

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

6/2020/3451/MAJ

WELLS FARM NORTHAW ROAD EAST CUFFLEY POTTERS BAR EN6 4RD

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 14 DWELLINGS

APPLICANT: King & Co (Wells) Ltd

**1 Background**

- 1.1 This application was considered by the Development Management Committee on 29 September 2022 where Members resolved to refuse planning permission. Following the resolution, concerns were raised relating to how the application was considered by the Committee. To ensure that the Council can demonstrate that the application has been properly considered, Members are recommended to rescind the previous resolution and to reconsider the application afresh. Accordingly, having regard to the committee report, officers' presentation to Committee and all subsequent discussions, the application will be fully reconsidered by the Committee and a fresh vote will take place.

**2 Site Description**

- 2.1 The application site is located south of Cuffley, outside of the settlement boundary and within the Metropolitan Green Belt. The site measures approximately 0.49 hectares with an existing vehicular access taken from Northaw Road East.
- 2.2 The southern boundary of the site adjoins Northaw Road East which is flanked by a hedgerow, a short section of closeboard fence and a walled entrance to the site. To the east are two existing dwellings with their own separate means of access, these being Wells Farm Cottage to the roadside and Wells Farm House to the north-east. To the west is a more open area close to Hempshill Brook and includes a swale and limited tree cover. To the north is a meadow.
- 2.3 The ownership boundary, which is approximately 2.9 hectares overall, extends to Hempshill Brook to the west, arable fields to north and east, both defined by strong hedge boundaries, and Northaw Road East to the south. The application site forms part of a larger parcel of land (HS30) which was proposed for allocation in the emerging Local Plan (proposed submission 2016).
- 2.4 The buildings on the application site have established commercial uses and are located in the central part of the demise. The historical agricultural use of the site had changed markedly in the late 1970s when the original farm buildings were demolished and replaced by the current buildings which are functional in design and appearance.

### **3 The Proposal**

- 3.1 The proposal is for the demolition of existing buildings and the erection of 14 dwellings, together with engineering works and other associated works.
- 3.2 The scale of the buildings would be up to two storeys in height, comprising a 6 x 2-bed semi-detached houses, 7 x 3-bed detached houses and 1 x 4-bed detached house. The proposed houses all have dedicated parking, providing at least two car parking spaces per dwelling, with each home having access to an electric vehicle charging point and cycle parking.
- 3.3 It is proposed to utilise the existing site access from Northaw Road East which would be improved as part of the proposals.
- 3.4 The application is accompanied by a range of documentation and supporting material, as listed below:
- Design and Access Statement
  - Planning Statement
  - Site Waste Management Plan
  - Economic Statement
  - Transport Statement
  - Energy Strategy
  - Drainage Strategy
  - Flood Risk Assessment
  - Ground Conditions Report
  - Multiple Ecological Reports
  - Arboricultural Appraisal
  - Archaeological Desk Based Assessment
  - Strategy of Community Engagement

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

- 4.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major objection and the proposal is recommended for approval.

### **5 Relevant Planning History**

- 5.1 Application Number: S6/1975/0469/  
Decision: Granted  
Decision Date: 16 January 1976  
Proposal: Site for replacement house, stable, barns, greenhouses, chicken houses and car park
- 5.2 Application Number: S6/1975/0605/  
Decision: Granted  
Decision Date: 21 November 1975  
Proposal: New stable block comprising 4 loose boxes, hay store, feed and tack room
- 5.3 Application Number: S6/1976/0299/  
Decision: Granted  
Decision Date: 06 September 1976

Proposal: Demolition of shop and replacing with a new shop, office, greenhouse and chicken house

- 5.4 Application Number: S6/1978/0004/  
Decision: Granted  
Decision Date: 26 January 1978  
Proposal: Replacement house
- 5.5 Application Number: S6/1978/0612/  
Decision: Granted  
Decision Date: 02 November 1978  
Proposal: Shop and office
- 5.6 Application Number: S6/1993/0641/FP  
Decision: Granted  
Decision Date: 25 November 1993  
Proposal: Change of use from agricultural building to specialist carpentry
- 5.7 Application Number: S6/1994/0513/LU  
Decision: Granted  
Decision Date: 26 September 1994  
Proposal: Certificate of lawfulness, occupation of dwelling house without compliance with condition 4 of planning permission S6/0004/78 (occupation of house restricted to horticultural worker)
- 5.8 Application Number: S6/1998/0004/FP  
Decision: Granted  
Decision Date: 16 February 1998  
Proposal: Change of use of ground floor of agricultural building to ancillary office accommodation in connection with joinery and blacksmith businesses
- 5.9 Application Number: S6/1998/0005/FP  
Decision: Granted  
Decision Date: 16 February 1998  
Proposal: Change of use of agricultural building to specialist blacksmith, and wrought iron work manufacture.
- 5.10 Application Number: S6/2004/1538  
Decision: Granted  
Decision Date: 26/07/2005  
Proposal: Variation of condition 2 (S6/1998/04) to allow the building to be used for general office use within use class B1(a)
- 5.11 Application Number: S6/2005/0941  
Decision: Granted  
Decision Date: 10/01/06  
Proposal: Change of use of former agricultural building to storage & distribution (class B8)
- 5.12 Application Number: S6/2007/1796/FP  
Decision: Granted  
Decision Date: 21 January 2008  
Proposal: Change of use of redundant former farm building to storage and distribution (class B8)

- 5.13 Application Number: S6/2011/1624/LUP  
Decision: Granted  
Decision Date: 22 September 2011  
Proposal: Certificate of lawfulness for proposed erection of detached garage/playroom and extension to existing driveway to form access to building
- 5.14 Application Number: S6/2013/1451/LUP  
Decision: Granted  
Decision Date: 02 September 2013  
Proposal: Certificate of lawfulness for proposed erection of detached garage/playroom and extension to existing driveway to form access to building

## **6 Relevant Planning Policy**

- 6.1 National Planning Policy Framework 2021 (NPPF)
- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 Draft Local Plan Proposed Submission 2016 (draft Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **7 Site Designation**

- 7.1 The Application Site is not allocated in the Welwyn Hatfield District Plan (2005) for development and lies outside of the specified settlement of Cuffley. The Application site lies wholly within the Metropolitan Green Belt and Landscape Character Area 53 "Northaw Common Parkland" as defined by the Welwyn Hatfield District Plan.

## **8 Representations Received**

- 8.1 The application was advertised by means of neighbour notification letters, site notice and press notice. In total 142 representations have been received, comprising 131 objections and 11 in support. All representations received are published in full on the Council's website and are summarised below.

### *Support*

- A well planned and thought out development that considers the needs of the home owner and surrounding area.
- Need for more homes to support the growing local population
- Pleased to see this proposal include 3-bedroom houses, which are of a very high design.
- It is important we embrace this opportunity and support it, especially as it is using previously developed land, which will be regenerated.

- The NPPF encourages the use of previously developed land, and that sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- Wells Farm site is across the road from several sports facilities, an extensive playing field and also a modern play area for children. The nearby Hertfordshire Way also offers recreational opportunities for all ages. The site is about a 10 minute fairly level walk to Cuffley Village centre and approximately a 15 minute walk to Cuffley station. Consequently the site meets many sustainability criteria.
- There is a mix of cottages with a one 4-bed farm-house which seems well balanced. Electric power points are a positive. Improved footways & the 30mph zone to the south west to the benefit of the tennis, football and bowls club.
- A good scheme meeting the ever increasing demands for housing in the area. Whilst not impacting on the existing landscape or surroundings.
- The proposed development is on previously developed land and is in a highly suitable and sustainable location, within walking and cycling distance of all the local facilities, services and amenities and close to excellent public transport links.
- Welwyn Hatfield Borough Council does not have an up-to-date Local Plan, it has a poor record in the delivery of new homes, it is failing to meet its Objectively Assessed Housing Need and it does not have a five-year housing land supply. These matters all tilt the balance in favour of the proposed development.

### *Objections*

- Stage 3 Green Belt Review (EX156) identified a harm rating of “very high”
- No Very Special Circumstances demonstrated
- Loss of Green Belt openness
- No defensible Green Belt boundary leading to urban sprawl
- Development is physically removed from the village of Cuffley
- Unacceptable to make any decisions on proposed development on the Green Belt prior to the adoption of the Local Plan
- Challenge to housing figures presented in the Draft Local Plan which are based on out-of-date population projections
- Housing need uncertain in these times of economic instability
- Cuffley has a disproportionate amount of development compared to similar villages
- The proposed uplift in scale, bulk and massing, in combination with the associated new domestic activity at the site, would result in a significant harmful impact on the openness of the Green Belt, both within the site itself and the site’s wider contribution to the Green Belt purpose
- Insufficient railway station parking
- Trains over capacity
- Inadequate bus service
- More people will result in more pollution
- Odour from nearby composting facility
- Light pollution
- Air pollution
- Wildlife will be affected including protected species
- Proposed houses look very cramped in the setting.

- The 14 units in isolation are quite acceptable if this is all that ever transpired, but the precedent will be set for further development and this will have an impact on the area
- This development will lead to an extra 600-700 dwellings
- The character of the village would be further and irrevocably changed
- In this pandemic, people have used the Green Belt for exercise and appreciated its worth in relieving mental health in such stressful times
- Viable business using the buildings used for storage and manufacturing would be lost if the site is developed.
- Should be Affordable Homes or Starter Homes
- Older homes should be refurbished and extended for use for younger growing families
- Prone to flooding
- Cumulative impact on traffic
- Highway safety and capacity concerns especially when there are incidents on M25 & A10
- Insufficient GP and A&E provision
- Concerns in relation to the capacity of drainage/sewage infrastructure
- Insufficient school provision
- No visitor parking
- No bin storage
- Loss of view
- Farm land should be used for food production
- The Council should be looking to the future and take account of likely changes in government policy arising from the decline in high street retail thus releasing buildings and sites for development; declining birth rates; climate change and the need to retain green spaces.

## **9 Consultations Received**

- 9.1 No objections have been received in principle from statutory consultees, subject to conditions and/or financial contributions. The consultation responses received are summarised below, and where appropriate, are expanded upon in later sections of this report.
- 9.2 Hertfordshire and Middlesex Wildlife Trust – objection summarised as follows:
- The ecological constraints review that accompanies this application does not conform to BS42020 or any CIEEM guidance on ecological report writing. Neither does it contain the identity or qualifications of the person who has undertaken the assessment. There is a reasonable likelihood that protected or priority species may be affected by this proposal.
- 9.3 The following have responded advising that they have no objections to the proposal in principle subject to conditions or obligations being applied:
- Thames Water
  - WHBC Client Services
  - WHBC Public Health and Protection
  - WHBC Landscape and Ecology
  - WHBC Housing
  - HCC Growth Team
  - HCC Transport Programmes and Strategy
  - HCC Historic Environment
  - HCC Lead Local Flood Authority

- Hertfordshire Ecology
- Hertfordshire Fire & Rescue

9.4 No response was received from the following consultees:

- Cadent Gas
- Environment Agency
- Affinity Water
- HCC Mineral and Waste

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

10.1 Northaw and Cuffley Parish Council have submitted a Major Objection which can be summarised as: Objection on the grounds that the proposal will result in high harm to the Green Belt; the failure of the applicant to demonstrate very special circumstances; landscape impacts in a sensitive location and erosion of an important green gap; transport impacts and inadequate mitigation proposals; and unsuitable remote rural location.

## **11 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and transport considerations**
- 5. Other considerations**
  - i) Landscape and trees**
  - ii) Ecology and biodiversity**
  - iii) Flood risk and sustainable drainage**
  - iv) Contaminated land**
  - v) Air Quality**
  - vi) Archaeology**
  - vii) Accessible and adaptable dwellings**
  - viii) Sustainable design and low carbon homes**
- 6. Planning obligations**
- 7. The planning balance**

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

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

11.3 Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (Para.120) and the efficient use of land (Para.124).

- 11.4 The definition of previously developed land in the NPPF excludes land that is or was last occupied by agricultural buildings. The site supports a number of buildings shown on Drawing No.P0-002, identified A-G. The majority of these (A, B, D and E) have been subject to planning applications where the former agricultural use has been changed to allow commercial activity. Building F has a long-established lawful use as a stables which falls outside the definition of an agricultural use. Below is a summary of the relevant planning history for each building:

#### *Building A*

- 11.5 The Planning Statement which accompanied the application explains that Building A was utilised as a carpentry workshop, in accordance with planning permission S6/1993/0641/FP (included at para 4.6 of the report). The building was fire damaged in 2006, following which it has had its roof removed. The brick walls and concrete base remain, and the applicant had advised that the area is used for open storage and this was witnessed during the Case Officer's site visit.
- 11.6 While Building A was in lawful commercial use in 2006, the key test for Previously Developed Land, as defined in the NPPF, is what it was last occupied for – an intervening use may therefore be relevant.
- 11.7 Photographs of the remains of Building A are included within the submitted Planning Statement (Para 2.2 & 6.35) and the Design and Access Statement (Page 25-26 & aerial imagery page 28). Although the photographs are undated, they clearly show Building A at two separate points in time. Both sets of photographs show the footprint of the building to be largely open with a variety of items stored, whilst one set of photographs shows a skip sited within the footprint of the building. During a site visit on 14 June 2022, the Case Officer observed the footprint of the building being largely open in the centre with the areas close to the side walls of the building used to store various items including: building materials, ladders, barrels, wheelbarrows, a gate, scaffolding poles and an excavator scoop.
- 11.8 The Council is not aware of any evidence which would suggest that Building A reverted to an agricultural use at any time.

#### *Building B*

- 11.9 Change of use of ground floor of agricultural building to ancillary office accommodation in connection with joinery and blacksmith businesses was granted planning permission on 16 February 1998 under application reference: S6/1998/0004/FP.
- 11.10 Subsequently, a variation of condition 2 (S6/1998/0004/FP), to allow the building to be used for general office use within use class B1(a), was granted planning permission on 26 July 2005 under application reference: S6/2004/1538/FP.

#### *Building C*

- 11.11 The applicant advises that the landowner has let out buildings B-E to Blue Jigsaw for a considerable period of time. The applicant has provided a copy of a Companies House statement that identifies Wells Farm as the registered address of Blue Jigsaw from August 2011. The planning history indicates that the company occupied building D in 2007 as identified on the site plan which



accompanied planning application S6/2007/1796/FP which related to the change of use building E. Building C is annotated on the same plan as “vacant subject to renovation proposals”.

- 11.12 The applicant has provided a copy of the tenancy agreement, dated 15 December 2019, together with a lease plan that shows the buildings edged red which are leased (B-E) to Blue Jigsaw.
- 11.13 There is no planning history specific to Building C. The applicant states that Building C forms part of the commercial use and is occupied by Blue Jigsaw and has been so since they took on the site. During a site visit on 14 June 2022, the Case Officer observed Building C being used intensively to store various items associated with the Blue Jigsaw’s business. The building was lined with four long rows of racking on which was stored stock items for the business, such as rolls of fabric, soft furnishings, tins of paint and packaging.
- 11.14 The applicant has submitted a Statutory Declaration (from the landowner) which specifies that Building C is the principal storage area in constant use by Blue Jigsaw since at least 2010, which exceeds 10 years. The Statutory Declaration provides a reasonable basis for considering Building C to be previously developed land. A Statutory Declaration is sworn, therefore Members are entitled to take the facts specified as being true unless the Council has evidence to the contrary. In this case, the council has no evidence to contradict the stated facts, therefore it is reasonable to accept this as sufficient evidence on balance of probabilities as to the use of Building C and to give it weight accordingly in assessing whether the site is previously developed land.

#### *Building D*

- 11.15 Change of use of former agricultural building to storage and distribution (class B8) was granted planning permission on 10 January 2006 under application reference: S6/2005/0941/FP.

#### *Building E*

- 11.16 Change of use of redundant former farm building to storage & distribution (class B8) was granted planning permission on 21 January 2008 under application reference: S6/2007/1796/FP.

#### *Building F*

- 11.17 A stable block comprising 4 loose boxes, hay store, feed and tack room was granted planning permission on 21 November 1975 under application reference: S6/1975/0605/.

#### *Building G*

- 11.18 There is no planning history specific to Building G. The applicant has advised that Building G was constructed in 2006 by the landowner and has been used to store machinery (including grass cutting equipment) in connection with maintenance of the commercial part of the site and the gardens associated with the house. During a site visit on 14 June 2022, the Case Officer observed Building G being used for storage of predominantly gardening equipment and various tools. Also present was a small work bench, old electrical and items, decorating equipment, two bicycles and a small number of boxes containing

books and paper files. The use of this building has therefore been assessed as storage incidental to the use of the commercial and residential components of the wider site.

#### *Conclusion on Previously Developed Land*

11.19 Officers are of the opinion that, on the balance of probability none of the buildings within the site remain in agricultural use. The definition of previously developed land includes: *“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.”* In this case, the site includes land around the application buildings such as: areas of hardstanding used for car parking; areas of hardstanding used for access and circulation to the application buildings, Wells Farm Cottage and Wells Farm House; areas of soft landscaping associated with the application buildings and the domestic use of the neighbouring properties. Whilst lawful uses for every part of the site have not been confirmed, it is considered reasonable to conclude on the balance of probabilities that the application site is previously developed land. On that basis the proposal can be considered as the complete redevelopment of previously developed land.

#### *Status of the draft Local Plan*

11.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:

- The Welwyn Hatfield District Plan 2005
- Hertfordshire Waste Development Framework 2012 & Hertfordshire Waste Site Allocations Development Plan Document; and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

11.21 The NPPF is a material consideration to be taken into account in determining this application. A revised NPPF was published in July 2021. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy.

11.22 The Welwyn Hatfield District Plan 2005 remains the adopted development plan for the Borough. The Council has prepared a new Local Plan to replace the District Plan. The Council does not currently have a five year supply of deliverable housing sites, a position which the emerging Local Plan seeks to remedy through its site allocations.

11.23 The emerging Local Plan is at an advanced stage and the examination remains ongoing. In line with Paragraph 48 of the NPPF, 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)

- 11.24 The application site forms part of a larger parcel of land (HS30) which was proposed for allocation in the emerging Local Plan (proposed submission 2016). Its release from the Green Belt is considered to constitute high harm. For that reason, in late 2020 the Council, in response to submitting additional site to the Examination sought to remove the proposed allocation from the draft Local Plan.
- 11.25 Following the Stage 9 Hearings the Inspector issued his round up notes (EX273) in which he states that he does not consider the high harm assessment for the site and the site to the north (HS29) to be appropriate. He went on to state that locations of the bus stops and railway station suggest that this is a location that could enable a successful encouragement of the use of more sustainable means of travel. In conclusion he stated that the future of these sites, in the context of the local plan, lies in the relative amount of overall development that is justified at Cuffley and the deliverability of the other proposed sites. The Inspector requested the Council submit additional sites from those examined, sufficient to at least provide a Full Objectively Assessed Housing Need (FOAHN) of 15,200 dwellings to 2036.
- 11.26 At a Special meeting of the Council in January 2022 a strategy to deliver 13,279 homes, not dependent on the release of high harm sites, was put forward to the Examination. The Inspector subsequently confirmed the Council could put forward sites to meet this FOAHN for the first ten years of the plan period, subject to an early Local Plan review (EX283). The Inspector also stated that three sites (which includes HS30) should remain in the plan and be subject to Main Modification consultation. He went on to state that if this is not accepted, then the Council has no course other than to withdraw the plan.
- 11.27 At a meeting of the Council on the 26th July 2022 it was resolved to put forward a strategy that would deliver 12,775 dwellings which over the 10 year period would equate to 8,517 dwellings and a five year land supply of 5,292 dwellings (EX289). In its letter to the Inspector (EX289) the Council stated it had considered options for additional sites including the retention of HS30. However, it concluded the identified supply of 12,775 is sufficient at this stage and there is no case for additional sites particularly when this would require the release of high harm land from the Green Belt. The Council expects a response from the Inspector in September, and if supportive would progress to Main Modification consultation shortly afterwards.
- 11.28 In conclusion, HS30 has been assessed by the Inspector at the examination and the Inspector stated that the principle of development on this site has been found to be sound. Notwithstanding this, the Council has considered the retention of HS30 and has concluded there is no case for its inclusion particularly when its allocation would require the release of high harm land from the Green Belt.
- 11.29 The release from the Green Belt and allocation of development of HS30 as part of the Local Plan relates to a much larger parcel of land from the Green Belt compared to the current application which has been submitted as the redevelopment of a previously developed land in the Green Belt and is assessed accordingly below. Members are advised that in relation to the Green Belt assessment and the planning balance in this case, no positive weight should be afforded to the proposed allocation of HS30.

### *Prematurity*

- 11.30 The NPPF sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area (Paragraph 49)
- 11.31 The site is a proposed allocation in the draft Local Plan and the Inspector has indicated that the site is sound. It is not considered that the granting of permission would undermine the plan-making process. Therefore, the determination of this application would not be premature.

### *Green Belt*

- 11.32 The site lies within the Green Belt and Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (the District Plan) states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map.
- 11.33 More specifically, in relation to development in the Green Belt, Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 11.34 The proposal can be considered as the complete redevelopment of previously developed land. The proposal does not include the provision of on-site affordable housing. Instead, a commuted sum of £914,000 is proposed based on the formula set out in The Planning Obligations Supplementary Planning Document. The commuted sum would be used to deliver affordable housing in the Borough and this can be secured by a S106 Legal Agreement.
- 11.35 The Strategic Housing Market Assessment, undertaken as part of the evidence base for the emerging Local Plan, identifies that there is a need for affordable housing and Policy H7 of the adopted District Plan and Policy SP7 of the emerging Local Plan set out the Council's requirements for the provision of affordable housing. Therefore, as the proposed development would re-use previously developed land and contribute to meeting an identified affordable housing need, it must be assessed on the basis of the second limb of the exception g) of paragraph 149 of the NPPF. This requires an assessment as to whether the complete redevelopment of the site would cause substantial harm to the openness of the Green Belt.
- 11.36 There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Openness is capable of having both a spatial (physical) aspect and a visual aspect. It is necessary therefore to have regard to the existing development on

the site when assessing effects on openness. In any particular case these are matters of planning judgement.

- 11.37 The site includes numerous buildings and structures which cover a large part of the site. The heights of these buildings and structures range from about 4m to 6.5m. The heights of these buildings and structures combined with the proximity of these to each other and the extent of their footprints, results in development of a significant scale and massing. Therefore, despite the application site forming part of a larger parcel of land with generally high levels of visual openness, the existing development appreciably reduces and harms the openness of the Green Belt.
- 11.38 The applicant's submissions show that there would be a reduction in the footprint of development at the application site. The existing buildings within the site have an aggregate footprint of circa 1,123sqm alongside hardstanding. In comparative terms, the proposed development has an aggregate footprint of 1,058sqm which is inclusive of garaging. The proposed dwellings would not extend significantly beyond the extant footprint of development.
- 11.39 No comparative volume figures have been submitted. However, the proposed dwellings are predominantly laid out over 2 storeys and their ridge heights would range from approximately 8m to 9m, therefore they would be taller than the existing buildings. On this basis, a significant increase in volume is anticipated and acknowledged. The difference in height between the existing built form and the proposed development, together with a commensurate increase in volume, is clearly material and are matters of judgement for the decision-maker to weigh in the balance. In this regard, the findings of Sales LJ (in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466) remain pertinent. Sales LJ found:

*The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents." (Sales LJ).*

- 11.40 In this case, the design approach for the proposed development has sought to minimise its visual impacts and reduce the built up appearance of the Green Belt. The proposal would replace buildings that have large individual footprints with much narrower proportioned buildings which helps to break down the scale and more closely replicate the linear barn aesthetic of traditional farmsteads. The proposed scheme demonstrates a well-considered layout that reflects a rural typology and takes its reference from the architectural heritage of nearby development in Northaw and Cuffley. The formal 'manor house' presents a central focus to the development, with a number of barn-like dwellings enclosing the central shared-surface space. Materials have been selected to reference a rural aesthetic. The amount of hardstanding would be reduced and the setting enhanced with soft landscaping and sympathetic surfacing materials.
- 11.41 The private amenity spaces would be largely enclosed by native hedge planting around the perimeter of the application site, interspersed with feature trees. The

perimeter planting would be set back from the ownership boundary, behind sizeable areas of open space. The buildings would maintain a comfortable setback distance from the road frontage and any residual views of the roofline are partial by virtue of substantial screening and topography.

- 11.42 The visual assessment which forms part of the submitted Design and Access Statement has sought to demonstrate that the views of the scheme from publicly accessible positions would be predominantly partial and glimpsed. In summary, the site is situated close to the bottom of a steep valley and is well screened by landform, existing mature trees and hedgerows. The only clear view of the site from a public right of way is directly opposite the site entrance (photograph 10), although this is a short glimpsed view as the site is set well back from the road with the principal building visible being the existing cottage building lying just outside the development boundary against the road. The visual effects of the development beyond the immediate locality would be limited.
- 11.43 It is proposed that screening would be further reinforced with additional hedge and tree planting and this can be secured by condition.
- 11.44 It is also reasonable to factor in to the weighting exercise, the quite common manifestations and visual impacts that might be associated with the lawful commercial use of the land such as: external storage of materials, pallets, skips, refuse and recycling containers, commercial vehicles, including HGV's and vans and private vehicles associated with employees and visitors, etc. Impacts on both the openness and character and appearance of the area said to arise from the proposal must be judged not against the appearance of a green field site or a farmstead, but how the site may appear should the lawful use continue.
- 11.45 In summary, whilst there would be a reduction in developed footprint and a reduction in the scale and massing of some individual buildings, the heights of the proposed two-storey dwellings would result in a greater adverse effect on openness in a spatial sense when compared with the extant development. Visually, the effect of the development would be shaped by a more complex combination of factors which include benefits and dis-benefits. Overall, it is considered that the proposal would introduce more prominent built development to the site when viewed in close proximity. However, views from outside the ownership boundary would generally be well screened. Any dwellings seen from Northaw Road West would be viewed in the context of the adjacent Wells Farm Cottage to the roadside and Wells Farm House. Therefore, these factors would ameliorate the visual effects and any harm arising from the introduction of taller buildings at the application site. The development would result in localised effects on receptors in close proximity to the site, but more limited effects in the wider landscape.
- 11.46 At present the hard surfaced areas within the application site are used for access and circulation, the parking of vehicles and for external storage. Therefore, the highways infrastructure, parked cars, gardens, boundary treatments and other domestic paraphernalia arising from the proposal would not have any significant adverse effect on the visual and spatial openness of the Green Belt when compared to the extant use. Also, because the second limb of paragraph 149 g) of the NPPF, specifically refers to the provision of affordable housing, some domestic paraphernalia, vehicle parking and lighting is to be expected. Therefore, while the proposal would have a greater effect on the visual openness of the Green Belt, this would not amount to substantial harm.

11.47 Drawing on the above reasons, it would not be unreasonable to conclude that the redevelopment of the site for the 14 dwellings proposed, would not cause substantial harm to the openness of the Green Belt. Therefore, in principle, the proposal accords with the exception under Paragraph 149 g) of the NPPF and is not inappropriate development in the Green Belt. Accordingly, there is no conflict with Policy GBSP1 of the District Plan.

#### *Loss of employment land*

- 11.48 Policy EMP8 of the District Plan states that planning permission will only be granted for residential development on employment sites where it can be shown that the development of the site for a 'live-work' mixed use scheme would not be viable. In this case, no evidence has been provided to show that the application site is not viable for a 'live-work' mixed use scheme. The proposal therefore conflicts with Policy EMP8 of the District Plan.
- 11.49 The Planning Statement which accompanied this application makes the case that the premise of a successful live-work scheme is founded upon the opportunity to attract "light" employment uses that are appropriate and do not impact the amenity of residential properties that they would adjoin. It goes on to state that there is no market evidence that the redevelopment of this site could sustain office use alongside residential homes. The existing use of the site is dominated by B8 storage by an occupier that has a predominant online trading platform. If that or a similar operation was to be introduced as part of a mixed-use scheme then it would result in conflict between employment and residential uses.
- 11.50 It is notable that a similar proposal for the redevelopment of Colesdale Farm was allowed on appeal in February this year (ref: APP/C1950/W/20/3253559). Colesdale Farm is situated approximately 350m west of the Wells Farm and is largely occupied by employment uses. In this case the Inspector acknowledged the conflict with Policy EMP8 but found that "*...more recent advice under paragraph 123 of the NPPF, encourages local planning authorities to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.*"
- 11.51 The application site is currently developed but not allocated for a specific purpose in the adopted District Plan. The application site is also in an area where the demand for housing is particularly high and there is no substantive evidence to suggest that the loss of the site for employment use would undermine key economic sectors or sites. As such, it is considered that the delivery of housing, including a financial contribution towards affordable housing outweighs the loss of this employment site.

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

11.52 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). Policy SP9 of the draft Local Plan deals with place making and high quality design and Policy SADM11 amenity and layout.

- 11.53 The revised NPPF 2021 has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. As such, there is also consistency between the District Plan and emerging Local Plan with the NPPF.
- 11.54 The submitted Design and Access Statement explores this matter in more detail, but in essence the proposed layout is inspired by that of a typical traditional farmyard, with clusters of buildings arranged around a series of connected spaces with the relationships of the buildings and parking reminiscent of the rural vernacular. There is an emphasis on shared surfaces for vehicular and pedestrian access with materials selected to maintain the rural feel. The proposed dwellings are a mix of 2 bed, 3 bed and 4 bedroom family units, arranged in a 'pinwheel' centred on a courtyard. Houses face the shared spaces to define, frame and activate them, and provide natural surveillance. The proposed scheme demonstrates a well-considered layout that responds to the context of the site, optimises natural surveillance and aims to enhance a sense of community, security and ownership. Materials have been selected to reference a rural aesthetic and enhance local distinctiveness, however, precise details can be controlled and secured by condition.
- 11.55 The application is accompanied by a suite of technical documents and other supporting evidence, including a Design and Access Statement and Planning Statement which illustrate in detail the evolution of the design. The supporting documents have been scrutinised by the officers and statutory consultees. Having done so, they are satisfied that the proposal would achieve a high quality built environment.
- 11.56 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.

### **3. Residential amenity**

- 11.57 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Draft Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development.
- 11.58 The properties which would be most affected by the proposal are Wells Farm House and Wells Farm Cottage. No representations have been received from the occupiers of these properties and the proposal would not result in an



unacceptable relationship between neighbouring properties. Approximately a 38m separation distance would be maintained between the flank wall of Wells Farmhouse and the nearest proposed dwelling, whilst approximately 19m would separate the flank wall of Wells Farm Cottage from the nearest dwelling.

- 11.59 Whilst the outlook from Wells Farm House and Wells Farm Cottage would change fairly significantly, this is not in itself a reason to withhold planning permission. The impact of the proposal on the outlook from properties situated further afield would be minimal given the separation distance, topography and intervening soft landscaping. Due to the separation distance and the modest scale of the site, the development would not present an overtly dominant feature and any change in outlook would have limited effect in the context of a previously developed site. It is noted that objections have been received with regard to a loss of a view, however, planning exists within the public interest and not the private interest and therefore this is not a consideration that holds weight.
- 11.60 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 and can be secured through the implementation of a site specific Construction Environment Management Plan (CEMP), which can be required by condition.
- 11.61 Given the above, it is considered unlikely that the proposed development would have any significant adverse impacts on the residential amenity of neighbouring occupiers.
- 11.62 Turning to future occupiers, the position of windows has been considered in such a way as to avoid undue overlooking between properties. Nevertheless, given the relatively high density of development proposed, there would inevitably be views from windows towards neighbouring properties and over rear gardens. However, a degree of overlooking is acceptable and would be consistent with a neighbouring relationship generally expected between residential properties.
- 11.63 All proposed dwellings would be compliant with the Nationally Described Space Standards and would also meet accessible and adaptable standards (Building Regulations Part M4(2)), exceeding emerging policy requirements. Each new house would have a private garden which is appropriately sized for the dwelling. All gardens would be provided with patio areas large enough for outdoor family dining around a table, and have footpath access securely gated. Each property would also have appropriately designed bin stores and cycle storage.
- 11.64 In terms of noise, the proposed residential use is not likely to cause any adverse impacts. However, the Council's Public Health and Protection Officer noted that the site is located within proximity of Cuffley Football Club and Colesdale Farm, which is largely occupied by commercial uses. There is also potential noise disturbance from road traffic on Northaw Road East. A condition is therefore recommended to ensure that noise will not have an adverse impact on the living conditions of future occupants.
- 11.65 The new dwellinghouses would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupiers. NPPF paragraph 54 states

*“planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”* The Planning Practice Guidance (PPG) advises that *“Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity”*. In this case, given the relatively small plot sizes and the close proximity of neighbouring properties, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact, loss of light and loss of privacy. Therefore, to protect the amenity of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwellings (class A) and their enlargement of consisting of an addition or alteration to its roof (class B).

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

#### **4. Highways and transport considerations**

11.67 The Highway Authority issued their initial response on the 15th February 2021 which recommended refusal due to insufficient information in relation to the visibility from the vehicular access and proposed 30mph speed limit change. The applicant worked positively towards addressing the issues of concern and in response submitted a Technical Note, dated 11th March 2021. The Technical Note has included the following key details:

- x3 7-day speed surveys and updated visibility splays;
- Confirmation the applicant is no longer proposing to change the speed limit on Northaw Road East to 30mph.

11.68 Following reconsultation, the Highway Authority has confirmed that it does not wish to restrict the grant of permission subject to suggested conditions and planning obligations.

##### *Trip Generation:*

11.69 Herts County Council (HCC) as Highway Authority has reviewed the application submission and have no objection to the proposed development, subject to planning conditions and obligations. The TS and other relevant documents have been used to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates were reviewed and are considered to have a minimal impact on the local highway network. The Highway Authority are satisfied that the predicted increase in vehicle trips does not warrant capacity impact assessments.

##### *Highway Safety:*

11.70 The applicant has provided a desktop review of Personal Injury Accidents (PIAs) within the vicinity of the site for the past five years and it concluded no collisions

along the site frontage have occurred and only a limited number along the length of Northaw Road East between Station Road and Cattlegate Road, with none being fatal. There is no obvious correlation in PIAs over the past five years and the number of PIAs is at a level where further intensification of the local road network would not result in any major highway safety concerns.

*Access:*

- 11.71 Vehicle access to the site will be taken from Northaw Road East via the existing site entrance which is to be improved as part of the proposals. Whilst a bellmouth arrangement for a proposed development of this size would be preferable, the Highway Authority is not averse to the retention of the footway crossover as it ensures priority remains with the pedestrian – in line with Policy 1 of Hertfordshire's Local Transport Plan. Improvements to the condition / material of the footway at the footway crossover have been shown on 1911-066.PL03 Rev C and new dropped kerbs will be required. It is likely this will need to be provided by a S278 Agreement (works on the public highway).
- 11.72 Pedestrian access to the site would be via the footway crossover. The Highway Authority are satisfied with this arrangement subject to a condition requiring a private speed management strategy to be submitted and approved. The strategy must identify on-site measures that ensure vehicles travel at low speeds when routing out of the site and on approach to the footway crossover

*Visibility:*

- 11.73 The applicant has submitted visibility splay drawing (1911-066.PL03 Rev C) in the appendix of the Technical Note. This drawing has demonstrated a visibility splay of 2.4m x 160m from the access. On the basis that the 85<sup>th</sup> percentile speed has been shown to be 47.2mph, the Highway Authority are satisfied with the 'one step below desirable minimum' Sight Stopping Distances for a highway subject to the national speed limit. Maintenance of the visibility splays can be secured by condition.

*Construction:*

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

*Refuse Strategy:*

- 11.75 The applicant has submitted Drawing No. SP101 a swept path analysis vehicle of 11.4m length entering and exiting the site access junction. The Highway Authority are satisfied that a refuse vehicle can enter and exit the site without the body of the vehicle encroaching on the footway. The Drawing Nos. SP102 and PL05 have shown that the maximum dragging distance for a bin collection is 25m and is in line with the standards set out in Roads in Hertfordshire: Highways Design Guide. Details of refuse storage can be secured by condition.

*Parking provision:*

- 11.76 Paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for

public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 111 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

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

11.78 Based on the development mix for the scheme set out below, 28 parking spaces is the guideline figure for the proposed development:

6 x 2 bedroom house (6 x 1.5 = 9 spaces)  
7 x 3 bedroom house (7 x 2.25 = 16 spaces)  
1 x 4 bedroom house (1 x 3 = 3 spaces)

11.79 The proposals include the provision of 32 car parking spaces spread across garage, driveways, and allocated on-street parking spaces. The Highway Authority are satisfied with this level of parking provision.

11.80 All homes will benefit from secure cycle storage and EV charging facilities are proposed for each house, which exceeds current and emerging policy requirements. Full details and implementation of cycle parking and EV charging facilities can be controlled by condition.

11.81 There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking outside of the application site, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. On this basis, there is no objection in relation to parking provision.

#### *Sustainable Travel & Accessibility*

11.82 The closest bus stops to the site are on Northaw Road East, approximately 130m and 180m from the proposed entrance to the Site. The bus stops for travel in both directions comprise of a stop flag and timetable board. Cuffley railway station is approximately a 1.2km walking distance.

11.83 There are no dedicated cycle facilities within the immediate vicinity of the proposed development site. The footway provision along Northaw Road East links to a wider network of footways and other pedestrian facilities within Cuffley, providing routes to key services and local facilities. The Transport Statement has undertaken a review of local amenities and facilities based on The Institution of Highways and Transportation Guidance for Acceptable Journeys on Foot. The results have shown that a number of facilities are within the preferred maximum distance.

## 5. Other considerations

### *i) Landscape and trees*

- 11.84 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 11.85 The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 11.86 The proposal looks to retain the majority of the trees on site including the mature trees and landscaping along the front boundary and flanking the site entrance. The proposal requires the removal of some low-quality trees, however, it is considered that the proposed tree planting will mitigate the loss of these trees.
- 11.87 The number of trees on the site will be greatly increased with native species and fruit trees incorporated into the landscape planting scheme. The amount of green space will also be greatly increased. Perimeter enclosures are proposed as hedges throughout as they form a defensible boundary to the landscape and as identified in the landscape character assessment and would be used wherever possible in preference to fences. The planting to the wider site boundary would provide a hedge using native species (such as hawthorn and buckthorn) with occasional specimen trees (such as field maple) which would replicate a traditional hedged boundary promoting biodiversity and achieving very effective screening.
- 11.88 The application documents have been considered by the Council's Landscape Officer and the proposed scheme is considered appropriate for the site. If approved, details of tree protection measures, planting plans, planting methods and aftercare would need to be secured via condition.
- 11.89 In summary, the development would retain and protect the mature trees and hedges wherever possible and appropriate, whilst also introducing new planting which would help assimilate the site into the wider landscape. Detailed landscaping proposals and tree protection measures can be adequately secured through condition. In this respect, no objections are raised with regard to the objectives of the District Plan, draft Local Plan or the NPPF.

### *ii) Ecology and biodiversity*

- 11.90 District Plan Policy R11 seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 11.91 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and

providing net gains for biodiversity. Paragraph 180 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

- 11.92 The Environment Act 2021 gives greater emphasis to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.0). However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023.
- 11.93 Hertfordshire Ecology have been consulted for this application and have advised that Hertfordshire Environmental Records Centre has no data specific to the application site but does have field records of bats and badgers from the nearby vicinity.
- 11.94 A Preliminary Ecological Appraisal by BABEC Ecological Consultants (March 2021) identified the need for further surveys relating to bats, reptiles and great crested newts. These surveys were subsequently completed by Jones & Sons Environmental Sciences using suitable methodologies.
- 11.95 In terms of bats, the surveys did find evidence of bats in three of the buildings and passing through the site. This will require careful demolition and the provision of mitigation as set out in the ecological consultant’s report. Given that no maternity sites have been identified, the roosting sites can be effectively mitigated through the provision of bat boxes and crevice roosting sites within the development proposals. The hedgerows and tree planting proposed will enhance the habitat for bats. Further monitoring work will also be required post completion. The applicant is agreed to accept planning conditions to secure the mitigation detailed in this report.
- 11.96 In regard to reptiles, a population of slow worms and grass snakes was identified in a field adjacent to the site. In order to mitigate any harm to these protected species, the field in which they are found is proposed to be improved to the benefit of these species which can again be controlled appropriately through planning condition. The mitigation measures would encompass habitat improvement works and the installation of low-level fencing.
- 11.97 The surveys established the presence of a small population of great crested newts within a garden pond which will be destroyed by the development. It is proposed that the existing population is relocated onto land controlled by the applicant to the immediate south of the site. This area will be made suitable by the creation of two new ponds, and improvement of the terrestrial habitats and existing field pond in this area.
- 11.98 In view of the above, Hertfordshire Ecology have confirmed that sufficient surveys have been submitted to allow the LPA to assess the presence and required mitigation for these species to meet its legal requirements in regard of this European Protected Species in the context of this existing application.
- 11.99 It is acknowledged that for the works relating to the destruction of the existing bat roosts and great crested newt habitat a licence from Natural England will be

required. Hertfordshire Ecology have advised that there is no reason to consider this will not be provided.

11.100 The Preliminary Ecological Appraisal identified habitats within the existing site which could either attract or provide shelter for hedgehogs, badgers and nesting birds. A range of different national legislation requires the protection of these species. Precautionary measures have been recommended to safeguard these species and boxes for a range of bird species can be secured by condition.

11.101 The landscaping proposals, including tree and hedgerow planting will provide an opportunity to improve biodiversity. A number of existing hedgerows which were identified as priority habitats are being retained by the proposals. Hertfordshire Ecology concluded that given the nature of the existing site, the proposed new landscaping is likely to achieve adequate compensation for the habitats being lost. In particular, Hertfordshire Ecology supported the proposals for the creation of a mixed native hedgerow, but noted that the full biodiversity benefit can be realised only through appropriate management. It was also noted that improvements could be made in relation to species choice for the planting mix. Details of a landscaping scheme, together with its implementation and management can be secured by condition. In addition, measures for biodiversity compensation can be secured via a Landscape and Ecological Management Plan (LEMP) and this will serve to bring together into one document the recommendations from the multiple ecological reports along with the applicant's biodiversity proposals.

11.102 Overall, there is no in principle ecological objection to the development subject to mitigation measures. Further detail will be required to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. In view of this, conditions securing these measures have been suggested.

*iii) Flood risk and sustainable drainage*

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

11.104 The application is supported by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority. The surface water drainage strategy incorporates overland attenuation and will feed into the existing surface water drainage features on the western boundary close to Hempshill Brook. The scheme will seek to utilise permeable surfacing materials (subject to detailed design) for vehicular and pedestrian access with materials selected to maintain the rural feel.

11.105 Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application and confirmed no objection subject to suggested conditions. Thames Water have advised that they have no objection to the planning application with regard to waste water network and waste water process infrastructure capacity. Subject to an appropriately worded conditions to

secure implementation of the drainage strategy, there is no objection in this regard.

*iv) Contaminated land*

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

11.107 The Council Environmental Health Officer has reviewed the submission and recommended that a condition ensuring that if any unexpected finds are discovered during construction further assessment work is undertaken. Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.

*v) Air quality*

11.108 The Local Plan advises that development proposals located within 50m of an identified "*heavily trafficked route*" should include consideration of air quality impacts. In the context of the site, this falls within the relevant corridor of the B156, including Northaw Road East, which has been cited as a heavily trafficked route.

11.109 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.

*vi) Archaeology*

11.110 District Plan Policy R29 of the adopted District Plan states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential. Emerging Policy SADM15 states proposals that affect designated heritage assets and the wider historic environment should provide a Heritage Statement, Heritage Impact Assessment and/or Archaeological Assessment. The application site is not within a Conservation Area and there are no other designated or non-designated heritage assets within the site. However, the application site abuts Area of Archaeological Significance no. 37 as identified in the Local Plan. This includes cropmarks of a polygonal enclosure of unknown date, part of the boundary of the 17<sup>th</sup> century deer park of Theobalds Park of which sections are visible as a tree line and walling, and soil marks of a linear feature. There is also evidence of prehistoric activity in the vicinity, represented by concentrations of Mesolithic and Neolithic flints found in the area of Cuffley Hill, and at Church Close, Cuffley.

11.111 Wells Farm is a 20<sup>th</sup> century farmstead, which stands on the site of a post-medieval farmstead shown on 19<sup>th</sup> century Ordnance Survey maps [Historic Environment Record No 10969]. These show a farmhouse on the north east side of a yard lined with a large barn and other buildings. It is possible that below ground remains of the demolished post medieval farmstead may survive. In addition, although the site has been impacted upon by the construction of the 19<sup>th</sup> century farm buildings and ponds, and the subsequent demolition of these



buildings, and redevelopment of the site from the late 1970s, it may retain some potential to contain archaeological remains of a prehistoric date.

11.112 With the above in mind, the Historic Environment Advisor has commented that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. In this case an appropriately worded condition would be sufficient to provide for the level of investigation that this proposal warrants.

*vii) Accessible and adaptable dwellings*

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

11.114 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance. The proposal aims for all dwellings to meet Part M4(3) standards, which significantly exceeds policy requirements. A planning condition is suggested to ensure that at least 20% of new dwellings within the development adhere to this part of the Building Regulations.

*viii) Environmental Impact Assessment*

11.115 The relatively modest site area (0.49 Ha) and the number of dwellings proposed, together with the anticipated environmental effects of the development, are not considered sufficient to warrant an Environmental Impact Assessment.

*vii) Sustainable design and low carbon homes*

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

11.117 The NPPF, at Paragraph 152, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

11.118 In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

11.119 District Plan R3 states that the Council will expect all development to: (i) Include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping; and (ii) Incorporate the best practical environmental option for energy supply. Emerging Local Plan Policy SP10 seeks to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.

11.120 The proposed development seeks to provide sustainable and energy-efficient new homes. These will reflect (as a minimum) Development Plan objectives as well as Building Regulations requirements, alongside the aspirations of emerging policy.

11.121 The application is supported by an Energy and Sustainability Strategy which sets out in detail the proposed measures to minimise the level of carbon emissions arising from the development. Proposed measures include:

- Fabric First Approach to reducing the space heating energy demand:
  - High specification thermal envelope minimising heat loss
  - Junctions to be designed to minimise the effects of thermal bridging
  - High levels of airtightness;
- Natural ventilation and decentralised mechanical extract fans and background ventilators;
- Heat Pump technology providing high levels of thermal efficiency to provide space and water heating, dedicated low-temperature emitters will be used to ensure the system can operate at maximum efficiency;
- Advanced zone heating controls providing close control of heating;
- A Wastewater Heat Recovery System to recover up to 67% of the thermal energy typically wasted when showering;
- Installation of Photovoltaic (PV) Panels to provide free renewable energy and PV diverter to maximise energy usage on-site by ensuring hot water is produced before excess energy is exported;
- Installation of 1 Electrical Vehicles (EV) charging point to each plot to allow easy adoption of efficient vehicles; and
- Low flow sanitary ware fittings to reduce potable water usage.

11.122 In terms of location, the site lies within walking distance of key local facilities (such as primary schools, shops, community buildings, playground, sports and recreation ground) and public transport which makes it a sustainable location adjacent to the edge of the settlement. All homes will benefit from secure cycle storage and EV charging facilities. This provides opportunities to encourage use of non-car modes and reduce reliance upon fossil fuel-powered private cars.

11.123 The measures summarised above provide strong positive contribution towards the Council's ambitions to reduce carbon demand. Appropriately worded conditions are suggested to secure delivery of the measures set out above.

## **6. Planning obligations**

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

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

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

11.126 A S106 Legal Agreement to secure planning obligations has been subject to negotiations with Officers. The heads of terms sought by the Council are summarised below:

### *Affordable Housing:*

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

11.128 Draft Policy SP7 states that for redevelopment of previously developed sites in sustainable locations compatible with Green Belt Policy, a target 30% of units should be affordable housing, subject to viability. Whilst Policy SP7 has not yet been adopted, it is based upon evidence that identifies a need for this level of affordable housing to be provided.

11.129 In line with the NPPF and Draft 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.

11.130 The Planning Obligations SPD states that the following calculation shall be used to inform the appropriate level of commuted sum:

- Where RV (100% M) = residual value with 100% market housing, RV (AH) = residual value with required affordable housing component (e.g. 30% affordable)
- Commuted sum = RV (100% M) - RV (AH)

11.131 The applicant has sought to market four 2-bedroom affordable dwellings with Registered Providers (RPs). The only offer received was from Hightown for £800,000. This offer equates to £233 per sq ft on the unit area of the four properties identified. This is understood to be a final offer and would assume that the developer has allowed for build costs as well as associated costs (such as professional fees, finance, land and/or any other development costs) in delivering the affordable units for Hightown.

11.132 The Council's own evidence to the Local Plan Examination was that the typical developer for affordable housing can reasonably expect that the price achieved should cover construction costs as well as indirect costs and also some element of developer return to account for development risk. This is also consistent with the National Planning Practice Guidance (NPPG) which highlights the range of cost typologies and the expectation that developer return is necessary to account for risk and to ensure delivery for all types of homes. The NPPG does suggest that the level of return should be lower for affordable homes where that allows an early transaction to reduce risk, but that assumes that all costs have been met and that a prompt transaction is available. In this instance, the offer would not cover costs and it was conditional in nature.

11.133 On this basis, it is considered necessary to revert to an alternative which is a commuted sum to allow off-site delivery of affordable housing. This mechanism will meet the Council's objectives to accelerate the delivery of affordable housing units across the Borough whilst allowing the proposed scheme to be viably delivered.

11.134 A commuted sum of £914,000 has been proposed based on the formula set out in The Planning Obligations SPD.

11.135 The applicant estimate's that the Open Market Value for the development of these properties would be based around an achieved sales value of £500 per sq ft. Given the scale of development this would mean that the Open Market Value for the four 2-bed properties would be £1.714m. Given that the offer received was £800,000 (which represents a benchmark), the differential between this and Open Market Value would equate to £0.914m in this instance.

11.136 The commuted sum is to be agreed and secured via a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) and will form part of the S106 Agreement.

11.137 The Council's Housing Team is agreeable 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.

*Hertfordshire County Council Contributions:*

11.138 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/Nursery Education: £110,988
- Secondary Education: £121,716
- Special Educational Needs and Disabilities (SEND): £17,052

- Library Services: £1,282
- Youth Services: £1,758
- Sustainable Travel: £95,564

*WHBC Contributions:*

11.139 Financial contributions and projects as follows:

- Commuted sum payment: £914,000
- Waste and recycling bin provision: £1,050
- Play facilities: £4,784
- Off Site Green Space: £1,824
- On-site Open Space and SUDS Maintenance
- Monitoring Fee: £5,000

11.140 All S106 financial obligations are subject to indexation.

11.141 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.

11.142 The applicant and Council have entered into negotiations to address the points outlined above and the heads of terms have been agreed with the applicant. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

11.143 Members should note that all of the Hertfordshire County Council and Welwyn Hatfield Borough Council contributions, as set out, are indicative at this stage and subject to change as they are based on up-to-date evidence.

11.144 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.

## **7. The planning balance**

### *Five Year Housing Land Supply*

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

11.146 WHBC cannot demonstrate a five year supply of deliverable homes and the shortfall is considerable and significant.

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

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

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

11.149 For decision taking this means:

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.150 In accordance with Footnote 7 to Paragraph 11(d)(i), the policies referred to include those which protect the Green Belt. However, for the reasons set out in this report, the proposal is not considered to be inappropriate development in the Green Belt. Accordingly, policies which protect Green Belt do not provide a clear reason for refusing the development. Therefore, the presumption in favour of sustainable development (also known as the tilted balance) does apply in this case.

11.151 Paragraph 60 of the NPPF seeks to support the Government’s objective of significantly boosting the supply of homes. In order 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.

11.152 The delivery of housing represents a benefit and this development would boost the supply within the Borough. This is not a position on which there would be any marked improvement on in the short to medium term. For this reason substantial weight is afforded the provision of market housing which would make a positive contribution to the supply of market housing in the Borough.

11.153 It is acknowledged that the persistent under delivery of affordable housing in the Borough presents a critical situation. This proposal would provide a significant contribution towards affordable housing via a commuted sum. The commuted sum would be used to meet broader Council objectives to deliver affordable housing in the Borough and, as such, the development would accelerate the delivery of much needed affordable homes which is afforded substantial weight.

11.154 In terms of early delivery, Annex 2: Glossary of the NPPF provides the definition of a deliverable housing site: sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. This application is for full detailed planning permission and, if granted, would be subject to the standard three year time limit for commencement of development. Therefore, there is a good chance that the dwellings will be delivered within 5 years. This factor is afforded significant weight.

*Summary and planning balance*

11.155 The redevelopment of the site would result in the loss of an employment site in conflict with Policy EMP8 of the District Plan.

11.156 With respect to Green Belt harm, the proposed development is considered to have a greater impact on the openness of the Green Belt compared to the existing situation. However the proposal would not cause substantial harm to the openness of the Green Belt and it would contribute to an identified affordable housing need within the area of the local planning authority. Therefore, in principle, the proposal accords with the exception under Paragraph 149 g) of the NPPF and is not inappropriate development in the Green Belt. Accordingly, there is no conflict with Policy GBSP1 of the District Plan.

11.157 In terms of the weight attributed to the emerging Local Plan allocation, HS30 has been assessed by the Inspector at the examination and the Inspector stated that the principle of development on this site has been found to be sound. Notwithstanding this, the Council has considered the retention of HS30 and has concluded there is no case for its inclusion particularly when its allocation would require the release of high harm land from the Green Belt.

11.158 The release from the Green Belt and allocation of development of HS30 as part of the Local Plan relates to a much larger parcel of land from the Green Belt compared to the current application which has been submitted as the redevelopment of a previously developed land in the Green Belt and is assessed accordingly below. Members are advised that in relation to the Green Belt assessment and the planning balance in this case, no positive weight should be afforded to the proposed allocation of HS30.

11.159 Turning to the benefits of the proposal, there would be an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long term economic benefit from the future occupiers spending on goods and services but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

11.160 The proposal would provide a social benefit through the provision of 14 dwellings and a commuted sum towards affordable housing, which would make a contribution towards the identified housing need within the Borough. Further social benefit arises from the provision of high quality, adaptable and energy efficient homes. These considerations weigh substantially in favour of the proposal.

11.161 In terms of the environment, the proposal would not unduly harm the visual amenity or the character and appearance of the area. The design would be good quality and would not unduly harm the amenity of neighbouring occupiers. The proposal makes efficient use of land which reduces pressure on housing land take elsewhere in the Green Belt. The new dwellings would utilise reasonable measures to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply. The landscaping proposals, including tree and hedgerow planting will provide an opportunity to improve biodiversity and suitable compensation for the habitats being lost. EV charging facilities are proposed for each house, which exceeds current and emerging policy requirements. A footpath exists on the northern side of Northaw Road East, providing pedestrian access to Cuffley. There are also bus stops on the northern and southern sides of Northaw Road West which are located along bus routes that provide relatively frequent bus services to nearby settlements. In addition, rail services as well as a school and shopping opportunities are within an acceptable walking distance from the site. Therefore, the application site is in a location accessible by sustainable modes of travel with access to a range of services and facilities to meet the day-to-day needs of future occupiers. These considerations weigh moderately in favour of the proposal.

11.162 In terms of highways impacts, it is acknowledged that a number of local residents have expressed concerns regarding localised congestion and overall highways impacts. However, taking into account the likely vehicular traffic to be generated by the development and the conclusions reached by the supporting transport assessments, the development would not have a severe impact on the operation of the wider highways network. Subject to conditions, the strategy for landscaping, refuse storage, parking, lighting and site drainage has been found acceptable and the proposals adequately address the ecological impacts and archaeological impacts. All these factors are to be taken as neutral balance.

11.163 Taking all matters into consideration, Officers are of the view that the factors in support of the proposal clearly outweigh the harm.

## **12 Conclusion**

12.1 In determining planning matters the weight to be given to the evidence considered by the Council in coming to its decision is a matter for it alone. The courts have long-recognised that town and country planning involves acute, complex and interrelated social, economic and environmental implications, and that Parliament has consequently entrusted its regulation to administrative decision-makers with planning experience and expertise, namely planning authorities (whose planning officers and committees also have local knowledge). Planning decisions quintessentially require planning judgments of fact and degree, the merits of which are a matter entirely for the appointed administrative decision-makers.

12.2 In this case, the proposed development has been assessed against the policies of the District Plan, the draft Local Plan and the NPPF. Subjected to conditions and a satisfactory S106 agreement, the proposal has been found acceptable in terms of impact on the Green Belt, quality of design; landscaping; amenity and living conditions of neighbouring occupiers and future occupiers; highways; heritage; drainage; ecology; and supporting facilities. Other material considerations have also been considered.



- 12.3 The proposals would make a contribution towards addressing an acute housing delivery shortage and acute affordable housing need in the form of market housing and a commuted sum towards off site affordable housing.
- 12.4 The application site is not subject to any significant constraints other than its Green Belt designation and is sustainably located. The application site has been identified as sound in the draft Local Plan as a suitable location for such a development.
- 12.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. The redevelopment of the site would result in the loss of an employment site in conflict with Policy EMP8 of the District Plan. Nevertheless, for the reasons already given, this is outweighed by the need for housing in the area. Consequently, this material consideration is of sufficient weight to outweigh the conflict with the development plan.

### **13 Recommendation**

- 13.1 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;
  - 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:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
1718 P0-002		Existing Site Plan	24 December 2020
1718 P0-003		Existing Site Survey	24 December 2020
1718 P1-001		Proposed Site Plan	24 December 2020
1718 P1-002		Proposed Landscaping Plan	24 December 2020
1718 P1-005		Site Sections A And B	24 December 2020
1718 P1-006		Site Sections C And D	24 December 2020
1718 P1-011		H01 Floor Plans and Sections	24 December 2020
1718 P1-012		H01 Elevations	24 December 2020
1718 P1-021		H02 Floor Plans and	24 December 2020

			Sections	
1718 P1-022			H02 Elevations	24 December 2020
1718 P1-031			H03 Floor Plans and Sections	24 December 2020
1718 P1-032			H03 Elevations	24 December 2020
1718 P1-041			H04 Floor Plans and Sections	24 December 2020
1718 P1-042			H04 Elevations	24 December 2020
1718 P1-051			H05 Floor Plans and Sections	24 December 2020
1718 P1-052			H05 Elevations	24 December 2020
1718 P1-061			H06 Floor Plans and Sections	24 December 2020
1718 P1-062			H06 Elevations	24 December 2020
1718 P1-071			H07 H08 Floor Plans and Sections	24 December 2020
1718 P1-072			H07 H08 Elevations	24 December 2020
1718 P1-092			H09 H10 Elevations	24 December 2020
1718 P1-112			H11 H12 Elevations	24 December 2020
1718 P1-131			H13 Floor Plans and Sections	24 December 2020
1718 P1-132			H13 Elevations	24 December 2020
1718 P1-141			H14 Floor Plans and Sections	24 December 2020
1718 P1-142			H14 Elevations	24 December 2020
1718 P1-143			H14 Sections	24 December 2020
1718 P0-001	A		Existing Location Plan	5 January 2021
1718 P1-091	A		H09 H10 Floor Plans and Sections	5 January 2021
1718 P0-101	A		Existing Elevations Units A And B	5 January 2021
1718 P0-102	A		Existing Elevations Units C E And G	5 January 2021
1718 P0-103	A		Existing Elevations Units D And F	5 January 2021
1718 P1-111	A		H11 H12 Floor Plans and Sections	5 January 2021

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

2. Construction Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan 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 Plan. The Construction Traffic Management Plan shall identify details of:

- a) Construction vehicle numbers, type, routing;
- b) access arrangements to the site;
- c) traffic management requirements;
- d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) siting and details of wheel washing facilities;
- f) cleaning of site entrances, site tracks and the adjacent public highway;
- g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) provision of sufficient on-site parking prior to commencement of construction activities;
- i) post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

3. Detailed Surface Water Drainage Scheme

No development shall commence until a detailed surface water drainage strategy for the site, based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy must demonstrate that surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Thereafter, the development must not be carried out other than in accordance with the approved strategy. The surface water drainage strategy must include:

- a) Confirmation of all relevant permissions for the discharge into a main river;
- b) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;

- c) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times;
  - d) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm; and
  - e) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
4. REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site; and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

5. 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. 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 means of installation of drainage or any underground services within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- d) The details and method of construction of any other structures such as boundary walls within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- e) The details of any proposed alterations to existing ground levels within the Root Protection Area (RPA) and/or canopy spread of retained trees; and
- f) Provision for the supervision, by an appropriately qualified arboricultural consultant, of any works within the root protection areas of trees to be retained.

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

## 6. Archaeology

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

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

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

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

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

## 7. Landscape and Ecological Management Plan

No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved by the local planning authority in writing. Thereafter, the development must not be carried out other than in accordance with the approved LEMP. The content of the LEMP must give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including, but not be limited to, those listed within Preliminary Ecological Appraisal by BABEC Ecological Consultants and the bat, great crested newt and reptile species survey reports by Jones & Sons Environmental Sciences. As a minimum the following specific information should be provided:

- a) Purpose and conservation objectives for the proposed works;
- b) habitat/feature creation measures proposed;
- c) details of the number type and location of native-species planting, and/or fruit/nut tree planting;
- d) the areas to be sown or planted with specific seed mixes or specific species for biodiversity value;

- e) location of retained ecological features, location and type of any habitat boxes/structures to be installed;
- f) timetable for implementation;
- g) maintenance of habitat/feature creation measures in the long term and those responsible for delivery; and
- h) monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP must also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan must also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP must cover all landscape areas within the site, other than small privately owned domestic gardens, together with any adjoining land within the control of the applicant which is required to deliver mitigation measures.

REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### 8. Protected Species

The development must not be carried out other than in accordance with the mitigation measures of the bat reports By Jones & Sons Environmental Sciences (report date 24 August 2021) and within the constraints of any relevant EPS licence.

The development must not be carried out other than in accordance with the mitigation measures in the great crested newt report By Jones & Sons Environmental Sciences (report date 27 September 2021) and within the constraints of any relevant EPS licence

The development must not be carried out other than in accordance with the mitigation measures in the great crested newt report By Jones & Sons Environmental Sciences (report date 25 June 2021).

The development must not be carried out other than in accordance in accordance with the recommended ecological mitigation measures set out in approved Preliminary Ecological Appraisal by BABEC Ecological Consultants (report date March 2021).

If any of the trees identified with low bat roosting potential (Preliminary Ecological Appraisal by BABEC Ecological Consultants, report date March 2021) are proposed for removal, they should be soft-felled, where limbs are cut and left grounded over night to allow any bats to make their way out. In the event of bats

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

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

#### PRIOR TO ABOVE GROUND DEVELOPMENT

#### 9. Landscaping Scheme

No development above ground level 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. Thereafter, the development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments
- b) car parking layout and markings
- c) vehicle and pedestrian access and circulation areas
- d) hard surfacing, other hard landscape features and materials
- e) existing trees, hedges or other soft features to be retained
- f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- h) details of siting and timing of all construction activities to avoid harm to all nature conservation features

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 D1, D2, D8 & RA10 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM11 & SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 10. Landscape Management Plan

No development above ground level shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include a description of the features to be managed; aims and objectives; preparation of an annual work schedule; details of the body or organisation responsible for implementation and on-going monitoring and remedial measures. The landscape management plan shall be carried out as approved.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies D8, R11 & RA10 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## 11. Noise Assessment and Mitigation

No development above ground level shall take place until full details of a scheme to mitigate the noise from traffic, commercial activities, deliveries, plant and equipment, and sport and recreation activities shall be 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 scheme.

The scheme must include the following:

- a) Assessment of noise from commercial operations and details of appropriate mitigation measures in accordance with BS 4142. Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 and L<sub>Amax</sub> levels must not exceed 40dB internally with windows closed.
- b) Assessment of traffic noise from the road and details of appropriate mitigation measures to 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.
- c) Outdoor amenity areas must be protected from noise by mitigation measures which are designed to achieve the lowest practicable levels in accordance with BS 8233:2014 and World Health Organisation Guidelines for Community Noise.

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

## 12. Materials

No development above ground level 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. Thereafter, 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; Policies SP1 & SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## 13. Refuse and Recycling

No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse and recycling storage must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

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



#### 14. Cycle Storage

No development above ground level shall take place until full details of secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed 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); Policies M6 & M14 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 15. EV Charging Facilities

No development above ground level shall take place until full details of EV charging facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

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

#### 16. PV Panels

No development above ground level shall take place until full details of Solar Photovoltaic (PV) panels (or a suitable alternative measures to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply) have been submitted and approved in writing by the Local Planning Authority. Subsequently the PV panels (or a suitable alternative to be agreed in writing) must be fully installed in accordance with the approved details, made fully operational prior to the occupation of the building and maintained as such for their operational lifetime. The details to be submitted shall include, on a suitably scaled plan and written statement, the design and total number of PV panels which will maximise the full potential of solar photovoltaics on site (or full details of a suitable alternatives).

REASON: To maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development whilst also ensuring a satisfactory standard of development in the interests of visual amenity and maintaining the character of the area in accordance with the Policies SD1, R3, R4, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### 17. Fire Hydrants

No development above ground level shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local

Planning Authority. Thereafter, the approved scheme must be fully implemented in accordance with the approved details before the development is occupied and thereafter retained for this purpose.

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

#### 18. Accessible and Adaptable Homes

No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing within that phase has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must not be carried out other than in accordance with the approved statement. The scheme must include the following:

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

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

#### PRIOR TO OCCUPATION

#### 19. Vehicular Areas

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

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

## 20. Parking Allocation

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

REASON: To ensure specific flats have an allocated car parking space in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Planning Guidance Parking Standards 2004, Interim Policy for Car Parking Standards and Garage Sizes 2014 and the National Planning Policy Framework.

## 21. Visibility Splays

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (1911-066.PL03 Rev C). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

## 22. On-Site Speed Management

Prior to the first occupation of the development hereby permitted, a private on-site speed management strategy must be submitted to the Local Planning Authority that identifies on-site measures that ensures vehicles travel at low speeds on approach to the footway crossover. Pedestrian visibility splays at the footway crossover must be submitted as part of the private speed management strategy.

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

## 23. External Lighting

Prior to first occupation of the development, details of external lighting must be submitted to an 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.

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

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

## OTHERS

### 24. Construction Times

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 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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 Policy R18, R19 & R20 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

### 25. Previously Unidentified Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

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

#### *Investigation and risk assessment*

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

- a) A survey of the extent, scale and nature of contamination.
- b) An assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings;
  - crops;
  - livestock;
  - pets;
  - woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters; and

- ecological systems;
- c) An appraisal of remedial options, and proposal of the preferred option(s).

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

#### *Remediation Scheme*

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

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

#### 26. Landscape Implantation

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2, D8 & RA10, of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10 & SADM11 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 27. Flood Risk Assessment

The development hereby permitted must be carried out in accordance with the approved Flood Risk Assessment prepared by Jonsyn Ltd project number 700200 Revision 02 dated December 2020 and the following mitigation measures detailed within the Flood Risk Assessment:

- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2 l/s during the 1 in 100 year event plus 40% climate change event.
- b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 188 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in attenuation basin and swale.

- c) Discharge of surface water from the private drain into the Main River Hempshill Brook.

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

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

#### 28. Drainage Management and Maintenance

Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include:

- a) Provision of complete set of as built drawings for site drainage;
- b) Maintenance and operational activities; and
- c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

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

#### 29. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A and B of Part 1 of Schedule 2 shall take place.

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

#### 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. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
2. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. 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/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
4. 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.
5. Construction standards for 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

6. Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
7. 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.
8. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907

**OR**

- 13.2 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.




## 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.

Mark Peacock (Development Management)

Date: 10/10/2022



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Wells Farm Northhaw Road East Cuffley Potters Bar EN6 4RD		Scale: DNS
	Development Management Committee		Date: 06-06-2022
6/2020/3451/MAJ		Drawn: EEngelhardt	
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