

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2019/0882/OUTLINE
Location: Colesdale Farm Northaw Road West Northaw Potters Bar EN6 4QZ
Proposal: Outline permission for residential development of site of up to 38 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access
Officer: Mrs Elizabeth Aston
Recommendation: Refused

6/2019/0882/OUTLINE

Context	
Site and Application description	<p>The application site lies between Northaw and Cuffley and is accessed via Northaw Road West. The site was originally used for agricultural purposes and contains a number of ex-agricultural buildings. The majority of these buildings are now used for commercial purposes.</p> <p>The site is located within the Green Belt.</p> <p>The application seeks permission for the demolition of all the existing buildings on the site and the erection of 38 dwellings. The application is in outline with all matters reserved apart from access.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt LCA - Landscape Character Area (Northaw Common Parkland) PAR – Northaw and Cuffley Wards - Northaw and Cuffley Flood Zone Surface Water 100mm Flood Zone Surface Water 1000mm SAGB - Sand and Gravel Belt</p>
Relevant planning history	<p>Application Number: S6/2000/0922/FP Decision: Granted Decision Date: 21 August 2000 Proposal: Demolition of existing buildings and conversion of existing barns to create three residential units</p> <p>Application Number: S6/2005/0009/FP Decision: Granted Decision Date: 11 August 2005 Proposal: Renewal of planning permission S6/2000/0922/FP for the demolition of existing buildings and conversion of existing barns to create three residential units</p> <p>Application Number: S6/2007/1731/PA Decision: Prior Approval Not Required</p>

	<p>Decision Date: 29 November 2007 Proposal: Proposed revision to planning application S6/2005/0009/FP</p> <p>Application Number: S6/2008/2224/MA Decision: Refused Decision Date: 06 February 2009 Proposal: Change of use of land to C3 dwellinghouses, extensions and conversion of barn to create six bed dwelling plus staff accommodation, erection of four two storey dwellings comprising of 1x 3 bed, 1x 4 bed, 2x 5 bed dwellings and ancillary car parking and landscaping following demolition of existing buildings.</p> <p>Application Number: S6/2013/2483/FP Decision: Refused Decision Date: 27 January 2014 Proposal: Sub-division of existing dwelling to form two dwellings and the erection of a two storey side extension and part single, part two storey rear extension</p> <p>Application Number: S6/2015/0175/FP Decision: Granted Decision Date: 23 July 2015 Proposal: Erection of agricultural building following removal of existing buildings</p> <p>Application Number: 6/2018/2936/LAWE Decision: Granted Decision Date: 18 February 2019 Proposal: Certificate of lawfulness for use of buildings as commercial</p>		
Consultations			
Neighbour representations	Support: 1	Object: 61	Other: 0
Publicity	<p>Site Notice Display Date: 13 May 2019 Site Notice Expiry Date: 4 June 2019 Press Advert Display Date: 8 May 2019 Press Advert Expiry Date: 22 May 2019</p>		
Summary of neighbour responses	<ul style="list-style-type: none"> • The proposed development is not supported by any infrastructure. There are no any facilities within short walking distance, and Cuffley cannot accommodate any more traffic and parking. Potters Bar is hugely congested. The bus service is very limited in this area and is not regular. And as for schools? This would create the congestion in this area that is unthinkable; • This sort of development is not justified in the green belt area; • This would be an "island" development which is against national planning policy; • There are no "very special circumstances" to justify development in the green belt as detailed in the National Planning Policy Framework; • The nearest secondary schools are some miles away at Potters Bar, Brookmans Park or Cheshunt, almost certainly requiring the use of cars to get there; • Some 38 dwellings are likely to mean at least 60 to 70 vehicles 		

	<p>coming and going at one of the busiest junctions in the area where there have been several accidents and where there are massive queues at peak times almost every weekday;</p> <ul style="list-style-type: none"> • The development would spoil the uninterrupted view I have enjoyed for over 50 years; • There will also be an impact on the GP and other health and social care services; • The entrance to Colesdale Farm sits off a notoriously difficult junction at which there were at least 3 very serious road accidents in the last 6 months; • The local roads and transport can barely cope with current demands, and traffic problems are a regular problem as well as parking in the respective villages. Cars are already parking on pavements and footpaths within a radius of the local station and the growing number of yellow lines are pushing the problem to many of the smaller side roads where passing by car or on foot are becoming difficult and dangerous; • As you drive into Cuffley, there is often flooding across the B156; • The proposal will be set in seclusion between the two villages of Northaw & Cuffley and virtually a blot on the landscape having a detrimental visual impact upon the openness of the fields and countryside as the ridge height will be more than the buildings that are already on the site; • Detrimental to and out of character with surrounding rural area which is farms, farmland & agricultural buildings; • Loss of rural land; • If granted, this development would be the starting point/precedent for further developments to creep either side and destroy the whole outlook of the area; • There have been a number of serious accidents on the junction opposite Colesdale Farm. The increase in traffic would increase the potential for further accidents; • The effect on traffic would be huge and affect the conservation area in Northaw village which contains many old listed buildings; • This development would be totally isolated and not be part of Cuffley nor Northaw; • 38 dwellings is overdevelopment of the site; • There will be a loss of employment from the business units there; • Northaw and Cuffley Residents Association have objected to the development.
<p>Consultees and responses</p>	<p>Thames Water - commented that with regard to Foul Water sewage network infrastructure capacity they have no objection. As surface waters will not be discharged to the public network they have no objection.</p> <p>Northaw and Cuffley Parish Council – have raised a major objection to the application. Concerns have been raised in respect of accessibility of the site by foot, cycle or bus; that the rail service and car parks are at capacity and can't accommodate an increase in commuters; the development would result in a significant increase in road usage and the B156 is already congested at peak times and measurements of air quality show that this exceeds legal limits during the rush hour in the centre of Cuffley; the potential for road accidents would be increased by</p>

this development; the development would exacerbate flooding on Northaw Road West; the lack of a 5-year housing programme is an insufficient 'special circumstance' for this development in the Green Belt because of the remoteness of the site and the road traffic hazards; development here would set a precedent which would encourage infilling between the site and the edge of Cuffley; the loss of business units on the site will result in a decrease in local employment opportunities; a development of this size would be expected to provide S106 monies and these do not seem to be provided so therefore there is no compensatory benefit to the community.

Welwyn Hatfield Borough Council - Councillor Bernard Sarson – no response received

Welwyn Hatfield Borough Council - Councillor George Michaelides – no response received

Welwyn Hatfield Borough Council - Councillor Simon Wrenn – no response received

Lead Local Flood Authority – originally recommended refusal of the application, but following the submission of additional information commented that they had no objection on flood risk grounds and advised that the development can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the drainage strategy and subject to appropriate conditions.

Hertfordshire Constabulary - have no serious concerns with the intention to develop housing at this location, and the indicative design layout is conducive to good natural surveillance. They would welcome the opportunity to discuss the later designs with the architects and would ask that if permission is granted some form of condition around security and consultation with Herts Constabulary be included.

Welwyn Hatfield Borough Council Client Services - The properties could be incorporated on the existing ARRC scheme and would receive a set of 2 bins for refuse & recycling. A chargeable Garden Waste Service can be provided. The apartments would either have individual bins, if there is space to store them, or if not a communal larger bin or container dependant of the number of apartments in the block and how many bedrooms they had.

Welwyn Hatfield Borough Council Public Health and Protection – have commented that due to levels of traffic expected along Northaw Road West/Northaw Road East, properties closest to the carriageway will require noise mitigation measures, likely to include mechanical ventilation to prevent overheating in the summer months whilst maintaining the internal noise levels required within BS8233. External amenity areas will need to meet the 55dB WHO Guidelines for Community Noise level. It is therefore recommended that a condition requiring noise mitigation measures that ensure a suitable internal standard of amenity is placed on the application. Furthermore, due to the current/previous usages it is recommended that the standard contaminated land condition is placed on the application.

Environment Agency - have no objection to the application as submitted. They commented that the site lies on a Secondary A aquifer (Lambeth Group) though not in a Source Protection Zone and the application form indicates that land contamination is suspected for all or part of the site. They therefore recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed and that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken.

Affinity Water Ltd – No response received

Herts County Council Transport Programmes and Strategy – originally objected to the application but following the submission of additional information commented that they did not wish to restrict the grant of planning permission subject to conditions. They have commented that in respect of trip levels the number of vehicle trips generated by the development (when compared to existing trip generation from the existing uses on the site) would be imperceptible within existing daily flows on the network. The retention of the existing eastern access to the site is acceptable provided that it is used solely for use by the existing Colesdale Farm. Appropriate visibility has now been demonstrated from the proposed western access to the site. Access to rail services, schools and shopping opportunities are within an 18 minute walk of the site which is considered to be acceptable. Improvements to the existing footway to Cuffley are requested, along with improvements to provide easy access to public transport (the bus service which can be accessed from outside the site).

Herts County Council Fire and Rescue Services – Request the provision of fire hydrants, as set out within HCC's Planning Obligations Toolkit.

Herts County Council Growth Team – to minimise the impact of the development on Herts County Council services for the local community request that financial contributions are required towards primary education, secondary education, library services and youth services.

Welwyn Hatfield Borough Council Parking Services – have commented that although the parking layout for the development would comply with parking standards, they are concerned that the way the parking spaces have been laid out is not realistic and will mean that people will be parking in locations which are likely to be obstructive to other road users.

Herts Ecology – have commented that they have no records specific to the application site and there are no known records of bats within close proximity. The submitted Preliminary Roost Assessment found neither potential roosting places nor the presence of any evidence of bats. The submitted badger survey found no badger sets or evidence of use of the site by badgers or nearby. The proposed landscape master plan would provide biodiversity gain. They are not therefore aware of any ecological constraints to the development.

	<p>CPRE – object to the application. They comment that premature approval of substantial residential development of the nature proposed would prejudice balanced decisions on the scale and locations of housing in the borough and specifically between Northaw and Cuffley. The development of this site would harm the purposes of the Green Belt. They do not consider that 5 year housing land supply outweighs the presumption against inappropriate development in the Green Belt. They consider that residential development on the site would result in an incongruous and isolated enclave of housing surrounded by countryside. They also consider that the site is not in a sustainable location.</p> <p>Welwyn Hatfield Borough Council Tree Officer – commented that there is no objection to the removal of vegetation within the site as what little vegetation there is it is of low quality. They have commented that the vegetation along the front of the site provides a useful screen to and from the site, and the removal of the existing trees will expose the site and whilst the proposed planting will provide a screen over time, it is unlikely to reach the same height as the existing landscaping. The Landscape Master Plan for the site looks promising.</p>
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Relevant Policies

<p><input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others Policies SD1, R1, R2, R3, R5, R7, R9, R10, R11, R17, R19, R20, M1, M3, M4, M5, M6, D3, D5, D6, D7, D8, D11, IM2, H2, H6, H7, H10, OS3, EMP8, RA2, RA10 of the Welwyn Hatfield District Plan 2005 Policies SP1, SP3, SADM1, SADM2, SADM3, SP7, SADM10, SP9, SADM11, SADM12, SP10, SADM13, SADM14, SADM16, SADM18, SP13, SP25, SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016</p>
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Main Issues

<p>Principle of development</p>	<p>The site lies within the Green Belt and policy GBSP1 of the District Plan states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map (a similar policy (SP3) is contained in the emerging Local Plan). Para. 145 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless one of the exceptions specified are met which includes:</p> <p>g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:</p> <ul style="list-style-type: none"> - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. <p>The application seeks outline permission for 38 dwellings of which 11 are proposed to be affordable (which equates to 30% of the</p>
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	<p>development). The submitted Planning Statement states that approximately 51% of the affordable units would be for social rent and 49% intermediate housing and would be a mix of 1, 2 and 3 bedroom units. The Strategic Housing Market Assessment, undertaken as part of the evidence base for the emerging Local Plan, identifies that there is a need for affordable housing and policy H7 of the adopted District Plan and policy SP7 of the emerging Local Plan set out the Council's requirements for the provision of affordable housing. Therefore, as the development proposes to contribute towards meeting an identified affordable housing need, if the site is considered to meet the definition of previously developed land (PDL), it will be necessary in accordance with para. 145 of the NPPF, to consider whether the redevelopment of the site would cause substantial harm to the openness of the Green Belt.</p>
<p>Is the site previously developed?</p>	<p>PDL is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. A number of exclusions are set out, including land that is or was last occupied by agriculture or forestry buildings.</p> <p>The site was previously an agricultural farmstead however for a number of years it appears that many of the buildings within the site have been used for commercial purposes. A certificate of lawfulness granted in February 2019 (ref. 6/2018/2936/LAWE) established that units 3/3A, 3B, 5, 10, 10A and 11 have been used for purposes falling with class B8 of the Use Class Order and unit 2A in a sui generis (B2/B8) use for a period in excess of 10 years. These individual buildings/yards are identified on the annotated aerial photograph (CF1a) on page 7 of the submitted Planning Statement, and the applicant has stated that these buildings/yards have a total floorspace of 2505.25 sqm.</p> <p>The certificate did not establish any lawful use for units 1A, 1B, 2B, 3X, 3Y and 11A, and therefore it cannot be certain that the lawful use of these buildings is not agriculture (which would have been their original use). The applicant has stated however that evidence was submitted with the application for a certificate of lawfulness which clearly showed that buildings 1A, 1B and 2B have been in commercial use for over 10 years (and have not been used for agricultural purposes during that time) and the reason the certificate was not issued for these buildings was because the building changed from a mixed B2/B8 use in 2016 to a B8 use. The applicant therefore considers that these buildings should reasonably be considered as PDL.</p> <p>Furthermore, the site also contains a building the lawful use of which is agriculture - building 12 as shown on the aerial photograph within the Planning Statement (the building was granted permission under ref. S6/2015/0175/FP). Having regard to the definition of PDL in the NPPF (which excludes land that is or was last occupied by agricultural buildings) it is clear that building 12 and its curtilage would not meet the definition of PDL.</p> <p>As the lawful use of units 1A, 1B, 2B, 3X, 3Y and 11A has not been established it is not certain whether these buildings would meet the</p>

	<p>definition of PDL. Despite the applicant's views as to the lawfulness of these buildings, this is not an application to establish the lawfulness of existing uses.</p> <p>The applicant has commented that an essential part of the existing commercial operation of the buildings on the site includes access, parking and storage, and that these external areas should be taken into account when assessing the extent of PDL. The approved certificate related only to the use of the buildings and specific identified yard areas (i.e. unit 3B), and did not appear to deal with wider access/circulation/communal areas. It was observed on site that outside of the yard areas identified in the certificate, there was limited open air commercial storage (which is lawful), although there were a number of cars and commercial vehicles parked around the site. Having viewed the way the land around the buildings is used, it is considered that these areas of the site form part of the developed land for the purposes of considering which parts of the site are PDL.</p> <p>For the reasons set out above, the whole of the site cannot be considered to be previously developed and would therefore not meet exception g) of para. 145 of the NPPF. The proposed development would not be permitted by any other exception in para. 145 and the proposed development would therefore represent inappropriate development within the Green Belt. Para. 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>Contrary to the conclusion above however, the applicant is of the view that the proposed development would fall within exception g) of para. 145 of the NPPF, and the development would not have a greater impact on openness than the existing development. Therefore, notwithstanding the conclusion reached that the proposed development represents inappropriate development, in light of the applicants view that the development would fall within exception g) this report will also consider whether the complete redevelopment of the site would cause substantial harm to the openness of the Green Belt.</p>
<p>Effect on openness</p>	<p>Para. 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of Green Belt has a spatial aspect as well as a visual aspect.</p> <p>The Green Belt Review Purposes Assessment November 2013, which has been undertaken as part of the evidence base for the emerging Local Plan, identified that the 'levels of visual openness are generally high' within the parcel of land which the application site lies (GB52) 'with long views over the parcel evident, especially from Cuffley'. It goes on to state that 'from more agricultural locations and elevated areas such as the western edge of Cuffley views are panoramic and open'.</p> <p>It is not disputed that the proposed development would reduce the built footprint of development on the site (in accordance with calculations provided by the applicant by around 626 sqm having regard only to the lawful commercial buildings/yards, rising to around 2500 sqm, if the</p>

removal of the existing agricultural building and those buildings where their lawful use has not been established by the certificate are included).

The applicant has not provided any volume calculations or drawings of the existing buildings with the application, but has provided a schedule of the maximum height of each building which states that the existing buildings range from 3 - 7.22 metres in height (as set out in the table on p4 of the submitted Planning Statement).

As the application is in outline, elevations of the proposed dwellings have not been provided, however the submitted Planning Statement states that the proposed dwellings are limited to two storeys in height. The submitted Landscape and Visual Impact Assessment (March 2019) (LVIA) states that the ridge heights of the individual dwellings will be to 8.8 metres.

The submitted indicative layout plan shows semi-detached and detached buildings that are dispersed across the site. Whilst the proposed development would result in a reduction in the amount of built footprint on the site, this has to be balanced against the resultant spread of built form across the site and into areas where there is currently no built form.

The Planning Statement states that the site coverage from buildings and structures would reduce from 33.9% to 14.4%. However, the effect on openness is not confined solely to permanent physical works. Cars parked within the site, play equipment and other domestic paraphernalia in the gardens and boundary treatments will also have some effect on the openness of the Green Belt. Aside from the areas of open space shown on the submitted layout plan, the remainder of the site would be covered by access roads, dwellings, detached garages and domestic curtilages.

It is considered that the reduction in the footprint of built form on the site would not diminish the effect of buildings of a greater height and a more dispersed layout of the development. Having regard therefore to the number of dwellings proposed, their dispersal across the site, the proposed domestic curtilages, boundary treatments, domestic paraphernalia, including play equipment and car parking (the applicant has indicated that a total of 80 parking spaces could be provided within the site), there would be an unacceptable suburbanisation of the site and a greater impact on openness both in spatial and visual terms.

The proposed development would therefore result in harm to and loss of openness of the Green Belt. Furthermore, even if the lawful use of buildings 1A, 1B and 2B had been established and the majority of the site was considered to be PDL, it is considered that the development would result in substantial harm to the openness of the Green Belt and would also therefore not meet exception g) of para. 145 of the NPPF and would constitute inappropriate development in the Green Belt.

The harm identified to openness adds to the harm identified by reason of inappropriateness, and para. 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt.

<p>Accessibility to services and facilities</p>	<p>The spatial strategy for development within the Borough is defined in policy GBSP2 of the adopted District Plan which directs development to the two main towns (Welwyn Garden City and Hatfield) and a number of specified settlements. The application site lies outside of the defined towns and specified settlements and is therefore in an area where new residential development is normally restricted.</p> <p>The site is however located outside of the defined settlement boundary of Cuffley, which is a specified settlement as designated by policy GBSP2. Cuffley has a village centre with a range of shops and other facilities, including a primary school.</p> <p>A footpath exists on the northern side of Northaw Road East, providing pedestrian access to Cuffley. There are also bus stops on the northern and southern side of Northaw Road West (outside of the application site) which serve the 242 bus route (Potters Bar, Northaw, Cuffley, Goff's Oak, Cheshunt, Waltham Cross, and a Sunday service which also goes to Welwyn Garden City and Hatfield), which provides a relatively frequent service at peak times.</p> <p>County Highways have commented that rail services as well as school and shopping opportunities are within an acceptable walking distance from the site. They have identified opportunities to improve pedestrian conditions to Cuffley as well as access to public transport from the bus stops outside of the site, and if planning permission is granted these improvements should be secured by a S106 agreement (along with a second strand contribution towards measure to support and promote the use of non-car based modes of travel).</p> <p>Despite the concerns raised by third parties in respect of accessibility to services and facilities, it is considered that any future occupiers of the site would have reasonable access to services and facilities by means other than the private vehicle, as required by policy H2 of the adopted District Plan.</p>
<p>The effect on the character and appearance of the area</p>	<p>The site's immediate surroundings are predominantly dominated by undeveloped agricultural land that is rural in character. The existing buildings, notwithstanding their scale, bulk and commercial use, are agricultural in character and are generally rural and simplistic in their form and appearance. Such ex-agricultural buildings are not uncommon in a rural location and it is considered that they do not appear out of place within the context of the site and its surroundings.</p> <p>Whilst the existing buildings sit comfortably in this rural context, the redevelopment of the site for the scale of residential development proposed would be at odds with the site's rural surroundings and would result in harm to the character and appearance of the area. There would be a noticeable visual difference between the two developments and residential development of this scale would be uncharacteristic in this location and visually conspicuous in its countryside setting.</p> <p>The site lies within the Northaw Common Parkland Landscape Character Area (area 53) as defined in the Welwyn Hatfield Landscape Character Assessment (April 2005) which outlines that parkland is the</p>

	<p>dominant land cover within the area, and land use is primarily horse pasture. It states that settlement is predominantly confined to the narrow ridgelines, such as the village of Northaw and The Ridgeway at Cuffley.</p> <p>There is existing vegetation which screens some of the site's boundaries and which assists in somewhat reducing the visibility and prominence of the site, however due to surrounding topography, views of the site are available from adjacent footpaths and the edge of the settlement of Cuffley (particularly from the western boundaries of Colesdale and Kingswell Ride). The proposed replacement of existing landscaping along the boundary of the site with Northaw Road West (discussed in more detail below) will also increase the visibility of the site.</p> <p>The proposed development would result in a reduction in the footprint of built form and hardstanding within the site and subsequently an increase in the landscaped areas of the site, albeit the majority of these landscaped areas would be private gardens. Whilst the increase in space given over to soft landscaping does help to 'green' the site, it is not considered that this benefit overcomes the concerns set out above in respect of the impact of the development on the character and appearance of the area. Furthermore, it is considered that the demarcation of this 'green' space into residential curtilages emphasises the urban qualities of the development within the surrounding countryside.</p> <p>It is noted that the submitted LVIA comments that the existing site makes a negative contribution to the local landscape character and that the proposed development would have a slight beneficial effect on both the immediate and wider landscape setting. For the reasons outlined above however, it is considered that the proposal would result in harm to the character and appearance of the area, contrary to policy D2 of the adopted District Plan.</p>
<p>Loss of employment land</p>	<p>The majority of the buildings within the site are currently in use for commercial purposes. Policy EMP8 of the adopted District Plan sets out the Council's policy for employment sites outside of employment areas. The Council recognises that there are existing employment sites scattered throughout the Borough, many of which are occupied by small businesses who provide valuable local services, they provide employment and services for local residents and provide a variety of affordable units. The policy therefore states that planning permission will only be granted for residential development on employment sites where it can be shown that the development of the site for a 'live-work' mixed use scheme would not be viable. The applicant has not provided any evidence with the application that the use of the site for a 'live-work' mixed use scheme has been investigated and is not viable.</p> <p>Policy SADM10 of the emerging Local Plan requires that proposals that would result in a loss of land from Class B uses will only be permitted where it can be demonstrated through marketing that the land or premises are no longer required to meet future employment land needs and that there is a lack of demand for the land to premises in that location. The Council's evidence base has indicated that even with all of</p>

	<p>the land allocated as designated employment areas, it will be difficult to provide sufficient employment floorspace to meet forecast job requirements to 2032, and as a consequence it is important to protect employment land as far as possible. This approach is considered to be consistent with the NPPF which requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</p> <p>Whilst it is acknowledged that due to the stage of preparation of the emerging Local Plan the weight that can be given to this emerging policy is reduced at this stage, however for the reasons set out above, it is considered that the emerging policy is consistent with the economic objective of the NPPF by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and therefore in accordance with para. 48 of the NPPF some weight can be given to this policy.</p> <p>The proposed development fails to demonstrate the impact of the loss of existing commercial premises and in light of the Council's policy position on protecting employment land where it has been demonstrated that it is required to be retained for employment purposes, this is a matter which weighs against the proposal.</p>
<p>Highways and parking</p>	<p>Following the submission of additional information and amendments to the proposed access design and visibility splays for the new access, County Highways have raised no objection to the application. They have commented that the impact of the changes of the level of vehicle trips generated by the development would be imperceptible within existing daily flows on the network. The amended Transport Statement (TS) has clarified that the existing eastern access to the site is to be retained and would be used solely for use by the existing Colesdale Farm. Whilst it is recognised that visibility from this access is beneath which the Highway Authority would require for new or amended accesses, due to the less intensive use of the access (when compared to its existing level of use) and provided that the use of the access is restricted to the existing farm only, County Highways have raised no objection to the retention of this access.</p> <p>The existing western access is proposed to be repositioned further to the west by around 15 metres and this access would provide vehicular access to the proposed residential development. The applicant has demonstrated on amended drawing ref. 24794-08-020-01 Rev B that visibility splays of 120 metres in a westerly direction and 90 metres in an easterly direction can be achieved from the proposed access, and County Highways are satisfied within this.</p> <p>As set out above in the section of this report on accessibility to services and facilities, County Highways have raised no objection to the application on sustainability grounds.</p> <p>Whilst the concerns raised by third parties in respect of traffic generation and proximity to the junction with Cattlegate Road are noted,</p>

	<p>having regard to the considerations of County Highways the proposal is unlikely to result in an unacceptable impact on highway safety nor would the impact of the development on road network be severe.</p> <p>The Council's Parking Service has commented that whilst the proposal complies with parking standards, the layout of parking spaces as shown on the submitted indicative layout plan is not realistic and is likely to result in people parking in other location which are likely to be obstructive to other road users. As set out previously in this report, this is an outline application with all matters reserved apart from access. The layout of the proposed development is therefore a reserved matter, however it is considered that there is sufficient space within the site to enable alternative parking layouts to be considered which may address the concerns raised in respect of the location of parking spaces.</p>
<p>Other matters</p>	<p>Living conditions</p> <p>Layout is a reserved matter, and whilst the layout shown on the submitted indicative layout plan would result in some overlooking between dwellings in places, it is considered that there is sufficient space within the site for the layout to be amended to address this issue.</p> <p>The comments from Environmental Health do raise some concerns about the impact of traffic noise on the dwellings closest to Northaw Road West and East. In accordance with the advice from Environmental Health, it is recommended however that a condition is attached to any permission granted requiring a noise assessment to be undertaken and any required mitigation measures to be identified.</p> <p>Landscaping</p> <p>The Council's Tree Officer has commented that there is no objection to the removal of existing vegetation within the site, as what little of it there is, is very low quality. They have however commented that further consideration should be given as to how to achieve or retain the screen which is currently provided along the boundary of the site with Northaw Road West, which is proposed to be replaced with native planting.</p> <p>In response, the applicant has commented that the replacement planting could be installed at the start of the development such that it has a chance to establish by the time the development is complete; a mixture of mature trees (3-4 metres high) and whips (1 metre high) could be used; and that part of the existing hedging could be retained and only removed just before the completion of the development.</p> <p>The proposed replacement planting is unlikely to reach the height of the existing landscaping along the southern boundary of the site and as set out earlier in this report, will result in the site and the development being more visible within the streetscene. However, from a landscaping perspective, the replacement of non-native species with native species is considered to be a benefit.</p> <p>The Tree Officer has commented that the landscaping proposals shown on the submitted Landscape Master Plan are promising, and it is considered that sufficient space exists within the site to provide landscaping as an integral part of the overall design, in accordance with</p>

the requirements of policy D8 of the adopted District Plan.

Land contamination

The applicant has indicated on the submitted application form that all or part of the site is suspected to be contaminated, and that the proposed use would be particularly vulnerable to the presence of contamination. The submitted Planning Statement states that the application is accompanied by a desk study report (although it does not appear that this document has been submitted as part of the application) which concludes that the site is likely to pose a potentially moderate risk to human health and a moderate to low risk to controlled waters and therefore remediation may be required to protect the identified receptors. The Planning Statement states that the report recommends a ground investigation is undertaken to quantify the contamination risk. From the findings of such an investigation, any necessary remediation and mitigation measures can be identified. It is recommended therefore that if planning permission were to be granted for this development, it should be subject to a condition which requires that a ground investigation is undertaken and any necessary remediation measures identified and undertaken.

Environmental Health have recommended that planning permission can be granted subject to such a condition, and such a condition would also address the comments made by the Environment Agency (EA). The EA have commented that as the site lies in a secondary A aquifer and that the application form indicates that land contamination is suspected for all or part of the site, in accordance with the NPPF and the national planning policy guidance, all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. It is considered that such a condition would also be necessary to accord with policies R2 and R7 of the adopted District Plan.

Flood risk and drainage

The site is located within Flood Zone 1 where there is low probability of land flooding (less than a 1 in 1000 annual probability of river flooding). The submitted Flood Risk Assessment and Drainage Strategy April 2019 acknowledges this. In respect of surface water flood risk, the submitted drainage strategy proposes permeable paving areas, an attenuation pond and discharge into a main river. Following the submission of additional information, the Lead Local Flood Authority – Herts County Council (LLFA) have confirmed that they have no objection to the application on flood risk grounds. They advised that the site can be adequately drained and mitigate any potential existing surface water flood risk if the development is carried out in accordance with the overall drainage strategy. Thames Water have confirmed that they have no objection to the proposed surface water discharge proposals.

Having regard to the findings of the Flood Risk Assessment and Drainage Strategy April 2019 and the relevant consultee responses, it is considered that the proposed development would not result in an increase in flood risk elsewhere in accordance with para. 163 of the

NPPF.

Ecology

Herts Ecology have no records specific to the application site and there are no known records of bats within close proximity to the site. The submitted Preliminary Roost Assessment found neither potential roosting places nor the presence of any evidence of bats, and the submitted badger survey found no badger sets, or evidence of use of the site by badgers or nearby. Such matters are therefore not considered by Herts Ecology to be constraints to the proposed development.

Herts Ecology have also commented that the submitted landscape master plan would provide biodiversity gains.

Infrastructure/S106 contributions

Thames Water have commented that with regard to foul water sewage network infrastructure capacity they have no objections to the planning application.

HCC Growth and Infrastructure Team have commented that to minimise the impact of the proposed development on HCC services, financial contributions towards primary education (the expansion of Woodside Primary School), secondary education (the expansion of Chancellors Secondary School), library services (the enhancement of services at Cuffley Library) and youth services (an increase of capacity at Waltham Cross Young Peoples Centre). If permission were to be granted for the proposed development, the applicant would need to enter into a Section 106 agreement to secure these mitigation measures.

As set out above, contributions would also be required to mitigate the impact of the development from a highways perspective and to promote the use of sustainable modes of transport.

Previous planning history

It is material to the consideration of this application that planning permission has previously been refused and dismissed on appeal on this site for the demolition of the existing buildings, the conversion of the brick built barn to residential and the erection of four two storey dwellings (application ref. S6/2008/2224/MA and appeal ref. APP/C1950/A/09/2108882). Planning permission was refused by the Council for four reasons including that the proposal would represent inappropriate development in the Green Belt and that the suburbanisation of the site would be visually intrusive in the landscape to the detriment of the openness, character, appearance and visual amenity of the Green Belt.

In dismissing the appeal, the Inspector stated that the buildings and structures on the appeal site which were proposed to be demolished were mostly modern agricultural buildings and their design and appearance was what is normally expected to be found in the countryside. The Inspector went on to comment that the design and

	<p>layout of the proposed four dwellings would be of a more suburban form and that the bulk, height and design of the proposals would introduce a suburban form of development which would harm the character and appearance of the area and would fail to respect the agricultural form of the site within this countryside setting. It was also stated that a condition would not prevent domestic paraphernalia such as garden furniture and children's play equipment being placed within the garden areas, which would detract from the countryside setting of the appeal site and inevitably such domestic paraphernalia would result in additional suburbanisation of the appeal site.</p> <p>The Inspector stated that the proposals would result in a significant bulk of two storey development in the southern part of the appeal site, and although the proposals would reduce the spread of development, and increase the overall openness within the appeal site as a whole, due to the bulk and height of the proposals, it would reduce the openness within the southern part of the appeal site, harm the visual amenity of the Green Belt and the character and appearance of the area.</p> <p>Whilst the weight that can be given to this decision is reduced due to the time since the decision was made and that the proposal was considered against the requirements of PPG2 (which has now been replaced by the NPPF), the Inspectors comments in respect of openness, the character and appearance of the site and surroundings and its impact on its countryside setting remain relevant.</p>
<p>Other considerations</p>	<p>Housing land supply</p> <p>The Council are unable to demonstrate a five-year supply of deliverable housing sites. The latest published position (February 2019) states that the Council can only demonstrate a supply of 3.10 years. The proposed development would contribute towards the identified shortfall in housing supply, which is a benefit to which moderate weight is attached.</p> <p>Affordable Housing</p> <p>The application proposes that 11 dwellings would be affordable, which would meet the Council's policy in respect of the provision of affordable housing. The Council has identified a need for affordable housing within the Borough and therefore the provision of affordable housing is also a benefit.</p> <p>Economic benefits</p> <p>During the construction of the proposed development a number of construction jobs would be generated, although these would be short term as they would be restricted to the lifetime of the construction of the development. Whilst some weight can be attributed to this from an economic perspective, this must be balanced against the short term nature of the employment and that the development would result in the loss of existing employment opportunities on the site.</p> <p>Economic benefit would also arise from the use of local businesses and services by future occupiers of the proposed development and weight can also be attributed to this benefit.</p>

Conclusion
<p>The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The proposed development would deliver additional housing (including affordable units) in a Borough where a shortfall in housing has been identified. Economic benefits would also arise from the construction of the development and future spending of residents on local facilities and services. There would also be environmental benefits due to biodiversity improvements. Combined, these considerations would weigh in favour of the proposal.</p> <p>However, it is considered that the other considerations identified do not clearly outweigh the substantial weight that must be given to the harm to the Green Belt by reason of inappropriateness and the other harm identified to openness, character and appearance and loss of employment.</p> <p>The Council's position in respect of housing land supply is acknowledged. Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:</p> <ul style="list-style-type: none"> (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason of refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. <p>However, in accordance with footnote 6 to para. 11(d)(i), land that is designated as Green Belt is specified as a policy that protects areas or assets of particular importance. Therefore as Green Belt policy in this case provides clear reason for refusing the development proposed, the presumption in favour of development (also known as the tilted balance) does not apply in this case.</p> <p>In conclusion therefore, the proposed development would result in conflict with the development plan and the NPPF. There are no material considerations of sufficient weight or importance that clearly outweigh the significant harm identified to the Green Belt (including harm derived from loss of openness) and the other harms identified so as to amount to the very special circumstances necessary to justify the proposal. For the reasons given above it is recommended that planning permission is refused.</p>

Reasons for Refusal:

1. The proposed development constitutes inappropriate development in the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to loss of openness and impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies GBSP1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
A_1921 PL100		Proposed Site Layout	11 April 2019
A_1921 PL200		Street Elevations	11 April 2019
011310825		Location Plan	11 April 2019
A1921 PL300		Parking Plan	19 June 2019
TPP/CFNR W/010	B	Tree Protection Plan	9 July 2019
24794_08_ 020_01	B	Visibility Splay Existing v Proposed Eastwards	18 July 2019

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mr Chris Carter
1 August 2019