viability appraisal undertaken by the Council's appointed viability consultant, Aspinall Verdi (AV), confirmed that the scheme as proposed is unable to support a policy-compliant level of affordable housing as it would generate a significant deficit (low transfer value of social rented units). However AV states that in the scenario where 12no. affordable units comprising 6no. affordable rented and 6no. shared ownership are provided, the scheme would be deemed viable generating a surplus of circa £67,000 above the benchmark land value.

10.50 On the basis that the scheme does not provide the full affordable housing contribution sought by Council policy SP7, the surplus amount could in this instance be sought as an additional off-site contribution by way of commuted sums to compensate for the non-policy compliant tenure. The Council's housing team confirm that the proposed number and tenure along with circa £67,000 in commuted sums would be acceptable.

10.51 The applicant disagrees with AV's findings and states that the surplus should be in the region of £17,000 due to the need to remove the assumed income generated from capitalised ground rents following the latest Govt announcement. It was also stated that there was an incorrect reduction in build costs and the benchmark land value (£1.2 million vs. £1,042,900) which would affect the results of the report. Further marketing information consisting of 4 homes within 3 miles of the site were provided by the applicant to address the issue on BLV. However AV does not consider there is sufficient evidence provided to change their position, stating that the details do not provide the condition and plot sizes of the comparable units and the completed sales values are unconfirmed. It was also mentioned that the location of the application site next to busy roads supports their view that the applicant's BLV was overstated. Therefore a contribution in

addition to the non compliant Affordable Housing provision has been agreed at £42,000.

#### Hertfordshire County Council Contributions

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

- Primary Education (Welwyn St Mary's C of E Primary School) - £23,277.00
- Secondary Education (Monks Walk Secondary School) - £12,537.00
- Library Services (Welwyn Garden City Library) - £3,515.00
- Sustainable Transport - £25,875.00
- Fire Hydrants provision

#### WHBC Contributions:

10.53 Relevant WHBC Service Areas have found the proposal to be acceptable, subject to Section 106 contributions being provided to cover the costs of;

- Green Space - £3,816.16
- Play Facilities - £10,009.60
- Indoor Sports Facilities (bowls, sports hall and swimming pools) - £26,872.00
- Outdoor Sports Facilities (football, rugby and cricket) - £24,827.00
- On site Waste and Recycling Bins £4,968.68

10.54 All Section 106 contributions are subject to indexing.

#### Additional Non-financial obligations:

10.55 An obligation securing the long term maintenance/management of all Suds installations on site.

10.56 An obligation securing the long term maintenance/management of all ecological mitigation measures and enhancements on site.

10.57 In accordance with the Councils Planning Obligations SPD, a monitoring fee of £5,000 will also be required and payment will be required on completion of the Section 106 Agreement.

10.58 These requested requirements/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.

10.59 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

10.60 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

## 8. The Planning balance

- 10.61 The NPPF makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics. The applicant acknowledges that the proposals represent inappropriate development as identified by the Framework and as such it must attract substantial weight against the proposals and, if planning permission is to be granted very special circumstances must first be demonstrated.
- 10.62 In terms of the purposes of the Green Belt the site is largely free from built development and the proposal would introduce significant new development to the site which would affect a considerable reduction in the openness of the site. This, harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.
- 10.63 In terms of the impact of the development on the purposes of the Green Belt it is relevant to recognise that the land currently comprises a single residential dwelling and its' large garden on the edge of the settlement and between well-defined boundaries comprising housing development to the north, the A1 to the east and Bypass Road to the west. It is well screened from most angles and so despite its edge of settlement position it does not have a clear countryside character.
- 10.64 In the Council's Green Belt review for four of the five purposes of the Green Belt the site was assessed as having limited or no contribution to the Green Belt purposes. It was this low scoring assessment that led to its proposed allocation as a residential development site in the Draft Local Plan and the very low levels of objection to its allocation at all stages of the Plan's preparation. The consequences of the development at the site would mean that the proposals would have only a localised effect on the Green Belt and given its very limited scale would not be likely to adversely impact the wider character and function of the Green Belt or hinder the regeneration of urban redevelopment sites elsewhere (the fifth purpose of the Green Belt). The broad thrust of, function and purpose of the Green Belt in the wider vicinity would remain and there would be no significant encroachment into the countryside as the land is garden land. This however, is considered a neutral factor which weighs neither in favour nor against the proposals.
- 10.65 At paragraph 10.3 above the applicants' Very Special Circumstances (VSC) are identified and comprise the following; delivery of houses to meet the five year land supply, delivery of affordable housing (12 units or 32.4%), provision of a mix of housing dwelling types and sizes and different tenures, all homes to meet national internal space standards, provision of new homes at a higher density of 37 dwellings per hectare making efficient use of land and, the site's designation for housing in the Emerging Local Plan and the demonstrable need in the borough to deliver new housing.
- 10.66 A number of these identified VSC's would be expected of any residential development in the borough and would not therefore be considered as "very special circumstances" however it is clear that the focus of the applicant's case rests upon the Council's commitment over several years to the removal of this site from the Green Belt and its' promotion as an allocation for sustainable residential development via the Draft Local Plan and the absence of significant



objection to its removal from the Green Belt. The applicant considers that this, coupled with the acknowledged severe shortfall in the Council's current housing supply position (2.46 yrs) comprise a very specific VSC. There is no doubt that the provision of additional housing, including affordable housing, is a benefit of the development which should be afforded very substantial weight as it would make a positive contribution towards the supply of housing and in a location that Council evidence confirms is sustainable.

10.67 Currently the Examination of the Emerging Local Plan has been concluded. Whilst there are still unresolved differences between cabinet and the Inspector, there are no significant objections to the allocation of this site for housing. In light of the proposal's broad compliance with Emerging Policy and the clear and convincing need for additional appropriate housing sites in the borough it is considered that significant positive weight should be given to the development of this site for housing. The delivery of a not insubstantial 25 market homes, 12 onsite affordable homes and £42,000 in commuted sums towards off site affordable housing therefore is a substantial positive benefit of the development and in common with the recent appeal decision for land at Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath, (APP/C1950/W/20/3265926) these factors, when considered collectively in relation to this particular site demonstrate that very special circumstances do exist.

The presumption in favour of sustainable development

10.68 Paragraph 11 of the NPPF begins by stating that decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) then goes on to explain that for decision-taking this means: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; (*this would include Green Belt Harm*) or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

10.70 The Framework, at paragraph 11 (d), does therefore apply on the grounds of both the age of the District Plan policies and the absence of a five year supply of deliverable housing sites and the poor delivery of housing over recent years.

10.71 The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. However, the borough is also experiencing acute housing delivery shortages and acute affordable housing need and the proposal would make a contribution towards addressing these needs in the form of market and affordable housing in the borough and in a

location that the Council has identified is sustainable and is promoted through the emerging local plan. There were few objections to the site's inclusion in the Plan and this planning application too has prompted relatively few negative representations. Very substantial weight may be awarded to the provision of both market housing and affordable housing. These factors, when considered collectively demonstrate that very special circumstances do exist in relation to this planning application proposal and this site. When assessed against the policies in the emerging Local Plan and in the NPPF when taken as a whole it is considered that there are no significant disadvantages that would demonstrably outweigh the benefits of the scheme. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

10.68 Further to the above and subject to the suggested conditions, the proposed development would amount to a sustainable form of development and that there no other material considerations sufficient to justify a refusal of planning permission.

## **11 Conclusion**

11.1 The proposed development comprising 37 dwellings with associated car parking, cycle parking, landscaping and amenity spaces is, on balance, considered to be acceptable subject to the imposition of conditions (see below) and completion of a planning obligation in the terms set out above. Accordingly, for the reasons given, the proposal is recommended for approval.

## **12 Recommendation**

12.1 It is recommended that subject to the completion of a Section 106 agreement PLANNING PERMISSION BE GRANTED subject to the following conditions:

### **PRIOR TO COMMENCEMENT**

1. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- Access arrangements to the site;
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Provision of sufficient site parking facilities which does not remove existing resident parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and the NPPF.

2. No development approved by this planning permission (other than works of demolition) shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the following:
  - a. The utilisation of holding sustainable drainage techniques (SuDS) with the incorporation of sufficient treatment trains to maintain or improve the existing water quality.
  - b. The limitation of surface water run-off to the equivalent greenfield runoff rate (QBAR) for all events up to and including the 1 in 100-year return period event plus an appropriate allowance for climate change.
  - c. The ability to accommodate surface water run-off on-site up to the critical 1 in 100-year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
  - d. Hydraulic modelling calculations that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year return period event and up to the 1 in 100 year return period event and including the correct allowance for climate change.
  - e. The provision of a detailed plan showing the management of exceedance flow paths for surface water for events greater than the 1 in 100 year return period plus climate change event.
  - f. Detailed construction drawings of proposed sustainable drainage (SuDS) features (including cross sections), piped network, manholes, control structures, and outfall structures.
  - g. A management and maintenance plan for the lifetime of the development must be submitted, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
  - h. If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed ditch.

REASON: To ensure that the development is served by a satisfactory system of surface water drainage to prevent the increased risk of flooding, both on and off site in accordance with Policies SADM 2 and SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

3. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) 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.
- iii) The site investigation results and the detailed risk assessment (ii) 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.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

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.

4. No development shall commence until a detailed Tree Protection Plan showing details of any tree protection measures and special constructions measures designed to minimise the impact on the trees to be retained identified on the Merewood Tree Constraints plan dated May 2019 and the Vincent Gorbings arboriculture audit plan dwg no 8301 A020 P1 shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree protection measures shall thereafter be installed before works commence on site and shall remain in situ for the duration of works.

REASON: in order to protect trees and root protection that are to be retained on site from possible damage arising from construction activity on the site in accordance with best arboricultural practice and to accord with Welwyn Hatfield District Plan policies D8, R11 and R17.

#### PRIOR TO ABOVE GROUND DEVELOPMENT

5. Piling or any other foundation designs/installations using penetrative methods shall not be carried out other than with the written consent of the local planning authority.

REASON: To protect and prevent the pollution of controlled waters from mobilised contaminants, in accordance with Policies R2 and R7 of the Welwyn

Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

6. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme/plan for the off-site highway improvement works as generally indicated on drawing (No. 15075/001 Rev F) appended to the Milestone Transport Statement has been submitted to and approved in writing by the Local Planning Authority. The off-site highway improvement works shall be completed in accordance with the approved details carried out before the first dwelling hereby permitted is occupied.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

7. No above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- original levels and proposed finished levels [earthworks to be carried out]
- means of enclosure and boundary treatments including details of private amenity areas for ground floor flats
- hard surfacing, other hard landscape features and materials
- existing trees, hedges or other soft features to be retained and a method
- planting plans, including specifications and provenance of species, sizes, planting centres, planting methods, number and percentage mix, and details of ground preparation and seeding or turfing and aftercare
- the tree planting should be sufficient to mitigate the loss of trees needed to facilitate the development. The landscaping should look to enhance the site but should also provide habitat for wildlife and increase the biodiversity on the site.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

8. No above ground development shall take place until details relating to any external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties and luminaire design and direction of orientation to achieve low light levels adjacent to areas of habitat which might form commuting corridors for bats and other wildlife) have been submitted to and agreed in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. The agreed lighting shall subsequently be implemented before the first dwelling is occupied.

REASON: To protect the amenity of existing residential properties in the near vicinity to the development in accordance with Policies D1 and R18 of the Welwyn Hatfield District Plan and to ensure the lighting scheme does not hinder

or discourage the movement of animal species in and around the site in accordance with Policies D1 and R20 and guidance contained in the National Planning Policy Framework.

9. No above ground development shall take place until detailed design plans have been submitted to and approved in writing by the Local Planning Authority to illustrate the roads, footways, cycleways, foul and surface water drainage. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Before any above ground development takes place a detailed scheme of measures to protect the proposed development from noise due to transport sources shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms. Relaxed noise levels will be considered if it can be shown that good acoustic design has been implemented and all steps have been taken to achieve the non-relaxed noise levels in BS8233:2014.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment.

Outdoor amenity areas should meet the 55dB WHO Community Noise Guideline Level. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible.

REASON: To protect the occupants of the new development from noise disturbance and secure a high standard of design and amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. No above ground development shall take place before a timetable for the full implementation of all recommendations for Ecological Mitigation and Biodiversity Compensation and Enhancement Proposals contained in the accompanying Ecological Impact Assessment (Greenwillow Associates) dated March 2021 and the subsequent amended schedule of ecological enhancements (Greenwillow Associates) submitted to the Local Planning Authority 13/09/2021 has been and submitted to and approved in writing by the Local Planning Authority. The recommended mitigation, compensation and enhancements shall be implemented in full and in accordance with the approved timetable.

REASON: In order to minimise impacts on biodiversity and deliver ecological mitigation, compensation and enhancements on site and to ensure habitat and species affected by the development are protected and enhanced in accordance with the objectives of policies Policy R11 and R17 of the Welwyn Hatfield District Plan 2005.

12. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

13. Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (15075/001 Rev F) appended to the Milestone Transport Statement. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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.

15. Prior to the first occupation / use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number (15075/001 Rev F) appended to the Milestone Transport Statement only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Following completion of measures identified in the approved remediation scheme required by condition 10 above, and prior to the first use or occupation of the development, 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.

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.

17. Prior to the occupation / use of the development hereby permitted, the development shall include provision for at least 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready Active charging points and 10% of spaces to be served by passive provision.

REASON: To ensure construction of a high standard of development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Prior to the first occupation /use of the development hereby permitted details of the proposed method of secure parking of cycles within the communal cycle stores shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the design, level and siting of the cycle stands and the cycle stores must conform with the standards contained in Cycle Infrastructure Design LTN 1/20.

The approved cycle parking facilities shall be implemented and available for residents use before each dwelling served by the cycle parking store is first occupied and thereafter shall be retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

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

REASON: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby permitted the bin stores serving the new homes shall have been constructed and shall be available for use, and thereafter shall be maintained and available for residents to store refuse and recycling materials.



REASON: To ensure a satisfactory standard of development in accordance with National Planning Policy Framework.

#### POST DEVELOPMENT

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A001	P2	Site Location Plan	07 January 2021
A002	P2	Existing site plan	07 January 2021
A005	P7	Proposed site layout	10 February 2021
A006	P2	Proposed floor plans plots 1 - 7	07 January 2021
A007	P2	Proposed floor plans plots 8 - 19	07 January 2021
A008	P2	Proposed floor plans plots 20 - 37	07 January 2021
A010	P2	Plots 1 – 7 elevations and sections	07 January 2021
A011	P2	Plots 8 – 19 elevations and sections	07 January 2021
A012	P2	Plots 23 - 37 elevations	07 January 2021
A015	P2	Street scene and sections	07 January 2021
A019	P2	Proposed bicycle and refuse stores	07 January 2021
A003	P1	Existing Plans	07 January 2021
A009	P1	Floor plans plots 20 – 37	07 January 2021
A025	P2	Site layout hard surfaced	07 January 2021

		areas	
A030	P1	Existing elevations	07 January 2021
150668/DS/0		Proposed drainage strategy	23 August 2021
2			

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

#### 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. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-Pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

5. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-Pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
7. Private Roads: The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities.
8. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should be carried out only between the hours of :  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
9. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
10. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
11. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

12. All machines in intermittent use shall be shut down during intervening periods between works, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
13. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
14. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
15. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
16. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
17. Any emergency deviation from these conditions shall be notified to the Council without delay.
18. All efforts shall be made to reduce dust generation to a minimum.
19. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
20. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
21. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Raymond Lee (Development Management)

Date: 28 September 2022