

Part I

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Executive Member: Councillor S. Boulton  
(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 9 MARCH 2023  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/1774/RM

LAND TO THE NORTH EAST OF KING GEORGE V PLAYING FIELDS NORTHAW  
ROAD EAST HERTFORDSHIRE CUFFLEY EN6 4RD

APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT  
AND SCALE) FOLLOWING OUTLINE PLANNING PERMISSION S6/2015/1342/PP  
FOR RESIDENTIAL DEVELOPMENT OF UP TO 121 DWELLINGS, ASSOCIATED  
INFRASTRUCTURE AND A CHANGE OF USE FROM AGRICULTURAL LAND TO AN  
EXTENSION OF THE KING GEORGE V PLAYING FIELD. IN ADDITION, TO  
APPROVE DETAILS FOR CONDITION 8 (ARBORICULTURAL METHOD  
STATEMENT), CONDITION 9 (REFUSE AND RECYCLING), CONDITION 10 (NOISE),  
CONDITION 11 (AIR QUALITY) AND CONDITION 16 (LEMP).

APPLICANT: Ms Fiona Flaherty

**1 Background**

- 1.1 An application for Outline planning permission was submitted in June 2015 under reference 6/2015/1342/PP and statutory and non-statutory consultations were undertaken. This application was for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters were reserved except for vehicular access, the provision of surface water discharge points and the levels of development platforms.
- 1.2 The application was subsequently put on hold by mutual agreement between the applicant and Welwyn Hatfield Borough Council, to allow the Inspector's consideration of the site's allocation through the Local Plan examination.
- 1.3 In spring 2021, several supporting documents and appraisal were updated and submitted to the Council, including an Ecological Appraisal, Reptile and Bat Surveys, Flood Risk Assessment and Transport Assessment. In July 2021 a Revised Planning Statement was submitted and a full re-consultation of the application was undertaken.
- 1.4 The Development Management Committee resolved to grant outline planning permission on 9<sup>th</sup> December 2021, subject to the completion of a satisfactory S106 agreement, referral to the Secretary of State and conditions. Subsequently, on 31<sup>st</sup> March 2022, the S106 agreement was completed, and the planning permission issued.
- 1.5 This S106 agreement makes provision for financial and developer contributions towards (but not limited to) education, libraries, the NHS, affordable housing, sports facilities, play facilities and contributions towards sustainable travel

including improved pedestrian and cycle connections. The S106 is available to view in full on the Council's website.

## **2 Site Description**

- 2.1 The application site comprises 4.9 hectares of agricultural land to the south of Cuffley. The proposal, submitted as reserved matters, is for up to 121 dwellings and associated infrastructure.
- 2.2 The site is bounded to the north by existing residential development and the grounds of Cuffley Primary School. A railway line and Northaw Road East (B156) form the eastern and western boundaries respectively. On the opposite side of Northaw Road East, there are three pairs of semi-detached dwellings which are accessed from Colesdale to the north. The southern boundary is defined by a mature hedgerow and tree belt lining the Hertfordshire Way footpath. Beyond the footpath to the southwest of the site are the King George V Playing Fields and sports pitches.
- 2.3 The land falls away from the western edge of the site where it adjoins Northaw Road. The land then rises to a high point adjacent to the school, situated beyond the north-west boundary of the site. The higher land falls away within the site to the south and east. The southeast corner forms the lowest lying area of the site.

## **3 The Proposal**

- 3.1 The planning application is in reserved matters form, following the approval of outline planning permission under reference S6/2015/1342/PP. The site layout follows the principles and parameters of the Illustrative Master Plan approved at outline stage.
- 3.2 The proposal comprises the residential development of the site for 121 dwellings which will provide 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 site is proposed to comprise 91no. 1, 2, 3, 4 and 5 houses and 30no. 1 and 2-bedroom apartments. Of the 121 dwellings, 42 would be affordable. The scale of new homes will be predominately 2 storeys in height with a small amount of 2 ½ storey development reaching a maximum height of 11.5 metres.
- 3.3 Vehicle access into the development would be taken from Northaw Road East as a simple T-junction. Some valuable pedestrian/cycle infrastructure is also incorporated, including new links between South Drive and the Hertfordshire Way / King George V Playing Fields. A pedestrian/cycle link from the development onto South Drive would ensure easy access to the adjacent primary school, as well as a much quieter and more pleasant route to Cuffley centre / Station Road for both pedestrians and cyclists.
- 3.4 Landscaping and areas of open space are proposed throughout the site, including the provision of amenity space in the south eastern corner of the site and at the centre of the development, serving as multi-functional spaces. Existing vegetation surrounding the site would be retained and enhanced, where appropriate.

3.5 The application also proposes to discharge several conditions that were imposed upon the granting of the outline permission under reference 6/2015/1342/PP. These include Condition 8 for arboricultural method statement, Condition 9 for refuse and recycling, Condition 10 for noise, Condition 11 for air quality and Condition 16 for Landscape Ecological Management Plan (LEMP).

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

- Energy and Sustainability Statement
- Statement of Community Involvement
- Air Quality Assessment
- Design and Access Statement
- Tree Survey Report
- Transport Statement
- Daylight and Sunlight Report
- Noise Impact Assessment
- Cover Letter for revised Surface Water Drainage Report
- Plot by Plot Schedule
- Landscape Strategy
- Surface Water Drainage Report
- Landscape and Ecological Management Plan

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

4.1 This application is presented to the Development Management Committee because it would represent a departure from the Welwyn Hatfield District Plan 2005 and is recommended for approval.

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

5.1 Application Number: S6/2013/1200/EI  
Decision: Not EIA development  
Decision Date: 19 July 2013  
Proposal: Environmental Impact Assessment Screening Opinion for a proposed residential development

5.2 Application Number: S6/2013/2638/PA  
Decision Date: 23 April 2014  
Proposal: Pre-application advice for residential development of 120 dwellings with associated infrastructure and landscaping

5.3 Application Number: 6/2015/1342/PP  
Decision: Granted  
Decision Date: 31 March 2022  
Proposal: Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters reserved except for new vehicular access to serve the site, the provision of surface water discharge points and the levels of development platforms

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

6.1 National Planning Policy Framework (NPPF)

- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 6.7 Draft Northaw and Cuffley Neighbourhood Plan 2021

## **7 Site Designation**

- 7.1 The Application Site is not allocated in the Welwyn Hatfield District Plan (2005) for development and lies outside of the specified settlement of Cuffley. The Application site lies wholly within the Metropolitan Green Belt and Landscape Character Area 55 "Theobalds Estate" as defined by the Welwyn Hatfield District Plan.

## **8 Representations Received**

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

- Proposal will create extra road noise, air pollution and nuisance.
- Amenities (doctors, school places etc) of Cuffley will be overstretched.
- Green belt and agricultural land was thought to be protected from residential development of this sort.
- Natural habitats will be destroyed, along with views of the countryside.
- As many trees as possible ought to be retained, especially those on the borders of the field (between Greenfields and the development).
- Concerns in relation to traffic.

## **9 Consultations Received**

- 9.1 Lead Local Flood Authority – Objection summarised as follows:
  - Insufficient information has been submitted to assess the layout of the development in relation to condition 6 which was imposed upon the grant of the outline permission (6/2015/1342/PP).
  - Also note that condition 19 is related to condition 6.
  - In regard to condition 6 point 3 further information is required- justification as to whether the overland surface water flow path is considered separate from the drainage strategy or whether it will be accounted for in the strategy.
  - Cut off ditches are not being used, its noted these were included to assist in the capture and management of the surface water overland flow path originating off site that travels from north to south through the site.

Information required with respect to how the flow path will be managed in detail.

- The updated drainage calculations clarify that the sites discharge is limited to a surface water runoff rate of 8.2 l/s. However, in regard to the overland surface water flow path, the drainage storage calculations may need to be updated if the overland flow will be adopted to the strategy.
- Insufficient detail has been added to basin and swale drawings. Storage, volume, area and discharge rates are required to be included on these drawings.

9.2 Herts and Middlesex Wildlife Trust – Objection summarised as follows:

- Changes required to LEMP to ensure delivery of objectives.
- The management proposed for the wildflower meadow area needs to be changed to achieve the desired condition. Para 4.2.1.4 needs to specify cutting and clearing in JUNE AND OCTOBER, rather than just cutting and clearing in August. Cutting just once will result in net enrichment over time and a consequent loss of botanical diversity.

9.3 WHBC Client Services – Objection summarised as follows:

- The BCP's are not acceptable due to drag distances for the operatives and size of the BCPs
- Based on the refuse and recycling proposal submitted as required by Condition 9 of the application, it is not considered that this Condition can be discharged.

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

- WHBC Parking Services
- WHBC Landscape and Ecology
- WHBC Public Health and Protection
- WHBC Affordable Housing
- HCC Historic Environment Advisor
- HCC Transport Programmes and Strategy
- HCC Public Health Department
- HCC Growth Team
- HCC Minerals and Waste Team
- Hertfordshire Ecology
- Hertfordshire Constabulary
- National Grid
- Network Rail
- NHS England
- Thames Water
- Borough of Broxbourne
- Affinity Water
- Sport England
- Herts Sports Partnership

9.5 No response was received from the following consultees:

- WHBC Community Partnerships Manager
- HCC Spatial Planning and Economy Team
- HCC Adult Care Services
- Cadent Gas

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

10.1 Northaw and Cuffley Parish Council have raised an objection to the proposed development for the reasons set out below:

- No pedestrian linkages to Greenfields and South Drive
- No pedestrian linkages to KGV playing fields
- Existing footpath on Northaw Road East is too narrow to accommodate any associated increase in pedestrian traffic

10.2 In response to the concerns raised, the Parish Council have been provided with additional information and were formally reconsulted. No further comments have been received, however, the specific points of concern listed above are addressed with this report.

## **11 Analysis**

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

- 1. Principle of development**
- 2. Site specific considerations**
- 3. Quality of design and impact on the character of the area**
- 4. Residential amenity**
- 5. Highways and parking considerations**
- 6. Other considerations**
  - i) Discharge of conditions**
  - ii) Ecology and biodiversity**
  - iii) Flood risk and sustainable drainage**
  - iv) Renewable energy**
  - v) Contaminated land**
  - vi) Archaeology**
  - vii) Self-build and custom housebuilding**
  - viii) Accessible and adaptable dwellings**
  - ix) Environmental Impact Assessment**
  - x) Parish Council objection**
- 7. The planning balance**

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

11.2 Following the approval of the outline application, the permission was conditioned such that further details were to be submitted by reserved matters applications for the layout, scale, appearance and landscaping of the development. The current application seeks approval of these reserved matters, together with approval of details reserved by condition 8 (arboricultural method statement), condition 9 (refuse and recycling), condition 10 (noise), condition 11 (air quality) and condition 16 (LEMP).

11.3 The principle of residential development on this site, and of the quantum proposed by this application, has been established and this reserved matters application does not propose any additional development over and above that which has already been granted under the outline application. The proposal is in accordance with the limitations of the outline planning permission, including the

approved parameters plans. It is therefore not necessary or appropriate to re-visit the assessment of the principle of development.

*Status of the Draft Local Plan:*

- 11.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Welwyn Hatfield Borough Council, the statutory development plan comprises:
- The Welwyn Hatfield District Plan 2005
  - Hertfordshire Waste Development Framework 2012 & Hertfordshire Waste Site Allocations Development Plan Document; and
  - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).
- 11.5 The NPPF is a material consideration to be taken into account in determining this application. A revised NPPF was published in July 2021. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy.
- 11.6 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 Draft Local Plan seeks to remedy through its site allocations.
- 11.7 Since the issuing of the outline permission for this scheme and the submission of this reserved matters application, the Council has progressed the Local Plan to Main Modifications. The Inspector for the Emerging Local Plan has agreed the Main Modifications necessary to make the plan sound. 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.

*Green Belt:*

- 11.8 The site lies within the Green Belt and District Plan Policy GBSP1 states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF states, in Paragraph 147 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 11.9 The impact on the Green Belt was assessed under outline application ref: 6/2015/1342/PP. It was concluded that the proposal would result in inappropriate development which is by definition harmful to the Green Belt. By its very nature, development would result in a loss of openness by introducing built form into the Green Belt. Whilst the impact of the proposal would be limited on the wider

integrity of the Green Belt, built form would replace existing open countryside and encroachment would thereby be incurred, conflicting with the one of the five purposes of including land within the Green Belt. In accordance with the NPPF, substantial weight was attributed to the identified Green Belt harm.

- 11.10 The identified Green Belt harm was weighed in the balance and, taking all matters into consideration, it was concluded that the factors in support of the proposal clearly outweighed the harm. In this instance, several factors combined amounted to very special circumstances which outweighed the harm. The principle of the proposed development within Green Belt was therefore considered to be acceptable. This assessment is detailed within the committee report for application 6/2015/1342/PP which is available to view on the Council's website and there are no material planning considerations which would make revisiting this previous assessment appropriate.
- 11.11 The grant of outline planning permission has not changed the Green Belt status of the application site as the Green Belt boundaries can only be altered through the preparation or review of the Local Plan. This reserved matters application has therefore 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.

## **2. Site specific considerations**

- 11.12 The Draft Local Plan includes the removal of the site from the Green Belt and its allocation in Policy SADM33 for residential development. Table 17 of the Draft Local Plan sets out the site-specific considerations. The application has been assessed against these criteria which are:

*Opportunities to create a nature conservation buffer with railway bank and southern woody boundary. Reptile surveys may be required at planning application stage.*

- 11.13 The area to the west of the railway line, and within the easement required for the overhead lines, would be used for informal public open space purposes. Biodiversity and natural environment enhancements are to be provided within these spaces as detailed within the landscaping information.
- 11.14 The SUDs features to be incorporated into the site will also provide ecological benefits for new and existing residents. An attenuation pond is to be provided in the south-eastern corner of the site and has been designed to be seasonally wet. It would include edges sloped at a maximum gradient of 1:4 to aid management and planting. Shelves would be created within the banks and planted with marginal plants. This would ensure nature conservation is provided for as part of the development and is integrated into the buffer from the railway line and woodland to the south of the site.



- 11.15 Ecological Appraisals, including Protected Species Surveys, have been undertaken as part of the application and these have demonstrated that no reptiles were recorded using the site.

*Overhead HV power lines (National Grid) will require an easement corridor either side.*

- 11.16 275kv overhead powerlines cross the south-eastern corner of the application site. A 30m offset based on conductor clearance has been provided for and no residential development or private amenity space is proposed in the offset. As set out above, the area of the site affected by the powerlines is proposed for public open space, landscaping and surface water attenuation features. National Grid have been consulted on the planning application. Whilst a holding objection was initially received, the agent worked proactively to overcome the concerns and no further objection has been raised.

*Due to the potential for development in Cuffley to be subject to overland flow, a specific flood risk assessment of the site will be required at planning application stage, and SUDs design would need to take specific account of topography of the area to manage overland flows.*

- 11.17 A Flood Risk Assessment accompanied the previous outline application which informed the design of the SUDs scheme and Illustrative Masterplan. The proposed development has been designed to avoid increased vulnerability to the range of impacts arising from climate change, and ensures that the development does not increase flood risk elsewhere. This is achieved by providing attenuation features within the site. Further information on this matter is addressed later within the report.

*Avoid and mitigate any potential impact on Northaw Great Wood and Wormley Hoddesdon Park Wood SSSI's.*

- 11.18 As part of the outline planning application, a Habitat Regulation Assessment Technical Note was submitted. This concluded that, due to the distance of the Wormley-Hoddesdon Park Woods SAC (2.5km) and Northaw Great Wood SSSI (1.9km) from the site, the proposed development would be highly unlikely to have any direct impact on these, or any other internationally or nationally designated areas.

- 11.19 It was concluded that the proposed development would not result in an adverse effect on nationally or internationally protected areas, either alone or in combination with other plans or projects. This conclusion is supported by the site's location relative to the Impact Risk Zones for these designated areas as identified by Natural England. Natural England, Herts Ecology and the Wildlife Trust were consulted on the outline the application. No objections were raised in relation to the impact on the SSO's, subject to the inclusion of a condition securing details of the on-site ecological strategy to be approved prior to development commencing on site.

*Mitigate noise pollution from the railway*

- 11.20 As part of the development of the site, a 25m buffer has been provided adjacent to the railway line, as shown on the plans. No built development is proposed within this buffer area. An Acoustic Report was submitted with the outline planning application and Environmental Health confirmed that all areas of the

site, including the outdoor amenity spaces, would be below the 55dB WHO Community Noise Guideline level.

- 11.21 The report also showed that standard thermal glazing would be sufficient in reducing noise levels to those within BS8233:2014, however, this would be with windows closed. Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. A condition requiring a scheme to protect future occupiers from noise due to transport sources was imposed upon the grant of the outline permission. This is discussed further later in the report as it forms a discharge of this condition within this application.

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

- 11.22 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). Policy SP9 of the draft Local Plan deals with place making and high quality design and Policy SADM11 amenity and layout.
- 11.23 The revised NPPF 2021 has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. As such, there is also consistency between the District Plan and emerging Local Plan with the NPPF.
- 11.24 The submitted Design and Access Statement explores this matter in more detail, but in essence the proposed layout has been developed through the principles and parameters of the Illustrative Master Plan approved at outline stage. The proposed layout consists of a mix of housing that is arranged within two distinct character areas, South Boulevard and Rural Fringe. Access to the site is proposed via a new T-junction with Northaw Road East. The access has been agreed as part of application S6/2015/1342/PP.
- 11.25 The Southern Boulevard area creates a sense of arrival for the residents and visitors accessing the site from Northaw Road East and forms a central spine running into the development. This primary route features a formal street typology having a dedicated verge with street trees and parking layby's along its route. Dwellings in this character area will be predominantly 2 storey with a 2.5 storey focal building on the site entrance in accordance with approved parameter plans. A range of building types are proposed from apartments, terraces, semi-detached and detached, maintaining a consistent building line to emphasise the formality of this street. Red facing bricks and dark red detailed bricks are proposed for the walls with brick cills and arched window heads. Plain style red or grey roof tiles are proposed, with front to back, strong gables and white barge boards and fascias. Parking will be behind building lines or in small, landscaped parking courts for apartments.
- 11.26 The Rural Fringe Character Area is set further within the site and benefits from views over landscaped open space, King George V Playing fields and distant

views over open farmland to the south. The dwellings are accessed from a curvilinear looped street pattern following site contours. The buildings in this area are traditional in appearance, consisting predominantly of detached and semi-detached dwellings that are 2 or 2.5 storeys in height. Red facing bricks and dark red detailed bricks are proposed for the walls with brick cills, arched window heads and full height black boarding. Plain style red or grey roof tiles are proposed, with front to back, strong gables and roof tiles, with white barge boards and fascias with black rainwater goods. On-plot parking is provided adjacent to dwellings and behind the building line, with many plots benefitting from garages.

- 11.27 Landscaping and areas of open space are proposed throughout the site, with the primary street benefitting from an 'avenue' planting style with trees lining both sides of the street. The proposal also includes the provision of amenity space in the south-eastern corner of the site and at the centre of the development, serving as multi-functional spaces. The green infrastructure also comprises of areas of surface water attenuation. Existing vegetation surrounding the site would be retained and enhanced, where appropriate.
- 11.28 All houses are proposed to have private rear gardens, with many of the units also being sited in very close proximity to public areas of open space. Flats will be provided with a communal garden space clearly segregated from public areas by either landscaped or physical boundaries.
- 11.29 The proposals include the provision of 306 parking spaces spread across garages, driveways, allocated and unallocated bay parking for flats/houses and unallocated on-street parking spaces. 108 parking spaces will have EV charging facilities, of which there will be at least one charging point per house. With respect to EV charging facilities for the flats, the applicant has stated that the flat parking spaces would have 'access to a charging point' in accordance with Approved Document S of Building Regulations, such that a single charging point would be able to serve either 2 or 3 parking spaces with a charging cable from the charger. Cycle parking provision is also proposed for each unit and will be provided within a garage for those plots that have them, or within lockable external sheds located in private rear gardens. Each block of flats is proposed to incorporate cycle store.
- 11.30 With respect to refuse, for the majority of the proposed dwelling plots, bins will be stored within rear gardens and brought to kerbside on collection day. For dwelling plots 8-11, 94-97 and 100-105, bins will be stored within rear gardens and brought to the designated Bin Collection Point (BCP) on collection day. The proposed flats have a designated bin storage area- Block 1 has a separate bin storage building, whereas Blocks 2 and 3 have integral bin storage areas.
- 11.31 The application is accompanied by a suite of technical documents and other supporting evidence, including a Design and Access Statement and Planning Statement which illustrate in detail the evolution of the design.
- 11.32 Adjustments have also been made since the application was submitted in response to comments from statutory and non-statutory consultees. During the consideration of this application the applicant has engaged positively with Officers to address all issues of concern. Subsequently amended details have been submitted and these have been through a re-consultation period.

- 11.33 The supporting documents and amendments have been scrutinised by the officers and statutory consultees. Having done so, they are satisfied that the proposal would achieve a high-quality built environment, with high quality landscaping. Further, the application ensures that the site is developed as efficiently as possible; a very important consideration if the amount of Green Belt land to be released / developed is to be minimised.
- 11.34 In view of the above, it is concluded that a good standard of development which respects the visual amenities and the character of the area can be adequately safeguarded with conditions.

#### **4. Residential amenity**

- 11.35 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 11.36 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 11.37 Draft Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupants of the proposed development.

#### *Existing Neighbouring Occupants:*

- 11.38 There are no neighbouring residential properties sited to either the east or south of the site. To the east lies a railway line which defines this boundary, whilst the southern boundary is defined by a mature hedgerow and tree belt lining the Hertfordshire Way footpath, with King George V Playing Fields and sports pitches beyond this.
- 11.39 To the west of the site lies Northaw Road East. Further to the west, on the opposite side of the Northaw Road East lies three pairs of semi-detached dwellings which are accessed from Colesdale to the north. The proposed development would not result in any undue impact on the residential amenity of occupiers of dwellings within Colesdale due to the approximate 30 metre distance between the site and these residential properties and intervening landscaping.
- 11.40 To the north of the site lies Greenfields retirement housing, comprising a mix of bungalows and two storey apartment buildings. Most of the existing buildings are orientated such that their flank walls face south towards the application site, with only one apartment block and two bungalows overlooking the application site. The layout of the proposed development has been carefully considered to safeguard the privacy and outlook of adjoining properties from new development. All new houses in this part of the development would be orientated to have a side-to-side relationship with the existing retirement housing and a minimum separation distance of approximately 10.5 metres between properties. It is also

proposed to retain the exiting hedgerow and trees along the northern boundary of the site.

- 11.41 With respect to the proposed building to the front of the site (Block 1), no balconies are proposed to the elevations which would face Greenfields. In addition, no windows are proposed to the gable end of the building which is in closest proximity to Greenfields. Whilst there would be windows to the rear of Block 1, these would serve a mix of habitable and non-habitable rooms, including bathrooms (which would be obscure glazed), lobby areas, internal halls, and bedrooms. The potential for views towards Greenfields is acknowledged, however, the impact on neighbouring occupiers would be mitigated by a minimum of approximately 23 metres separation distance between buildings and by well-established boundary screening. There would be no direct overlooking between windows and any views from Block 1 towards Greenfields would be over shared communal gardens and not private spaces. On balance, it is considered that the resultant degree of overlooking would be acceptable for a neighbouring relationship and would not result in an undue loss of privacy or perceived loss of privacy.
- 11.42 Whilst it is accepted that the outlook from neighbouring properties would change 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.
- 11.43 The grounds of Cuffley School are located adjacent to the north-east corner of the site. In this location, there is extensive landscaping along the boundary and within the school site which would screen or filter views between the school and the development. It is proposed to retain this existing vegetation as detailed on the Tree Protection and Removal Plan which forms part of the Tree Survey Report. The new residential gardens would be enclosed by 1.8 metre high close barded fence, with a short section of 2m high acoustic fencing near to the eastern boundary with the railway. The houses in this location would be situated approximately 10 metres from the site boundary and approximately 65 metres from the nearest school building. The school has not commented on the application, and it is not considered that the proposal would result in any undue impact in terms of privacy or safeguarding.
- 11.44 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 and the close proximity of noise sensitive residential buildings and school is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site-specific Construction Environment Management Plan (CEMP), which can be required by condition.

*Future Occupiers:*

- 11.45 Turning to future occupants, the position of windows has been considered in such a way as to avoid undue overlooking between properties. Nevertheless, given the relatively high density of development proposed, there would inevitably be views from windows towards neighbouring properties and over rear gardens.

However, a degree of overlooking is acceptable and would be consistent with a neighbouring relationship generally expected between residential properties.

- 11.46 Dwellings are proposed to be set back from the internal road network with a boulevard running through the site. The carriageway of the principal access road would be flanked on either side by 2 metre tree lined verges and 2 metre wide footways before a further 2 metre set back to the front of dwellings (6 metre set back in total).
- 11.47 All proposed dwellings would be compliant with the Nationally Described Space Standards. The layout of the proposed development is acceptable, with the majority of houses on the development proposed to be two storeys with a minimum of 20 metre back-to-back separation.
- 11.48 With regards to amenity space, Policies H4 and D1 of the District Plan and the Supplementary Design Guidance are relevant and requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. All of the dwellings proposed on site include private amenity space, with private gardens providing a minimum of 10 metres in depth. Areas of open space are also dispersed throughout the development providing residents, especially those within the proposed flats, with significant areas of amenity space which have been integrated into the design proposals.
- 11.49 In terms of noise, the proposed residential use of the site is not likely to cause any adverse impacts to the existing neighbouring occupants. The Council's Public Health and Protection Officer has provided comment in relation to Condition 10 (noise) and Condition 11 (air quality) which were imposed upon the grant of permission under reference 6/2015/1342/PP and have been submitted as part of this application for discharge. These elements will be discussed in detail later in the report.
- 11.50 The new dwellinghouses would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions could have on the residential amenity of neighbouring occupiers. NPPF paragraph 54 states *"planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."* The Planning Practice Guidance (PPG) advises that *"Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity"*. In this case, given the relatively small plot sizes and the close proximity of neighbouring properties, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact, loss of light and loss of privacy. Therefore, to protect the amenity of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwellings (class A) and their enlargement or alteration consisting of an addition or alteration to its roof (class B).
- 11.51 In light of the above observations, it is considered that the proposed development would respect and sufficiently retain the amenity of surrounding residential

properties and, subject to conditions, would provide a good level of amenity for future occupants in accordance with District Plan Policies, the Supplementary Design Guidance and the relevant paragraphs of the NPPF in this regard.

## **5. Highways and parking considerations**

11.52 This application is accompanied by a Transport Statement (TS) which has been assessed against the transport elements of the following national/local policies and technical guidance documents:

- National Planning Policy Framework (NPPF) 2021
- Hertfordshire's Local Transport Plan 4 (LTP4) 2018
- Welwyn Hatfield Local Plan
- South East Hertfordshire Growth & Transport Plan
- Design Manual for Roads and Bridges
- Manual for Streets and Manual for Streets 2
- Hertfordshire County Council's Planning Obligations Toolkit

11.53 Following initial objections from the Highway Authority, the applicant worked positively towards addressing the issues of concern. Following the submission of amended drawings and additional information, the Highway Authority has confirmed that it does not wish to restrict the grant of permission, subject to suggested conditions.

### *Access:*

11.54 The vehicle access to the development site has already been approved under the outline permission of 6/2015/1342/PP. The access will be taken from the Northaw Road East and is shown on the submitted drawings as a simple T-junction, with standard kerb radii and 2 metre wide footways on both sides. Visibility splays from the access are to be provided on the basis of measured vehicle speeds.

11.55 At outline stage, a stage 1 Road Safety Audit was undertaken by the applicant and found no fundamental concerns. It was however noted though in the previous report that the access and associated highway works will be subject to a stage 2 Road Safety Audit at the S278 / implementation stage. Pedestrian dropped kerbs and tactile paving were added either side of the new access in the interest of accommodating more vulnerable highway users.

### *Visibility:*

11.56 The applicant has worked positively to overcome visibility splay concerns that were raised by the Highway Authority. Visibility has been improved and secured at junctions, access and crossing points as shown on plans 141386C/PD02 D, 141386C/PD03 D and 141386C/PD05 which the Highway Authority are satisfied with. Maintenance of the visibility splays can be secured by condition.

11.57 It is acknowledged that the vehicular access to the development site was approved under the outline application of 6/2015/1342/PP, with the visibility splays secured by condition. This condition will be reimposed on this application.

### *Trip Generation and highway capacity*

11.58 The submitted Transport Statement (TS) details that there are no significant changes to the development proposal from that of the outline permission, including the number of dwellings proposed at the site. As such, the trip generation of the proposals and its associated impacts have already been assessed as part of the outline application with an off-site mitigation package having also been agreed, and there are no material planning reasons to consider differently at this time.

*Sustainable Travel & Accessibility:*

- 11.59 The Transport Statement (TS) submitted within this application states that pedestrian and cycle access will be provided from footways adjacent to the new access road. This will connect with the existing footway along the south-eastern side of Northaw Road East and provide a connection to the local facilities in Cuffley.
- 11.60 As with the outline application, this application proposes to provide a valuable pedestrian and cycle link through the site from the King George V Playing Fields to South Drive via Greenfields. The proposed link will provide a convenient route from the site to Cuffley Primary School. In addition, this will provide a much quieter and more pleasant route towards Cuffley village centre and the railway station further afield to the north via Theobalds Road.
- 11.61 Beyond South Drive, within the previous outline permission, the applicant submitted plans which showed upgrades to the Theobald's Road route to the village centre, in the form of new pedestrian dropped kerbs and tactile paving crossing points over side junctions. This would ensure a much better and continuous pedestrian route is provided for highway users with protected characteristics under the Equality Act 2010, such as those in wheelchairs, with sight impairment, parents with buggies, etc. This formed a condition for further details within the grant of permission of 6/2015/1342/PP and as such will be reimposed.
- 11.62 The applicant has confirmed access rights over the private/third party land from the site to South Drive and intends to pursue the delivery of a surfaced scheme for pedestrians and cyclists. If, for any reason, such a scheme is not delivered an alternative Highway Improvement Scheme to Northaw Road East, from the site access up to and including the junction with Theobald's Road, has been secured within the S106 agreement.
- 11.63 The two closest bus stops to the site are located along Northaw Road East, around 70 metres from the site access. The stops mainly serve the 242 service. The southbound stop has a shelter whereas the northbound stop has a simple flag/pole. The applicant agreed within the outline application to upgrade these stops to include raised Kassel kerbing at both, and the addition of a shelter at the northbound stop. A simple pedestrian dropped kerb / tactile paved crossing point between the two bus stops is also proposed (drawing number 141386/A/56 revision A). Given the nature of the highway environment here and an existing zebra crossing slightly further north, this is considered sufficient, and visibility for pedestrians at these crossing points exceeds standards. A Real Time information displays at both would also be justified. Details of these enhancements, together with their implementation, can be secured by condition.



- 11.64 The closest rail station is in Cuffley, around 850 metres from the site. There are typically trains every half an hour (with greater frequency in the peak hours), to Stevenage northbound and Finsbury Park and Moorgate southbound.

*Wider highway / sustainable travel and accessibility works:*

- 11.65 When the application was first submitted in 2015, the Highway Authority agreed with the applicant a Highways Contribution of £333,500. This figure is secured under the S106 agreement with indexation applied from July 2015 (the date the original application was assessed by the Highway Authority) to the date payment is made. This contribution will be pooled towards one or more projects set out in South-East Growth & Transport Plan or other measures to improve the transport network.

*Construction:*

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

*Refuse Strategy:*

- 11.67 The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF.
- 11.68 Of particular concern is the potential for heavy and unwieldy bins obstructing the footpath as this could force people with sensory or mobility impairments, wheelchair users and those with prams or pushchairs into the road, putting them at risk of conflict with traffic. In this regard Paragraph 112 of the NPPF states that development should *a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas... b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport... c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter...*
- 11.69 The National Design Guide (H3) points out that *“Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”*
- 11.70 For the houses within the proposed development, adequate space is available to store bins discretely within garages, to the side of houses or within rear gardens. Future occupiers would need to move their bins to the street frontage for a kerbside collection and return them for storage.

- 11.71 The proposed flats have a designated bin storage area – Block 1 has a separate bin storage building, whereas Blocks 2 and 3 have integral bin storage areas. The refuse operatives will collect these bins from the storage areas.
- 11.72 WHBC Client Services were consulted on the application and raised no objection to the above refuse strategies. There are however some outstanding concerns in relation to the remainder of the plots which are discussed below.
- 11.73 For dwelling plots 8-11, 94-97 and 100-105, bins will be stored on plot, and brought to the designated Bin Collection Point (BCP) on collection day. This is to create a degree of containment for the bins and to reduce some of the negative impacts associated with a large number of bins being left at the kerbside.
- 11.74 WHBC Client Services have objected to the provision of the three BCPs proposed on the basis that they offer a kerbside collection service only, and with the location of the BCPs being set within courtyard parking areas (not at the back of public footpaths), drag distances for operatives would exceed maximum guidelines. Client Services also have concerns that the BCPs would not be large enough to accommodate the required number of bins.
- 11.75 It should be noted that the plans as originally submitted included kerbside BCPs. However, in response to advice from Officers, the BCP's were re-sited away from the main access route through the site in the interest of visual amenity and accessibility for footway users. The applicant has worked with Officers to balance several competing priorities. Whilst the objection from Client Services has not been fully overcome, it is considered that the amended proposals represent the most acceptable compromise in terms of visual amenity, function, and ease of collection. These issues are discussed in more detail below.
- 11.76 The BCPs have been set back from the kerbside and sited within the parking courts. This is to ensure that a high standard of design is proposed throughout the scheme, especially with the reference to the South Boulevard, which is intended to create a sense of arrival to the site and a central spinal route with a tree lined street. The BCPs have also been sited to reduce potential conflict with cars, cycles, and pedestrians. The option to reverse a refuse vehicle into the parking court areas was explored, however, this would have required a much wider access at the expense of several trees and areas of soft verge. The result would be to degrade the quality and coherence of landscaping within the central part of the site and in turn, reduce the overall quality of the scheme.
- 11.77 With respect to the concern raised regarding the BCPs not being large enough to accommodate the number of bins that would be required to be stationed at such locations, it is considered that a compromise is required to ensure the standard of design remains high and BCPs do not dominate the area. On general waste days, it is considered that the BCPs proposed would adequately be able to accommodate a single bin for each dwelling. On recycling days, the BCPs will be able to accommodate one recycling bin for each dwelling. In addition, space is provided for garden waste bins based on the assumption that 50% of dwellings would opt into this chargeable service. For example, on recycling days at the BCP for plots 8-11, the BCP will be able to accommodate four recycling bins, plus two garden waste bins (50%). This is considered reasonable given the relatively small sized gardens serving most of the affected properties.
- 11.78 In summary, whilst the concerns raised by WHBC are acknowledged, it is considered that, on balance, the best possible refuse strategy has been

presented after working with the applicant on scheme compromises to ensure a high standard of design is proposed without significantly impacting upon the scheme and the number of units proposed.

*Parking Provision:*

- 11.79 Paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 11.80 Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 11.81 Paragraph 108 of the NPPF is relevant to the above whereby it sets out that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”*.
- 11.82 Moreover, Paragraph 105 of the NPPF states that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*
- 11.83 With regard to the above, based on the development mix for the scheme set out below, 262 parking spaces is the guideline figure for the proposed development:
- 11 x 1 bedroom flat (11 x 1.25 = 13.75 spaces)
  - 35 x 2 bedroom flat/house (35 x 1.5 = 52.5 spaces)
  - 39 x 3 bedroom house (39 x 2.25 = 87.75 spaces)
  - 27 x 4 bedroom house (27 x 3 = 81 spaces)
  - 9 x 5 bedroom house (9 x 3 = 27 spaces)
- 11.84 The proposals include the provision of 306 parking spaces spread across garages, driveways, allocated and unallocated bay parking for flats/houses and unallocated on-street parking spaces. The Highway Authority raised a concern that the proposed development would provide a significant over-provision of parking spaces across the site, which would undermine the sustainable travel credentials of the development due to the climate emergency crisis.
- 11.85 With regards to the above concern, whilst the Council acknowledge the climate crisis, a balanced view must be taken in accordance with the NPPF as set out above. In this regard, it is notable that 55 plots have a garage situated behind two parking spaces resulting in triple tandem arrangement. Whilst the garages would be capable of accommodating a car, in this linear arrangement it is considered unlikely that all three spaces would be in regular use due to the practicalities and inconvenience of accessing a garage space which is situated behind two other parked cars. As such, if the Council were to discount the

garages, the site would have a proposed parking provision of 251. This parking figure would be 11 spaces under the guideline figure.

- 11.86 EV charging facilities are proposed for each house, plus shared facilities for flats, which exceeds current and emerging policy requirements.
- 11.87 Cycle parking provision is also proposed for each unit and will be provided within a garage for those plots that have them, or within lockable external sheds located in private rear gardens or within secure communal stores for apartments. This further adds to the sustainable travel options.
- 11.88 There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking outside of the application site, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. On this basis, a balanced view in accordance with the NPPF is taken and it is concluded that there is no objection in relation to parking provision with regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

## **6. Other considerations**

### *i) Discharge of conditions*

- 11.89 Within this application it is proposed to discharge several conditions that were imposed upon the granting of 6/2015/1342/PP.
- 11.90 Condition 8 for an Arboricultural Method Statement (AMS) stated:

*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 ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policy R17, D8 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.*

11.91 WHBC Landscape Officer was consulted on the application. It is considered that the information provided within the AMS, including the tree protection, is appropriate and sufficient to discharge the condition. The AMS includes some detailed monitoring by a qualified arboriculturist which should be adhered to fully.

11.92 Condition 9 for refuse and recycling stated:

*A full detailed refuse and recycling proposal shall be submitted to and approved in writing by the Local Planning Authority within each reserved matters application. The proposal must include detailed tracking diagrams and detailed property information so that a calculation of requirements and costs can be made. Thereafter, the development must not be operated other than in accordance with the approved Refuse and Recycling Plan.*

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

11.93 WHBC Client Services were consulted on the application where it is noted within Section 9 of the report (Consultations Received) that an objection is maintained from this consultee. As discussed earlier within the report with respect to the refuse strategy, the applicant has worked positively to try to overcome the concerns raised by Client Services with compromises made. An on-balance view has been taken on the refuse strategy as set out earlier within the report which concluded that the refuse strategy is considered acceptable. Condition 9 is therefore discharged.

11.94 Condition 10 for sound insulation stated:

*No development above ground level shall take place until a scheme to protect future occupiers from noise due to transport sources has been submitted to and approved in writing by the Local Planning Authority, in accordance with the following requirements:*

- a) *Indoor ambient noise levels in living rooms and bedrooms should meet the standards within BS 8233:2014;*
- b) *Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms;*
- c) *If opening windows raise the internal noise levels above those within BS8233, alternative methods must be submitted for consideration*

*(Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority) conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that overheating will not occur. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment. Mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres). In such cases, the ventilation rates must meet those found within The Noise Insulation Regulations 1975).*

*d) Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through measurements that a suitable place is available within 5 minute walk from the development that complies with the amenity noise level.*

*In terms of requirements (c) and ventilation, alternative methods (such as passive systems) and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment.*

*The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.*

*REASON: To ensure that future occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with 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.*

11.95 WHBC Public Health and Protection were consulted on the application. An initial objection was submitted against the discharge of Condition 10, however the applicant worked proactively and submitted further details to address the concerns raised. It is considered that the amended noise report provides details of the mechanical ventilation system that will be installed. The report also confirms that the system will provide the ventilation rates found within the Noise Insulation Regulations 1975. Condition 10 can therefore be discharged.

11.96 Condition 11 for air quality stated:

*Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, an air quality impact assessment to evaluate and assess the following pollutants, PM10, PM2.5 and Nitrogen Dioxide. The report must demonstrate potential effects on future residents from current pollution levels and the resultant effect the proposed development will have on local pollution levels. The report must also consider the cumulative impacts of proposed developments nearby in relation to the local plan.*

*The applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the promotion of green travel. This should include the provision of cycle storage and the provision of electric vehicle charging points.*

*REASON: To protect the occupants of the new development from current pollution levels and to ensure that the development does not increase local pollution levels in accordance with Policies SD1 and R18 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.*

11.97 WHBC Public Health and Protection were consulted on the application and have no issues to raise. Condition 11 can therefore be discharged.

11.98 Condition 16 for a Landscape Ecological Management Plan (LEMP) stated:

*A landscape and ecological management plan (LEMP) must be submitted as part of application(s) for reserved matters approval as required by Condition 1. Thereafter, the development must not be carried out other than in accordance with the approved LEMP. The content of the LEMP must be consistent with the submitted "Ecological Appraisal, 2020" (Jan 2021) and "2020 Bat Survey Report" (Jan 2021) and include the following:*

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

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

*The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.*

*REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework. is discussed within the below ecology and biodiversity section of the report. In summary this condition is discharged.*

11.99 The discharge of this condition is discussed further within the below ecology and biodiversity section of the report.

11.100 In summary, Conditions 8, 9, 10, 11 and 16 imposed upon 6/2015/1342/PP can all be discharged. Conditions will be included within this grant of permission of this application to ensure compliance.

*ii) Ecology and biodiversity*

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

11.102 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

11.103 The Environment Act 2021 gives greater emphasises to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.0). However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023.

11.104 At outline stage under application 6/2015/1342/PP, a number of ecological reports prepared by Hankinson Duckett Associates were submitted to support the application. These included an Ecological Appraisal, 2020 Bat Survey Report and 2020 Reptile Survey Report. No areas of international, national, regional or district nature conservation importance were identified within or adjacent to the site during the study and the findings of the field surveys indicated that the majority of site, which is dominated by an arable field, is of negligible ecological value. Where designated sites occur within the wider area these are not expected to be impacted by the proposed development, either alone or in combination with other plans or projects.

11.105 The Ecological Report submitted with 6/2015/1342/PP concluded that the habitats of highest nature conservation value are located around the site margins and include the hedgerow on the north-western site boundary, the treeline and hedgerow on the southern site boundary, the southernmost ditch and the railway embankment to the east. Although these habitats are of limited nature conservation interest in their own right, in combination they form part of a network of semi-natural habitats around the site and the wider area, and appreciably enrich the habitat resource of the site. Of particular note is the treeline and hedgerow on the southern site boundary which was identified as being of high local value for commuting bats.

11.106 No trees potentially supporting roosting bats are expected to be affected by the proposed development and the Illustrative Masterplan demonstrated that the network of semi-natural habitats around the site would be maintained.

11.107 Hertfordshire Ecology were consulted for the previously approved outline application and advised that the reports provided an adequate assessment of the impact of the proposals and were based on appropriate survey methods and effort. The likelihood of an adverse ecological impact were negligible-low, but the



reports suggested reasonable precautionary measures to ensure that legally protected species are not harmed. Further detail was required with respect to ecology upon the submission of a reserved matters application through the imposition of conditions.

11.108 Hertfordshire Ecology were consulted again during the course of this reserved matters application, mainly in respect of the discharge of Condition 16 for a Landscape Ecological Management Plan (LEMP). Two objections were initially received from Hertfordshire Ecology raising a number of issues which can be viewed within their comments which are made public online. Hertfordshire and Middlesex Wildlife Trust (HMWT) also objected to the LEMP, requesting further information and minor alterations to the details within the LEMP.

11.109 In response to the objections, the agent provided further information which included a Biodiversity Impact Assessment Calculation (BIAC) technical note and an amended LEMP to address the concerns raised by Hertfordshire Ecology and HMWT. In light of the updated information, the Ecology advisor has provided further comment detailing that they are satisfied that sufficient Biodiversity Net Gain (BNG) will be achieved on site and there is no reason to consider that this would be less than the minimum 10% BNG expected by the Environment Act. No further comment has been provided by HMWT, however, it is considered that the concerns raised within this objection have been overcome.

11.110 Overall, there is no in principle ecological objection to the development. No significant ecological constraints were identified at outline stage that prevented permission being granted, and the further detail that was secured through the imposition of Condition 16 on application 6/2015/1342/PP is considered acceptable. In view of this, conditions securing these measures have been suggested and the BNG is secured through the S106 that was agreed at outline stage.

*iii) Flood risk and sustainable drainage*

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

11.112 At outline stage, a Flood Risk Assessment (Brookbanks, February 2021) was included to support the application of 6/2015/1342/PP. This included a strategy for managing surface water drainage. Within the outline permission it was detailed that the proposed residential development drainage system would manage storm water by way of a SuDS management train and ensure peak discharges from the developed land are reduced to circa 69% below the appraised baseline rates. The system would also provide improvements to the quality of water discharged from the development. It was proposed to provide surface water attenuation in two detention basins. Two discharge options were proposed – Option 1 proposes a split discharge through an outfall from each basin while Option 2 proposes that the westernmost detention basin would discharge to the eastern basin before a singular outfall to the ordinary watercourse south of site. A swale is proposed in the east of the site. Further source control measures are indicatively proposed for the site.

11.113 Hertfordshire County Council Lead Local Flood Authority (LLFA) were consulted on the outline application and did not object, subject to suggested conditions. Due to the outline nature of the previous application, further detail was required to form part of any reserved matters application, particularly in relation to the proposed layout to ensure sufficient space is allocated to implement the principles outlined within the Flood Risk Assessment submitted at outline stage to ensure there will be no increase in flood risk within the development site. The detailed surface and foul water disposal strategies were secured by conditions.

11.114 The LLFA were consulted again during the course of this reserved matters application, mainly in respect of the discharge of Condition 6 for a surface water drainage scheme. To date three objections have been received from the LLFA and the agent/applicant has not yet been able to overcome the concerns that have been raised. In light of this, the agent/applicant requested that reference to Condition 6 for discharge should be removed from the description of this application. The discharge of Condition 6 has therefore been removed from the application and thus no longer forms part of the assessment.

11.115 Notwithstanding the above, Condition 6 is a pre-commencement condition imposed upon the granting of application 6/2015/1342/PP, and as such, will be reimposed upon this application, should permission be granted. The agent/applicant has advised that they will continue to try and resolve with the LLFA regarding Condition 6 outside the determination of the reserved matters application in the meantime, and a discharge of condition application for Condition 6 will be submitted in due course. It should be acknowledged that the discharge of this condition is not essential prior to the determination of this Reserved Matters application, albeit the discharge of Condition 6 would still be required to be resolved, prior to the commencement of any works on site.

11.116 Thames Water have advised that they have no objection to the planning application with regard to waste water network and waste water process infrastructure capacity.

*iv) Renewable energy*

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

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

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

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

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

11.122 In terms of the latter, the key driver for the scheme is to provide a positive response to Welwyn Hatfield's declared Climate Change Emergency from June 2019, and as such the design ethos has been honed to ensure that the scheme provides homes that exceed current requirements and provide a low carbon solution that are designed to reflect and meet future requirements.

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

- Fabric First Approach to reducing the space heating energy demand:
  - High specification thermal envelope minimising heat loss
  - Junctions to be designed to minimise the effects of thermal bridging
  - High levels of airtightness;
- Advanced zone heating controls providing close control of heating;
- Cross-ventilation to reduce unwanted heat build-up;
- Orientation and glazing considered based upon plot to allow solar gain in the winter whilst reducing unwanted solar gain in the summer;
- High efficiency combi boilers;
- Internal and external lighting to be low energy;
- Installation of 108 Electrical Vehicles (EV) charging points to allow easy adoption of efficient vehicles; and
- Water efficiency measures include the use of efficient dual flush WCs, low flow showers and taps and appropriately sized baths.

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

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

11.126 The measures summarised above provide strong positive contribution towards the Council's ambitions to reduce carbon demand. As such, these measures weigh heavily in favour of the development, subject to appropriately worded conditions are suggested to secure delivery of the measures set out above.

*v) Contaminated land*

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

11.128 In this regard, the previous outline application of 6/2015/1342/PP was accompanied by a Phase 1 and 2 Geo-Environmental Assessment which demonstrated that there were no unacceptable risks to humans detected across the site. The Council Environmental Health Officer reviewed the findings of the reports and recommended that a condition was attached to any planning permission ensuring that if any unexpected finds are discovered during construction further assessment work is undertaken.

11.129 The above remains the case and as such, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.

*vi) Archaeology*

11.130 District Plan Policy R29 requires that where a proposal for development may affect remains of archaeological significance, or may be sited in an area of archaeological potential, developers will be required to undertake an archaeological assessment, if necessary with a field evaluation, and to submit a report on the findings to the Local Planning Authority. When planning permission is granted for development that would affect archaeological remains, taking into account the importance of the remains, conditions will be imposed to ensure that the remains are properly recorded, the results analysed and published and where practicable, the management and reservation of archaeological sites and their settings is enhanced.

11.131 Whilst the site is not within a designated Area of Archaeological Significance, given the scale of the proposal an Archaeological Desk Based Assessment, Geo-Physical Survey and Trial Trenching Report were submitted with the previous outline application of 6/2015/1342/PP. Hertfordshire County Council's Historic Environment Advisor did not raise any objections to the proposed development and agreed that no further archaeological work is required prior to development commencing on site.

11.132 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 Policy R29 or the NPPF in this respect.

*vii) Self-build and custom housebuilding*

11.133 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.

11.134 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.

11.135 Policy SP7 required the four Strategic Development Sites to make provision for service plots, during the examination, 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 requirement for all sites over 100 dwellings is to assist the Council in meeting its duties. 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, three self-build plots were secured within the S106 Agreement at outline stage. An indicative plan showing the positioning of the three self-build plots has been provided by the applicant. Further details of the self-build plots are secured through the S106.

*viii) Accessible and adaptable dwellings*

11.136 Policy H10 of the District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards.

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

11.138 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. Notwithstanding the above, on the outline permission a condition was imposed for accessible and adaptable homes which stated that at least 20% of new dwellings will meet Building Regulations Part M4(2), and no reference was given to Part M4(3). As such, this Reserved Matters application will continue to apply this value.

11.139 With the total of 121 dwellings proposed, 24.2 of these dwellings would need to meet Building Regulations Part M4(2). The plans and details provided specify that only 24 units will meet Building Regulations Part M4(2). Given the 0.2 underprovision, on balance it is considered acceptable.

*ix) Environmental Impact Assessment*

11.140 The proposed development has been subject to the formal process of Environmental Impact Assessment (EIA) in accordance with Directive 2011/92/EU of the European Parliament and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council provided a

screening opinion in April 2013, which concluded that the development is a Schedule 2 project, being an urban development project, the area of which exceeds 0.5ha. 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. Although the Environmental Impact Assessment Regulations 2017 came into force on the 16 May 2017, it is considered there have been no change in circumstances since 2015 to alter the conclusion that the application proposals are an EIA development.

*x) Parish Council objection*

11.141 Northaw and Cuffley Parish Council have raised an objection to the proposed development for the reasons set out below:

- No pedestrian linkages to Greenfields and South Drive
- No pedestrian linkages to KGV playing fields
- Existing footpath on Northaw Road East is too narrow to accommodate any associated increase in pedestrian traffic.

11.142 The pedestrian link to Greenfields and South Drive is discussed at Paragraph 11.60 – 11.62 of this report. The plans submitted include a pedestrian and cycle link from the site to Greenfields and beyond. The applicant has confirmed access rights over the private/third party land from the site to South Drive and intends to pursue the delivery of a surfaced scheme for pedestrians and cyclists.

11.143 As for the concern regarding no pedestrian linkages to KGV playing fields, the plans submitted include a two pedestrian and cycle links from the site to KGV playing fields and beyond – one adjacent to Plot 16 and another adjacent the attenuation pond.

11.144 In terms of the footpath on Northaw Road East, dropped kerbs and tactile paving either side of the new access will be secure by the Highway Authority under a S278 agreement. Further works to widen the footpath from the site access up to and including the junction with Theobald's Road, would only be necessary if the pedestrian/cycle link to Greenfields and South Drive is not delivered. This fall-back scheme has been secured through the S106 agreement as set out in Paragraph 11.62 of this report

## **8. The planning balancing**

11.145 The development of the site would result in inappropriate development in the Green Belt. However, at outline stage, the identified Green Belt harm was weighed in the balance and, taking all matters into consideration, it was concluded that the factors in support of the proposal clearly outweighed the harm. In this instance, several factors combined amounted to very special circumstances which outweighed the harm. The principle of the proposed development within Green Belt was therefore considered to be acceptable through the grant of permission under reference 6/2015/1342/PP, which is an extant permission.

11.146 In terms of the weight attributed to the emerging Local Plan allocation, HS28 has been assessed by the Inspector and has been found to be sound. 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.

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

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

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

11.150 The proposal would provide a social benefit through the provision of 121 dwellings and an on-site provision of affordable housing, which would make a contribution towards the identified housing need within the Borough. Further social benefit arises from the provision of high quality, adaptable and energy efficient homes. These considerations weigh substantially in favour of the proposal.

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

to meet the day-to-day needs of future occupiers. These considerations weigh moderately in favour of the proposal.

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

## 12 **Conclusion**

12.1 Subject to conditions and a planning obligation, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or nature conservation interests and subject. Accordingly and for the reasons given, the proposal is recommended for approval.

## 13 **Recommendation**

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

### **PRE-COMMENCEMENT CONDITIONS**

1. Approved Drawings and Documents

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
P1848.08		Location plan	27 July 2022
P1848.CS.101		Cross Section NorthEast/SouthWest	18 November 2022
	A	Management Plan	25 January 2023
2080.7 / 02	B	Tree Strategy - Sheet 1 of 2	6 February 2023
2080.7 / 03	B	Tree Strategy - Sheet 2 of 2	6 February 2023
2080.7_01	E	Landscape General Arrangement Plan	6 February 2023
P1848.BM.101	A	BM Type Floor and Roof plans	6 February 2023
P1848.SS.101	D	Streetscenes Sheet 1 of 3	6 February 2023
P1848.HA2.101		HA2 Type Plans & Elevations - Brick	6 February 2023



141386C/PD06	B	Preferred Cycle and Pedestrian Priority Crossings	6 February 2023
P1848.011	B	Stripped planning layout	26 August 2022
P1848.AR+.104		AR + Type Elevations - Board	19 October 2022
P1848.BA.101		BA Type Floor and Roof plans	19 October 2022
P1848.BLK1.108		Block 1 Side Elevation	19 October 2022
P1848.BLK2.101		Block 2 Ground Floor plan	19 October 2022
P1848.BLK2.106		Block 2 Side Elevation	19 October 2022
P1848.BLK3.101		Block 3 Ground Floor plan	19 October 2022
P1848.BLK3.108		Block 3 Side Elevation	19 October 2022
P1848.BM.103		BM Type Elevations - Tile Hung	19 October 2022
P1848.CN.101		CN Type Plans and Elevations	19 October 2022
P1848.CN1.101		CN Type Plans and Elevations	19 October 2022
P1848.CT.101	A	CT Type Floor and Roof plans	19 October 2022
P1848.CT.102	A	CT Type Elevations - Brick	19 October 2022
P1848.ED.01		Entrance Detail	19 October 2022
P1848.FO.103		FO Type Elevations - Tile Hung	19 October 2022
P1848.FR.101		FR Type Floor and Roof plans	19 October 2022
P1848.FR.102		FR Type Elevations - Board	19 October 2022
P1848.GAR.101		Single Garages Plans & Elevations	19 October 2022
P1848.GAR.102		Pair Garage Plans & Elevations	19 October 2022
P1848.GAR.103		Substation Plans & Elevations	19 October 2022
P1848.GAR.104		Bin Store Plans &	19 October 2022

			Elevations	
P1848.GAR.105			Cycle Store Plans & Elevations	19 October 2022
P1848.HA.101			HA Type Elevations - Brick	19 October 2022
P1848.HA.102			HA Type Elevations - Tile Hung	19 October 2022
P1848.HA.103			HA Type Elevations - Board	19 October 2022
P1848.HA1.101			HA1 Type Elevations - Brick	19 October 2022
P1848.PH.103			PH Type Elevations - Tile Hung	19 October 2022
P1848.PW.101			PW Type Floor and Roof plans	19 October 2022
P1848.PW.102			PW Type Elevations - Brick	19 October 2022
P1848.PW.103			PW Type Elevations - Tile Hanging	19 October 2022
P1848.RE+.101			RE + Type Floor and Roof plans	19 October 2022
P1848.RE+.102			RE + Type Elevations - Brick	19 October 2022
P1848.RE+.103			RE +Type Elevations - Tile Hung	19 October 2022
P1848.TH.101			TH Type Floor and Roof plans	19 October 2022
P1848.TH.102			TH Type Elevations - Brick	19 October 2022
P1848.TH1.101			TH1 Type Floor and Roof plans	19 October 2022
P1848.TH1.102			TH1 Type Elevations - Tile Hanging	19 October 2022
P1848.TI.101	A		T1 Type Floor and Roof plans	19 October 2022
P1848.TI.102	A		T1 Type Elevations - Brick	19 October 2022
P1848.TI1.101			TI1 Type Floor and Roof plans	19 October 2022
P1848.TI1.102			TI1 Type Elevations -	19 October 2022

		Brick	
P1848.WE.101	A	WE Type Floor and Roof plans	19 October 2022
P1848.WE.102	A	WE Type Elevations - Brick	19 October 2022
P1848.WE.103		WE Type Elevations - Tile Hanging	19 October 2022
P1848.BA.102		BA Type Elevations - Brick	19 October 2022
P1848.BA.103		BA Type Elevations - Tile Hung	19 October 2022
P1848.BA1.101		BA1 Type Floor and Roof plans	19 October 2022
P1848.BA1.102		BA1 Type Elevations - Brick	19 October 2022
P1848.AR+.102	A	AR + Type Elevations - Brick	13 January 2023
P1748.AR+.101	B	AR + Type Floor and Roof plans	13 January 2023
P1848.FO.102	A	FO Type Elevations - Brick	13 January 2023
P1848.FO.101	A	FO Type Floor and Roof plans	13 January 2023
P1848.BLK1.103	A	Block 1 Second Floor plan	13 January 2023
P1848.AR+.103	A	AR + Type Elevations - Tile Hung	13 January 2023
P1848.BLK1.102	A	Block 1 First Floor plan	13 January 2023
P1848.BLK1.101	A	Block 1 Ground Floor plan	13 January 2023
P1848.BLK1.104	A	Block 1 Roof plan	13 January 2023
P1848.BLK1.105	B	Block 1 Front Elevation	13 January 2023
P1848.BLK1.106	A	Block 1 Side Elevation	13 January 2023
P1848.BLK1.107	B	Block 1 Rear Elevation	13 January 2023
P1848.BLK2.102	A	Block 2 First Floor plan	13 January 2023
P1848.BLK2.103	A	Block 2 Second Floor plan	13 January 2023
P1848.BLK2.104	A	Block 2 Roof plan	13 January 2023

P1848.BLK2.105	A	Block 2 Front Elevation	13 January 2023
P1848.BLK2.107	A	Block 2 Rear Elevation	13 January 2023
P1848.BLK2.108	A	Block 2 Side Elevation	13 January 2023
P1848.BLK3.102	A	Block 3 First Floor plan	13 January 2023
P1848.BLK3.103	A	Block 3 Second Floor plan	13 January 2023
P1848.BLK3.104	A	Block 3 Roof plan	13 January 2023
P1848.BLK3.105	A	Block 3 Front Elevation	13 January 2023
P1848.BLK3.106	A	Block 3 Side Elevation	13 January 2023
P1848.BLK3.107	A	Block 3 Rear Elevation	13 January 2023
P1848.CO.101	A	CO Type Plans and Elevations - Brick - Semidetached	13 January 2023
P1848.CO.102	A	CO Type Plans and Elevations - Tile-Semidetached	13 January 2023
P1848.RE.102	C	RE Type Elevations - Brick	13 January 2023
P1848.CO1.101	A	CO1 Type Plans and Elevations - Brick - Mid-terrace	13 January 2023
P1848.PH.101	B	PH Type Floor and Roof plans	13 January 2023
P1848.PH.102	B	PH Type Elevations - Brick	13 January 2023
P1848.PK.101	A	PK Type Floor and Roof plans	13 January 2023
P1848.PK.102	A	PK Type Elevations - Brick	13 January 2023
P1848.PK.103	A	PK Type Elevations - Board	13 January 2023
P1848.PK.104	A	PK Type Elevations - Tile Hung	13 January 2023
P1848.RE.101	C	RE Type Floor and Roof plans	13 January 2023
P1848.SS.103	B	Streetscenes Sheet 3 of 3	13 January 2023
P1848.SS.102	C	Streetscenes Sheet 2 of 3	13 January 2023

P1848.01	Y	Planning Layout	10 February 2023
P1848.02	Q	Materials layout	10 February 2023
P1848.03	S	Heights layout	10 February 2023
P1848.04	Q	Tenure layout	10 February 2023
P1848.05	R	Parking layout	10 February 2023
P1848.07	Q	Enclosures layout	10 February 2023
		BA TYPE - THE BAKER-BINS	10 February 2023
		HA TYPE - HARPER-BINS	10 February 2023
P1848.06	S	Refuse Layout	14 February 2023
141386C/PD02	D	Forward Visibility	14 February 2023
141386C/PD05		Visibility Overview - Impact on Property Boundaries	14 February 2023
141386C/PD03	D	Junction Visibility	14 February 2023
	Rev2	Energy and Sustainability Statement	26 August 2022
	1	Air Quality Assessment	26 August 2022
	1	Tree Survey Report, Arboricultural Impact Assessment & Method Statement	26 August 2022
		Transport Statement	27 August 2022
		Daylight & Sunlight Report	27 August 2022
	1	Noise Assessment	21 October 2022
	A	Landscape Strategy	13 January 2023
		Ecology Technical Note	25 January 2023
	B	Landscape and Ecological Management Plan	25 January 2023
	C	Biodiversity Impact Assessment Calculations Technical Note	3 February 2023

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

## 2. Landscaping Scheme

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

- a) means of enclosure and boundary treatments, including bin collection point kerbing and enclosures;
- b) vehicle and pedestrian access and circulation areas;
- c) hard surfacing, other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, planting methods and details of seeding or turfing;
- f) management and maintenance details, including time period for which the developer is responsible for the maintenance and replacement planting for any failures; and
- g) details of enhanced boundary landscaping to the north of the site adjacent to Greenfields and Cuffley School and to the south of the site abutting the Hertfordshire Way.

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

## 3. Waste Management

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

REASON: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005, Policy 12 of the Hertfordshire Waste Core Strategy and the National Planning Policy Framework.

## 4. Works in Proximity to the Operational Railway Environment

No development shall take place until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in

accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority. The methodology shall include:

- a) construction methodology;
- b) earthworks and excavations;
- c) use of crane, plant and machinery; and
- d) drainage and boundary treatments

REASON: To ensure that the development can be undertaken safely and without impact to operational railway safety due to the proximity of the proposed development to the operational railway boundary.

## **PRIOR TO ABOVE GROUND DEVELOPMENT**

### **5. Samples and Schedule of Materials**

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

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

## **PRIOR TO OCCUPATION**

### **6. Visibility Splays**

Prior to first occupation of the access roads, footways, shared footpath/cyclepaths, forecourts, driveways, and other vehicle parking/turning areas, the visibility splays as shown on drawing numbers 141386C/PD03 rev D, 141386C/PD05 and 141386C/PD02 rev D shall be in place, within which there shall be no vertical obstruction above 600mm in perpetuity.

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

### **7. Cycle Storage**

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

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the

use of sustainable modes of transport, in accordance with Policies 1, 5 & 8 of Hertfordshire's Local Transport Plan (adopted 2018); Policies M6, M14 & D1 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 8. Parking Allocation

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

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

#### 9. Parking Area Surfaced

Prior to the first occupation of the development hereby permitted, all on site hardsurfaced areas shall be fully completed, and made available for use, in accordance with the indicative plans submitted, drawing numbers P1848.01 rev Y and 141386C/PD06 rev B, to the satisfaction of the Local Planning Authority. This includes access roads, footways, shared footpath/cyclepaths, forecourts, driveways, and other vehicle parking/turning areas, all of which must be accessible, surfaced, marked out and signed as shown on these plans. These hardsurfaced areas shall be retained and maintained in perpetuity thereafter.

REASON: To ensure a satisfactory standard of highway design and construction, to secure the free, safe and sustainable flow of all users of the site in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018); Policy M14 of the Welwyn Hatfield District Plan 2005; Policy SADM3 & SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### 10. Trespass Proof Fencing

Prior to the first occupation of the development hereby permitted, the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

REASON: In the interest of railway safety.

### **OTHERS**

#### 11. 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 & B of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.



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

#### 12. Landscape Preparation

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

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

#### 13. Tree Protection

The development must not be carried out other than in accordance with the approved Tree Survey Report, Arboricultural Impact Assessment and Method Statement dated August 2022, unless otherwise agreed in writing by the LPA.

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

#### 14. Landscape and Ecological Management Plan

The development must not be carried out other than in accordance with the approved revision B of the Landscape and Ecological Management Plan dated January 2023, unless otherwise agreed in writing by the LPA.

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

#### 15. Refuse and Recycling

The development must not be carried out other than in accordance with the approved refuse layout plan (P1848.06 S) dated 14<sup>th</sup> February 2022, unless otherwise agreed in writing by the LPA.

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

Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

16. Sound Insulation (including ventilation)

The development must not be carried out other than in accordance with the approved revision 1 of the Noise Assessment dated 16<sup>th</sup> August 2022, unless otherwise agreed in writing by the LPA.

The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.

REASON: To ensure that future occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with 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.

17. Air Quality

The development must not be carried out other than in accordance with the approved revision 1 of the Air Quality Assessment dated 17<sup>th</sup> August 2022, unless otherwise agreed in writing by the LPA.

REASON: To protect the occupants of the new development from current pollution levels and to ensure that the development does not increase local pollution levels in accordance with Policies SD1 and R18 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

18. EV Charging Facilities

The development must not be carried out other than in accordance with the approved EV details as shown on plan P1848.05 R dated 10<sup>th</sup> February 2023, unless otherwise agreed in writing by the LPA.

The approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose.

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

19. Energy Efficiency Measures

The development must not be carried out other than in accordance with the approved Energy and Sustainability Statement dated August 2022, unless otherwise agreed in writing by the LPA.

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

REASON: To ensure that the development contributes towards sustainable development and energy efficiency and maximises energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development in accordance with

Policies SD1, R3 & R4 of the Welwyn Hatfield District Plan 2005; Policies SP1, SP10 & SADM13 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

## 20. External Lighting

The external lighting shall be undertaken in accordance with the scheme submitted and which has previously been approved under reference 6/2022/2849/COND, unless otherwise agreed in writing by the LPA.

The external lighting scheme shall apply to the construction phase and the occupation phase of the development. All external lighting (temporary or permanent) must be installed in accordance with the specifications and locations set out in the strategy, and these must be maintained thereafter in accordance with the strategy. No other external lighting shall be installed, other than within a residential curtilage, without prior consent from the Local Planning Authority.

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

## Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
4. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will

require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

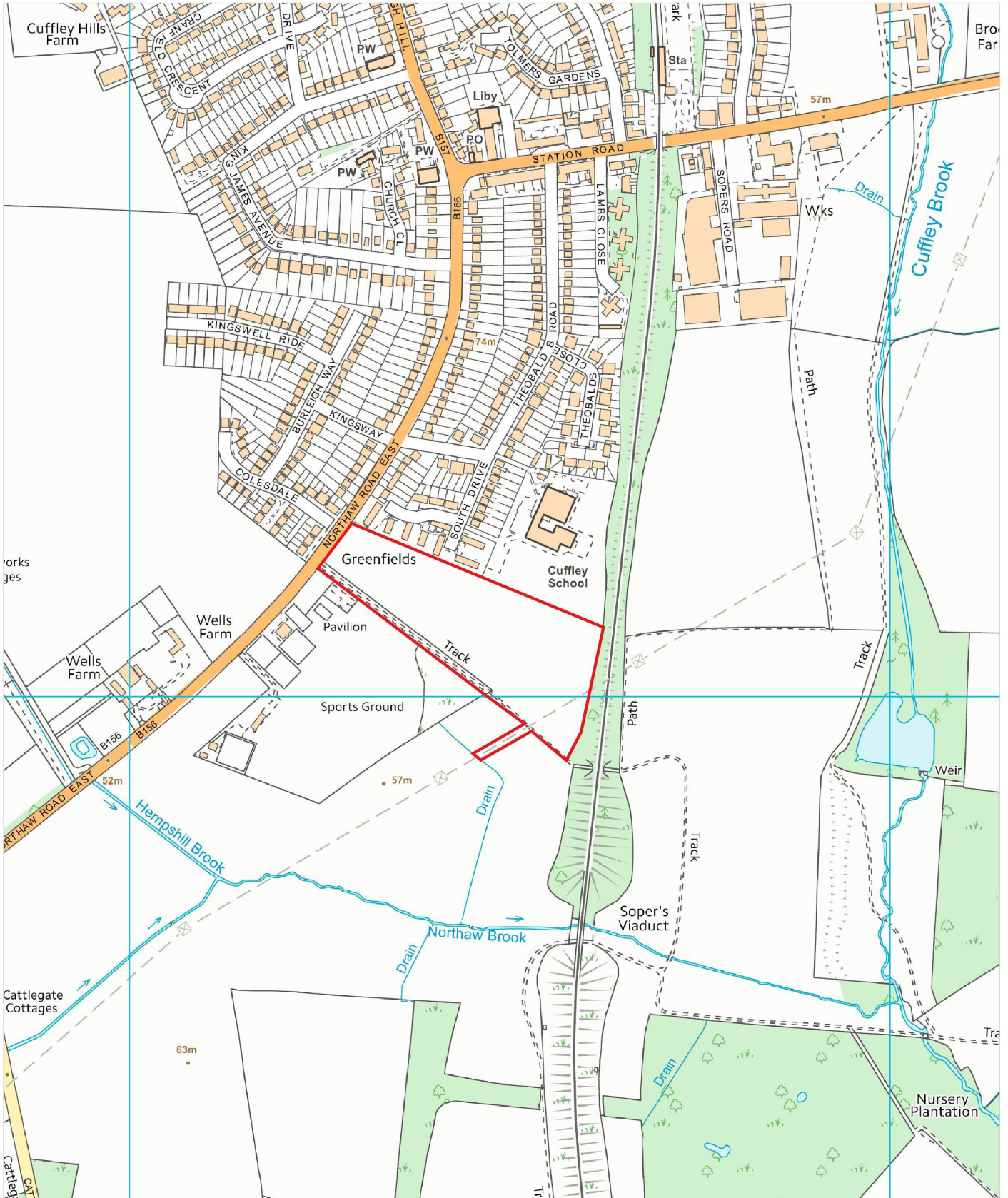
5. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.
6. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
7. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.
8. The applicant is advised that no development (including demolition) should commence until wheel-cleaning apparatus to prevent the deposit of debris, mud etc on the highway has been agreed with the Highway Authority. Hertfordshire County Council Transport Planning and Policy can be contacted on 03001234040


9. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
10. This planning permission gives no entitlement to affect any public rights of way or established highway within the application site. Any diversion, extinguishment, stopping up or creation of a public right of way may need its own Order under the Highways Act 1984 or The Town and Country Planning Act 1990 (As amended) before any works affecting the rights of way can be commenced. For further information, please contact the local planning authority on 01707 35700, or Hertfordshire County Council, Environment Department on 01992 555555
11. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire - A Guide for New Developments and by a contractor who is authorised to work in the public highway. Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
12. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at [www.smartwaste.co.uk](http://www.smartwaste.co.uk) or [www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html](http://www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html). For further information on this, please contact Hertfordshire County Council on 01992 556254.
13. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
14. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and->

pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047

15. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Ashley Ransome (Development Management)  
Date: 3<sup>rd</sup> February 2023



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Land to the north east of King George V Playing Fields Northhaw Road East Hertfordshire Cuffley EN6 4RD		Scale: DNS
	Development Management Committee		Date: 24-02-2023
	6/2022/1774/RM		J Fuller
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