

Part I

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Hollybush and Hatfield East

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 09 MARCH 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/1375/MAJ

LAND AT HOLLYBUSH LANE, CRESWICK, WELWYN GARDEN CITY

HYBRID PLANNING PERMISSION: FULL PLANNING PERMISSION FOR ERECTION OF 97 DWELLINGS (INCLUDING AFFORDABLE HOUSING); PUBLIC OPEN SPACE AND AMENITY SPACE (INCLUDING CHILDREN'S PLAY); ASSOCIATED LANDSCAPING AND ECOLOGICAL ENHANCEMENTS; INTERNAL HIGHWAYS, PARKING, FOOTPATHS, CYCLEWAYS, DRAINAGE, UTILITIES, AND SERVICE INFRASTRUCTURE; NEW ACCESS ARRANGEMENTS VIA A1000, HOLLYBUSH LANE, ASCOTS LANE (PEDESTRIAN/CYCLE ONLY) AND ELLIOTT CLOSE (PEDESTRIAN/CYCLE ONLY) AND HIGHWAY IMPROVEMENTS ALONG A1000 AND OUTLINE PLANNING PERMISSION FOR UP TO 243 DWELLINGS (INCLUDING AFFORDABLE HOUSING); CRICKET PITCHES WITH ANCILLARY PAVILION (UP TO 240SQM) AND PARKING; A CIVIC SQUARE; UP TO 270SQM OF CLASS E/F2 SPACE; PUBLIC OPEN AND AMENITY SPACE (INCLUDING CHILDREN'S PLAY); ASSOCIATED LANDSCAPING AND ECOLOGICAL ENHANCEMENT WORK; INTERNAL HIGHWAYS, PARKING, FOOTPATHS, CYCLEWAYS, DRAINAGE, UTILITIES AND SERVICE INFRASTRUCTURE (WITH ALL MATTERS RESERVED APART FROM ACCESS)."

APPLICANT: GASCOYNE PLACES AND PLACES FOR PEOPLE

1 Site Description

- 1.1 The application site is located to the south of Welwyn Garden City adjacent to the southern edge of the suburb of Hatfield Hyde and approximately 0.7km from the northern urban edge of Hatfield. The site measures approximately 30 hectares and currently comprises five fields of arable use and grassland, gently sloping from north to south, bounded by hedgerows containing intermittent trees.
- 1.2 The site is divided in two by Hollybush Lane, which cuts through the site in a north-south direction within the eastern portion of the site. A series of pylons and associated overhead cables also cross the site in a broadly south-east to north-west direction.
- 1.3 A Public Right of Way (Hatfield 068 and WGC 066) traverses the site in a broadly south-westerly direction from the north of Hollybush Lane, through one of the central fields, down to Ascots Lane which defines the southern site boundary. A further Public Right of Way (WGC 067A) extends adjacent to the northern site boundary to the west.
- 1.4 The rear gardens to the properties in Boundary Lane and Golden Dell adjoin the application site to the north. To the east of the site are further residential properties in Bennett Close and Kingsley Crescent. Adjacent to the western boundary lies a small area of woodland, known as the Creswick Plantation, beyond which is the A1000, with arable fields and pasture extending further to the west. Beyond Ascots

Lane to the south of the site lies Mill Green Golf Course. Welwyn Garden City Town Centre is 1.5 miles to the north of the site.

- 1.5 The application site is located within the Metropolitan Green Belt. Stanborough Reedmarsh Local Nature Reserve is located 0.76km to the west of the application site while The Commons Local Nature Reserve is located 0.7km to the east. Lemsford Springs, a Wildlife Trust Reserve is located 1.66km to the north-west of the site. There are also 17 Local Wildlife Sites within 2km of the site, the closest of which is the Creswick Plantation, which is directly adjacent to the application site.
- 1.6 There are no designated heritage assets within the site. Hatfield House and Grounds, a Grade I Registered Park and Garden, is located approximately 0.6km to the south of the site. Conservation areas within 2km of the Site include the Beehive Conservation Area to the north-east of the Site, the Peartree Conservation Area to the north of the Site, Welwyn Garden City Conservation Area to the north-west of the Site and Hatfield Conservation to the south of the Site.
- 1.7 The application site is within Flood Zone 1 and therefore is at low risk from flooding from a fluvial or tidal event. However, parts of the site are subject to Surface Water flood risk.

2 The Proposal

- 2.1 Planning permission is sought for the redevelopment of the site to provide a residential led extension to Welwyn Garden City, which will provide for the construction of up to 340 dwellings. The applicants, Gascoyne Estates and Places for People, have submitted a hybrid application whereby full planning permission is sought for the first phase of the development, and outline planning permission is sought (with all matters reserved except access) for the remaining areas of the site.

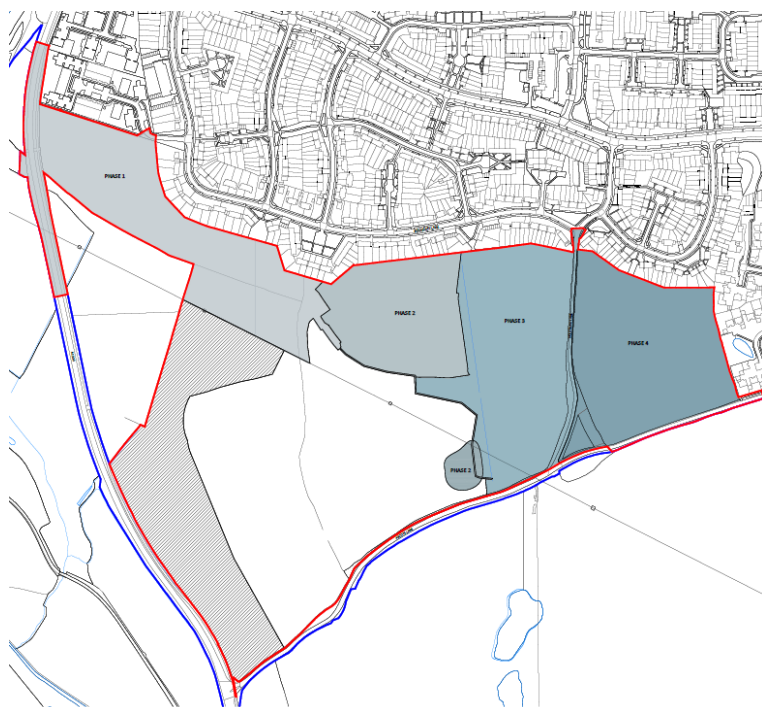


Figure 1: Phasing Strategy

Full planning permission

- 2.2 Full planning permission is sought for Phase 1, located towards the western edge of the site adjacent to the A1000 and Creswick Plantation. This phase would provide

97 new dwellings; public open space and amenity space (including Children's play); associated landscaping and ecological enhancements. New access arrangements and highway improvements would also be provided along the A1000.

Outline Permission

- 2.3 Outline planning permission is sought for the remainder of the site with all matters reserved, except for Access. This means that the Scale, Appearance, Layout and Landscaping ("the reserved matters") for the majority of the application site would all be specified via future Reserved Matters Applications (RMAs).
- 2.4 For the outline proposal, the remainder of the site has also been divided into a series of phases as shown in in Figure 1. Though an outline planning permission would mean that the composition and detailed design are not yet fixed, their future development potential would be dictated by a suite of 'control' documents:

Development Specification

- 2.5 A series of commitments are made to inform how the scheme would be delivered. These include:
- A maximum of 243 new homes (Class C3). The development proposes a range of house types, sizes and tenures in order to provide a wide choice of homes, able to accommodate a variety of household types and thereby creating a mixed and inclusive community. The final mix of houses to be provided would form part of a subsequent Reserved Matters application.
 - A minimum of 30% affordable homes across the site;
 - A maximum of 270sqm retail/local community space (Class E/F2)
 - Two new cricket pitches with an associated pavilion up to 240sqm and car parking facilities
 - Landscaping and areas of open space are proposed throughout the site. Approximately 5.5ha of green space is proposed to be provided within the residential area and a further 11ha is proposed to be retained in the green belt.

Parameter Plans

- 2.6 The Parameter Plans submitted with the application include information on the proposed land use, building heights, areas of potential built development, structure of green infrastructure and access and movement.

Design Guidelines

- 2.7 The outline application has been supplemented with the Creswick Design Code which sets out key design principles in relation to character areas, street design and the materials palette in order to deliver design excellence across the site.

'Illustrative Masterplan'

- 2.8 To make the outline element more tangible, the applicants have developed an illustrative masterplan, which is an informed interpretation as to what the scheme might eventually look like within these broad controls. This includes how buildings might be laid out within the overall envelope set out in the Parameter Plans, including how the access routes and green infrastructure would be delivered, and where the community uses may be provided. While the Illustrative Masterplan represents the applicants informed thinking at this point in time, it remains as one

iteration of how the overall development might be realised and could therefore be subject to change through future reserved matters applications.



Figure 2: Illustrative Masterplan

2.9 The application is accompanied by a range of documentation and supporting material, as listed below:

- Supporting Planning Statement (including an Affordable Housing Statement), prepared by Carter Jonas
- Design and Access Statement prepared by Carter Jonas
- Landscape Strategy, prepared by The Landscape Partnership
- Landscape and Visual Impact Assessment prepared by The Landscape Partnership
- Green Belt Assessment prepared by The Landscape Partnership
- Transport Assessment prepared by i-Transport
- Travel Plan prepared by i-Transport
- Outline Flood Risk Assessment and Drainage Strategy prepared by Reuby & Stagg
- Phase 1 Flood Risk Assessment and Drainage Strategy prepared by Reuby & Stagg
- Utilities Statement prepared by Hilson Moran
- Energy and Water Use Statement prepared by Hilson Moran
- Preliminary Ecological Appraisal prepared by The Ecology Partnership
- Bat Survey Report prepared by The Ecology Partnership
- Bird Survey Report prepared by The Ecology Partnership
- Reptile Survey Report prepared by The Ecology Partnership
- Great Crested Newt Survey Report by The Ecology Partnership
- Ecological Impact Assessment prepared by The Ecology Partnership
- Biodiversity Net Gain Assessment prepared by The Ecology Partnership

- Arboricultural Report prepared by GHA Trees
- Archaeological Desk Based Assessment prepared by RPS
- Desk Study and Contaminated Land Assessment prepared by Wilson Bailey Partnership
- Creswick Design Code prepared by Gascoyne Places and Places for People
- Air Quality Assessment prepared by Phlorum
- Health Impact Assessment prepared by Carter Jonas
- Noise report prepared by noise.co.uk
- Statement of Community Involvement prepared by Carter Jonas
- Sustainable Design Statement prepared by Carter Jonas

Amendments during the application

2.10 Following discussions with the Local Planning Authority during the course of the application, the following amendments have been made to the application:

- The maximum floorspace for the proposed cricket pavilion has been increased by 10sqm.
- The red line boundary has been amended to include additional highway land at the northern end of Hollybush Lane
- Alteration to the design and layout of the pedestrian connection to Hollybush Lane
- Designated communal amenity space provided for the proposed flats facilitated through layout alterations
- The dwelling on plot 1097 has been reorientated to directly front the open space and mirror the dwelling on plot 1088
- The garage to Plot 1057 has been reduced in scale
- Amended and rationalised rear elevations to some housetype plans and elevations
- Provision of proposed patios within gardens
- Increased on-site play facilities
- Illustrative plans provided for the proposed cricket pitch and pavilion
- Second pedestrian and cycle connection with Ascots Lane
- The closure of the northern part of Hollybush Lane to motorised traffic

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because it represents a departure from the Local Plan and is recommended for approval.

3.2 The application is also referred to Committee given the strategic importance of the development proposal.

4 Relevant Planning History

4.1 Application Number: 6/2020/0844/EIA
 Decision: EIA Not Required
 Decision Date: 21/05/2020
 Proposal: Request for a screening opinion to determine whether an Environmental Statement is required for the erection of 320 dwellings at Land at Creswick, Welwyn Garden City

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2021 (NPPF)
- 5.2 The Saved Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (DLP)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.7 Hertfordshire County Council Waste Core Strategy and Development Management Policies Document (2012)
- 5.8 National Design Guide

6 Site Designation

- 6.1 The application site is not allocated in the Welwyn Hatfield District Plan (2005) for development and lies wholly within the Metropolitan Green Belt and the Welwyn Fringes Landscape Character Area as defined by the Welwyn Hatfield District Plan.
- 6.2 The application site is allocated for residential development in the draft Local Plan (DLP). The suitability of the site for housing was assessed in the Housing and Employment Land Availability Assessment 2016 as site HS2 (WGC1). Policy SADM21 in the submission DLP, Site HS2 (WGC1) Creswick, proposes the site for allocation for 290 dwellings. In July 2022 the supply put forward to the Examination by the Council identified the capacity of the site to be 340 dwellings to reflect a reassessment of the site's potential capacity. Through the examination the Inspector has concluded the site to be 'sound'.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total 41 representations have been received, comprising 37 objections together with 4 comments. All representations received are published in full on the Council's website and are summarised below.
- 7.2 A total of 31 representation were received during the original application consultation between July and October 2022, comprising 28 objections and 3 comments:

Objections

Green belt and principle of development

- Development will destroy greenbelt / countryside / arable fields
- Application premature and capacity in excess of allocation; reduction in housing will minimise greenbelt harm; No exceptional circumstances to justify loss of greenbelt; proposal will eradicate the boundary between WGC and Hatfield;

Character and design

- Alternative layouts suggested
- Houses not in character with existing; proposal defies basis of a 'Garden City'; overdevelopment;

Housing provision

- Overprovision of flats in Welwyn Garden City so new development should be 3 bedroom houses

Residential amenity

- Loss of amenity to existing residents; Increased noise; disruption during construction; intrusion of privacy; Impact on mental and physical health; Some dwellings may be too close to power lines; existing floor levels of adjacent properties are not provided so subsequent impacts in terms of overshadowing, overbearing and overlooking can't be adequately assessed;

Traffic and parking

- Increased traffic and congestion; Improvements to the A1000 will not make a difference; no traffic calming measures proposed; proposed parking provision is inadequate; proposed highway arrangements will increase risk to pedestrians and cyclists; likely to result in indiscriminate parking on pavements, visitor bays and verges that will be detrimental to the street scene and highway and pedestrian safety; parking layouts will not be able to deliver electric vehicle charging infrastructure; highway safety concerns if use of Hollybush Lane is intensified; if Ascots lane is narrowed, it would not be wide enough for SUVs, Vans, caravans and motorhomes; vehicular access to new development is inadequate

Environment and ecology

- Area has a high water table and saturation level is easily reached; concern of increased contaminants into the watercourse; greenery being removed from a garden city; loss of natural habitat; long term negative environmental impact on the area and beyond; some landscaping details should be reconsidered; proposed trees that are in private gardens should be relocated to public areas; bats observed in trees within the site; pond in Bennetts Close does support Greater Crested Newt; migrating geese stop in fields; swift bricks should be incorporated in the building fabric;

Social and physical infrastructure

- Development will add strain to demand for schools and healthcare unless facilities provided; more demand for social infrastructure needs than a new cricket pitch and pavilion; social services already over-burdened; other recreational facilities should be provided such as a skatepark or football pitch; area well used by children and dog walkers and one of few areas residents do not need to pay extortionate prices to park

Miscellaneous

- Comments raised at public consultation not taken seriously; devaluation of house prices; increased crime; land unsuitable for building; residents not consulted during pre-app

Comments

- Elevations do not show location of meter cupboards for utility meters
- Condition should be included so that plant and extraction required by Class E use does not result in noise and disturbance to local occupiers;
- No construction traffic should be permitted to use Ascots lane because of narrow widths
- Are the landscaping proposals deliverable
- Who will manage the public landscaped areas

7.3 A total of 6 representations were received in response to the reconsultation that was undertaken on 1st November 2022.

Objection

- Welwyn garden city losing its countryside and green space
- Not sufficient parking proposed; width constraints in widening footpath on Ascots Lane; revised footpath encroaches on private land; impact of increased number of pedestrian crossings on safety; footpath should be situated on western side of Hollybush Lane; construction vehicles should not use boundary lane, Ascots Lane and Hollybush lane for access or parking
- More affordable units required; lack of family sized affordable units
- Loss of trees
- Existing services stretched
- Increased risk of crime

7.4 A total of 4 representations, comprising three objections and one comment, were received in response to the reconsultation that was undertaken on 24th November 2022.

Objection

- Erosion of green space that separates WGC from Hatfield; special character of Ascots lane lost;
- Wildlife present in the area;
- Increased demand for already strained social infrastructure
- Increased traffic impact
- Hollybush Lane and fields often flooded

Comment

- Satisfied that the amendment to make Hollybush Lane only accessible to non-vehicular traffic and emergency vehicles only resolves previous problems highlighted for safety of pedestrians, cyclists and vehicles
- No parking signage should be included to avoid parking in front of the proposed bollards on Hollybush Lane

- 8.1 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.
- 8.2 The following have responded advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied:
- WHBC Planning Policy
 - WHBC Landscape Officer
 - WHBC Public Health and Protection
 - WHBC Parking Services
 - WHBC Refuse and Recycling
 - WHBC Housing
 - HCC Growth and Infrastructure
 - HCC Minerals and Waste Team
 - HCC Highways Authority
 - HCC Rights of Way
 - HCC Ecology
 - HCC Water officer
 - HCC Public Health Department
 - Natural England
 - Herts & Middlesex Wildlife Trust
 - National Health Service
 - Thames Water
 - Affinity Water
 - Environment Agency
 - Sport England
 - Hertfordshire Constabulary
 - National Highways
 - Cadent Gas
 - National Grid
 - UK Power Network
 - Hertfordshire Gardens Trust
 - RAB Flood Risk and Drainage Consultants
- 8.3 The Countryside charity – objection summarised as follows:
- The proposed development encroaches on open countryside between the built-up areas of Welwyn and Hatfield, and would contribute to the coalescence of these settlements. Determination of the application would be premature in advance of the adoption of the emerging Local Plan.
- 8.4 The Local Lead Flood Authority – objection summarised as follows:
- The FRA does not provide a robust sustainable drainage strategy comprising a level of technical detail required to enable an assessment to be made that the site can be adequately drained. Insufficient information has been provided in accordance with Local Standards to establish whether a sustainable surface water strategy can be delivered on the site.
- 8.5 No response was received from the following consultees:
- HCC Spatial Planning and Economy
 - Hertfordshire Building Control Limited
 - The Ramblers Association

- Herts Sports Partnership
- HFRS Fire Protection

9 Town/Parish Council Representations

- 9.1 Hatfield Town Council have provided the following comments:
- 9.2 “Hatfield Town Council is supportive of the mix and style of dwellings being proposed, We are glad to see houses with gardens within the application, as well as affordable housing and green open spaces provided. However we do have the following concerns which the planning authority should resolve via appropriate conditions:-
- 9.3 Pre and during construction: Access and disruption to local residents during construction. This includes parking arrangements for construction workers (and potential impact on residents and those associated with the hospital). How these issues will be managed must be agreed before planning permission is granted.
- 9.4 Post construction: Access to the site post development. Its not clear how bottlenecks will be avoided. There would also seem to be insufficient parking capacity in the proposed designed. Provisions will also need to be made about construction traffic during phases 2+3, in particular its impact on those new residents residing in phase 1 homes. Access to and from Queen Elizabeth 2nd Hospital must not be impeded, especially for emergency vehicles.
- 9.5 There is no mention of additional provisions such as new schools, dentists etc to support the new community here, and there is a lack of sport facilities (e.g. tennis, football, skate park) with the exception of an additional cricket pitch”.

10 Analysis

- 10.1 *Procedure:* With reference to procedure, this application has been advertised as being a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021 with reference to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to ‘call-in’ the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.
- 10.2 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 consideration**
 - i) Housing mix and affordable housing**
 - ii) Strategic green infrastructure**
 - iii) Landscape and trees**
 - iv) Ecology and biodiversity**
 - v) Flood risk and sustainable drainage**

- vi) **Air quality**
 - vii) **Sustainable design and low carbon homes**
 - viii) **Contaminated land**
 - ix) **Waste, refuse and recycling**
 - x) **Archaeology**
 - xi) **Self-build and custom housebuilding**
 - xii) **Permitted development rights**
 - xiii) **Environmental Impact Assessment**
- 6. Planning obligations**
- 7. The planning balance**

1. Principle of development

- 10.3 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.
- 10.4 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 and the efficient use of land.
- 10.5 The application site currently consists of amenity grassland to the west, a small arable field and field of grassland to the east, and two larger arable fields within the centre of the site. The application site is however proposed for housing development in the DLP.

Status of the Draft Local Plan 2016 (DLP)

- 10.6 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.
- 10.7 In the DLP Welwyn Garden City falls into Tier 1 of the Settlement Hierarchy in Policy SP3. Welwyn Garden City is the only settlement in this category and is the borough's largest town with good accessibility to road, rail and bus networks, a major town centre and a series of large and small neighbourhood centres. As noted in the Strategy, the settlement is the primary focus of development which will reinforce its role as the borough's principal centre for economic activity.
- 10.8 Policy GBSP2 of the adopted District Plan requires development to be concentrated in towns and specified settlements. The site itself falls within the Green Belt. The site (DLP reference HS2) is one of several that had passed the Council's site selection process for allocation and has been in the DLP since its submission for examination in May 2017.
- 10.9 Policy SADM 21 in the submission draft local plan - Site HS2 (WGC1) Creswick - proposes the site for allocation for 290 dwellings. In July 2022 the supply put forward to the Examination by the Council identified the capacity of the site to be 340 dwellings. Through the examination the Inspector has concluded the site to be

'sound' (Examination Document ED273), and this is reflected in the proposed Policies Map whereby the proposed residential area within the site is to be released from the Green Belt. The Inspector has confirmed that exceptional circumstances exist in this location for the Green Belt boundary to be altered.

10.10 The Emerging Local Plan is at an advanced. 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)

10.11 Despite the Emerging Local Plan being at an advanced stage, on the 13 January 2022 the Cabinet Planning and Parking Panel (CPPP) considered a report on the Council's emerging Plan and was asked to consider options to make provision for the delivery 15,200 homes for the Emerging Local Plan to be found sound. The CPPP, rejected officer recommendations to increase the housing numbers to 15,200 and this decision was endorsed by Cabinet on 18 January 2022. At a meeting of Full Council on 27 January 2022, Councillors voted through plans to submit a revised version of the Local Plan, which would see the Council plan for 13,279 homes, rather than the inspector-set target of 15,200.

10.12 The Inspector subsequently confirmed the Council could put forward sites to meet this Fully Objectively Assessed Housing Need (FOAHN) for the first ten years of the plan period, subject to an early Local Plan review (EX283). The Inspector went on to state that if this is not accepted, then the Council has no course other than to withdraw the plan.

10.13 In July 2022, at a meeting of full council, it was agreed to put forward to the Inspector a strategy to deliver 12,755 dwellings equating to 8,817 dwellings over ten years. It was felt this would provide a basis for a sound plan with a ten-year post adoption supply that is linked to a commitment to a review within 5 years. The subsequent response from the Inspector dated 6 September 2022 sets out that there is a requirement for at least 9,460 dwellings, to meet a ten-year post-adoption period beginning in April 2023. During that period, approaching 9,200 dwellings could be accommodated on sites that Welwyn Hatfield have submitted to the Examination and which following examination, the Inspector has concluded could be made sound.

10.14 The Inspector considers it vital that the Borough has an up-to-date plan, and is supportive of a plan for that would provide 9,200 homes over ten years with a commitment for a review of the plan. Such a plan would facilitate the construction of more dwellings in the short term and in the view of the Inspector is preferable to further delay. To achieve the Inspector's identified 9,200 dwellings over ten years requires the addition of three sites to the supply identified by the Council in July 2022. The Inspector asked the Council to provide a revised timetable for the undertaking of the remaining processes that need to be fulfilled before the plan can be adopted. A decision at Full Council on 20 December 2022 resolved to progress to Main Modifications.

10.15 Consultation on the Main Modifications ran from the 4 January to the 15 February 2023. The weight to be attached to the Emerging Local Plan is a matter of judgement and for the decision maker to decide. As a result of the Emerging Local Plan being at Main Modifications, an advanced stage, it is considered reasonable that significant weight be attached to the policies and proposals with this plan. Upon receipt of the Inspector's report, the Plan will gain further weight and on adoption; full weight is given to the plan as it forms part of the development plan. Subject to receipt of the Inspector's report, a decision on adoption is expected in summer 2023

Prematurity

10.16 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.

10.17 The site is a proposed allocation in the DLP 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.

The appropriateness of development in the Green Belt

10.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

10.19 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. In order to meet the need for housing, the DLP proposes that the Green Belt boundary is revised to follow the approximate boundary of the proposed residential development, enabling the release of the residential development from the Green Belt. As set out above, the site allocation for residential development has already been found to be sound in principle by the Planning Inspector.

10.20 The NPPF attaches great importance to the Green Belt. Paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are its openness and permanence. The NPPF goes on to state that inappropriate development within the Green Belt, is by definition harmful and should not be approved except in very special circumstances. Except for a small number of exceptions set out in paragraphs 149 and 150 of the NPPF, development within the Green Belt should be regarded as inappropriate.

10.21 The proposed cricket pavilion, cricket pitches and engineering operations associated with the SUDs attenuation ponds would be within the exceptions set out in paragraphs 149 and 150 of the NPPF. Consequently, they would not be considered inappropriate development within the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. However, the proposed residential development would not fit into any of the exceptions listed and would therefore represent inappropriate development in the Green Belt.

The openness of the Green Belt

- 10.22 Paragraph 137 of the NPPF defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
- 10.23 The site covers an area of land approximately 30ha in size. The illustrative masterplan shows that the proposed area for built development would cover approximately 13ha. Spatially, the proposal would therefore result in a significant reduction in existing openness simply by virtue of the proposed built development of up to 340 new dwellinghouses, supporting infrastructure, retail/local community space and new cricket pavilion with associated car park. Even taking into account the potential for boundary treatment and landscaping, which would include two cricket pitches, open green space and play space, this would have the effect of a considerable reduction in the openness of the site in spatial terms.
- 10.24 The visual effect of the development would be determined by a combination of factors. The site lies within the Welwyn Fringes Character Area (Area 45) as defined by the Welwyn Hatfield Landscape Character Assessment (2005). Area 45 is described as an urban fringe belt around the eastern flanks of Welwyn consisting of mainly gently undulating land on the northern valley slopes of the river Lea. The Character Assessment describes the visual and sensory perception of Area 45 to be 'rather bleak and seemingly forgotten area, useful for hiding utilities necessary to the nearby urban centres and providing low-key recreation on former mineral sites'.
- 10.25 The north side of the application site is more physically enclosed by the adjacent built form and established southern settlement edge of Welwyn Garden City. The local landform in conjunction with the existing mature vegetation and well-established hedgerows around the site also serve to visually contain the site and limit an immediate visual appreciation of the site. Although the site is generally well confined, the impact physically and visually would be most evident within the vicinity of the site from the adjacent footpaths and filtered views through the vegetation that de-lineate the application site along the A100, Ascots Lane and Hollybush Lane.
- 10.26 The proposed residential development would be located adjacent to the existing settlement edge and would provide a predominantly linear extension to the built form to the south and west of the existing urban edge. The remainder of the site would be allocated for sport provision and informal open space with landscape and biological enhancements. The proposed planting would strengthen the characteristic vegetation and planting on the surrounding landscape, strengthen the Green Belt edge and would serve to partially mitigate the impact of the built form by limiting the degree of exposure of built form, particularly the upper levels of the proposed dwellings, once the proposed landscaping becomes established.
- 10.27 While the proposed planting and landscaping enhancements, when established, would help mitigate the visual impact of the development, there would inevitably be a permanent change to the character of the site which would spatially and visually be perceived to some extent, by users of adjacent highways, footpaths and occupiers of adjacent buildings. Notwithstanding the proposed landscape enhancements, the proposed development would result in a considerable loss of openness. This harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

Purposes of including land in the Green Belt

- 10.28 Paragraph 138 of the NPPF states that the Green Belt serves five purposes. The first and second purposes are '*to check the unrestricted sprawl of large built-up areas*' and '*to prevent neighbouring town merging into one another*'. The site is surrounded to the north and the east by existing built form. The proposal would introduce built form on to the currently open site, which would increase the amount of development in the area and reduce the openness of the site. The proposed land use parameter plan shows that the existing built settlement edge would be extended further south by approximately 80m along the western edge of the application site and approximately 230m at its deepest point adjacent to Hollybush Lane. The proposal would therefore extend development towards the hamlet of Mill Green and the town of Hatfield that are located to the south of the application site.
- 10.29 The third Green Belt purpose is '*to assist in safeguarding the countryside from encroachment*'. In accordance with the adopted development plan, the development sits outside the existing settlement boundary of Welwyn Garden City and is entirely located within the Green Belt. The site is considered to contain the characteristics of open countryside given that it comprises mostly arable fields and grasslands, lacks significant amount of urbanising development and is largely open. As a result of this, and the expansion of built form into the open area, there would be inevitable degree of encroachment into the countryside.
- 10.30 In the context of assisting in the safeguarding of the countryside from encroachment, openness is a primary consideration and how the site contributes to the wider countryside with which it is a constituent part, rather than simply the countryside characteristics of a particular site. A Landscape Sensitivity Assessment has been undertaken by the Council as part of the evidence base for the DLP. Within the Landscape Sensitivity Assessment, the site forms part of Landscape Character Area 45, a wide area wrapping around the southern edge of Welwyn Garden City. The Assessment details that the majority of the area is occupied by land use activities that can be reasonably anticipated along the urban fringe and crossed or bound by busy roads/railways affecting the tranquillity, resulting in a lack of unified landscape character.
- 10.31 While the site is partly agricultural, it is separated from nearby countryside by the A1000 and existing built form adjacent to the eastern part of the application site. In visual terms, views of the site are also limited due to the existing mature trees and hedgerows giving the site a degree of enclosure and visual containment. The site is considered to be an area of transition on the fringes of the main urban area. As a result, the development would not appear isolated or remote from the main built form of Welwyn Garden City and would be largely contained along the northern part of the site.
- 10.32 Three Green Belt Reviews have been undertaken by the Council as part of the evidence base for the DLP. The site is included within a wider site Area known as Parcel 27, although the northern part of the site (which forms the extent of built development shown on the proposed land use parameter plan) is subdivided further into Parcel 27a and 27b. The Stage 3 review considers the amenity grassland area between boundary lane and Creswick plantation makes only a partial contribution to the third Green Belt purpose due to its usage and the woodland containment that strengthens its association with the urban edge. The review considers the impact of the release of the parcel as a whole from the Green Belt would be very-high, the release of parcel 27a to be moderate, and the release of parcel 27b to be moderate-high.

- 10.33 With the increase of the amount of development that would result from the proposal in this location, the proposal would therefore conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment.
- 10.34 The fourth Green Belt purpose is *'to preserve the setting and special character of historic towns'*. Welwyn Garden City's historic significance is as one of the earliest planned 'garden cities'. The masterplan for Welwyn Garden City did not involve significant overlap between rural and urban areas, with one merging into the other, but rather a low-density settlement pattern with a strong element of tree cover, wide central boulevards and grass-verged roads to promote a sense of green space.
- 10.35 There is no intervisibility between the historic core of Welwyn Garden City and the application site. However, the Welwyn Hatfield Green Belt Stage 3 Study sets out that some value can be attributed to the presence of land that constitutes an open, undeveloped setting and in this respect, undeveloped land close to the historic south-western core of Welwyn Garden City is considered to make the strongest contribution to preserving the town's historic setting. The proposed built form would be limited to the north of the application site and be seen within the context of the surrounding built form and the landscaping proposed. On this basis, it is considered that there would be limited harm to the setting and special character of Welwyn Garden City.
- 10.36 The final purpose is *'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'*. Substantial urban regeneration sites within the borough have both secured planning permission for development, and are progressing. Other previously developed sites in the borough have also been identified as part of the DLP process and are being positively advanced. Due to the differing site complexities, scale of development and timescales for delivery, the development of the application site would not adversely impact on the regeneration of these or other derelict and urban sites. As such there would be no harm to this Green Belt purpose.

Draft local plan considerations

- 10.37 As detailed earlier, the site is allocated in the DLP to provide 340 residential units. Through the examination, the Inspector has concluded the site to be 'sound' and that exceptional circumstances exist in the location for the Green Belt Boundary to be altered. As an allocated site in the DLP, the site is likely to form the edge of the Green Belt boundary. The Council sets out its preferred approach to the treatment of new Green Belt boundaries in DLP Examination Document EX233. This sets out that where Green Belt release is proposed to meet housing and other development through the DLP, tree planting and other strategic landscaping is required to strengthen the Green Belt boundary to reduce the visual impact of the built development on the wider Green Belt.
- 10.38 One of the key site-specific considerations set out in the DLP and as supplemented by the proposed Main Modifications (Examination Document EX292A) is a substantial tree planting screen within the Green Belt along the site's southern boundary to strongly define the Green Belt boundary, protect the Green Belt's open character and mitigate any heritage impacts.
- 10.39 The proposal provides an opportunity to strengthen and secure the Green Belt boundary along the southern edge of Welwyn Garden City for the long-term. This would be achieved visually and physically providing new green infrastructure and extensive new planting within the existing landscape fabric and along the southern

fringe of the proposed residential development. As detailed further in this report, the proposed landscape proposals are considered robust and are supported by the Council's Landscape Officer. Consequently, officers are satisfied that the proposal would accord with the site-specific consideration set out in the DLP to provide a tree planting screen to strengthen and strongly define the new Green Belt boundary.

Provision of sports facilities

- 10.40 Policy OS2 of the District Plan requires that in areas where there is a lack of playing pitch provision, substantial new developments (0.4 hectares and above) will be expected to contribute towards the provision of new facilities. DLP Policy SP12 requires new development to have regards for provision of open space, including play spaces, allotments, sports pitches and other recreational facilities.
- 10.41 The Council's Sports Facilities Study (2011) sets out the borough's sports facility and pitch requirements to 2026. This is supplemented by the Sports Facilities Strategy, which sets out the Council's priorities for delivering sports facilities and pitches in the borough, and promotes the enhancement of existing or creation of new sports hubs in and around Hatfield and Welwyn Garden City to meet the needs of both sports clubs and the communities that use them. The Sports Facilities Study identifies that there will be a shortfall of 2 cricket pitches within the borough by 2026, one of which would be within Welwyn Garden City.
- 10.42 The Planning Obligations SPD sets out that on developments of 300 dwellings or more, where there is evidence of need, the Council will look to the applicant to provide outdoor sports facilities and sports pitches on-site, in line with the Council's local standards set out in the Sports Facilities Study (2011). The proposed cricket pitches would therefore meet an identified need in the Council's Sports Facilities Study (2011).
- 10.43 The submitted Planning Statement details that the proposal would deliver a much-needed replacement cricket facility for the Hatfield & Crusaders Cricket Club, a member of the Hertfordshire Cricket League which is currently based at Ascots Lane. The Planning Statement notes that the cricket club has to rent pitches elsewhere in the Borough and the existing pavilion does not reflect the standards of a modern facility.
- 10.44 As part of the outline application, an area has been identified as shown within the proposed land use parameter plan to accommodate a new cricket pavilion and associated car parking. The illustrative masterplan demonstrates how two full size cricket pitches could be provided on the site. Following discussions with Sport England during the course of the application, the applicant has also provided illustrative plans which show how the cricket ground could be laid out to comply with the relevant standards. The illustrative plans also show how two cricket practice nets could be accommodated and how the cricket pavilion could be laid out to the English Cricket Board standards within the proposed 240sqm footprint set out in the development specification for the outline component.
- 10.45 As set out in Paragraph 149 of the NPPF, the construction of appropriate facilities for outdoor sport is not regarded as inappropriate development in the Green Belt provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of land within it. In this regard, the proposed cricket pitches would not conflict with the five Green Belt purposes set out in Paragraph 138 of the NPPF.

10.46 In relation to the impact on openness, the proposed land use parameter plan identifies land for the proposed pavilion and associated car park approximately 65m to the south of the proposed residential land use and approximately 300m away from the southern-most part of the application site. The proposed building height parameter plan seeks to restrict the building height to single storey. As illustrated in the indicative cricket pavilion plans, the floor space proposed for the cricket pavilion is considered to be the minimum required in order to accommodate the relevant standards by the English Cricket Board. Furthermore, the parameter plan provides the necessary assurance that the pavilion would not exceed one storey in height. While the principle of a cricket pavilion is accepted, the detailed design and spatial/openness implications of the proposed pavilion would be a consideration in the assessment on any future reserved matters application on layout, scale and appearance.

10.47 The application was referred to Sport England who are supportive of the proposal in principle subject to planning obligations and conditions. On this basis, officers consider that the provision of 2 new cricket pitches with ancillary pavilion and parking would accord with the objectives of the District Plan and DLP.

Summary of Green Belt Harm

10.48 As inappropriate development, the application would constitute by definition, harm to the Green Belt. It would also cause harm to the physical and visual aspects of openness of the Green Belt and conflict with the purposes of including land within the Green Belt. Substantial weight must be attributed to this harm. The proposal is therefore contrary Section 13 of the NPPF. Similarly, the proposal would be contrary to Policies SP3 and SADM34 of the DLP which have similar aims.

Other considerations and very special circumstances

10.49 Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.50 The submitted planning statement sets out the applicants case for the 'other considerations' (or benefits) of the proposal. These are summarised below:

- i) The allocation of the site HS2 (WGC1) Creswick in the draft Local Plan for residential development, and the findings of the Inspector and conclusion that the proposed allocation is 'sound'*
- ii) The delivery of housing and affordable housing on a deliverable site to address the significant shortfall within Welwyn Hatfield.*
- iii) The extent of open space provision and the range of social and recreational experiences that will be created by the proposed development*
- iv) Improved access to the Green Belt and the contribution the proposed development will make to the Council's objectives to form a 'Green Corridor'*
- v) The community benefits associated with the provision of cricket pitches and a pavilion*

vi) The economic benefits associated with the proposal including the provision of jobs associated with the commercial element of the scheme and the direct and indirect benefits associated with the construction and occupation of new homes

vii) The sustainability measures proposed which will support the Council in tackling the climate emergency

viii) The achievement of a biodiversity net gain of at least 10% in advance of its introduction as a mandatory requirement of new development

10.51 In *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever, and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.

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

10.52 The Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.

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

10.54 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council’s own Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and the surrounding area. Policy SP9 of the DLP deals with place making and high-quality design while Policy SADM11 sets out the requirement for development proposals provide a good standard of amenity and layout.

Context and layout

10.55 The layout and form of the proposed development has been informed by a series of site considerations including the Green Belt designation, site constraints (such as existing utility infrastructure) and the existing pattern of development. In order to minimise the extent of Green Belt harm, the proposed residential area would be confined adjacent to the existing settlement edge of Welwyn Garden City, providing a relatively modest and linear extension.

- 10.56 The outline element of the development site is guided by the principles set out in the parameter plans. Together with the development specification and the Creswick Design Code, these set out the key design principles for the outline parts of the masterplan. They would control the subsequent Reserved Matters Applications.
- 10.57 At outline stage, the maximum height parameters, land uses and access and movement strategy can be assessed. The effectiveness of the design guidance with the design code in securing a high quality and distinctive place, thereby meeting the requirements of development plan policy, can also be assessed. The future Reserved Matters Applications would be assessed in terms of their compliance with the design code, their exact height and form, architecture and materials, as well as any impacts on the amenity of neighbours. To make the outline element more tangible, the applicants have also developed an illustrative masterplan, which is its informed interpretation as to what the scheme might eventually look like within these broad controls.
- 10.58 As shown on the proposed land use parameter plan, the built form would be located on the southern edge of Welwyn Garden City, thereby providing an appropriate extension that would be consistent with the prevailing urban fringe character and existing settlement pattern. Furthermore, a separation distance would be provided between the proposed residential land uses and the existing electricity lines and pylons, thereby satisfying this site-specific consideration for the allocation set out within the DLP.
- 10.59 Noting the urban fringe characteristic of the site and the need for a soft edge to Welwyn Garden City, the proposed layout of development also incorporates a generous amount of green space. The proposed land use plan and illustrative masterplan and landscape strategy indicate the provision of a large open park that would provide a focal point to the east of the neighbourhood, whilst the potential orientation of residential properties looking out onto the cricket pitch would serve to reinforce a 'village green' feel. The proposed area of open space to the south complemented by a robust landscaping and planting scheme would serve to define and consolidate a realigned Green Belt boundary.
- 10.60 With regards to Phase 1, the proposed layout has been informed by the spatial constraints of the site together with its location as the 'gateway' to the development, the relationship with the plantation/park edge and the aspiration to avoid car dominance within the streetscene. The development within phase 1 therefore is relatively linear and follows the existing built form edge on the southern side of Boundary Lane. In order to reduce car dominance within the streetscene, car parking is located within designated parking courts to the rear of buildings, rear lanes, to the side of houses or within garages. Only a limited number of visitor parking bays have been located within the main neighbourhood street.
- 10.61 Overall, officers consider that the proposed site layout is appropriately arranged and relates to the surrounding development, urban edge and Green Belt context.

Access and movement

- 10.62 The Access and Movement Parameter Plan sets out the access points into the site and the indicative hierarchy of streets and access arrangements for pedestrians, cyclists and vehicles.
- 10.63 The proposed vehicular access points into the site would be from the A1000 and Hollybush Lane. A hierarchy of streets are proposed comprising the main

neighbourhood street that would provide access to the A1000 and align adjacent to the proposed park edge/open space, lanes, shared surfaces and pedestrian links (footpaths). The hierarchy of streets would help to define the character areas within the development and would ensure that the site has a well-connected street network, that is appropriate to its urban edge location.

- 10.64 As set out in the Creswick Design Code, each thoroughfare type is designed to follow specific standards for pedestrian provision, car parking and landscaping in line with its function and placement within the indicative masterplan. The various typologies combine to create a permeable network which enables efficient access across the development and provides useful new routes that would connect existing communities to the site. The variety of street types serve to reinforce a sense of place for the future occupiers and provide an attractive environment to encourage pedestrians whilst also accommodating the needs of other road users.
- 10.65 In addition to the proposed primary vehicular access point from the A1000, the proposal would provide two designated pedestrian/cycle links as part of Phase 1 of the development that would provide north-south permeability to Elliot Close and Boundary Lane. For the remaining phases, the indicative access and movement parameter plan shows further pedestrian/cycle connections to the north linking to Boundary Lane, Hollybush Lane and Golden Dell, and future pedestrian and cycle connections to Ascots Lane to the south. Overall, the submitted documents demonstrate that the proposed development would be integrate with the existing street network and provide permeability across the site and to key landscape features.

Scale, massing and design

- 10.66 The proposed building heights would vary from one to three storeys as set out in the Building Heights Parameter Plan. Most of the residential buildings would be two storeys in height, commensurate with the general scale of residential dwellings across the borough and within the locality. However, to provide an interesting streetscape and a variety of building type, the proposal would provide 2.5 or 3 storey buildings in more central or prevalent locations across the development.
- 10.67 For Phase 1, the additional massing would be located towards the western most part of the site adjacent to the new access point to the development from the A1000. This additional massing would assimilate with the form and scale of the flatted blocks located on Elliot close to the north. Where buildings are proposed closer to the boundary with existing dwellings, these have been sensitively designed so that they are not sited parallel with existing neighbouring properties or are reduced in scale and serve as single storey garages/carports. For the outline component, the additional height would be largely concentrated within the centre of the proposed built form, with up to three storey buildings being provided adjacent to the proposed Civic Square and commercial use. The varied height would add character and visual interest within key locations and allow for a more efficient use of land through a varied typology of residential accommodation.
- 10.68 Overall, officers are satisfied that the scale of the proposed built form would be appropriate and would sympathetically respond to the relationship with the existing development, open space and key placemaking considerations.

Townscape, architectural quality and appearance

- 10.69 The applicant has given considerable thought to the proposed elevational character and architectural detailing with the aspiration to deliver an exemplary and high-quality finish that forms a positive addition to the immediate and wider townscape and landscape. The applicant has sought to provide a streetscene that has an organic feel with variations in massing and detailing to provide points of interest along the route. The proposed use of symmetrical blocks, which highlight and frame the development entrance from the A1000, are successful in establishing an appropriate development gateway.
- 10.70 Every indication is that the design and finish of the development would, if approved, be carried out to a high standard. The final choice of materials and the details described are critical to achieving the high-quality finish that has been promised, ensuring that the development exploits this opportunity to reinforce and enhance the positive attributes of the local built environment. It is therefore considered that the materials and other detailed aspects of the design should be controlled by conditions of planning permission to ensure the development maintains its attractiveness over the lifetime of the development.

Public realm

- 10.71 The proposal incorporates a comprehensive landscape and public realm strategy. A Hard Landscape Plan has been provided for Phase 1 of the proposed development which provides extensive pedestrian footways. The layout of the proposed development reduces car dominance within the streetscene while the siting of the proposed residential units would help to activate and define the public realm, providing appropriate levels of natural surveillance. The proposed public realm enhancements would include the provision of street trees and soft landscape planting, which would also serve to support sustainable drainage measures and increase biodiversity. The Council's Landscape Officer is satisfied with the proposed hard landscaping strategy.

Design code

- 10.72 The Creswick Design Code is based on sound urban design principles, focussing on routes and streets as the main way that people would experience and move around the area. It highlights key spaces and character areas, including the new Civic Square, approaches to street design as well as the broad materials palette that would inform the façade detailing. The proposals for phase 1 are generally of high-quality and this provides comfort in relation to the design quality that is expected to follow through on the later phases in relation to layout, design and appearance.

Secure by design

- 10.73 Policy D7 of the District Plan requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. Policy SP9 of the DLP requires the design of buildings and boundary treatments to create a sense of safety and security that is consistent with achieving active, welcoming, legible and permeable places. Furthermore, the policy requires entrances and public spaces to be appropriately sited, designed and lit in order to maximum natural surveillance and a sense of safety.
- 10.74 The application was referred to the Hertfordshire Constabulary Crime Prevention Design Advisor who considers that the design of the scheme is capable of meeting the SBD standard. Subject to a condition requiring Secure by Design Accreditation

to be achieved, the Crime Prevention Design Officer raises no objection to the proposal.

3. Residential amenity

- 10.75 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.
- 10.76 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. DLP Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupants of the proposed development.

Impact on neighbours

- 10.77 The north of the application site adjoins the residential plots of nos. 15-151 (odd) Boundary Lane, 41-49 (odd) Golden Dell and the shared amenity/setting space of the maisonettes and flatted blocks on Elliot Close. The application site also adjoins nos. 33 and 37 Kingsley Court and nos. 12 and 14 Bennett Close.
- 10.78 Full planning permission is sought for Phase 1 of the proposed development, which would adjoin the shared boundary with nos. 95-151 Boundary Lane and the shared amenity/setting space for the properties located on the southern side of Elliot Close. The proposed residential blocks and dwellinghouses would largely follow the urban grain and would therefore be sited broadly parallel to the existing dwellinghouses and residential buildings along Boundary Lane and Elliot Close.
- 10.79 Block A would be located at the north-western side of the application site and would be up to three storeys in height. The proposed building would be set approximately 4m away from the shared boundary and 25m from the flank wall of the adjacent flatted block (no.21-38 Elliotts Close). This would be the closest wall-to-wall distance between the proposed built form and existing buildings along Elliot Close.
- 10.80 An access road is proposed parallel to the shared boundaries with nos. 131-151 Boundary Lane that would provide access to the designated parking bays for the respective new residential dwellinghouses to the rear or their gardens. As a result of this and the curvature of the road, there would be a minimum separation distance of approximately 14m-28m between the rear elevations of the proposed dwellinghouses and the adjacent shared boundary. Given the modest garden sizes of the respective dwellinghouses on Boundary Lane (between 17m and 24m) the wall-to-wall separation distance between the respective elevations would therefore range between 35-45m.
- 10.81 The proposed dwellinghouses within plots 1065, 1088, 1091, 1092 and 1097 would be located closest to the northern boundary of the application site. In the case of Plot 1065 (a two bed bungalow), the flank elevation of this property would be located approximately 25m away from the rear elevation of no. 143 Boundary Lane. Plots 1088 and 1097 would be broadly perpendicular to the rear elevations of nos. 121 and 123 Boundary Lane and a minimum separation distance of 18m would be retained between the flank elevation of the proposed dwellinghouses and the rear

elevations of the existing properties. A separation distance of 21m would be provided between the rear elevation of no. 107 Boundary Lane and the proposed rear elevations of the two-storey dwellinghouses located on plots 1091 and 1092.

- 10.82 As a result of their siting, the separation distances afforded and the relationship to the adjacent properties, officers consider that the proposed residential properties would not result in any significant harm in terms of loss of light, overshadowing, loss of privacy or overbearing impact to the occupiers of those adjacent residential dwellinghouses.
- 10.83 The residential properties along Boundary Lane and Elliott Close currently benefit from a largely unobstructed view and outlook over the application site and therefore, the introduction of development on this land would result in a change in the outlook and associated amenity benefits currently experienced by the neighbouring residential occupiers. Whilst it is accepted that the outlook from neighbouring properties would change fairly significantly, this is not in itself a reason to withhold planning permission. 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.
- 10.84 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). This may be reasonably and appropriately secured via condition.
- 10.85 In relation to the outline component of the application, matters such as layout, appearance and scale are reserved for later approval. Notwithstanding this, Parameter Plans in relation to layout and building height have been provided. The applicant has also provided an illustrative masterplan which demonstrates how the site could be laid out within the overall envelope allowed by the Parameter Plans and development specification.
- 10.86 The proposed built form would continue to be located to the south of the Boundary Lane and extend across the west of the site, south of the residential properties along Golden Dell and the west of the dwellinghouses on Kingsley Court and Bennett Close. The proposed Building Heights Parameter Plan limits the height adjacent to the boundary with the respective adjoining properties to single storey. This is shown in the illustrative masterplan to include bungalows and garages in addition to access roads serving parking courts.
- 10.87 The Parameter Plan shows that buildings up to two to three storeys in height would be located further away from the shared boundary. Given the distance between the new and existing dwellings and the proposed transition in building height away from the site boundary, officers consider that the proposed development is unlikely to give rise to any adverse impacts on the residential amenities of the adjoining occupiers along Boundary Lane, Golden Dell, Kingsley Court and Bennet Close. However, this is ultimately a consideration in the assessment on any future RMA's.
- 10.88 The Council's Public Health and Protection team raise no objection about the impact that the proposed development would have on existing residents which surround the application site, subject to appropriate conditions.

Living conditions of future occupiers – Phase 1

- 10.89 Policy D1 of the District Plan requires that standard of design in all new development to be of a high quality. Policy SADM11 of the DLP requires all proposals to create and protect a good standard of amenity for buildings and external open space. Furthermore, the policy requires external private or communal garden space meets the reasonable needs of its users; a reasonable degree of privacy to new and existing private living space and private amenity spaces are maintained; outlook and visual amenity afforded from within building and private/communal amenity areas; and the quality of the shared circulation space and routes to private entrances within flatted developments.

Entrances and shared circulation

- 10.90 Draft Local Plan Policy SADM11 states that proposals should ensure that shared circulation space and routes to private entrances within flatted developments should be sufficient of width, be welcoming and be naturally lit wherever possible. The entrance lobbies to the proposed residential flats would be generously proportioned. In most instances the communal corridors would be served by windows enabling the corridors to receive natural light and ventilation.

Internal Space standards

- 10.91 In relation to minimum floorspace standard for new residential dwellings, DLP Policy SADM11 requires proposals to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible. The applicant has provided a detailed accommodation schedule which demonstrates that each residential unit would meet the respective standards set out in the NDSS.

Daylight, sunlight and aspect

- 10.92 Policy SADM11 of the DLP requires proposals to ensure the levels of sunlight and daylight within buildings, open spaces and garden are satisfactory; and building are dual aspect where feasible. Furthermore, the policy requires the outlook and visual amenity afforded from within buildings and private/communal gardens to be satisfactory, taking account of the relationship with neighbouring buildings and the wider street scene, including the design of parking, boundary treatments and landscaping.
- 10.93 In relation to aspect, 43 out of the 44 proposed flats and all of the proposed two-storey dwellinghouses would be dual-aspect. The only single aspect unit would be a west facing 1 bed, two person flat. Overall, officers consider that the proposed residential units would provide a good level of visual amenity and daylight for the future occupiers.

Privacy

- 10.94 As detailed earlier within the report, the layout of the development has been conceived in a manner to minimise car dominance within the streetscene. As a result, the provision of gardens/and or rear parking spaces ensures that an appropriate separation distance is maintained between residential buildings within phase 1. As the proposed road would follow the new park edge, a large number of dwellings within phase 1 would benefit from an unobstructed outlook from the front elevation.

- 10.95 The curvature of the proposed roads in conjunction with the siting of the dwellings serves to reduce the extent of direct front-to-front siting of dwellings. On the occasions where this does occur, a minimum separation distance of approximately 14m is generally retained between the front elevation of the respective dwellinghouses. However, the proposed residential units would benefit from defensible space that would provide a buffer to the streetscene and coupled with the need to make efficient use of land, officers consider that the separation distance would be acceptable in this instance and would not lead to a materially harmful degree of overlooking or loss of privacy for the future occupiers.
- 10.96 During the course of the application, the orientation of the proposed detached dwellinghouse on plot 1097 has also been adjusted to provide a more appropriate amenity relationship with the detached dwellinghouse on plot 1090. 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 over the rear gardens of the neighbouring properties. However, a degree overlooking is acceptable and would be consistent with a neighbouring relationship generally expected between residential properties. A condition is also included to avoid the introduction of flank wall windows other than those shown on the submitted drawings.

Noise

- 10.97 The proposed development is not located within a high noise environment. However, residential units are proposed on the western most part of the site adjacent to the A1000. A Noise Report has been provided during the course of the application which sets out the predicted noise levels that are likely to be experienced at the façade of the proposed dwellings. Some of the proposed facades adjacent to the A1000, Hollybush Lane and Ascots Lane may experience slightly higher noise levels due to road traffic, and therefore mitigation is proposed in the form of detailed glazing and ventilation specifications that would provide appropriate sound insulation and be compliant with the guideline values. The Noise Report was referred to the Council's Environmental Health Officer who has raised no objection to the Report or the mitigation strategy.

Private and communal amenity space

- 10.98 The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) requires all new residential developments to provide adequate space for residents in a form that is functional and usable in its orientation, width, depth, and shape and an adequate size for the number of residents for whom the building is designed. Policy SADM11 of the DLP requires external private or communal garden space to meet the reasonable needs of its users.
- 10.99 For phase 1 of the proposed development, all the proposed house typologies in addition to Flat blocks B and D would benefit from private gardens that are considered to be appropriately sized to their context. Separate footpath access would be provided to each garden and the proposed patio areas would provide flexibility to provide garden furniture. The gardens would be appropriately enclosed through a combination of brick walls and timber fencing.
- 10.100 Communal amenity space would be provided for the occupiers of the flats within Blocks A, C, E, F, G and H. The communal amenity space has been sensitively designed to ensure the residents are afforded opportunities for privacy and seclusion, as well as providing a space that would support socialising. The

Council's Landscape Officer is satisfied that the proposed communal amenity spaces would be of high quality and meet the objectives required by draft policy SADM11. This element of the proposal is therefore considered acceptable on balance.

Living conditions of future occupiers – Outline proposal

- 10.101 For the outline component, the Illustrative Masterplan demonstrates how appropriately sized gardens would be provided for the residential dwellinghouses. As demonstrated within phase 1, it is expected that the future residential units would provide a high quality of living environment for their occupiers with due consideration given to shared circulation, internal space standards, daylight and sunlight, privacy and private & communal amenity. However, this would be a consideration in the assessment on any future RMA's.

Accessible and adaptable dwellings

- 10.102 Policy H10 of the District Plan seeks to secure a proportion of dwellings to be accessible. The Main Modifications to draft Local Plan Policy SP7 (Examination Document EX235) sets out that at least 30% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for accessible and adaptable dwellings. In addition, 1.5% of all new dwellings on sites involving 50 or more new dwellings will be required to meet Part M4(3) standards for 'wheelchair user dwellings'.
- 10.103 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 submitted application documents confirm that 30% of the dwellings within the entire development would be designed to meet the mobility requirements specified in Building Regulations Part M4(2), while 1.5% of the dwellings would meet Building Regulations Part M4(3) standards. A planning condition is suggested to ensure that the relevant standards are met.

4. Highways and transport considerations

- 10.104 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 10.105 Policy M2 requires major new traffic generating developments to submit a transport assessment which must demonstrate the measures to be taken to minimise vehicular movements through improvements to passenger transport, pedestrian, and cycling facilities and state whether new highways works or traffic management measures will be required. Policy SADM 2 of the DLP supports proposals that would not have unacceptable impacts on the local or strategic transport network and highway safety with satisfactory and suitable levels of parking.

Trip Generation and Impact on Highways Network

- 10.106 An analysis of the residential vehicular trip rates and the resultant trip generation of the proposed development (based on the provision of 340 dwellings) has been provided within the Transport Assessment. The development is expected to generate up to 328 two-way total person trips and up to 174 two-way vehicle trips during the morning peak hour, and approximately 305 two-way total person trips

and up to 173 two-way vehicle trips during the evening peak hour. In terms of development traffic, the proposed development is anticipated to generate up to 89 additional (two-way) vehicles on the A1000 junctions during the network peak hours, equating to less than two additional vehicles per minute during the peak hours.

10.107 Herts County Council (HCC) as Highway Authority has reviewed the application submission and has no objection to the proposed development, subject to planning conditions and obligations. The trip generation rates were reviewed, and it is considered that the proposed increases in traffic flows on the local highway network are not of a scale that would materially impact the operation of local junctions.

10.108 The applicant provided further information on the distribution and assignment of proposed development trips on A1(M) J4 during the course of the application in response to comments raised by National Highways. Following this, National Highways have advised that they are satisfied that the predicted development traffic volumes coupled with the existing capacity of the junction, show that mitigation measures would not be required on this occasion. National Highways therefore consider the proposals would not affect the safety, reliability and/or operation of the Strategic Road Network and therefore raise no objection to the proposal.

Access

10.109 Access is to be determined as part of the outline (Phases 2-4) part of this application. The proposal includes three new vehicular accesses onto the local highway network. These consist of a new junction onto the A1000 and two new priority junctions onto Hollybush Lane. The vehicular access onto the A1000 will form a ghost island right turn priority junction and the junction has been designed to prioritise pedestrians and cyclists with a 'Copenhagen' style crossing across the access junction. New pedestrian and cycle access would also be provided along the northern and southern edges of the site linking to Elliot Close, Boundary Lane, Golden Dell, Hollybush Lane and Ascots Lane.

10.110 Following discussions with the Highway Authority during the application, the proposal has been amended to include the closure of the northern part of Hollybush Lane to motorised vehicle traffic (except emergency vehicles). Motorised traffic will therefore no longer be able to route between Ascots Lane and Boundary Lane. The submitted Technical Note details that the proposed road closure impacts circa 90 (two-way) vehicles currently using Hollybush Lane during peak hours that would be re-routed. The Highways Authority are satisfied with the modelling exercise which demonstrates that the development (incorporating the proposed new accesses and closure of the northern part of Hollybush Lane to motorised vehicle traffic) may be satisfactorily accommodated on the local highway network.

10.111 A stage 1 Road Safety Audit has been undertaken by the applicant and found no fundamental concerns. The Highway Authority conducted a Road Safety Audit Review of the new proposed junctions and consider the principle of the access strategy to be acceptable, subject to some amendments that are required at the detail design/implementation stage.

Sustainable Travel

10.112 There has been a very significant shift towards increasing focus on sustainable travel and highly accessible developments since 2018, when the NPPF

was fundamentally revised, and Hertfordshire County Council's new LTP4 was adopted. Since that time, additional government guidance has been published to reinforce this approach, and the County Council has declared a climate emergency. As such, all new development must now accord with this approach.

- 10.113 Paragraph 110 of the NPPF states that developments should ensure "safe and suitable access to the site can be achieved for all users", and that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up". It references the new National Model Design Code, which states that new development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes and that all streets should be accessible to all members of the community. Furthermore, the National Model Design Code states that walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less.
- 10.114 Paragraph 112 of the NPPF goes on to states that "development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas"... "address the needs of people with disabilities and reduced mobility in relation to all modes of transport"... and "create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles".
- 10.115 Hertfordshire County Council's Local Transport Plan 4 (2018) echoes this, placing a much greater emphasis on the importance of sustainability/accessibility than its predecessors. Policy 1 for example states that the first step to consider is that "opportunities to reduce travel demand and the need to travel" are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised forms of travel. This user hierarchy should be at the heart of all new development proposals, and each user is considered in turn below.
- 10.116 Policy M1 of the District Plan supports development proposals in locations with accessibility to pedestrian cycle routes and passenger transport services, or where this can be created and where the environment and infrastructure can accommodate the amount and type of transport movement likely to be generated. Furthermore, internal layouts in development schemes must demonstrate priority to non-car users.
- 10.117 The DLP seeks to achieve a sustainable pattern of development within the borough with the emphasis on promoting the use of sustainable modes of travel and on improving safety for all highway users. Policy SADM 3 requires development proposals to make provision for cyclists and pedestrians through safe, accessible and integrated layouts
- 10.118 The application site is well connected to the existing network of paths. The shared footway/cycleway on the eastern side of the A1000 to the west of the site forms part of National Cycle Route 12, connecting to Welwyn Garden City to the north and Hatfield in the south. The closest bus stops to the site are located on Howlands, within 400m distance of the northeast and northwest boundaries of the site. Welwyn Garden City Railway Station is located approximately 2.5km away from the application site.
- 10.119 The design approach has sought to develop a layout which is highly permeable and offers a number of connections with the existing urban area. This includes a direction connection onto the existing shared footway/cycleway provision

on the A1000 from the site access, which has been designed with a Copenhagen style crossing to ensure flows along the footway/cycleway have priority over vehicles. Further points of connection for pedestrians and cyclists have been identified along the northern boundary and on Ascots Lane providing routes along desire lines towards the city centre and more local services and facilities.

- 10.120 The walking and cycling routes to Welwyn Garden City, local services and to the local schools have been audited as part of the Transport Assessment and are considered to be high quality. As detailed below, a package of sustainable transport improvement measures and contributions are proposed to accommodate and mitigate the predicted transport demands and impacts of the development.

Travel Plan

- 10.121 Paragraph 113 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan. As required by Policy M3 of the District Plan and Policy SADM3 of the DLP, a Travel Plan has been submitted with the application.

- 10.122 The Travel Plan sets out the on-site infrastructure measures, such as provision for pedestrian footpaths and links within the development and the provision of 'soft measures' such as the provision of a Resident's Travel Information Pack, that are to be developed and promoted for the residents of the new development. The Highway Authority consider that the Travel Plan is broadly acceptable at this outline planning stage but should be updated prior to first occupation to accord with the relevant guidance. To this end, it is recommended that a Travel Plan be secured via S106 Agreement to include a £6,000 contribution towards the ongoing monitoring, support and engagement activities undertaken by the County Council.

Rights of Way and Pedestrian Permeability

- 10.123 Policy M5 of the District Plan requires proposals for new development to give priority to pedestrian access in their layouts through the inclusion of safe and direct routes linking to existing or proposed footpath networks or facilities. Policy RA25 of the District Plan sets out that Planning permission will not be granted for development in the countryside which adversely affects the convenience, safety, setting and amenity of an existing definitive public right of way. The diversion of a public right of way will only be supported where the new route is as least as attractive, safe and convenient for public use. Policy SADM 3 of the DLP requires proposals to safeguard existing Public Rights of Way and promoting enhancements to the network, where appropriate, to offer walking and cycling opportunities. The site-specific considerations for the site also include the requirement to retain the public right of way and enhance the public access to areas of recreation.

- 10.124 The Access and Movement Parameter Plan and the Illustrative Masterplan indicate that the public footpath which traverses the site would be retained, albeit crossing through the proposed area of built development, following a new paved footway and along a residential road. In addition to a new link to the A1000, the first phase of development would provide two new pedestrian links to Boundary Lane and Elliot Close. The Access and Movement Parameter Plan indicates that a further three pedestrian links would be provided to the north of the site, linking to Boundary Lane, Hollybush Lane and Golden Dell. Three pedestrian links would also be located to the south of the application site providing access to Ascots Lane and one pedestrian/cycle link would be provided into the southwest corner of the site from

the A1000. Furthermore, there would be an extensive network of footpaths that would provide pedestrian permeability across the site and to key landscape features such as the designated play areas, orchard, cricket pitches/pavilion and pocket parks. Subject to appropriate conditions, the HCC Highways Authority are content with the level of proposed pedestrian permeability through the site.

10.125 Several residents have raised an objection to the proposal on the basis that the area is well used by local residents and dog walkers which contributes to the physical and mental well-being of residents. Officers recognise that there are a number of well-established and well-used informal footpaths that principally relate to the grass field within the north-western portion of the site, but also extend across the northern edge of the site generally to the rear of the existing residential properties. However, it is important to recognise that these are not public rights of way and that residents currently benefit from informal access on private land. The proposal would establish an extensive network of publicly accessible pedestrian routes through the site that would pass through well-landscaped areas and provide multiple connections from the site to the adjacent adopted highway and existing footways. Furthermore, the proposal would provide strong east-west and north-south walking routes with dedicated footways and some shared surface environments that would enhance the existing pedestrian network. On this basis, officers are satisfied that the proposal would comply with the relevant policies in this regard.

Cycle Parking

10.126 Policy M6 of the District Plan sets out that the Council will require proposals for new development to encourage cycling through the inclusion of safe cycling routes and parking for cycles. Policy SADM 12 of the DLP sets out that the type and quantum of cycle parking will be informed by the standards set out in the Council's parking standards. The policy also requires detailed consideration of the siting, layout and design of cycle parking to ensure an attractive and coherent street scene is maintained.

10.127 For phase 1 of the proposed development, the proposal would provide a minimum of 1 cycle parking space per unit, located within the garage/shed of the proposed houses, or within dedicated integral cycle stores for the flatted units. Furthermore, 6 public cycle spaces would be provided. Phase 1 of the proposed development would therefore provide the minimum quantum of cycle parking spaces as set out within the Welwyn Hatfield District Plan Parking Standards SPG (2004).

10.128 Cycle parking for the outline component of the development will be considered at the reserved matters stage in accordance with the with Welwyn Hatfield District Plan Parking Standards SPG (2004).

Car Parking Provision and Design

10.129 Paragraph 105 of the NPPF states that in setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight.

- 10.130 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. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 10.131 For phase 1 of the development, a total of 160 parking spaces would be provided. From this, 136 vehicle spaces would be allocated for the proposed residential units, 23 spaces would be provided as visitor spaces and 1 space would be provided as a dedicated car club space. With respect to the parking provision, the Council's SPG indicates that phase 1 would generate a demand for 181 spaces. However, the applicant has provided local car ownership data based on the 2011 Census within the Transport Assessment. This sets out that local car ownership is 1.23 cars per household. If this ratio was to be applied, the demand for parking arising from the 97 proposed dwellings would be 119 spaces, meaning that the proposed development would provide 41 more spaces than the expected parking demand based on the most recent car ownership data for the locality.
- 10.132 National and Local Planning Policy is clear that parking standards must be balanced against the promotion of sustainable trips and a move away from car dependency. Although the car parking provision would fall short of the Council's parking guidance (by providing 160 rather than 181 parking spaces), the site falls within a reasonably accessible location with access to services and facilities by means other than a private car. There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. The Council's Parking Services Team have raised no objection with the proposed quantum of parking proposed for Phase 1.
- 10.133 The provision of a car club space could support the reduction in car ownership within the development and in doing so, would contribute towards the implementation of sustainable travel modes within the development. The applicant has engaged with operators and a cost estimate for delivering the car club for a minimum of 6 years (incorporating subsidised membership for future residents) has been put forward by the applicant and would be delivered through a planning obligation. The provision of a car club would accord with Policy SADM3 of the DLP.
- 10.134 Policy SADM12 of the DLP states that appropriate provision should be made for vehicle charging infrastructure within new residential development. The submitted Transport Assessment confirms that electric vehicle charging provision will be provided to all houses as wall mounted provision with electric vehicle charging provision for the communal parking areas (for the flats) to be provided as twin charging posts. The provision of vehicle charging infrastructure for each residential unit is supported.
- 10.135 Car parking for the outline component of the development will be considered at the reserved matters stage in accordance with the with Welwyn Hatfield District Plan Parking Standards SPG (2004) and the interim standards (August 2014).

10.136 Policy M4 of the District Plan requires the applicant to agree to meet, or where appropriate, contribute to the cost of works or services that necessitate alteration to existing or the provision of new infrastructure or services. This requirement is also reflected in Policy SP13 of the DLP. Policy 5 of the Hertfordshire Local Transport Plan seeks to secure developer mitigation measures to limit the impacts of development on the transport network.

10.137 The Transport Technical Note (Nov 2022) submitted by the applicant sets out the sustainable transport measures that will be secured and delivered as part of the development including the estimated cost of direct delivery. The Highways Authority have reviewed the commitments and have provided further clarity in relation to the method of delivery alongside additional measures that would be required. The proposed measures are as follows:

Works to be undertaken under Section 278 (with estimated cost)

- Two new bus stops on A1000 (£25,000)
- Two new pedestrian crossing refuge islands on A1000 (£50,000)
- Hollybush Lane Closure and Traffic/environmental improvements (£500,000)
- Hollybush Lane / Boundary Lane junction improvements, alternative PRow link and upgrade of the PRow connection to Hollybush Lane (£75,000)
- On-site and off-site pedestrian and cyclist route between A1000 Chequers and the southern edge of the proposed residential development (£100,000)
- Ascots Lane accessibility improvements (£10,000)
- Elliot Close / Boundary Lane accessibility improvements (£7,500)
- Hollybush Lane / Boundary Lane accessibility improvements (£5,000)

Works to be undertaken under Section 106 (with estimated cost)

- Bus Service diversion for a bus route to serve Ascots Lane (£200,000)
- Installation of new bus stops/uncontrolled pedestrian crossing on Ascots Lane (£10,000)
- Car Club (£120,000)
- Travel Voucher for each dwelling (£34,000)
- Travel Plan (£6,000)

10.138 HCC have developed the South Central Hertfordshire Growth and Transport Plan (Stage 3 Interventions Paper 2022) which is a strategic spatial transport plan for the purpose of applying Local Transport Plan Policies to a growth-focused sub-area within Hertfordshire. The Growth and Transport Plan (GTP) looks ahead at transport improvements required over the Plan period and will be subject to review periodically to reflect changes in growth and transport forecasts. The GTP contains a number of required interventions in the Welwyn Garden City and Hatfield areas, including those that may be considered complementary to the proposed development site and active travel in the wider area.

10.139 The GTP sets out interventions that are considered of relevance to the local area. Improvements to cycling between Hatfield and Welwyn Garden City are of particular relevance to the application site with the intention to strengthen connections between Hatfield and Welwyn Garden City by modes of active travel, encouraging modal shift and improving recreational facilities within the green spine running between the towns. Some of the key schemes listed under Package 10 (Hatfield-Welwyn Garden Connectivity) are as follows:

- SM71: A1000 Cycleway improvements - Physical improvements to cycleway including surface, crossings, general maintenance, etc. Crossings on side roads including Ascots Lane will be enhanced to improve inter-visibility between motorists and cyclists, and an enlarged refuge island (subject to detailed design).
- PR72: Cycle Signage – cycle signage along A1000 cycleway
- PR73: Hatfield-Cole Green Way Cycle Link (Green Corridor) - Southern WGC cycle 'bypass' connection from Hatfield to Cole Green Way alongside the A414 within the Green Corridor. Connecting into the A1000 near to Mill Green
- PR74: Cole Green Way Signage at B195: - Wayfinding improvement to Cole Green Way at B195, currently unclear-directing cyclists to main road
- SM76: Welwyn Hatfield Green Corridor - Implement Green Corridor between Hatfield and WGC as per the DLP policy SP12
- SM79: A414 Mill Green Junction Improvements - Modified eastbound onslip approach onto A414 to improve safety, including reducing the A414 between the eastbound off slip and on slip to a single lane to create a lane-gain configuration

10.140 The HCC Guide to Developer Infrastructure Contributions (2021) requires a contribution of £2,320,840 to be provided. From this, the Highways Authority have advised that the works to be undertaken under the Section 278 and Section 106 agreements amounting to £642,500 could be deduced from the overall financial contribution required. The Highways Authority consider the proposed works to Hollybush Lane are integral to the development as part of the site access strategy and therefore the cost associated with these works should not be removed from the Strand 2 contribution.

10.141 Officers agree that stopping vehicular traffic from the north of Hollybush Lane is fundamental to delivering an acceptable access strategy for the scheme and therefore concur with the Highways Authority that associated costs associated to implement this should not be deduced from the Strand 2 contribution. The Illustrative Masterplan does however indicate that proposed design of the pedestrianised section of Hollybush Lane would link in with proposed public open space and the material finish and landscaping would conform with the high-quality placemaking aspirations of the development. Subject to the final detailed design, the new route, if designed and landscaped in an exemplary manner, could encourage residents to walk or cycle to the local centre and shops to the north of Howlands. In this regard, there could be scope to exclude some of the costs associated with ensuring a high-quality pedestrian route is delivered (e.g such as the cost of materials, rather than the cost of technical and enabling works associated with the improvements).

10.142 The Highway Authority considers that measures that improve connectivity by sustainable modes between Welwyn Garden City and Hatfield as well as between Hatfield and the Cole Green Way have the highest priority given their role in improving sustainable travel. As such, funding available from the remaining contribution sum may be considered applicable to these schemes. Subject to

securing the necessary works through the appropriate mechanisms, the proposed application would comply with the relevant policies in this regard.

Construction

- 10.143 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.

5. Other considerations

i) Housing mix and affordable housing

- 10.144 In relation to housing mix, Policy SP7 of the DLP states that proposals for 10 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is 14% 1 bed units, 23% 2 bed units, 41% 3 bed units and 22% 4+ units. This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.
- 10.145 The proposed housing mix for phase 1 of the development would comprise of 8 (8%) x 1 bed units, 50 (52%) x 2 bed units, 27 (28%) x 3 bed units, 11 (11%) x 4 bed units and 1 (1%) x 5 bed units. A total of 53 properties would be provided as houses while the remaining 44 units would be provided as flats, equating to 55% and 45% respectively.
- 10.146 As phases 2-4 of the proposed development are in outline, up to 243 dwellings could be provided within those remaining phases in accordance with the development specification. The applicant has therefore provided an indicative schedule of accommodation reflecting the illustrative masterplan to demonstrate the mix of units and tenures that are likely to be delivered across the whole development. The indicative accommodation schedule sets out that 2.4% of units would be 1 bed, 39.9% 2 bed, 32.7% 3 bed, 21.1% 4 bed and 3.9% 5 bed. The proposed development would therefore provide a mix of housing types that is considered sufficient at this outline stage to reflect the housing need and market demand within this edge of settlement location. Nevertheless, it is reasonable to allow flexibility for an applicant/developer to determine the dwelling mix for the outline phases at the reserved matters stage.
- 10.147 In relation to affordable housing, Policy H7 of the adopted District Plan requires that a minimum of 30% subsidised housing should be provided on suitable sites. Policy SP 7 of the DLP also sets out an on-site delivery target of 30% affordable housing to be provided on new residential schemes within Welwyn Garden City.
- 10.148 The applicant originally proposed to deliver 30% of the homes as affordable housing, with a tenure split of 60% affordable rent and 40% shared ownership across the development. Whilst the overall percentage of affordable housing was considered to be acceptable, the tenure split was not consistent with the Council's evidenced affordable housing need, which requires 51% of units to come forward as

traditional social rented housing with the remaining 49% to be met by a range of intermediate products.

10.149 The applicant engaged extensively with the Council during the course of the application regarding the proposed affordable housing provision and has subsequently committed to providing an amended tenure mix for the affordable component comprising 51% of the units as social rent and 49% of units as intermediate (40% shared ownership and 9% affordable rent). The indicative accommodation schedule details that the social rented offer would include the provision of 16 x 2 bed units, 20 x 3 bed units and 16 x 4 bed units. The Council's Housing Team are supportive of the social rent mix. In this regard, officers commend the applicant for working collaboratively with the Council to deliver a policy compliant affordable housing offer that prioritises the delivery of predominantly family sized social rent housing, addressing the identified need within the borough.

10.150 It is acknowledged that affordable housing delivery within the first phase of development would be skewed towards the provision of shared ownership units. However, this would balance out within the remaining phases so that the agreed required affordable quantum and housing tenure mix is achieved for the entire development. As such, it is recommended that a condition is included to monitor and reconcile affordable housing delivery for the reserved matters applications that will be forthcoming for phases 2 to 4 which respond to the minimum commitments set out above.

ii) Strategic green infrastructure

Open space and green corridor

10.151 Policy OS3 of the District Plan requires substantial new residential development to make a contribution to informal open space. Policy SP12 of the DLP supports the creation and enhancement of strategic green infrastructure across the borough. In particular, the policy requires development proposals should plan positively for, and contribute to, the creation and management of high quality, multifunctional green spaces that are linked to the surrounding green infrastructure network. Additionally, new development should meet standards for provision of open space set out in the Planning Obligations SPD.

10.152 The Planning Obligations SPD states that new development within the borough is to provide green space and landscaping on site, in accordance with the council's adopted local standards. The Open Space, Outdoor Sport and Recreation Strategy (2009) sets a recommended local standard for the provision of green space in the Borough of 6.1ha per 1000 persons. The required provision for up to 340 dwellings in conjunction with the indicative housing mix would therefore require the provision of a minimum of 4.62ha of green space to be provided.

10.153 The illustrative landscape strategy details the provision of a series of parks and informal open spaces within the residential development. There would also be an extensive circulation footpath that would link the informal open spaces, orchard, children's play spaces and cricket pavilion. In total, based on the illustrative masterplan, the proposal would deliver 5.5ha of green space within the proposed residential area. When considering the site as a whole, the proposal would provide approximately 10.85ha of green space within the retained Green Belt land to the south-west. The applicant has confirmed that a management company would be established to manage the green space within the development.

- 10.154 The NPPF states that Local Planning Authorities should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, and recognises the role of green infrastructure in managing the risks arising from climate change, and its potential to deliver a wide range of environmental and quality of life benefits.
- 10.155 Policy SP12 of the DLP sets out sets out the intention of the Council to deliver a Green Corridor located east to west across the borough between Welwyn Garden City and Hatfield. The emerging policy also details that the objectives of the Green Corridor are to connect existing green infrastructure, ecological assets, footpaths, cycleways and bridleways, and provide a community resource that will help maintain a sense of space/separation between Welwyn Garden City and Hatfield consistent with its Green Belt function.
- 10.156 As detailed in the Principle of Development subsection, the southern part of the application site, which is to remain in the Green Belt, would form an important component of the Green Corridor providing a mixture of formal recreation space, informal grassland and additional woodland planting. This would provide valuable amenity space for existing and future residents and also create opportunities for improved linkages for pedestrians and cyclists within the wider Green Corridor in the long term. Officers consider that the proposal would align with the objectives and aims of the Green Corridor and would therefore accord with the relevant policies in this regard.

Children's play space

- 10.157 Policy OS3 of the District Plan required substantial new residential development to make a contribution to the provision of children's play space and informal open space, where the increased demands generated by the new households cannot be met by current levels of provision. Policy SP12 of the DLP sets out that new developments should have regard to the standards for provision of play spaces set out in the Planning Obligations SPD.
- 10.158 The Planning Obligations SPD sets out that the location, content and design of children's play space should be appropriate to the needs of the local population. The recommended local standard for the provision of play space in the borough is 0.2 – 0.3ha per 1000 population. Therefore, the required provision for the development would be between 0.15 to 0.23ha.
- 10.159 The application proposes 3 Local Areas of Play (LAP's) and 1 principal area of play within the site. Phase 1 of the development would provide 2 LAP's, located adjacent to the proposed pedestrian links to Elliot Close and Boundary Lane to the north of the application site. The illustrative landscape strategy shows an additional LAP provided within phase 4 of the development adjacent to the designated green space adjacent to Hollybush Lane. The principal area of play has been increased during the course of the application and is shown within the illustrative plans to be located towards the centre of the application site, to the north-east of the cricket pitch within a woodland setting. In total, the proposed playspace would equate to a provision of 0.15ha.
- 10.160 In terms of the Neighbourhood Equipped Area for Play (NEAP), the proposed development would be located within 600m of Creswick Playground and is therefore considered accessible for older children within the proposed development as set out in the Planning Obligations SPD. Subject to appropriate conditions and

contributions, officers consider that the proposed children's play provision would be acceptable.

iii) Landscape and trees

- 10.161 The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 10.162 Policy R17 of the adopted District Plan seeks to protect existing trees, hedgerows and woodland and requires new development to incorporate new planting with locally native species where appropriate. Policy D8 requires landscaping to form an integral part of the overall design. Policy SP9 of the DLP details that high quality public space and landscaping is a key principle to deliver a high quality design and placemaking.
- 10.163 The site is located within 'LCA 45 Welwyn Fringes' of the Welwyn Hatfield Landscape Character Assessment (WHLCA) that was published in 2005. The WHLCA details that this character area is an urban fringe belt located between Welwyn and Hatfield and sets out key characteristics relevant to the site; noting the undulating landform, proximity of large settlements, distinctive transport and infrastructure features within the landscape, large woodland blocks and mainly arable cultivation and recreational land uses. The WHLCA describes the visual and sensory perception of LCA 45 to be a rather bleak and seemingly forgotten area and has so many urban-edge land uses as to have lost any rural character.
- 10.164 The Council published a Landscape Sensitivity and Capacity Study in 2012 with the aim of assessing the ability of the landscape to accommodate future growth in the Green Belt and safeguard land locations in the borough. The application site lies within an area titled 'WGC1 – South of Welwyn Garden City', which is consequently subdivided further into five areas, with the site being located within Areas 1, 2, 3 and 4. The study considers all the four areas to have a medium landscape value. Although area 3 is considered to have a medium to high capacity within the landscape to accommodate housing and associated development, the other three areas are considered to have a medium capacity within the landscape to accommodate housing and associated development, but mitigation would be required to offset or balance any negative effects that development would have on the quality and value of the landscape.
- 10.165 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application as a tool to assist the decision maker in assessing the effects of the scheme. This considers the likely effects arising from the proposed development on site features, landscape character and visual receptors together with the significance of such a change.
- 10.166 In relation to the site features, the proposed development would be located on largely gently sloping ground where only minor regrading would be required. The proposal would inevitably result in a notable change in terms of land use, as a result of developing a green field site for residential use. In this context, the LVIA

acknowledges that the proposal would have a high magnitude of effect resulting in an adverse nature of change. However, this would be set against an existing residential edge and the proposals incorporate extensive new open space, vegetation and habitats to provide a reinforced soft edge to Welwyn Garden City that accord with the guidelines of 'LCA 45: Welwyn Fringes'.

- 10.167 Regarding landscape character, there would be a loss of arable farmland, which is a key characteristic of the landscape. However, many of the key characteristics of Site 'LCA 45: Welwyn Fringes' as set out in the WHLCA would be largely unchanged. The area of proposed development would be located adjacent to the settlement edge and the proposed development would be consistent with the urban fringe character. The proposal would also significantly increase the presence of trees, shrubs, hedges and grassland, enhancing the diversity of habitats. This would strengthen the existing landscape infrastructure of woodland, tree belts and tall hedgerows, enabling the proposed development to be integrated into the landscape. The LVIA considers that the introduction of the proposed development would initially have a localised adverse impact, but this would be offset by the proposed planting once established.
- 10.168 The proposal would involve loss of greenfield land and its replacement with built form. The LVIA assess the effect of the development from eight different viewpoints from within and adjacent to the application site. In views from local footpaths, the new development would form dominant new features in the view and would introduce a greater prominence of built form in close proximity to the viewer. Due to the presence of the existing settlement edge of Welwyn Garden City, the Creswick Plantation, and the mature tree belts and hedgerows that visually contain the site, in longer range views, the effect of the proposed development on landscape character would be largely confined to the site itself and its immediate context.
- 10.169 The changes brought about by the built development and changes to the surrounding roads would result in visual changes to the area, which are considered to have a localised impact. The extensive planting and quality of the landscaping and other mitigation proposed would serve to reduce the visual impact of the development in the context of the existing immediate locality over time. Nevertheless, the proposed development would introduce built development where currently no development exists. Some limited harm would therefore be incurred by virtue of the loss of existing character and appearance.
- 10.170 An Arboricultural Impact Assessment has been submitted with the application. This details that two ash trees and six trees from a group (G54 Oak trees) are to be removed as part of phase 1 of the development. The 6 oak trees would need to be removed to widen the road as they sit opposite the proposed entrance to the site. It is considered that the loss of the oak trees will have an impact on the landscape, however, the losses could be mitigated through high quality landscaping.
- 10.171 For Phase 1 of the proposed development, detailed planting proposals have been provided. These indicate the location of new proposed parkland trees, street/avenue trees, shrub planting, grass and the hedgerows that would front the open space and new proposed residential dwellings. The proposed landscaping by the applicant is significant and includes 113 new trees across phase 1 in addition to the retention of veteran oak trees and existing mature hedgerows. The tree planting strategy would also deliver significant improvements in terms of the quality and

diversity of tree planting. The tree species and sizes are selected to best fit the specific conditions across the site and the contribution they can make to the quality of place. New tree planting provides an opportunity to improve the planting conditions and so improve the long-term health and resilience of the tree population. Through introducing a more diverse range of tree species and better aligning planting with the new network of streets, the planting proposals also deliver benefits for biodiversity and wildlife.

10.172 The Council's Landscape Officer has advised that the layout, planting species, plant sizes, numbers and densities are considered appropriate. The applicant has also detailed the maintenance and aftercare for the five-year establishment period which is considered appropriate and sufficient to ensure the landscaping becomes established. Overall, the proposed landscape proposals are considered robust and subject to the submission of a detailed Tree Protection Plan and Arboricultural Method Statement that are secured by condition, the proposal is acceptable in this regard.

10.173 For the outline component of the scheme, landscaping is not a matter being approved as part of this application and the detailed design will be secured at reserve matters stage. The Land Use Parameter Plan sets out the location of green infrastructure which includes landscaping and ecological enhancement works. The Illustrative Masterplan and the indicative landscape strategy demonstrate how the development could be delivered with the existing vegetation to be retained and new planting and landscaping enhancements across the site. Overall, the Council's Landscape Officer is satisfied that the indicative proposals would be appropriate and adequate in principle.

iv) Ecology and biodiversity

10.174 All public bodies have a legal duty to conserve biodiversity having regard to species and habitats listed within the Natural Environment and Rural Communities Act 2006. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 180 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of the NPPF 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".

10.175 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. This is also reflected in Policy SADM 16 of the DLP. Policy R16 of the District Plan refers to Protection of Species and outlines that planning permission will not be granted for and development of use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.

10.176 The application site is of limited ecological value and most of the habitats on site are common and widespread throughout the local area. The existing field margins do however provide hedgerow and woodland habitat that is suitable for breeding birds, small mammals, and invertebrates. These habitats also provide landscape connectivity, which would allow bats, birds, amphibians, reptiles, and mammals to move across the landscape and provide good opportunities for foraging.

- 10.177 The planning application is supported by an Ecological Impact Assessment, which evaluates the effects of the proposed development on the ecology of the site and its surroundings. The Ecological Impact Assessment brings together the findings of the Preliminary Ecological Appraisal, Bat Survey Report, Bird Survey Report, Reptile Survey Report and Great Crested Newt Survey Report that also accompany the application. A Biodiversity Net Gain Assessment has also been provided.
- 10.178 The site itself is not designated for its ecological importance or for its nature conservation value. However, Stanborough Reedmarsh Local Nature Reserve is located 0.76km to the west of the application site while The Commons Local Nature Reserve is located 0.7km to the east. In addition to these designated sites, much of the site also falls within the SSSI Impact Risk Zone of Sherrardspark Wood. Lemsford Springs, a Wildlife Trust Reserve is located 1.66km to the north-west of the site. There are also 17 Local Wildlife Sites within 2km of the site, the closest of which is the Creswick Plantation, which is directly adjacent to the application site.

Hedgerow, treelines and woodland

- 10.179 A small area of deciduous woodland edge adjoining the western side of the A1000 will be lost as part of the new road scheme for the proposed site. However, it is considered that connectivity to adjoining hedgerows and the wider landscape is not anticipated to be negatively impacted as a result of this clearance. In terms of mitigation, the area of proposed woodland planting for the scheme would be substantial and is estimated to be more than 400 times the area of that which is to be lost. The creation of new woodland habitat across the site would compensate for that lost and the management and enhancement of retained woodland to improve diversity and structure would have a positive effect on the woodland habitat.
- 10.180 The existing fields within the application site are separated and bordered by native hedgerows and treelines. The Preliminary Ecological Appraisal details that the hedgerows are generally mature, or semi-mature with mature standard trees. Hedgerows are considered to be priority habitats. The hedgerows and treelines bordering the site boundary will largely be retained although some sections of hedgerow will inevitably be lost as part of the proposals. The applicant is proposing compensatory new hedgerow planting across the site that will replace the sections of habitat to be lost and in doing so, will increase connectivity across the site and provide new foraging opportunities for species that use hedgerows.

Bats

- 10.181 In relation to bats, three dusk activity surveys were carried out in 2017 and updated surveys were carried out in August and September 2021. The submitted Bat Survey results suggest that the bat activity on the site is both localised and variable, but generally low level. The common pipistrelle was the dominant species recorded and the number of bat passes from a single species recorded in one evening ranged from 0 to 300. Locations of interest on site include the habitats adjoining the Creswick Plantation woodland at the western end of the site, and the boundary features adjoining, and with direct connection to, Hollybush Lane. The Preliminary Ecological Appraisal also identified a number of trees that are considered to have bat roosting potential.
- 10.182 The proposal would remove a small number of low bat roost potential trees and one moderate bat roost potential tree on site, within a small area of woodland to the west of the A1000. The Ecological Impact Assessment sets out that further

surveys are recommended to determine the extent of impact to roosting bats. During the course of the application, the applicant provided a Bat Tree Report that set out the results of the emergence surveys that were undertaken in July and August 2022. No bats were seen to emerge from the trees during the surveys. Having reviewed the updated reports, Hertfordshire Ecology are satisfied that the impacts on bats do not need to be considered further.

10.183 It is recommended that a sensitive lighting scheme is implemented across the site to reduce the impact of any artificial lighting on bat commuting and foraging habitat as recommended within the bat report. The compensation measures which will benefit bats include the planting of native hedgerows and street trees throughout the development area which connect to other linear features within the surrounding landscape, and a band of woodland along the western site boundary, to extend their foraging and commuting habitat across the site and within the wider area. The detailed landscape proposals for Phase 1 also include the provision of two bat boxes that would be attached to existing trees.

10.184 Overall, subject to appropriate mitigation and ecological improvements where necessary that are to be secured through condition and planning obligations, the development is considered to have a neutral effect on bat habitats.

Great Crested Newts

10.185 There are no waterbodies within the application site. While eight ponds have been identified within 500m of the application site, seven of these were discounted and not surveyed further. Great Crested Newts were identified between 2014 and 2016 within the pond approximately 14m east the site boundary on Bennet Close. Further surveys were carried out in 2017 which all gave negative results. An updated Habitat Suitability Index assessment was undertaken in 2021 and an updated eDNA survey undertaken in 2022 confirmed the pond to be positive for Great Crested Newts.

10.186 Given the proximity of the Great Crested Newt pond to the proposed development site, it is considered that a Natural England licence will be required for the works. The hedgerows, tree lines and scrub along the edges of the site will be retained in the proposed scheme to allow the potential movement of newts across the site. Furthermore, the development would support habitat creation through new SUDs ponds that would enhance the potential for a more robust and connected pond network that would support movement of newts across the site. Exclusion fencing within the core and intermediate habitat zones surrounding the existing pond is recommended to protect suitable boundary habitat feature. During the course of the application, the applicant has provided further supporting information on the certainty of impact, mitigation and enhancement measures, which has been considered and accepted by Hertfordshire Ecology.

10.187 Overall, it is considered that the proposal would have a neutral impact on the Great Crested Newts Habitat.

Breeding birds

10.188 A Breeding Bird Survey was conducted on three dates between May and July 2017 and recorded a total of 35 bird species actively using the application site, of which 18 are considered to be breeding or hold territory in habitats within or fringing the site. The survey identifies that key areas of habitat for common bird species within the survey site are considered to be the boundary hedgerows and

treelines, as well as the woodland copse on the western edge. The scrub habitat and garden boundary along the northern edge is also considered to be an important transitional habitat for many species. Five of the species recorded during the survey are included in the Birds of Conservation Concern (BOCC) red list, while nine birds are on the amber list. The Red Kite has been recorded flying over the application site and is on Schedule 1 of the Wildlife and Countryside Act 1981.

10.189 The application site was surveyed on foot in 2021 and 2022 as part of the Preliminary Ecological Assessment and the condition of the habitats on site had not materially changed since the original Breeding Bird Survey was carried out. It is therefore unlikely that bird populations on site would have significantly changed.

10.190 The loss of suitable cropland nesting habitat is an inevitable impact of the scheme and is of direct impact to breeding skylarks with no comparable compensation. However, areas of tall ruderal vegetation and tussock-forming grassland will be retained and planted, respectively, on site within the proposed scheme and may offer some level of suitable foraging habitat in compensation. It is likely that there will also be an increase in disturbance from new residents to all species of nesting birds on site as part of the operational phase and there is also the potential for predation by domestic pets such as cats. It is therefore considered that the proposals would have a minor negative residual effect on breeding birds.

10.191 However, the loss of suitable nesting habitat for other bird species will be compensated for through planting of trees and hedgerows that would provide increased shelter and food sources for birds. The detailed landscape proposals for phase 1 also include the installation of 10 integrated and tree-mounted bird boxes that would new nesting opportunities for birds.

10.192 As detailed above, the supporting surveys have found breeding birds to be using the trees and scrub habitat on site. Any disturbance of nesting birds would be an offence under the Wildlife and Conservation Act 1981. Therefore, removal of any trees or scrub should be carried out outside of the breeding bird season (March-September inclusive), or immediately after a nesting bird check has been carried out by a suitably qualified ecologist. If active nests are identified, works in the vicinity of the nest must cease until the birds have fledged. An informative is included to this effect.

Biodiversity Net Gain

10.193 As set out above, the NPPF and local plan policies require developments to contribute to and enhance the natural and local environment by providing net gains for biodiversity. Whilst there is increasing expectation for developments to deliver biodiversity net gain, use of a biodiversity metric is not yet mandatory (NPPF Paragraph 180(d)) and is not expected to become planning law until the latter part of 2023. A Biodiversity Net Gain Assessment has been provided which sets out the habitat breakdown post development. The proposed initiatives include new grassland, hedgerow, shrub, tree and woodland planting, bird and bat boxes, fruiting trees, new ponds and sustainable urban drainage systems.

10.194 As set out in the indicative landscape masterplan, a 30.5% net gain in habitat units is anticipated on site. An uplift of over 10% would therefore be provided, which although not yet mandatory to provide, is the minimum expected in a development of this nature and scale. While the outcome of the assessment should be taken as provisional and subject to review at the detailed design stage, it nevertheless provides a useful indication of the likely effects of the proposed development on the

habitat resource of the site and whether the development is likely to achieve 'net gain' for biodiversity.

- 10.195 Hertfordshire Ecology are satisfied that the biodiversity metric allied with the accompanying report provides the necessary evidence to justify that in principle, a biodiversity net gain can be delivered by the application. It is recommended that the ecological enhancements are secured by way of condition.

Summary

- 10.196 Overall, subject to appropriate mitigation and enhancement measures being implemented, there is no in principle ecological objection to the development. Further detail will be required alongside a reserved matters application to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. In view of this, conditions and planning obligations securing these measures have been suggested.

v) Flood risk and sustainable drainage

- 10.197 The NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)'. It goes on to state that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 10.198 District Plan Policy R7 of the Local Plan states that planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater and encourages the use of sustainable drainage systems. District Plan Policy R8 seeks to safeguard floodplains from inappropriate development and also seeks to ensure new developments do not increase the risk of flooding elsewhere. Policy SADM14 of the DLP also seeks to manage surface water runoff and surface water flood risk via the use of Sustainable Drainage Systems.
- 10.199 The application site is located within Flood Zone 1 and therefore has a low probability of flooding. The nearest source of fluvial flood risk is associated with the River Lea, which is some 620m to the south of the application site and approximately 10m lower in elevation. The EA pluvial flood map shows a limited extent of surface water flooding within some parts of the application site, largely attributed to a watercourse that flows southwards through the site. The proposed development could therefore increase flood risk due to increased surface water runoff.
- 10.200 The applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy for the proposed development. The site-wide surface water strategy is to discharge surface water runoff to the existing watercourse crossing the site, together with permeable pavements to optimise treatment and infiltration potential. Attenuation is to be provided in the form of five attenuation basins servicing each phase of the development.
- 10.201 The Lead Local Flood Authority (LLFA) have raised an objection to the proposed development on the basis that the proposal does not provide a robust drainage strategy comprising a level of technical detail required to enable an assessment to be made. Furthermore, the LLFA consider that insufficient

information has been provided to enable a technical assessment of the proposal to be undertaken to establish whether a sustainable surface water strategy can be delivered on site.

10.202 Due to staff shortages at the LLFA, the consultation response caveated that they may not be able to provide further advice on the proposal. Given this uncertainty, independent drainage advice was sought externally through RAB Consultants. Upon assessment of the submitted FRA and Drainage Strategy, RAB consultants were satisfied with the details provided in relation to Phase 1 of the proposed development, subject to conditions. In relation to the outline component, more details will be required as part of any reserved matters application to ensure that the layout and drainage design considerations are appropriate and do not increase the risk of flooding within the site or elsewhere. RAB have also confirmed that the suggested conditions would also address some of the technical matters in relation to calculations and design as raised by the LLFA.

10.203 In terms of foul water drainage, the applicant is proposing to discharge foul water to the existing sewer that crosses the application site. Thames Water have not raised any objection to the application on these grounds. The Environment Agency have raised no objection to the proposals subject to the inclusion of planning conditions.

vi) Air quality

10.204 Paragraph 186 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Furthermore, opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

10.205 Policy R18 of the District Plan sets out that the Council will have regard to the potential effects of a development on local air quality when determining planning applications. Consideration will be given to both the operational characteristics of the development and to the traffic generated by it. Any development within areas designated as Air Quality Management Areas must have regard to guidelines for ensuring air quality is maintained at acceptable levels as set out in the Air Quality Strategy.

10.206 The application site is not within an Air Quality Management Area. However, as the proposed development would be within 50m of a major road, Policy SADM18 of the DLP requires the submission of an Air Quality Assessment that demonstrates how prevailing air quality and potential impacts upon air quality have been considered and how air quality will be kept to an acceptable standard through avoidance and mitigation.

10.207 An Air Quality Assessment (AQA) has been provided in support of the application. This concludes that the proposed development should not result in the exposure of new sensitive receptors (i.e building facades closest to the adjacent road network) to levels of air pollution at risk of exceeding the UK Air Quality Standards. While the AQA identifies that some background pollutant concentrations are expected due to traffic anticipated to be generated by the proposed development's operation phase, all impacts on local air quality impacts on local air quality at existing sensitive receptor locations were considered to be negligible. The

AQA concludes that the overall impact of the proposed development on local air quality is not considered to be significant.

10.208 The AQA identifies that construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent uses. However, it is considered that this could be minimised through site specific mitigation measures that could be adopted as part of a Construction and Environmental Management Plan (CEMP). Subject to securing the CEMP by condition, there are no objections to the proposal in this regard.

vii) Sustainable design and low carbon homes

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

10.210 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.

10.211 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.

10.212 Policy R3 of the District Plan states that 'the Council will expect all development to include measures to maximise energy conservation through the design of buildings...' Policy SD1 of the District Plan states that 'development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.

10.213 Policy SP10 of the DLP sets out the strategic approach to promoting more environmentally sustainable development within the borough, supported by more detailed criteria set out in SADM 13 and SADM 14. Policy SP10 states that proposals that adopt sustainable design and construction principles, as set out below, within an integrated design solution will be supported. This should be demonstrated via a Sustainable Design Statement and associated plans.

10.214 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.

10.215 An Energy and Water Use Statement has been submitted with the application. The development would follow the energy hierarchy approach of 'be lean; be clean; and be green'. In relation to the use of less energy (be lean) the applicant is providing a 'fabric first' approach focusing on building fabric energy efficiency improvements to reduce energy demand. A wide range of passive and energy efficiency measures are incorporated in the design, including optimised levels of thermal insulation, solar control glazing, improved energy systems

controls and heat recovery measures that reduce the overall CO₂ emissions from the scheme.

10.216 In relation to the efficient supply of energy (be clean), the Energy Statement details that there are no existing or planned heat networks in the vicinity of the proposed development and therefore no proposal is made for connection to a decentralised energy network. Air Source Heat Pumps would be used in addition to mechanical ventilation for use during warm weather to optimise thermal comfort and it is anticipated that this will lead to a 53.4% CO₂ savings for Phase 1 and 54.65% CO₂ savings from renewable energies.

10.217 In addition to a fabric first approach, the scheme includes promotion of sustainable transport. All homes will benefit from secure cycle storage and electric vehicle charging facilities. This provides opportunities to encourage use of non-car modes and reduce reliance upon fossil fuel-powered private cars. The measures summarised above provide a 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.

10.218 Affinity Water have been consulted for this application and outline that the application site is located within a water stressed area. As a result, it is expected that the development includes water efficient fixtures and fittings. The submitted Energy and Water Use Statement sets out that potable water demand in the development will be minimised through best practice equipment and landscape irrigation. This would include the provision of low water flow taps, low water showers and landscape planting. The applicant is also considering the provision of low water use toilets and rainwater harvesting which is to be explored further in the detailed design stage. A condition is recommended to improve water efficiency. Having regard to both Policy SADM 13 of the DLP and the NPPF in terms of sustainable development, this measure is both necessary and reasonable and can be secured through a grant of planning permission.

viii) Contaminated land

10.219 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. Policy SADM18 of the DLP requires Planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, to be accompanied by a preliminary Contaminated Land Risk Assessment. Furthermore, the policy states that proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

10.220 A Contaminated Land Assessment has been submitted with the application. This concludes that there is a low risk of the identified potentially sensitive receptors (i.e new residents or construction workers) being impacted by any residual contamination that could conceivably be present beneath the site. The Assessment considers it would be appropriate to maintain a geo-environmental watching brief during the initial phases of the ground works in order that any suspicious or contaminated soils are encountered, these may be appropriately investigated, assessed and remediated as necessary. This view is shared with WHBC Public Protection and Health Officer and relevant conditions are accordingly attached.

10.221 The application site is within a Source Protection Zone and upon an aquifer. The Environment Agency have advised that it would be possible to manage the

risks posed to controlled waters by the development. However, further detailed information is required before built development is undertaken to ensure the development does not pose an unacceptable risk to groundwater. The additional information required and preventative measures have been secured through appropriate planning conditions.

ix) Waste, refuse and recycling

10.222 The NPPF seeks to minimise waste and pollution as part of the environmental objective of sustainable development. Policy R5 of the District Plan states that the Council will require applications for larger schemes to include details of the measures to be taken in the design, construction, operation, occupation and demolition of existing buildings on site to:

- Minimise the amount of waste generated;
- Re-use or re-cycle suitable waste materials generated
- Minimise the pollution potential of unavoidable waste
- Treat and dispose of the remaining waste in an environmentally acceptable manner; and
- To maximise utilisation of appropriate secondary construction materials, including recycled aggregates

10.223 Details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units have been provided. The application was referred to the Council's Client services team who have advised that the proposal would be acceptable in this regard.

10.224 Policy SP10 of the DLP requires proposals to reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site. The application site is located within the Sand and Gravel Belt according to British Geological Survey Data. Hertfordshire County Council, as the Minerals Planning Authority, encourage the opportunistic use of sand and gravel deposits, should they be uncovered during the construction of the development. This would reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources. A condition is accordingly attached.

10.225 In relation to the sustainable management of waste during construction, the Hertfordshire County Council Waste Core Strategy and Development Management Policies Document. To reduce the amount of waste produced on site during the construction process as required by Waste Policy 12, a condition is included that requires the submission of a Site Waste Management Plan.

x) Archaeology

10.226 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.

10.227 The applicant provided an Archaeological Desk-Based Assessment with the application. HCC's Historic Environment Advisor was consulted and recommended that an archaeological field evaluation of the site should be undertaken that comprises of a geophysical survey and archaeological trial trenching. The applicant subsequently undertook a comprehensive geophysical survey and the updated

report notes that the geophysical survey has identified a possible trackway at the eastern part of the site, with only evidence for likely agricultural activity and geological features identified across the remainder. However, the report concludes that based on current evidence (including the geophysical survey results), a low to moderate archaeological potential has been identified at the site for the Iron Age and Roman periods. Evidence for agricultural activity, land division and possible earthworks associated with a deer park dating to the Saxon and Medieval periods could be anticipated. A low potential is considered for all other past periods of human activity within the study site.

10.228 The results of the Archaeological Desk-Based assessment and geophysical survey would suggest that it is very unlikely that there would be any remains present which might preclude development or provide a material design consideration. HCC's Historic Environment Advisor has not provided any further comments on the updated report. Subject to a condition requiring an Archaeological Written Scheme of Investigation to be submitted and approved by the Local Planning Authority, the application is considered to be acceptable in this regard.

10.229 It is therefore considered that the development is unlikely to have an impact on heritage assets of archaeological interest and there would be no conflict with the development plan policies in this regard.

xi) Self-build and custom housebuilding

10.230 Draft Local Plan Policy SP7 requires qualifying sites to make provision for a proportion of serviced plots of land to contribute towards meeting the demand for self-build and custom housebuilding in the Borough. The requirement was discussed at the Session 3 Hearings in February 2018.

10.231 The Council has a statutory duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, with reference to the number of entries added to the authority' register.

10.232 Policy SP7 required the four Strategic Development Sites to make provision for service plots, during the examination on the DLP, in response to evidence on the number of entries on the register, a modification was proposed requiring that on sites of 100 or more dwellings, 2% of the development should be serviced dwellings plots. This modification is set out in the schedule of Main Modifications (Examination Document EX235) and will form part of a future Main Modification consultation. In this instance, the provision of 2% self-build plots is secured by condition.

xii) Permitted development rights

10.233 The residential dwellinghouses would benefit from permitted development rights. Paragraph 54 of the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

10.234 The proposed dwellinghouses have been carefully designed, in terms of their siting, layout, scale, form and appearance, to respect and relate to the character of the immediate suburban form adjoining the north and east of the application site. The built form to plot ratio is also considered to be adequately proportionate.

10.235 It is considered that development under Class A could result in overdevelopment of each plot and excessively small private rear gardens. The same could apply to outbuildings under Class E. It is therefore considered reasonable and necessary to remove permitted development rights for development under Classes A, and E for new dwellings. This can be secured through a planning condition.

xiii) Environmental Impact Assessment

10.236 The applicant submitted an Environmental Impact Assessment (EIA) screening request in April 2020 to determine whether the proposed project is likely to have significant impacts on the environment. The Council provided a screening opinion in May 2020, which concluded that the development is considered to fall under 10b (urban development project) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Notwithstanding this, the development would not give rise to significant effects on the environment and is therefore not EIA development in accordance with the definition set out in the Regulations and would not require an Environmental Impact Assessment.

6. Planning obligations

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

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

10.238 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.

Hertfordshire County Council Contributions

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

- Primary Education - £3,234,887 towards the new Panshanger Primary School
- Secondary Education - £2,951,033 towards the expansion of Ridgeway Academy
- Special Educational Needs and Disabilities - £343,688 towards the delivery of the new West Severe Learning Difficulty (SLD) special school places
- Library Services - £32,906 toward enhancement and improvement of Welwyn Garden City Library
- Youth Services - £91,559 towards a new, larger young people's centre in Welwyn Garden City
- Waste Services - £33,830 towards the provision of a new Recycling Centre in Welwyn Garden City

- HCC highways contributions - £2,320,840 towards infrastructure to be delivered and works associated within Package 10 of the GTP
- Travel Plan with associated monitoring fee
- Monitoring fees - £340 per trigger

WHBC Contributions:

10.240 WHBC request that financial contributions are required toward indoor and outdoor sports facilities and waste and recycling provision in order to mitigate the impacts of the development. Financial contributions and projects as follows:

- 30% of residential units delivered as affordable housing with an agreed tenure split of 51% Social rent and 49% Intermediate.
- Indoor Sports Facilities - £4,290.00 towards an indoor bowls facility, £161,226.00 towards sports halls and £169,229.00 towards swimming pools
- Outdoor Sports Facilities - Artificial grass pitches £2,787 (sand based), Natural grass pitches £68,550 (adult football), £57,954 (youth football), £18,163; (rugby union)
- Waste and Recycling - £8,341,68 toward the provision of household waste bins and mini recycling centres for phase 1, with the contribution for the outline element to be finalised
- Cricket pitches - securing minimum specifications for the cricket pitches, external facilities and cricket pavilion; cricket club lease agreement; cricket facility phasing and delivery
- Biodiversity Net Gain delivery and Advanced Planting
- Management Scheme for open spaces, public realm and SUDs
- In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5000.00 will also be required and payment will be required on completion of the S106 Agreement.

NHS Contributions

10.241 The NHS request financial contributions are required toward a number of services to avoid placing an additional burden on the existing community. This includes:

- General Medical Services - £439,280.00 towards Spring House Medical Centre, Hall Grove Surgery and the three existing practices within the Peartree Group by way of expanding and/or reconfiguring and/or digitisation of patient records and/or relocation with a view to increase clinical space and increase the level of patient access in line with what will be needed.
- Community Healthcare - £61,890.00 towards a project to increase the clinical capacity at Queensway Health Centre in Hatfield (including but not limited to the reconfiguration of the facility and the installation of a lift)
- Mental Health Services - £68,595.00 toward the evolving expansion, re-configuration and refurbishment of Rosanne House, Welwyn Garden City to increase patient access

10.242 All S106 financial obligations are subject to indexation. At this stage, the total contributions requested by WHBC, HCC and the NHS are indicative and subject to change as they are based on the indicative number and type of residential units

which have been provided by the applicant for the outline component of the proposal.

10.243 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.244 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement is currently being progressed. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

10.245 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2 of the Welwyn Hatfield District Plan 2005, Policy SP13 of the draft Local Plan Proposed Submission August 2016, The Planning Obligations SPD and the National Planning Policy Framework

7. The planning balance

10.246 The statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise.

Five Year Housing Land Supply

10.247 Among the material considerations to which a local planning authority must have regard is national planning policy. One of the key policies of the NPPF is that local planning authorities must be able to demonstrate a 5 year supply of deliverable sites for housing. If an authority cannot demonstrate a five year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development (also known as the tilted balance) will apply, as set out in Paragraph 11(d) of the NPPF.

10.248 The recent Annual Monitoring Report (2020/21) indicates the current position of the five-year housing land supply in the borough. The housing land supply of 2.46 years was identified. In addition, the Government published the housing delivery test results on 14 January 2022, confirmed that Welwyn Hatfield had built 1,486 homes in the period 2018/19 – 2020/21 against a target of 2,245. Welwyn Hatfield therefore only delivered 66% of the homes required between 2018/19 and 2020/2.

10.249 Paragraph 11 (d) of the NPPF provides that the tilted balance is engaged where (a) there are no relevant development plan policies, or (b) the policies which are most important for determining the application are out-of-date. The lack of a 5 year supply of housing land is a policy that is deemed to be out of date by virtue of footnote 8 of the NPPF.

10.250 However, in accordance with Footnote 7 to Paragraph 11(d)(i), land that is designated as Green Belt is specified as a policy that protects areas or assets of particular importance. It is common ground that the proposal represents inappropriate development in the Green Belt, therefore, this provides a clear reason for refusing the development proposed except in 'Very Special Circumstances'.

Therefore, the presumption in favour of sustainable development does not apply in this case.

Other considerations and very special circumstances

10.251 The Framework makes clear that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.252 It is therefore necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal. This includes an assessment of the overall benefits of the scheme and the weight that should be attributed to them. It is for the decision maker to determine the amount of weight that should be attributed to each respective element. The applicant has provided a summary of the 'other considerations' (or benefits) of the proposal within the submitted planning statement. These are summarised below together with officer's commentary.

i) The allocation of the site HS2 (WGC1) Creswick in the draft Local Plan for residential development, and the findings of the Inspector and conclusion that the proposed allocation is 'sound'

10.253 In plan-preparation, the Council has set out that "exceptional circumstances" exist to release land from the Green Belt to meet development needs over the plan-period. The DLP is at an advanced stage of preparation and should be afforded weight accordingly. The site is a proposed allocation in the draft plan and the Inspector has indicated that its inclusion is 'sound'. Therefore, the draft Local Plan policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process. For this reason, this factor is afforded significant weight.

ii) The delivery of housing and affordable housing on a deliverable site to address the significant shortfall within Welwyn Hatfield.

10.254 WHBC cannot demonstrate a five-year supply of deliverable homes and the shortfall of housing supply in the Borough is recognised as both considerable and significant. The delivery of new homes to address the significant shortfall, and the contribution the site will make to the provision of affordable housing represents a benefit. This is therefore afforded very substantial weight in favour of the proposal.

iii) The extent of open space provision and the range of social and recreational experiences that will be created by the proposed development

10.255 Residents within the locality currently benefit from informal access on private land with only one established Right of Way traversing the site. The proposal would establish an extensive network of publicly accessible pedestrian routes through the site that would pass through new play areas and well-landscaped open space. This is afforded significant weight.

iv) Improved access to the Green Belt and the contribution the proposed development will make to the Council's objectives to form a 'Green Corridor'

10.256 The proposed southern part of the application would form an important component of the Green Corridor providing a mixture of formal recreation space, informal grassland and additional woodland planting. Furthermore, the proposal would create opportunities for improved linkages for pedestrians and cyclists within the wider Green Corridor in the long-term. The open space and green infrastructure provided by the scheme would therefore provide valuable social and environmental benefits that overflow to the wider community, and is therefore afforded significant weight.

v) The community benefits associated with the provision of cricket pitches and a pavilion

10.257 The proposal would positively enhance the beneficial use of the Green Belt by providing opportunities for sport, in accordance with Paragraph 145 of the NPPF. Furthermore, the proposal to provide a new cricket pitch would address the shortfall identified in the Council's evidence base. This is therefore afforded moderate weight in favour of the proposal.

vi) The economic benefits associated with the proposal including the provision of jobs associated with the commercial element of the scheme and the direct and indirect benefits associated with the construction and occupation of new homes

10.258 The development would support the construction industry, including employment provision, and upon occupation of the dwellings there would be additional household expenditure within the local economy and through Council tax payments. However, these aspects would be a benefit of any housing development and are therefore afforded limited weight.

vii) The sustainability measures proposed which will support the Council in tackling the climate emergency

10.259 Subject to appropriate conditions, the proposal would appropriately address surface water flood risk, improve drainage measures, utilise renewable technology solutions and contribute towards sustainable patterns of travel and healthy streets. These measures are however consistent with the emerging policy requirements set out in the DLP and so moderate weight is afforded to these benefits.

viii) The achievement of a biodiversity net gain of at least 10% in advance of its introduction as a mandatory requirement of new development

10.260 An extensive package ecological enhancements and necessary mitigation measures are proposed. A Biodiversity Net Gain Assessment has been provided which sets out that a net gain of 10% would be secured. This is a positive benefit of the scheme. However, a key site-specific consideration within the DLP is to provide a substantial tree planting screen to strongly define the green belt boundary. Some of the proposed planting is therefore reflective of this site requirement while also serving to mitigate the visual impacts of the development. For this reason, the proposed ecological enhancements are afforded moderate weight.

Balancing exercise

10.261 While it is acknowledged that the DLP proposes that the Green Belt boundary is revised to follow the approximate boundary of the proposed residential development and that the site is allocated for development in the emerging plan, as things currently stand, the site remains in the Green Belt. The proposal is therefore considered to constitute inappropriate development in the Green Belt. There would

also be a considerable loss of Green Belt openness and conflict with a number of purposes of including land in the Green Belt. In accordance with the NPPF, such harm attracts substantial weight. Added to this is the limited harm arising from the impact on the character and appearance of the area.

10.262 There are a range of benefits that weigh in favour of the proposal. The NPPF attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. WHBC cannot demonstrate a five-year supply of deliverable homes and the shortfall is considerable and significant. There is also an acute affordable housing need. The delivery of up to 340 new homes, 30% of which would be affordable, is afforded very substantial weight.

10.263 The site is also allocated in the DLP for residential development and forms part of WHBC strategic approach to meeting its future housing needs. In plan-preparation, the Council has set out that “exceptional circumstances” exist to release land from the Green Belt to meet development needs over the plan-period. The DLP is at an advanced stage of preparation and should be afforded weight accordingly. The site is a proposed allocation in the draft plan and the Inspector has indicated that its inclusion is ‘sound’. Therefore, the DLP policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process.

10.264 There would be an overall net-benefit to biodiversity and enhancements to landscaping, surface water flood risk and drainage measures. The proposal would also contribute towards sustainable patterns of travel and other sustainability objectives. These would be consistent with the Framework and the requirements of the Development Plan and are therefore afforded moderate weight.

10.265 The application site is currently private land with one public footway that crosses the site. The scheme would ensure the site becomes more publicly accessible and therefore the opportunity for the local community to use and enjoy the areas of informal recreational land, orchard, play areas, ecological areas and landscaping carries significant weight.

10.266 The proposal would provide a modern high quality cricket ground that would meet an identified shortfall within WHBC and would contribute to the positive role that Green Belts have to play in pursuing various objectives, including the provision of opportunities for outdoor sport and outdoor recreation near urban areas. This is afforded moderate weight.

10.267 The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. Further moderate weight is attributed to these benefits.

10.268 Taking all matters into consideration, officers are of the view that the factors in support of the proposal clearly outweigh the harm. In light of the above, it is concluded that ‘very special circumstances’ outweighing the harm do exist. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

11 Conclusion

11.1 These factors, when considered collectively, clearly outweigh the ‘definitional harm’ to the Green Belt by virtue of the inappropriateness identified and demonstrate that

very special circumstances do exist which would justify development in the Green Belt. As a result, officers conclude that the material considerations and benefits in favour of the proposal would clearly outweigh the harm. Accordingly, the test in Paragraph 148 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.

- 11.2 If Members are minded to approve the application, the application will have to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2021 as the proposals represent inappropriate development on land allocated as Green Belt and the buildings proposed exceeds 1,000sqm and would have a significant impact on the openness of the Green Belt. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.
- 11.3 If Members are minded to refuse the application there would be no requirement to refer the application to the Secretary of State. In this case clear reasons for refusal must be given.

12 Recommendation

12.1 It is recommended that planning permission be approved subject to:

- a) Referral to the Secretary of State
- b) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
- c) The following conditions:

1. Time limit and approval of reserved matters

a) The Development hereby permitted shall be begun before the end of three years from the date of this permission.

b) No part of the Development hereby approved in outline shall commence within any part of the application site until details of the layout, scale, appearance and landscaping (hereinafter referred to as "Reserved Matters") for that relevant part have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant part of development must not be carried out other than in accordance with approved reserved matters.

c) applications for the approval of Reserved Matters in respect of the part of the Development approved in outline shall be made not later than the expiration of four years beginning with the date of this permission. Commencement of development of that part or parts approved shall begin within two years from the date of approval of the reserved matters for that part or parts

REASON: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Approved drawings and documents

Save where varied by other planning conditions comprising this planning permission or unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents:

Plan Number	Revision Number	Details	Received Date
1305 - 011	G	Location plan	2 November 2022
1305 – 013	G	Application context plan	2 November 2022
1305 - 103	N	Phase 1 site plan	16 February 2023
1305 – 104	D	Phase 1 unit mix	16 February 2023
1305 - 150	G	Phase 1 Parking strategy	16 February 2023
1305 - 151	F	Phase 1 plot boundary treatments plan	16 February 2023
1305 - 152	G	Phase 1 Waste management plan	16 February 2023
1305 – 153	B	Gate Details	16 June 2022
1305 – 154	0	Plot Boundary Treatment Details	
1305 - 155	E	Phase 1 Hard Landscape Proposal	16 February 2023
1305 - 200	F	Street Elevations Phase 1: 1 of 2	28 October 2022
1305 - 201	E	Street Elevations Phase 1: 2 of 2	28 October 2022
1305 - 450	F	Flat Block A - Floor Plans	28 October 2022
1305 - 451	F	Flat Block A - Elevations	28 October 2022
1305 - 452	F	Flat Block B - Plans and Elevations	28 October 2022
1305 - 453	C	Plots 1014 & 1015 - Plans and Elevations	28 October 2022
1305 - 454	B	Plots 1016 & 1017 - Plans and Elevations	16 June 2022
1305 - 455	D	Flat Block C - Plans	28 October 2022
1305 - 456	C	Flat Block C - Elevations	28 October 2022
1305 - 457	B	Plots 1024 to 1028 - Plans	16 June 2022
1305 - 458	C	Plots 1024 to 1028 - Elevations	28 October 2022
1305 - 459	E	Flat Block D - Plans and Elevations	28 October 2022
1305 - 460	B	Plot 1031 – Plans and	16 June 2022

		Elevations	
1305 - 461	F	Flat Block E - Plans	28 October 2022
1305 - 462	E	Flat Block E - Elevations	28 October 2022
1305 - 463	C	Plot 1040 - Plans and Elevations	28 October 2022
1305 - 464	C	Plots 1041 & 1042 - Plans and Elevations	28 October 2022
1305 - 465	C	Plots 1043 to 1046 - Plans and Elevations	28 October 2022
1305 - 467	B	Plots 1047 and 1048 - Plans and Elevations	16 June 2022
1305 - 468	B	Plots 1049 and 1050 - Plans and Elevations	16 June 2022
1305 - 469	C	Plot 1051 - Plans and Elevations	28 October 2022
1305 - 470	B	Plot 1052 - Plans and Elevations	16 June 2022
1305 - 471	D	Flat Block F - Plans and Elevations	28 October 2022
1305 - 473	B	Plots 1057 and 1058 - Plans and Elevations	16 June 2022
1305 - 474	B	Plots 1059 to 1061 - Plans and Elevations	16 June 2022
1305 - 476	C	Plots 1062 to 1064 - Plans and Elevations	16 June 2022
1305 - 478	E	Plot 1065 - Plans and Elevations	16 February 2023
1305 - 479	G	Flat Block G - Plans	28 October 2022
1305 - 480	G	Flat Block G - Elevations	28 October 2022
1305 - 481	F	Flat Block H and Plots 1075 & 1076 - Plans	28 October 2022
1305 - 482	D	Flat Block H and Plots 1075 & 1076 - Elevations	28 October 2022
1305 - 484	C	Plots 1077 to 1079 - Plans and Elevations	28 October 2022
1305 - 485	C	Plots 1080 & 1081 - Plans and Elevations	28 October 2022
1305 - 486	C	Plots 1082 to 1085 - Plans and Elevations	28 October 2022
1305 - 488	C	Plot 1086 - Plans and Elevations	28 October 2022

1305 - 489	C	Plot 1088 - Plans and Elevations	28 October 2022
1305 - 490	B	Plot 1089 - Plans and Elevations	16 June 2022
1305 - 491	C	Plot 1090 - Plans and Elevations	28 October 2022
1305 - 492	C	Plots 1091 & 1092 - Plans and Elevations	28 October 2022
1305 - 493	C	Plots 1093 & 1094 - Plans and Elevations	28 October 2022
1305 - 494	E	Flat Block J - Plans and Elevations	28 October 2022
1305 - 495	E	Bin and Cycle stores - Plans and Elevations	28 October 2022
1305 - 495.1	B	Plant Rooms - Plans and Elevations	28 October 2022
1305 - 496	C	Plot 1097 - Plans and Elevations	28 October 2022
1305 - 497	C	Plot 1087 - Plans and Elevations	28 October 2022
1305 - 498	B	Garages & Carports	28 October 2022
3254	P3	Phase 1 Drainage Layout Sheet 1 of 3	28 October 2022
3255	P3	Phase 1 Drainage Layout Sheet 2 of 3	28 October 2022
3256	P3	Phase 1 Drainage Layout Sheet 3 of 3	28 October 2022
3260	P2	Phase 1 Drainage Design Exceedence Plan	28 October 2022
401D		Phase 1 Planting Proposals Sheet 1 of 5	28 October 2022
402D		Phase 1 Planting Proposals Sheet 2 of 5	28 October 2022
403D		Phase 1 Planting Proposals Sheet 3 of 5	28 October 2022
404D		Phase 1 Planting Proposals Sheet 4 of 5	28 October 2022
405D		Phase 1 Planting Proposals Sheet 5 of 5	28 October 2022
406B		Phase 1 Planting Proposals Attenuation Basin	28 October 2022
S01	E	Arboricultural Impact	16 June 2022

Assessment S01			
S02	E	Arboricultural Impact Assessment S02	16 June 2022
S03	E	Arboricultural Impact Assessment S03	16 June 2022
S04	E	Arboricultural Impact Assessment S04	16 June 2022
S1A		Land Survey	16 June 2022
S2		Land Survey	16 June 2022
S3		Land Survey	16 June 2022
S4		Land Survey	16 June 2022
1305 - 1021		Hollybush Lane Proposed Northern Access	23 November 2022
ITL17425-GA-003	E	Potential Site Access Arrangement onto A1000 Chequers	16 June 2022
ITL17425-GA-007	D	Site Access Arrangements onto Hollybush Lane - With Future Prohibition of Driving on Hollybush Lane	23 November 2022
ITL17425-GA-009	A	Proposed Pedestrian Connection to Elliot Close	16 June 2022
ITL17425-GA-012	A	Potential Pedestrian / Cycle Access Arrangement onto Ascots Lane	16 June 2022
ITL17425-GA-021	A	Proposed Pedestrian / Cycle Access on A1000	2 November 2022

Documents

- Outline Flood Risk Assessment and Drainage Strategy prepared by Reuby & Stagg Revision A (June 2022)
- Phase 1 Flood Risk Assessment and Drainage Strategy prepared by Reuby & Stagg Revision A (June 2022)
- Utilities Statement prepared by Hilson Moran Issue 01 (14 June 2022)
- Energy and Water Use Statement prepared by Hilson Moran Issue 07 (15 June 2022)
- Ecological Impact Assessment prepared by The Ecology Partnership (September 2022)
- Biodiversity Net Gain Assessment prepared by The Ecology Partnership (June 2022)
- Arboricultural Report prepared by GHA Trees (10 March 2022)
- Air Quality Assessment prepared by Phlorum Rev 1 (November 2022)
- Environmental Noise Survey prepared by noise.co.uk Revision 1 (August 2024)
- Desk Study and Contaminated Land Assessment prepared by Wilson Bailey Partnership Issue No. 2 (May 2022)
- Travel Plan prepared by i-Transport - ITL1007076-003B (09 June 2022)

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Control documents

Save where varied by other planning conditions comprising this planning permission or unless otherwise agreed in writing by the local planning authority, the Development (excluding the Phase 1 Development) shall be developed in accordance with the following documents:

Plan Number	Revision Number	Details	Received Date
1305 - 110	F	Parameter Plan - Land use	23 November 2022
1305 - 111	F	Parameter Plan - Building heights	23 November 2022
1305 - 112	G	Parameter Plan - Access and Movement	23 November 2022
1305 - 160	G	Phasing Plan	23 November 2022

Documents

Creswick Design Code Revision D (November 2022) prepared by Gascoyne Places and Places for People

REASON: To ensure that the Development is undertaken in accordance with the approved drawings and documents

PHASE 1 CONDITIONS

PRE-COMMENCEMENT CONDITIONS

4. Construction Method Statement

No development shall commence until a Construction Method Statement (CMS) 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 CMS must set out:

- a) The phasing of the development site, including all highway works, construction and proposed construction programme;
- b) the methods for accessing the site, including wider construction vehicle routing;
- c) the numbers of daily construction vehicles including details of their sizes, at each phase of the development;
- d) the hours of operation and construction vehicle movements;
- e) details of any highway works necessary to enable construction to take place;
- f) details of construction vehicle parking, turning and loading/unloading; arrangements clear of the public highway;
- g) details of Construction and storage compounds (including areas designated for car parking) and any hoarding
- h) details of how the safety of existing public highway users and existing public right of way users will be maintained;
- i) management of traffic to reduce congestion;
- j) control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway; cleaning of site entrances, site tracks and the adjacent public highway
- k) the provision for addressing any abnormal wear and tear to the highway;
- l) the details of consultation with local businesses or neighbours;
- m) the details of any other construction sites in the local area;
- n) signage; and

o) monitoring and remedial measures

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

5. Construction Environment Management Plan (CEMP)

No development shall commence until a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the local planning authority, and the plan shall include:

- a) risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) mechanisms to deal with environmental impacts such as noise and air quality;
- d) a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution;
- e) the location and timing of sensitive works to avoid harm to biodiversity features;
- f) the times during construction when specialist ecologists need to be present on site to oversee works;
- g) responsible persons and lines of communication;
- h) the role and responsibilities on site of an ecological clerk of works or similarly competent person;
- i) use of protective fences, exclusion barriers and warning signs; and
- j) monitoring and remedial measures.

The development shall be carried out in accordance with the approved CEMP throughout the construction period.

REASON: To ensure measures are in place to reduce environmental impacts during construction in accordance with Policies R11, R17 and R18 of the Welwyn Hatfield District Plan 2005; Policies SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

6. Site Waste Management Plan (SWMP)

No development shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall demonstrate that appropriate waste management measures will be implemented at the site and consider actions to reduce, re-use and recycle waste, including the opportunistic use of sand and gravel deposits, should they be uncovered during the construction of the development. The SWMP shall thereafter be adopted for the whole site.

REASON: To ensure measures are in place to address site waste management from construction stage in accordance with Policy R5 of the Welwyn Hatfield District Plan 2005; Policy SP10 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

7. Tree protection and arboricultural method statement

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

REASON: To safeguard the retained trees, shrubs and hedgerows during the construction period in with Policies 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.

8. Levels

No development (except for site clearance works, tree protection measures and ground investigations including trial trenching) shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the level of the site, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so agreed.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy D2 of the Welwyn and Hatfield District Plan 2005; Policy SP9 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

9. Drainage

No development (except for site clearance works, tree protection measures and ground investigations including trial trenching) shall commence until such time as a detailed surface water drainage scheme, in line with the Reuby & Stagg Ltd Flood Risk Assessment and Drainage Strategy (Rev B), has been submitted to, and approved in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details, which shall include the following:

- a) Hydraulic modelling calculations (including the appropriate urban creep criterion) that demonstrate there will be no increased risk of flooding, as a result of the development, between the 1 in 1 year return period event and up to the 1 in 100-year return period event (including the correct allowance for climate change) with a discharge rate of up to the development-specific greenfield runoff rate (QBAR). All calculations must include relevant pipe and manhole numbers which can be cross referenced with the relevant drainage plans.

- b) Surface water drainage scheme to include details of the proposed methods of treating surface water runoff in accordance with CIRIA C753 –“The SuDS Manual” and the Hertfordshire County Council “LLFA summary guidance for developers” (published in 2021).
- c) If any infiltration drainage is proposed on the final drainage layout, this should be supported with appropriate infiltration testing carried out to the BRE Digest 365 Soakaway Design standard. This would also require confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above maximum groundwater levels.
- d) For flood water exceedance routes, no part of the site must be allowed to flood during any storm up to and including the 1 in 30-year return period event. Flooding during storm events in excess of this including the 1 in 100-year return period event (plus the correct allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- e) A management and maintenance plan for the lifetime of the development must be submitted, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents’ Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
- f) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- g) Submission of final detailed drainage layout plan(s) including the location and provided volumes of all storage and sustainable drainage (SuDS) features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan. The volume, size, inlet and outlet features, long-sections and cross sections of the proposed storage and SuDS features should also be provided.
- h) The proposed surface water drainage scheme, as per the Reuby & Stagg Ltd Flood Risk Assessment and Drainage Strategy (Rev B), suggests an open channel as the ultimate discharge point. Confirmation of consultation and the acceptability of discharge to this system, by the asset owner, should be presented for approval

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; Policies SP10 and SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

10. Contamination

No development (except for site clearance works, tree protection measures and ground investigations including trial trenching) shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority.

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect groundwater resources, in accordance with Policies R2 and R7 of the Welwyn and Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

11. Long Term Monitoring and Maintenance Plan for Groundwater

No development (except for site clearance works, tree protection measures and ground investigations including trial trenching) shall commence until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect groundwater resources, in accordance with Policies R2 and R7 of the Welwyn and Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

12. Piling and Foundation works with Respect to Groundwater Resources

No works involving building excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority.

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

REASON: To protect groundwater resources, in accordance with Policies R2 and R7 of the Welwyn and Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

13. Ecological enhancements

No development (except for site clearance works, tree protection measures and ground investigations including trial trenching) shall commence until details of the following ecological enhancements as set out in the Preliminary Ecological Appraisal are submitted to and approved in writing by the Local Planning Authority.

- fencing for hedgehogs
- skylark breeding habitats
- cross-sections and planting schedules for SUDs basins
- provision of swift bricks

REASON: To provide appropriate biodiversity mitigation and enhancement in accordance with the conclusions set out in the Preliminary Ecological Appraisal improvement in accordance with Policy R11 of the Welwyn and Hatfield District Plan 2005; Policies SP11 and SADM16 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

14. Archaeology watching brief

a. No development (except for site clearance works, tree protection measures and ground investigations) shall take place within any given phase(s) of development until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing for that particular phase(s). The scheme shall include an assessment of archaeological significant and research questions; and:

- i. The programme and methodology of site investigation and recording;
- ii. The programme for post investigation assessment;
- iii. Provision to be made for analysis of the site investigation and recording;
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made for archive deposition of the analysis and records of the site investigation;
- vi. Nominations of a competent person or persons/organisations to undertake the works set out within the Archaeological Written Scheme of Investigation.

b. The development in any given phase(s) shall commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under part 1.

c. The development shall not be occupied in any given phase until the site investigation and post investigation assessment for that particular phase of the development has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis and publication where appropriate.

REASON: In order to protect any hidden or buried archaeological artefacts or other heritage assets as may be found during construction works in accordance with Policy R29 of the Welwyn and Hatfield District Plan 2005; Policy SADM15 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework

15. Decommission of investigative boreholes

No development shall commence (except for site clearance works, tree protection measures and ground investigations) until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policy R5 of the Welwyn and Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the of the National Planning Policy Framework.

PRIOR TO DEVELOPMENT ABOVE GROUND

16. Material samples

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. The development shall be carried out in accordance with the details, samples and drawings so agreed and shall be retained as such thereafter.

REASON: To ensure a high-quality finish and standard of development in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP1 and SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

17. Materials mock-up

No development above ground level shall take place until a x 1:1 sample mock-up of a window opening, surrounding brickwork and proposed brick detail to be used in the external faces of the buildings have been erected on site (or at such other location(s) as may be agreed in writing by the local planning authority) and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the details, samples and drawings so agreed and shall be retained as such thereafter.

REASON: To ensure a high-quality finish and standard of development in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP1 and SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

18. 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 by the applicant 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 Policy IM2 of the Welwyn Hatfield District Plan 2005; Policy SP13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

19. External lighting

No development above ground level shall take place until details of an external lighting has been 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 and R20 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

20. 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 SP10, SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016, Policies 5, 19 & 20 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework.

21. High quality communications infrastructure

No development above ground level shall take place until details of how superfast broadband infrastructure will be delivered to every household within Phase 1, subject to network capacity being available. The agreed superfast broadband infrastructures shall be installed prior to the first occupation of each associated dwelling within that phase or part of the development.

REASON: To ensure that residents have access to high quality telecommunications and ICT networks in accordance with Policy SP13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

PRE-OCCUPATION CONDITIONS

22. Phase 1 Offsite Highway Improvements

Prior to the first occupation of the development, the details for the offsite highway improvement works as indicated on drawing numbers as set out below have been submitted to and approved in writing by the Local Planning Authority, and completed in accordance with the approved details.

i.. ITL17425-GA-009 Rev A

ii. ITL17425-GA-021-A

iii. ITL17425-GA-018

The development shall not be occupied until the permitted highway improvement works have been completed in accordance with the approved details.

REASON: To ensure the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with policies M4, M5, M6, D1, D4, D5 and D6, of the Welwyn and Hatfield District Plan 2005; Policies SADM2, SADM3, SP9 and SP13 of the draft Local Plan Proposed Submission August 2016, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018); and the of the National Planning Policy Framework.

23. Car Parking

Prior to the first occupation of the development, all approved on-site car parking spaces shall be laid out, surfaced, demarcated, drained and retained in that form thereafter.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policies M14 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

24. Children's Play Space

Prior to the first occupation of the development, a detailed play strategy shall be submitted to and agreed by the Local Planning Authority. Such details shall comprise: a specification of all play equipment to be installed (including provision for children with disabilities and special sensory needs where possible); a specification of the surface treatment within the play areas; and a detailed assessment on the quantum of play space proposed. The approved measures shall be implemented prior to the first occupation of the residential dwellings and shall be retained as such thereafter.

REASON: To ensure that the development makes appropriate provision for play in accordance with Policy OS3 of the Welwyn Hatfield District Plan 2005; Policy SP6 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

25. Ecological Management Plan

Prior to the first occupation of the development, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The EMP shall:

- accurately identify the features/areas of interest, the avoidance, mitigation, compensation and monitoring measures necessary.
- Detail the remedial measures to be identified should monitoring indicate that progress is less than anticipated.
- include objectives that should be quantified and informed by the outcome of the biodiversity net gain assessment that should cover a period of not less than thirty years

The development shall be implemented and retained in accordance with the details agreed.

REASON: To provide gain for biodiversity and enhance green infrastructure in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SP11 and SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

26. Landscape Management plan

Prior to the first occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing prior to the occupation of the development. The landscape management and maintenance plan shall not be carried out other than in accordance with the approved details.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SP11 and SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

27. Secure by design

The proposed development shall incorporate measures to minimise the risk of crime and the residential development shall achieve Secured by Design accreditation. Written confirmation of these measures and the Secured by Design certification is to be submitted to and approved by the local planning authority prior to occupation. The approved measures shall be implemented prior to the first occupation of the residential dwellings.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime in accordance with Policy D7 of the Welwyn Hatfield District Plan 2005; Policy SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

28. Site remediation verification

Prior to the first occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy R7 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. Highways and New Access

Prior to the first occupation of the development, the vehicular and/or pedestrian and cyclist accesses, and public transport infrastructure must be provided and thereafter retained at the position shown on the approved plan drawing number(s):

ITL17425-GA-003 Rev E

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policies M5 and M6 of the Welwyn Hatfield District Plan 2005; Policy SADM3, SP9, SADM12 and SP13 of the draft Local Plan Proposed Submission August 2016, Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

30. Travel Plan

Prior to the first occupation of the development, an updated site wide Full Travel Plan in accordance with the existing Travel Plan (dated June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, further mitigation if required, timescales, phasing programme and on-site management responsibilities. Thereafter, the Travel Plan shall be implemented and be subject to regular review in accordance with the above details.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised in accordance with M3, M5 and M6 of the Welwyn and Hatfield District Plan 2005; Policies SADM3 and SP9 of the draft Local Plan Proposed Submission August 2016, Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

31. Estate Roads

Prior to the first occupation of the development, details in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies IM2 of the Welwyn Hatfield District Plan 2005; Policy SP13 of the draft Local Plan Proposed Submission August 2016, Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018); Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

COMPLIANCE CONDITIONS

32. Accessible and adaptable homes

As detailed in the approved drawings for phase 1, a minimum of 30 units shall be built in accordance with Building Regulation Standard M4(2) 'Accessible and Adaptable Dwelling'. The development shall thereafter be retained to those standards.

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 and SP7 of the draft Local Plan Proposed Submission and the National Planning Policy Framework

33. Fixed and obscure glazing

The flank wall window on the southern elevation serving bedroom 2 of unit 1049 must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 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.

34. 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 and SADM11 of the draft Local Plan Proposed

35. Noise

All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays

and at no time on Sundays and Bank Holidays

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

REASON: To protect residents from noise from construction works beyond reasonable times in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policies SP11 and SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

36. Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005; Policies SADM14 and SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

37. Landscaping implementation

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9, SP10, SP11 and SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

38. Potable water

All residential units within the development shall be designed and constructed to achieve a potable water use target of 110L per person per day

REASON: To conserve water in accordance with Policy R10 of the Welwyn Hatfield District Plan 2005, Policy SADM13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

THE OUTLINE DEVELOPMENT CONDITIONS

39. Phasing Plan

Notwithstanding the submitted details, prior to the submission of the first Reserved Matters Application, a revised phasing plan shall be submitted to and agreed in writing by the Local Planning Authority that includes details of the order in which proposed cricket pavilion, cricket pitches, associated landscaping and infrastructure will be commenced. No phased development shall take place other than in accordance with the approved plan, unless subsequently be agreed in writing by the Local Planning Authority.

REASON: In order to provide a coordinated approach to the delivery of the Development

40. Drainage

Within any reserved matters application pursuant to this permission, no development shall take place until such time as a detailed surface water drainage scheme, in line with the Reuby & Stagg Ltd Flood Risk Assessment and Drainage Strategy Outline (reference:10650, dated March 2022), has been submitted to, and approved in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details, which shall include the following:

a. Hydraulic modelling calculations (including the urban creep criterion) that demonstrate there will be no increased risk of flooding, as a result of development, between the 1 in 1 year return period event and up to the 1 in 100-year return period event (including the correct allowance for climate change) with a discharge rate of up to the development-specific greenfield runoff rate (QBAR). All calculations must include relevant pipe and manhole numbers which can be cross referenced with the relevant drainage plans.

b. Provision of a detailed plan demonstrating that no building, or raised structure that can impede flow, is placed within the existing surface water flow route and flood extent (as shown on the Environment Agency surface water flood map), evolving west of Hollybush Lane.

c. Provision of a detailed plan demonstrating that no building is located within 8m (from the top of bank) of the unnamed ordinary watercourse situated west of Hollybush Lane.

d. Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from road surfaces and vehicular areas.

e. Should infiltration of surface water into the ground is being proposed at any part of the drainage system, an infiltration test at the proposed location and invert level must take place, in line with the BRE Digest 365 standards. Written approval from the Environment Agency and Affinity Water must also be provided to this extent. In addition, where infiltration drainage is proposed, confirmation of at least two accepted levels of treatment in the surface water management train, which should include proprietary treatment devices where possible.

f. Detailed information about the design storm period and intensity for the drainage network, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

g. For flood water exceedance routes, no part of the site must be allowed to flood during any storm up to and including the 1 in 30-year return period event. Flooding during storm events in excess of this including the 1 in 100-year return period event (plus the correct allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

h. Detailed mapping of the exceedance routes and flood volume extents for a 24-hour blocked outlet (of the final SuDS control structure) scenario during the 1 in 100-year return period event (plus the correct allowance for climate change) must be provided, to demonstrate how residual risk will be managed.

i. A management and maintenance plan for the lifetime of the development must be submitted, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

j. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.

k. Detailed construction layout and cross section drawings of the proposed surface water drainage scheme including storage structures, piped network, manholes, control structures, outfall(s), rainwater harvesting and all other drainage features.

l. If discharging to a drainage system maintained/operated by other authorities (Lead Local Flood Authority, Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), confirmation of consultation and the acceptability of any discharge to their system (including discharge into the ground) should be presented for approval.

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 Policies 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

41. New Access Phasing

Prior to commencement of Phase 3 of the development hereby permitted, a detailed scheme as illustrated on drawing number ITL17425-GA-007 Rev D shall be submitted for approval to the Local Planning Authority to provide a secondary vehicular access to the site from Ascots Lane.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Prior to the first occupation of Phase 3 of the development the works shall be completed in accordance with the approved details.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy M1 of the Welwyn Hatfield District Plan 2005; Policy SADM2, SP9, and SP13 of the draft Local Plan Proposed Submission August 2016, Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

42. Offsite highway improvements

Prior to first occupation in Phase 3 of the development hereby permitted, the details for the offsite highway improvement works as indicated on drawing numbers as set out below shall be submitted to and approved in writing by the Local Planning Authority, and completed in accordance with the approved details

i. ITL17425-GA-012 Rev A

ii. ITL17425-GA-020

iii. ITL17425-GA-019

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with Policies M1 and M4 of the Welwyn Hatfield District Plan 2005; Policy SADM2, SP9, and SP13 of the draft Local Plan Proposed Submission August 2016, Policies 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

43. Hollybush Lane closure and traffic/environmental improvements

Prior to commencement of Phase 3 of the development, details of a scheme for the closure of Hollybush Lane to through traffic from Boundary Lane to Ascots Lane

shall be submitted to and approved by the Local Planning Authority and shall include the following:

- a. Traffic Regulation Order(s)
- b. Junction Design (at the northern end of Hollybush Lane and all internal junctions)
- c. Drainage
- d. Surfacing
- e. Landscaping
- f. Pedestrian and Cycle Provision

Prior to the first occupation of Phase 3 of the development hereby permitted, the agreed offsite highway improvement works shall be completed in accordance with the approved details

REASON: To ensure construction of a satisfactory development and that the highway works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with Policies M1, M4, M5 and M6 of the Welwyn Hatfield District Plan 2005; Policies SADM2, SADM3, SP9, SADM13 and SP13 of the draft Local Plan Proposed Submission August 2016, Policies 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

44. Detailed Highways Plans

Prior to the commencement of each phase of the development for which outline permission is granted, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:

- a. Roads;
- b. Footways
- c. Cycleways (compliant with LTN 1/20);
- d. External public lighting;
- e. Minor artefacts, structures and functional services;
- f. Foul and surface water drainage;
- g. Visibility splays;
- h. Access arrangements including temporary construction access
- i. Hard surfacing materials;
- j. Parking areas for vehicles and cycles;
- k. Loading areas; and
- l. Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

REASON: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies M1, M4, M5, M6 and M14 of the Welwyn Hatfield District Plan 2005; Policies SADM2, SADM3, SP9, SADM12, SADM13 and SP13 of the draft Local Plan Proposed Submission August 2016, Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

45. Rights of Way

Notwithstanding the details indicated on the submitted drawings, no works shall commence in each phase for which outline planning permission is granted until a comprehensive on and off-site walking and cycling improvement plan (indicating proposed walking and cycling routes, dimensions, construction details, connections

and improvements to the Rights of Way) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies M5, D5 and RA25 of the Welwyn Hatfield District Plan 2005; Policies SADM3, SP11 and SP12 of the draft Local Plan Proposed Submission August 2016, Policies 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018); and the National Planning Policy Framework

46. Cricket Facilities Design & Layout

No development shall commence in any phase for which outline permission is granted until the following documents and details of the cricket facilities have been submitted to and approved in writing by the Local Planning Authority.

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The cricket facilities shall not be constructed other than in accordance with the approved details and shall be substantially completed prior to any development above ground in Phase 4. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose in accordance with Policy OS2 of the Welwyn Hatfield District Plan 2005; Policy SP6 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

47. Ball Strike Risk Assessment

Development of the cricket pitches hereby approved shall not commence until a Ball Strike Assessment, to include full details of the design and specification of any mitigation measures and management and maintenance responsibilities (if any), has been submitted to and approved in writing by the Local Planning Authority. The details shall then be fully implemented as approved.

REASON: To protect users of local highways from potential ball strike from the adjacent playing field, to reduce conflict between neighbouring uses and thereby safeguard sporting use of the adjacent sports facilities in accordance with Policy OS2 of the Welwyn Hatfield District Plan 2005; Policies SADM2 and SP6 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

48. Affordable Housing

Any reserved matters application for any phase of the development for which outline permission is granted that includes the provision of housing shall include the details of the location and type of affordable housing to be provided. An affordable housing reconciliation statement shall also be provided that details how the Reserved Matters Application (and previous RMAs) respond to the minimum commitments of affordable housing delivery (quantum and tenure) within the planning permission.

REASON: To ensure that the agreed quantum and tenure of affordable housing is phased appropriately in accordance with Policy H7 of the Welwyn Hatfield District Plan 2005; Policy SP7 the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

49. Design Code

Prior to the submission of the first Reserved Matters Application, an updated Creswick Design Code shall have been submitted to and agreed in writing by the Local Planning Authority. The updated design code will include further details on the materials palette and design details. The future reserved matters applications shall accord with the principles set out in the Design Codes.

REASON: To ensure a high-quality finish and standard of development in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP1 and SP9 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

50. Accessible and Wheelchair Dwellings

Any reserved matters application for any phase of the development for which outline permission is granted that includes the provision of housing shall include a scheme setting out the arrangements for the delivery of accessible housing within that to be approved in writing by the Local Planning Authority. Thereafter each phase must be carried out in accordance with the approved scheme. At least 20% of all new dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' and at least 1.5% of all new dwellings will meet Building Regulations Part M4(3) standards for 'Wheelchair user dwellings'.

The scheme must include the following:

- 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) a reconciliation statement setting out how Reserved Matters Application (and previous RMAs) respond to the minimum commitments for accessible and wheelchair housing
- b) The delivery of accessible and wheelchair dwellings should be distributed across market and affordable tenures;
- d) All units specified as M4(2) and M4(3) 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;
- 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

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 and Policy SP7 of the draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework

51. Pavilion café/community facility use class

The proposed pavilion within the civic square shall only be used as a café (Use Class E) or local community facility (Use Class F2), and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To reflect the sequential approach to commercial, business and service provision, safeguard the amenity of neighbouring residents and the character of the locality, in the interests of highway safety, and to allow reconsideration of the impacts of any change of use at the time in accordance with Policies TCR3 of the Welwyn Hatfield District Plan 2005 and Policies SADM4, SADM5 and SP9 of the draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework

52. High quality communications infrastructure

Reserved matters applications for each phase or part of the development shall be accompanied by details of how superfast broadband infrastructure will be delivered to every household within each phase, subject to network capacity being available. The agreed superfast broadband infrastructures shall be installed prior to the first occupation of each associated dwelling within that phase or part of the development.

REASON: To ensure that residents have access to high quality telecommunications and ICT networks in accordance with Policy SP13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

53. Self-build and custom houses

No development shall commence in phase 4 until a scheme for 7 self-build plots has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the submitted scheme shall be implemented as approved. The scheme shall include a plan identifying the location of the seven plots, details of how these will be made available, the servicing arrangements for the plots, and what marketing of the plots would be undertaken.

REASON: To ensure the development contributes towards meeting the demand for self-build and custom housebuilding in the borough in accordance with Policy SP7 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive,

Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land

2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken.
3. The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:
 1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,and that work falls within the scope of the Act. Procedures under this Act are quite separate from the need for planning permission or building regulations approval
4. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with Affinity Water Developer Services Team to discuss asset protection or diversionary measures. Affinity Water also supply drinking water to the development. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
6. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
7. 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/business-and-developer-information/development-management/highways-development-management.aspx>

8. S106 Agreement. A Section 106 agreement will be required for the following:
 - i. Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). £6k monitoring fee for residential use £1,2k p.a. (five years' of monitoring);
 - ii. Travel voucher
 - iii. Bus Diversion
 - iv. Car Club; and
 - v. Contribution towards selected Growth and Transport Plan schemes and the emerging LCWIP.The above contributions will come under the auspices of 'Guide to Developer Infrastructure Contributions' which was approved in July 2021.

as part of the revised planning obligation toolkit, a theoretical contribution of up to £6,826 per dwelling has been calculated as the figure necessary to deliver supporting infrastructure across the County. All relevant schemes in the local area will be shown to accord with the three CIL tests.

9. 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 Sections 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
10. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
11. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
12. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
13. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

14. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
15. All pile driving shall be carried out by a recognised noise reducing system.
16. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
17. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
18. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
19. Any emergency deviation from these conditions shall be notified to the Council without delay
20. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
21. All efforts shall be made to reduce dust generation to a minimum
22. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
23. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
24. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981(As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, enabling and construction work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive
Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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.

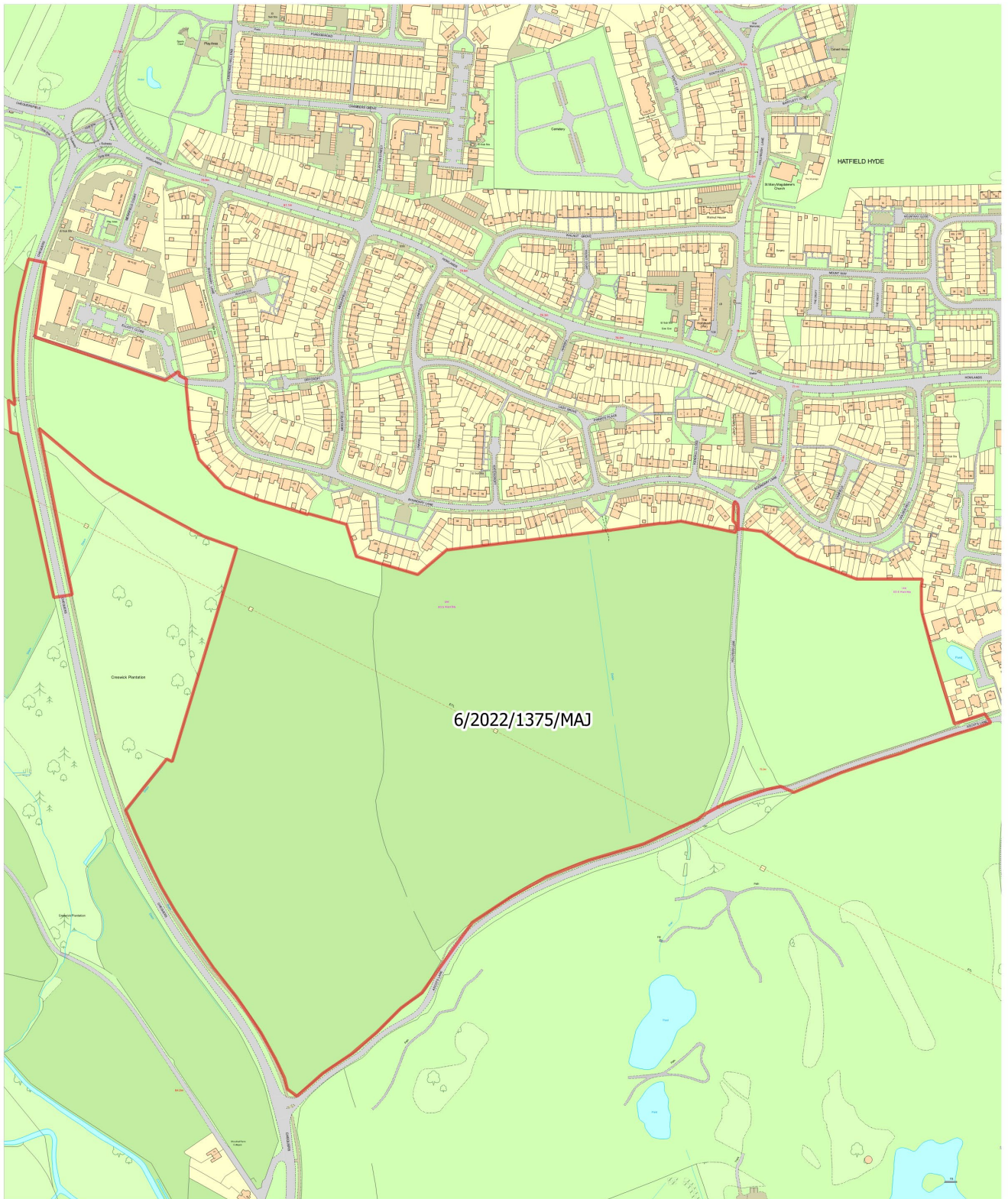
OR


- 12.2 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 M4 and IM2 of the Welwyn Hatfield District Plan 2005, Policy SP13 of the draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework

Nabeel Kasmani (Development Management)
Date: 24 February 2023



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	<p>Land at Hollybush Lane, to the east of A1000 and north of Ascots Lane, Creswick, Welwyn Garden City</p>		<p>Scale: DNS</p>
	<p>Development Management Committee</p>		<p>Date: 27-02-2023</p>
	<p>6/2022/1375/MAJ</p>	<p>J Fuller</p>	
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