

Part I

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Hatfield Villages

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 12 AUGUST 2021  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2020/3222/MAJ

FORMER VOLKSWAGEN VAN CENTRE, COMET WAY, HATFIELD, AL10 9TF

DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW BUILDING  
COMPRISING 118 RESIDENTIAL APARTMENTS, LAYOUT OF PARKING AREAS,  
LANDSCAPING, ELECTRICITY SUBSTATION AND ANCILLARY DEVELOPMENT

APPLICANT: MR MIKE LODGE

**1 Site Description**

- 1.1 The application site has an area of 0.46 hectares and is located to the north-western side of Comet Way at its junction with Jetliner Way. The site was previously occupied by a Volkswagen Commercial Vehicles dealership but is currently being used on an ad-hoc basis by a small used car sales business. It contains a commercial building fronting onto Comet Way and a car park covered in tarmac. The established planning use of the site is for vehicle sales, which is sui generis, meaning it does not fall within a defined use class. The site is outside of a designated employment area in the Welwyn Hatfield District Plan 2005. The former Hatfield Aerodrome site lies adjacent to and outside of the site. Therefore, the Hatfield Aerodrome Supplementary Planning Guidance 1999 does not apply to this site.
- 1.2 Pedestrian and vehicular access to the site is gained from Comet Way and the building fronts onto the same road.
- 1.3 Adjoining the site to the north is an electricity sub-station and restaurant/hot food takeaway (KFC). Beyond the KFC is a small building which is a Grade II Listed former British Aerospace Gatehouse. Further north, fronting Comet Way, are the Grade II listed former British Aerospace Offices (list entry no: 1251143) and former British Aerospace Staff Mess (list entry no: 1262931) which are both now part of Hatfield Police Station. Jetliner Way adjoins the south-west boundary of the site. On the opposite side of this road, fronting Comet Way, is a linear row of two and half to 3 storey buildings comprising a mix of residential and commercial uses at ground floor and residential above. To the rear of this row of buildings is the disused Hatfield Bus Station. A hotel (Travel Lodge) is built partially over the Bus Station and is four storeys in height with a flat roof. Goldsmith Way runs parallel and adjacent to the rear, north-west, boundary of the site. In the immediate surrounding of the rear boundary of the site is a five storey residential block with a flat roof (along Tamblin Way) and views of large buildings associated with Hatfield Business Park – the nearest being an approx.18.3 metre tall building associated with Eisai European Knowledge Centre.

## **2 The Proposal**

- 2.1 This applications seeks planning permission for the erection of a building comprising 118 residential apartments (51x1-bed and 67x2-bed) with ancillary development. 30% affordable housing is proposed (35 units) with a policy compliant tenure split (51% social rent and 49% intermediate tenure).
- 2.2 A single storey electricity sub-station building would be erected to the northern corner of the site, adjacent to the existing sub-station location.
- 2.3 The part of the building nearest Comet Way would rise in height from four to seven storeys with the lower height next to the KFC building. Further into the site, the building would be broadly seven storeys in height.
- 2.4 The existing vehicular access to the site (to/from Comet Way) would be closed and re-located to the rear of the site with access taken from Goldsmith Way. The proposed building, fronting Comet Way, would include an under-croft area to provide a pedestrian link to the Comet Way footway.
- 2.5 The ground floor of the building would comprise car parking, cycle and bin stores. There would also be open-air surface level car parking. In total, the proposed development would provide 100 car parking spaces, of which 16 would be suitable for use by disabled motorists. This represents a ratio of 0.85 spaces per apartment. 134 secure and covered cycle spaces would be provided within the building. In addition to this, a further 16 spaces would be provided under cover, within the pedestrian access from Comet Way, for incidental use by visitors to the site.

## **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Duncan Bell. The reasons for the call-in are as follows:
  - *The application, by its size, (118 homes), is of interest to residents and the community generally.*
  - *WHBC parking standards would appear to imply a requirement for 164 spaces, yet only 100 are proposed. A recent development at the Comet Hotel site with very limited parking provision has been plagued by visitor parking on surrounding residential streets, and we will need to avoid repeating this error.*
  - *The sustainability of the proposal in terms of travel needs to take account of the fact that the nearest bus stop is 600 metres distant, and the railway station 1.5 km distant. The site is adjacent to a bus station, but this is, unfortunately, disused. Can anything be done with the abandoned and unsightly bus station site as part of the proposal?*
  - *The site is not in WHBC's draft Local Plan. Whilst this is not in itself a barrier to approval, the draft Local Plan currently places the bulk of housing development for the borough in the towns of WGC and Hatfield, and it may not be desirable to accentuate this emphasis any further with a development on this scale.*

- *Alternatively, of course, a reduction of homes planned elsewhere in NW Hatfield in the Local Plan could be the answer.*
- *DMC members will undoubtedly be interested in the level of affordable housing provision proposed. The application correspondence refers to an initial desire for 100% provision, but only 30% has been proposed formally at this stage.*

#### **4 Relevant Planning History**

4.1 None

#### **5 Relevant Planning Policy**

5.1 National Planning Policy Framework 2021 (NPPF)

5.2 Saved Policies of the Welwyn Hatfield District Plan 2005 (District Plan)

5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

5.4 Supplementary Design Guidance 2005 (SDG)

5.5 Supplementary Planning Guidance, Parking Standards 2004 (Parking Standards SPG)

5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

#### **6 Site Designation**

6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

#### **7 Representations Received**

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total four representations have been received, all of which object to the proposal. All representations received are published in full on the Council's website and are summarised below:

##### *Objections*

- Area suffers from crime and disorder. The development will attract more of this.
- Development not in keeping with area
- Infrastructure and services around Hatfield are already stretched
- Traffic and pollution issues
- Development would re-value the De-Havilland buildings
- Lack of a good direct cycle route from the development to Hatfield town centre
- Lack of a dipped kerb on Goldsmiths Way at the proposed exit from the apartments to enable use of the shared use pavement on this road for cycles

## **8 Consultations Received**

- 8.1 While no consultee has explicitly objected to the proposal, Hertfordshire Constabulary have said that they are unable to support the application and WHBC's Parking Services Team raise concerns. These responses are summarised as follows:

### Hertfordshire Constabulary

- No mention of access control or compartmentalisation, which would result in unfettered access to all floors and apartments
- The roof gardens look dangerous with low screens placed on wall tops, easily breached by children
- The proximity of Comet Way, with high volumes of fast moving cars is also a potential danger for children exiting the block
- This location next to The Galleria, A large public house, Aldi shop and other crowd drawing venues warrants extra security and at the moment I do not see any mention of it. Without this essential subject being covered, I am not able to support this application.

### WHBC Parking Services

- Car parking provision lower than SPG
- We are aware that there is already high parking demand from nearby retail provision, where parking overspill has started to take place in the former unused HCC owned bus station under Travelodge. This proposal would likely cause extra demand in an area already facing parking issues
- Nearby District Centre car park not a viable long term option
- Any such approval of housing on this site would not come with a provision from Parking Services to allow parking permits to be brought to park in nearby (soon to be adopted) roads such as Aviation Avenue, or even further afield such as Comet Road.

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

- HCC Growth Team
- HCC Transport Programmes and Strategy
- HCC Fire and Rescue Service
- HCC Public Health
- Hertfordshire Ecology
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Landscaping
- Environment Agency
- NHS

8.3 No response was received from the following consultees:

- Herts & Middlesex Wildlife Trust
- Herts & Middlesex Bat Group
- Hertfordshire Ecology
- HCC Rights of Way Team
- HCC Fire Protection
- Hertfordshire Building Control Ltd
- CPRE
- Welwyn Hatfield Access Group
- UK Power Network
- The Ramblers Association

## **9 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
  - i) Housing mix**
  - ii) Accessible and adaptable dwellings**
  - iii) Ecology and biodiversity**
  - iv) Flood risk and sustainable drainage**
  - v) Contaminated land**
  - vi) Air quality**
  - vii) Archaeology**
  - viii) Refuse and recycling**
  - ix) Environmental Impact Assessment**
- 6. Planning obligations**
- 7. The planning balance**
- 8. Conclusion**

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

9.2 The site lies within the town of Hatfield as defined in the District Plan. Policy GBSP2 of the District Plan highlights that development will mainly be concentrated in the two towns (Hatfield and Welwyn Garden City).

9.3 Policy R1 of the District Plan states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. The application site is previously developed land and therefore accord with this policy.

9.4 The application site is not allocated in the District Plan as a designated housing site so comes forward as a windfall site.

- 9.5 Policy H2 of the District Plan relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;
  - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
  - iii. The capacity of existing and potential infrastructure to absorb further development;
  - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
  - v. The physical and environmental constraints on development of land.
- 9.6 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy
- 9.7 The site is located within close walking distance to The Galleria Shopping Centre and a supermarket (Aldi). There are a number of bus stops within convenient walking distance which provide frequent services to the town centre of Hatfield, its rail/bus station, Welwyn Garden City and St Albans. A cycle path also links Comet Way to the town centre of Hatfield. It is considered that future occupiers would be able to access a diverse range of services and facilities without reliance on the private car as a means of transport. The site is therefore a sustainable location for residential development.
- 9.8 Subject to infrastructure improvements being secured through a S106 agreement, it is considered that infrastructure could absorb a development of this scale. The development would also provide additional demand for services and facilities
- 9.9 The physical and environmental constraints on development of the land are discussed in detail below.

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

- 9.10 Policies D1 and D2 of the District Plan 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 SDG which requires development to be sensitive to local character and not detrimentally affect the townscape and landscape. One of the main issues to be taken into account in considering how a development may affect the character of the area, as identified in the SDG, is the scale, height, massing, and space around the new development in relation to the adjoining buildings, topography, general heights in the area, views, vistas and landmarks. These objectives are broadly consistent with Policy SP 9 of the Council's Emerging Local Plan and the aims of the NPPF.

- 9.11 Policy D7 of the District Plan states that the Council requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places which are safe and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.12 Paragraph 130 of the NPPF also outlines that planning decisions should ensure that developments have appropriate and effective landscaping. Paragraph 131 goes on to say that trees make an important contribution to the character and quality of urban environments and that local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places. Appropriate measures should also be in place to secure the long term maintenance of newly planted trees.
- 9.13 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development. This approach is also broadly consistent with Policy SADM 16 of the emerging Local Plan.
- 9.14 The proposed building would range in height from four to seven storeys. It would be clad in red brick, which is typical of both traditional and more modern and new buildings within the local area. A rendered finish and green coloured panels would also be used, in direct response to the materials used in the trio of listed buildings to the north and a similar approach has been used in other modern buildings nearby. The uppermost level would be set-back from the lower elevations and faced in zinc with a muted tone. The curved corner elevation and balconies would also give a subtle cue to the design of the listed buildings in its setting. It is considered that the proposed external materials of the building would be acceptable in principle. Precise details can be secured through a planning condition.
- 9.15 At up to seven storeys in height (maximum height of approx. 21.5 metres), the proposed building would be the tallest building on this side of Comet Way. The height of buildings in the immediate locality do vary from that of the modest single storey KFC building adjoining the site, to the 5-6 storey flat roof residential blocks and large Eisai building in the background of the site when viewed from Comet Way which form part of the re-developed former Aerodrome site. The Galleria Shopping Centre is also situated close to the site and is clearly appreciated from the site. This is a prominent building of substantial scale and bulk on the opposite side of Comet Way with a maximum height of approx. 20 metres.
- 9.16 The section of building located next to Comet Way would gradually step down in height from seven to four storeys as it draws closer the shared boundary with the KFC building. The uppermost (seventh) storey would also be set-back from the lower floors. This design feature, together with the use of darker toned facing, would reduce its apparent scale, particularly when passing along Comet Way. The building would be separated from the northern boundary by approximately 2.4 metres and from the KFC building by a further 5.4 metres. The 2.4 metre gap would facilitate space for tree planting and the proposed elevations include climbing plant on this flank elevation which will have a softening effect. New

planting is also proposed along the frontage of Comet Way. The landscaping on the roof gardens would soften longer distance views on approach from the north. While the building line would be sited well forward of the KFC building, it would not appear unduly dominant from views along Comet Way. It is also noted that the building line on this side of Comet Way is not consistent.

- 9.17 The seven storey part of the building would be situated closer to Jetliner Way and Goldsmith Way. The parade of buildings on the opposite side of Goldliner Way would be notably smaller in terms of both their scale and height. However, it is considered that the separation distance between these buildings and the proposed development, in addition with the intervening wide pavement and road between would prevent the development from appearing excessively tall or dominant at the southern end. The L-shaped section of the building sited nearest to Goldsmith Way would be read more so in relation to the Travel Lodge building and the five storey residential blocks and not appear out of place.
- 9.18 In terms of the proposed sub-station, this would be a modest single storey building situated adjacent to the main access. This would not appear unduly prominent from the street or out of place with its context.
- 9.19 In terms of safety, both Hertfordshire Constabulary and Hertfordshire Highways have been consulted for this application. Based on the submitted information, Hertfordshire Constabulary are unable to support the application. Concerns are raised in terms lack of measures to prevent unfettered access to all floors, the low screens placed on wall tops on the roof gardens and the potential for danger for children existing the block given the close proximity of Comet Way.
- 9.20 The only information submitted with the application pertaining to safety relates to vehicular, cycle and pedestrian access to and from the site and public areas within the site being well lit. Hertfordshire Highways consider that the accesses to and from the site are acceptable subject to conditions.
- 9.21 It is considered that the concerns raised by Hertfordshire Constabulary regarding unfettered access within the site and building and safe use of the roof gardens can be suitably addressed through planning conditions. Such conditions would require suitable hard boundary treatment and means of enclosure, details of entrance restrictions within the building, and revised details of the safety screens surrounding the roof gardens. A planning condition can also secure an external lighting scheme.
- 9.22 The existing site is void of any soft landscaping. The proposal would include landscaping surrounding and within the site, as well as on the building. The building would be set back from its boundaries by hedging and a grass verge. Trees would be planted along the site's frontage (facing Comet Way), echoing the avenue of trees along this road. Trees would also be planted along the rear boundary (facing Goldsmith Way) and at the corner of Comet Way and Jetliner Way and within the site. The proposal would also include several roof gardens. These roof gardens would be surrounded by new planting which would be visible in longer range views. Also, as mentioned above, the northern flank elevations, would also feature climbing plants.
- 9.23 The Council's Tree Officer has been consulted for this application who considers that the planting both on and around the building is considered sufficient and appropriate and that the proposed landscaping, if executed well, should assist in softening the appearance of the building. The Tree Officer also highlights that



the landscaping will increase biodiversity on the site. Details of plant species and sizes are shown but there are no details of planting methods and aftercare. A condition is recommended to secure these missing details. This condition is both reasonable and necessary.

- 9.24 The Highway Authority have been consulted for this application and do not raise any issue with the location of the proposed trees relative to accesses.
- 9.25 Taking account of the above, and subject to the suggested conditions, it is considered that the proposed development, in terms of its height, scale, mass, appearance and landscaping, would acceptably relate to the character and context of its area, in accordance with Policy D2 of the District Plan and the SDG.
- 9.26 The site is located to the south west of the Grade II listed former British Aerospace Gatehouse (list entry no: 1251144). Further north, fronting Comet Way, are the Grade II listed former British Aerospace Offices (list entry no: 1251143) and former British Aerospace Staff Mess (list entry no: 1262931) both now part of Hatfield Police Station. To the west of the site is the Grade II\* listed former Flight Test Hangar and Offices (list entry no: 1376561), now the David Lloyd gym.
- 9.27 The site is also located approximately two kilometres to the west of Hatfield House (Grade I listed) and its associated parkland (Hatfield Park Registered Park and Garden, registered at Grade I) which also includes the Old Palace (Grade I listed) and, immediately to the west of Hatfield Park, St Etheldreda's Church (Grade I listed). Whilst these assets are at a distance from the site, tall buildings within Hatfield can impact on views west from these assets due to the elevated position of Hatfield House and Park and the long ranging views over the surrounding landscape.
- 9.28 The above heritage assets have been identified and assessed within the submitted Heritage Statement.
- 9.29 As required under Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard shall be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 9.30 Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater that weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.31 Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 9.32 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.33 Policy R28 of the District Plan states that development will not be permitted if it would lead to the loss of, or cause harm to, the historic character, appearance or setting of any part of a registered historic park or garden.

- 9.34 Policy SADM15 (Heritage) of the emerging Local Plan sets out that proposals should respect the setting of heritage assets in terms of design, scale, materials and impact on key views. It continues by stating that proposals that result in less than substantial harm to the significance of a designated heritage asset will also be refused unless the need for, and benefits of, the development in that location significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented.
- 9.35 Policy SADM 15 of the emerging Local Plan is not consistent with the NPPF insofar as it relates to level of benefit required to outweigh any harm to a designated heritage asset. Greater weight is afforded to the NPPF given the current stage of the emerging Local Plan and weight which can be attributed to its policies.
- 9.36 Both Historic England and the Council's Built Heritage Consultant have been consulted for this application. While Historic England raise no objection, the Council's Built Heritage Consultant considers that the development would impact on the setting of the Grade II listed former Gatehouse particularly in views looking south. The backdrop of the former Gatehouse from this vantage point are currently relatively open. The proposed development would fill this backdrop. Such a visual intrusion is considered to visually detract from this heritage asset. The level of harm is deemed to be less than substantial as the other views can still be appreciated.
- 9.37 In line with paragraph 202 of the NPPF and Policy SADM15 of the emerging Local Plan, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is discussed later in the planning balance section (section 7) of this report. Notwithstanding this, as the proposal would result in less than substantial harm to a designated heritage asset, this would not represent high quality design, and therefore, there would be a degree of conflict with Policy D1 of the District Plan.

### **3. Residential amenity**

- 9.38 The NPPF highlights in chapter 12 'achieving well-designed places' that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.
- 9.39 The Council's SDG outlines that development should not cause loss of light or be unduly dominant from adjoining properties. New units should also minimise overlooking and communal amenity area should be functional and useable. A similar approach to amenity and design is outlined in Policy SADM 11 of the emerging Local Plan.
- 9.40 Policies R19 of the District Plan that proposals will be refused if it is likely to be affected by unacceptable noise or vibration from other land uses. Conditions are supported to mitigate impact to an adequate level of protection. This approach is consistent with Policy SADM 18 of the emerging Local Plan and the NPPF.

### Impact on living conditions of existing occupants

- 9.41 The nearest residential properties to the site are located along Harpsfield Broadway (to the south) and Tamblin Way (to the west).
- 9.42 The properties along Harpsfield Broadway comprise flats located either at ground level or above commercial units. The nearest flats are set over two storeys above a restaurant (Roti House) and would be separated from the proposed building by approximately 36 metres. The primary windows of the flats are orientated away from the development site.
- 9.43 The residential units along Tamblin Way comprise flats within a five storey building. The nearest units would be separated from the proposed building by approximately 34 metres and views from facing windows and balconies would be oblique rather than direct.
- 9.44 Having regard to the location, orientation and height of the proposed building relative to these neighbouring properties, in addition to the spacing distances between the buildings, it is considered that the development would not harm the living conditions of these neighbouring occupiers. The same conclusion is reached for all other nearby residential properties in the area.

### Living conditions of future occupiers

- 9.45 The proposed flats would accord with the nationally described space standards. While a larger proportion of the overall units would be single aspect only, the openings serving the open plan kitchen/living area would be wide and each bedroom (all doubles) includes a good sized window. In addition to this, each flat features a useable external balcony. While it is acknowledged that the inward facing flats – particularly those enclosed on two sides at first and second floor level facing north, would receive the least amount light, it is noted that the floor plans of these units are not deep. It is therefore considered that these units would receive an adequately acceptable level of natural light. The spacing distance between the partially enclosed inward facing flats, at approximately 25.8 metres, is also sufficient to ensure that the building does not appear unduly dominant from any proposed flat. This spacing distance between facing flats and inclusion of privacy screens on those external balconies in close proximity to windows and other balconies would ensure that the privacy of future occupiers would be protected. The outlook from windows of the proposed flats is also considered to be acceptable.
- 9.46 In addition to an external balcony for each flat, the proposal would also include three roof gardens of varying size and on different levels for use by all occupants. The roof gardens, in their current layout and design, would not create a good standard of amenity for its users. Communal gardens need to be designed in such a way to provide opportunities for privacy or seclusion through careful consideration of soft and hard landscaping, lighting, and noise mitigation measures. Only then will these spaces be inviting and useable for future occupiers. Revised details of the roof gardens can be secured through a condition.
- 9.47 While there is no public amenity space in the immediate vicinity of the site, it is recognised that both Ellenbrook Fields and Birchwood Playing Fields are only separated from site by 0.8 miles and 1 mile respectively and both can be

accessed on foot and by bicycle. The Alban Way is also within convenient walking distance from the site.

- 9.48 Having regard to the private amenity space and communal amenity space which would be provided on-site, together with the presence of public spaces and walking/cycling routes in the locality, it is considered, on balance, that future occupiers would be afforded adequate amenity space.
- 9.49 Now turning to the impacts of noise on future occupiers. The application has been supported by a Noise Assessment (by Cass Allen Architectural & Environmental Acousticians, 11 November 2020). A noise survey was carried out at the site from the 22<sup>nd</sup> to the 28<sup>th</sup> of July 2020 to measure and characterise the existing noise levels in the area. Noise is identified from road traffic, the adjoining KFC and drive-through and the adjoining UK Power Network (UKPN) transformer.
- 9.50 The modelling results identified that the areas of the development at the eastern edge of the site, facing Comet Way, will be subject to the highest noise levels. However, acceptable internal noise levels will be achievable for habitable rooms subject to suitable glazing. Mechanical ventilation will also be provided to enable occupants to have an alternative to opening windows.
- 9.51 The modelling results also indicate that noise levels on the external terraces are predicted to generally comply with relevant standards but mitigation measures may be required at the detailed design stage. External balconies on the eastern and western facades of the building (facing Comet Way and Jetliner Way) will exceed relevant standards due to traffic noise. The report however goes on to highlight that whilst this is not ideal, exceeding such recommended standards does not normally mean that the balconies would be unacceptable to future occupiers. Reasons provided include greater tolerance and acceptance in urban areas, the preference for a balcony rather than none, and that the development will provide an alternate amenity space at rooftop level where predicted noise levels are indicated to be lower than desirable levels.
- 9.52 The assessment indicates a 'low impact' due to noise from the UKPN transformer. Suitable glazing and ventilation are however suggested for the avoidance of doubt.
- 9.53 The Council's Public Health & Protection Officer has reviewed the submitted noise assessment and recommends pre-occupation testing conditions to ensure that the predictions made in the noise assessment are realised. This would cover both internal and external environments and mechanical ventilation systems.
- 9.54 The Public Health & Protection Officer has not raised an objection to the matter of noise levels from external balconies exceeding recommended standards having regard to the reasons highlighted above.
- 9.55 Furthermore, there is no evidence to indicate that the windows on the façade with the highest noise levels will be required to have windows closed at all times in order to avoid unacceptable noise impacts.
- 9.56 Having regard to the above, it is considered that the proposed development would maintain the living conditions of existing occupiers and, subject to the

suggested conditions, acceptable living conditions would be provided for future occupiers of the development.

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

##### Highway impact and promoting sustainable transport

- 9.57 Paragraph 110 of the NPPF outlines, amongst other things, that in assessing specific applications for development, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.58 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.59 The NPPF also highlights that applications for development should allow for the efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.60 The above approach to highway safety, access and sustainable transport is broadly consistent with Policy SADM 12 of the emerging Local Plan.
- 9.61 Both Highways England and Hertfordshire Highways have been consulted for this application. Highways England offer no objection and Hertfordshire Highways do not wish to restrict the grant of planning permission subject to conditions and planning obligations.
- 9.62 Hertfordshire Highways recommend conditions to secure: a construction management plan; closure of the existing access and provision of the new accesses to acceptable standards; off-site highway improvement works and subsequent road safety audit; detailed design plans of the road, footways, cycleways, foul and surface water drainage; provisions of EV charging points; and cycle parking. The conditions are necessary and reasonable and can be secured with a grant of planning permission.
- 9.63 Based on the submitted information, sustainable transport improvements are also required in order to mitigate the impact of the proposed development on the operation of the local footway, cycleway, highway and public transport networks. Hertfordshire Highways state in their consultation response that to access local facilities, amenities, the town centre and railway station, it is envisaged future residents will need to route on the Cavendish Way / Queensway via Comet Way. Therefore, contributions are sought toward a number of applicable sustainable transport packages set out in the South Central Growth and Transport Plan. These include:
- Comet Way/Wellfield Road Corridor - To implement sustainable transport improvements along the Wellfield Road corridor, providing greater mode choice for trips between the Hatfield Business Park and the town centre.

- Hatfield-College Lane/Cavendish Way Corridor - To reduce severance and improve conditions for pedestrians and cyclists along the College Lane/Cavendish Way corridor enhancing connectivity between the university campuses and Hatfield town centre.
- Hatfield-Cavendish Way/Queensway Corridor - To reprioritise the main transport corridor through Hatfield town centre to reduce the dominance of motorised vehicles, improve connectivity to the surrounding area and make a more attractive entrance to the town centre.

9.64 The application has been supported by a Travel Plan to promote travel by sustainable travel modes. This Travel Plan does require certain changes and revisions but an acceptable version can be secured in the event of a grant of planning permission.

9.65 It is necessary to secure the above sustainable transport measures and improvements through planning obligations.

9.66 Having regard to the above, it is considered that the proposed development is acceptable in highway terms and sustainable transport modes would be promoted.

### Parking

#### *Car parking*

9.67 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, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight.

9.68 In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.

9.69 The Council's Parking Standards SPG classifies the area within which the site is located as Zone 3. In this Zone, the maximum car parking standards for the proposed development would equate to 164 spaces.

9.70 The proposal would provide 100 car parking spaces, including 16 disabled parking spaces and 8 electric vehicle parking spaces. This represents a ratio of 0.85 spaces per apartment. All spaces (other than the 8 active charging points) will be constructed so that they can be retrofitted with passive charging.

9.71 As previously noted, the Council's Parking Standards SPG is only a guidance and parking provision will be assessed on a case by case basis. It is also

important to note that the SPG only sets maximum standards. Therefore, whilst the car parking provision proposed for residents is lower than those set out in the SPG, this is not the determining factor. Rather, the onus is on developers to demonstrate through transport information submitted alongside their planning applications that a greater or lesser level of car parking provision is appropriate.

- 9.72 The submitted Transport Assessment (by Stantec) highlights that the Parking Standards SPG is very out of date, having been adopted 16 years ago (now 17 years), and the zonal maps within it clearly show that it was produced before the majority of the development surrounding the site was built. The assessment considers that the site is now in one of the most sustainable and well-connected locations in the Borough and, accordingly, a Zone 1 or 2 classification for the site is more reasonable. Applying a Zone 1 or 2 classification would equate to 105 car parking spaces for the proposed development which is similar to the proposed provision.
- 9.73 In terms of accessibility of the development, the Transport Assessment highlights that it is a 15 minute walk from Hatfield Town Centre to the site via footways and lit streets and Census data indicates that 18% of residents in this location travel to work on foot. The whole built-up area of Hatfield is also identified to be within a 2km cycle ride from the site. Furthermore, it is noted that there is a cycle way linking the site to the heart of the town centre with an approximate 7 minute journey time and also a shorter informal route via The Galleria, St Albans Road West and Lemsford Road. The Alban Way also provides convenient access to Hatfield Train station for both pedestrians and cyclist. The aforementioned sustainable transport measures will improve conditions for both pedestrians and cyclists and further promote such sustainable modes of transport. The approved site Travel Plan will also encourage a mode shift in travel.
- 9.74 There are a number bus stops within reasonable walking distance from the site which provide frequent transport to train stations and towns inside and outside of Hertfordshire. Hatfield Bus and Train Station itself provides frequent services to Welwyn Garden City, London (Kings Cross and St Pancras), Moorgate, Royston, and Cambridge.
- 9.75 Regarding local car ownership levels, the Transport Assessment also refers to the 2011 Census data on car and van availability for flats in the area of the application site. Applying this data, it demonstrates that the forecast residential car parking demand of the proposed development would be 81 spaces. The proposed car parking provision for the development will provide 100 parking spaces which would be above this forecast parking demand.
- 9.76 On-street car parking in the locality is heavily restricted and the Council's Parking Services Team have made clear in their consultation response that any such approval of housing on this site would not come with a provision from Parking Services to allow parking permits to be brought to park in nearby (soon to be adopted) roads such as Aviation Avenue, or even further afield such as Comet Road. As such, it is unlikely that any overspill car parking would have a material impact on nearby roads and streets.

#### *Cycle parking*

- 9.77 It is proposed to provide 134 secure and covered spaces within the building, exceeding the SPD's requirement. In addition, a further 16 spaces would be provided under cover, within the pedestrian access from Comet Way, for

incidental use by visitors to the site. The submitted Design & Access Statement states that this overprovision of cycle parking is intended to help facilitate and encourage travel by cycle, as an alternative to using cars.

- 9.78 Taking account of the above, it is considered that the proposal would provide an acceptable level of on-site car parking and cycle parking and, therefore, no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.
- 9.79 Planning conditions are required to secure provision of the standard car parking spaces, disabled car parking space, proposed electric vehicle charging points and cycle provision and ensure that they are retained in perpetuity.

## 5. Other considerations

### *i) Housing Mix and accessible and adaptable dwellings*

- 9.80 Policy SP 7 of the emerging Local Plan states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

| <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>4+ bed</b> |
|--------------|--------------|--------------|---------------|
| 14%          | 23%          | 41%          | 22%           |

- 9.81 This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.
- 9.82 The proposal would not therefore meet the requirements of the latest evidence of housing need and market demand. The benefits associated with the proposed development therefore need to be balanced against the mix of dwellings proposed.
- 9.83 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. Policy SP 7 of the emerging Local Plan requires that at least 20% of all new dwellings on sites involving 5 or more dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. A planning condition can ensure this requirement is met.

### *ii) Ecology*

- 9.84 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 180 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of



the NPPF that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design..*”

- 9.85 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. This approach is broadly consistent with Policy SADM 16 of the emerging Local Plan.
- 9.86 The submitted Design & Access Statement outlines that the proposal would provide a net gain in biodiversity, through the transformation of a barren site to one with new planting of trees, shrubs and flowers in native species, the provision of green roofs, and other measures such as bird and bat boxes which would provide both habitats and foraging areas for local wildlife.
- 9.87 While a ‘net’ gain for biodiversity has not been evidenced, it is acknowledged that the site is absent of any soft landscaping and is not identified on the Council’s database as a priority area for habitat creation. Hertfordshire Ecology have also been consulted for this application and welcome the above ecology enhancements. A condition is recommended by Hertfordshire Ecology requiring long-term landscape management and maintenance details, as well as details of the bird and bat boxes. Hertfordshire Ecology also advise that any external lighting is designed to minimise impact on wildlife. These matters can be secured through conditions.
- 9.88 Taking account of the above, it is considered that the proposal would result in a biodiversity improvement on the site and therefore accord with the above policies.

*iii) Flood risk and sustainable drainage*

- 9.89 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.
- 9.90 Paragraph 169 of the NPPF also outlines that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 9.91 The above approach is broadly consistent with Policy SADM 14 of the emerging Local Plan.
- 9.92 The application has been supported by a Flood Risk Assessment (by Stantec, November 2020) and accompanying drainage statements. The Lead Local Flood Authority (LLFA) initially raised concerns regarding the level of information provided, however, through the submission of additional information during the course of the application, the LLFA have removed their objection and recommend conditions to ensure that the development is acceptable in flooding terms. These conditions can be secured with a grant of planning permission.

*iv) Renewable Energy*

- 9.93 Policy R3 of the District Plan states that ‘the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...’ Policy SD1 of the District Plan states that ‘development proposals

will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'. This approach is reflected in Policies SP 10 and SADM 13 of the emerging Local Plan

- 9.94 Policy SP10 of the emerging Local Plan sets out the strategic approach to promoting more environmentally sustainable development within the borough, supported by more detailed criteria set out in SADM 13 and SADM 14 and also the NPPF.
- 9.95 Photovoltaic (PV) solar panels would be provided on the roof of the proposed building, supporting the environmental objective of sustainable development. The proposed plans show the proposed solar panels in both plan and elevational form, however this may be subject to change. For the avoidance of doubt and in the interest of high quality design, a planning condition can require exact details of the solar panels, in terms of their size, height and location, and also ensure that the approved details are implemented and retained in perpetuity.
- 9.96 While PV solar panels would be provided, the application has not demonstrated how energy conservation will be maximised through the development. Further measures can however be secured through a condition.

*v) Contaminated land*

- 9.97 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. This approach is consistent with Policy SADM 18 of the emerging Local Plan and the NPPF.
- 9.98 Policy R7 of the District Plan and Policy SP 10 of the emerging Local Plan also require development not to pose a threat to the quality of both surface and/or groundwater.
- 9.99 A Phase 1 Ground Conditions Assessment (by Stantec, April 2020) and Phase 2 Ground Investigation Report (by Stantec, August 2020) accompanies this application. The Council's Public Health & Protection Officer has reviewed their content and recommends that all measures identified in Section 9 of the Stage 2 report are implemented, in addition to an unexpected finds condition.
- 9.100 One of the measures identified in Section 9 of the Stage 2 report is an Outline Remediation Strategy and, the Environment Agency, in their consultation response, have recommended that this is secured by condition in order to ensure that the proposed development will not pose an unacceptable risk to the groundwater environment. The Environment Agency have also recommended conditions regarding infiltration drainage systems and foundation design using penetrative methods to ensure that the development will not exacerbate the bromate and bromide groundwater pollution beneath the site.
- 9.101 Subject to the above conditions, the proposal would be acceptable in this regard.

*vi) Air quality*

- 9.102 An air quality impact assessment has been submitted in support of the application. The report concludes that impact from the development site will be low, and as a result there will not be a breach of the air quality objectives. The

Council's Public Health & Protection Officer has reviewed it content and recommends that the site specific mitigation measures in section 9.1 of the report including electric vehicle charging points and facilities for bicycles is secured by condition. These measures can be secured as such.

- 9.103 Hertfordshire County Council's Public Health Team have also be consulted and recommend that a short statement is provided by condition to give assurances of how this site will promote good health and wellbeing. Officers are however satisfied that the proposal would meet this aim for the following reasons: The site is located in a sustainable location where walking and cycling are convenient alternatives for day to day service needs over the private car; sustainable transport measures and off-site improvements would be secured; the site would promote biodiversity, private and communal amenity space would be provided and public open space is in the vicinity; and the proposal would contribute financially toward indoor and outdoor sport, play space and green space in the locality.

*vii) Archaeology*

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

- 9.105 Hertfordshire County Council's Historic Environment Advisor has been consulted for this application and considers that the development is unlikely to have an impact on heritage assets of archaeological interest. The proposal would therefore be acceptable in this regard.

*viii) Refuse and recycling*

- 9.106 Policy SADM 12 of the emerging Local Plan states that appropriate provision of refuse storage and collection areas should be made according to the nature of the development and that such areas are designed in order to perform their role effectively.

- 9.107 The ground floor level of the building would include three refuse and recycling stores. The Council's Client Services Team have been consulted for this application and consider that these areas are adequate to accommodate the required quantity and type of bins for the development. They also allow for additional materials to potentially be added on for recycling at a later date. A planning condition can ensure that these bin stores are provided and retained for no other use.

- 9.108 Also, in accordance with the Council's Recycling and Refuse Separation and Storage Planning Guidance 2005, it is necessary for the doors of each store to open outward and for coded locks to be provided. This is in the interest of good design. These measures can also be secured by condition.

*ix) Environmental Impact Assessment*

- 9.109 Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the

Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the overall area of development would be less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. An EIA is therefore not required.

## **7. Planning obligations**

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

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

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

### Affordable Housing

9.112 *Affordable Housing*

9.113 The proposal would provide policy compliant affordable housing provision, in accordance with Policy H7 of the District Plan and Policy SP 7 of the emerging Local Plan. This would be secured through a S106 Agreement.

### Hertfordshire County Council Contributions

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

- Primary Education - towards the expansion of Green Lanes Primary School by 1 form of entry £59,415.00
- Secondary Education (towards a new 8FE secondary school in Hatfield) - £398,401.00
- Library Services (towards Hatfield Library) - £12,570.00
- Youth Services (toward increasing provision at Hatfield Young People's Centre) - £1,024.00
- Sustainable Transport (Improvements on Comet Way/Wellfield Road Corridor, Hatfield-College Lane/Cavendish Way Corridor and Hatfield-Cavendish Way/Queensway Corridor to mitigate impact of development)
- Travel Plan evaluation and support - £6,000.00

### WHBC Contributions:

9.115 WHBC have requested the following contributions in order to mitigate the impacts of the development:

- Open space/green space - £11,813.26 (toward enhancement works to The Alban Way – WHBC side)
- Play space – £30,985.60 (toward additional play equipment at the existing play site at Birchwood Playing Fields)
- Waste and recycling - £8,495.64 toward the provision of household waste bins and mini recycling centres
- Indoor sport – £4,712.00 (toward improving doors and accessible toilets at the Hatfield Bowls Club), £39,732.00 (toward increased pay and play accessible water space future swimming provision and/or replacement/refurbishment of ageing facilities at Hatfield Swim Centre), and £38,240.00 (toward improving and/or renovating the sports halls at the Birchwood Leisure Centre including new equipment, flooring, changing facilities and redecorating and/or upgrading and repairing the current sports/exercise hall at the Hatfield Swim Centre).
- Outdoor sport - £10,075.00 (towards a new 3G football pitch at Birchwood Leisure Centre), and £1,924.00 (toward improving quality of pitch at Roe Hill Hall)

### NHS

9.116 The NHS have requested the following contributes in order to mitigate the impacts of the development on healthcare infrastructure:

- General medical services - £141,482.00 (toward increasing clinical space and increasing the level of patient access at Burvill House Surgery and/or Wrafton House Surgery in Hatfield Town Centre. This may involve expansion, reconfiguration and digitisation of patient records.
- Mental health - £23,807.00 (toward evolving expansion and reconfiguration project at Roseanne House in Welwyn Garden City)
- Community healthcare - £21,478.00 (toward evolving expansion and re configuration project at Queensway Health Centre in Hatfield Town Centre)

9.117 In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5,000.00 will also be required and payment will be required on completion of the Section 106 Agreement.

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

- 9.119 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.
- 9.120 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2 of the District Plan; the Planning Obligations SPD; Policy SP 13 of the emerging Local Plan; the NPPF and CIL Regulations 2010, as amended.

## **8. The planning balancing**

- 9.121 The proposed development would result in less than substantial harm to the setting of the Grade II listed former Gatehouse to the north-east of the site. There would also be a degree of conflict with the development plan in terms of the dwelling mix and design harm by virtue of the identified less than substantial harm to the setting of a designated heritage asset.

### Harm to heritage asset and public benefits

- 9.122 Under Paragraph 199-200 of the NPPF, great weight should be given to the conservation of designated heritage assets even where the harm would be less than substantial, and any harm should require a clear and convincing justification. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 9.123 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.124 The Planning Practice Guidance (PPG) provides clear guidance in paragraph 020 on the meaning of 'public benefits', particularly in relation to historic environment policy in the NPPF. The PPG makes clear that public benefits should be measured according to the delivery of the three key drivers of sustainable development: economic, social and environmental outcomes, all of which are reflected in the objectives of the planning system, as per Paragraph 8 of the NPPF. Public benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 9.125 The public benefits of this proposal would comprise: the provision of much needed market and affordable housing in the borough; and ensuring the vitality of town centres.

### *Provision of market housing*

- 9.126 The Council cannot demonstrate a five year supply of deliverable homes (current supply is only 2.58 years). The shortfall is considerable and significant. The proposal would therefore boost the supply of market housing in the area.
- 9.127 Paragraph 120(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The conflict with the

development plan in terms of housing mix does reduce the degree of weight afforded to this public benefit. Significant weight is attached to this factor in favour of the proposal (significant weight is one level down from substantial weight).

#### *Provision of affordable housing*

- 9.128 The Council have some serious shortcomings in terms of past delivery trends of affordable housing. The affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. This shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97% shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum.
- 9.129 The Inspector for a recent appeal in Colney Heath for up to 100 dwellings (appeal reference: APP/C1950/W/20/3265926) highlighted that the persistent under delivery of affordable housing in the local authority area presents a critical situation.
- 9.130 The proposed development would provide policy compliant affordable housing provisions. 30% of the flats (35 units) would be affordable and the tenure split would accord with the Council's most up-to-date evidence of need. Substantial weight is attached to this public benefit.

#### *Promoting the vitality of the town centre*

- 9.131 Paragraph 86 and 86(f) of the NPPF explain that planning decisions should support the role that town centres play at the heart of local communities and planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 9.132 The development of 118 one and two bed homes in this case will make a valued contribution toward the vitality of Hatfield Town Centre in particular given its close proximity and convenient sustainable links to it, with the knock-on effect of supporting local business growth. Having regard to the number of new dwellings proposed, moderate weight is attached to this public benefit.

#### *Conclusion in terms of public benefits*

- 9.133 These public benefits, in combination, are considered to outweigh the less than substantial harm to the significance of the Grade II Listed former Gatehouse.

#### The presumption in favour of sustainable development

- 9.134 Paragraph 11 of the NPPF begins by stating that decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) then goes on to explain that for decision-taking this means: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

Assets of particular importance include designated heritage assets (Footnote 7). Footnote 8 of paragraph 11 states that for applications involving the provision of housing, out-of-date policies include situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 9.135 The Council cannot demonstrate a 5 year supply of deliverable housing sites and, as such, the presumption in favour of sustainable development is relevant.
- 9.136 It has been identified that the public benefits of the proposal would outweigh the harm to the subject designated heritage asset. Having regard to this, the application of such policies in the NPPF would not provide a clear reason for refusing the development proposed.
- 9.137 What now remains are the other harms, comprising a degree of conflict with the development plan in terms of the dwelling mix and degree of design harm by virtue of the identified less than substantial harm to the setting of a designated heritage asset. It is considered that the adverse impact would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## **10 Conclusion**

- 10.1 The proposed development is considered to be acceptable and subject to the imposition of conditions and a planning obligation the proposal is recommended for approval. Accordingly, for the reasons given, the proposal is recommended for approval.

## **11 Recommendation**

- 11.1 It is recommended that planning permission be approved subject to:

Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement for the obligations set out in Section 7 of this report; and the following conditions:

### **PRE-COMMENCEMENT CONDITIONS**

1. Development must not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
  - a) Hours of construction works;
  - b) Construction vehicle numbers, type, routing;
  - c) Traffic management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
  - e) Siting and details of wheel washing facilities;



- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Provision of hoarding around the site;
- l) Noise control measures to minimise noise and vibration; and
- m) Dust control measures

The construction of the development shall not be carried out otherwise than in accordance with the approved CMP.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way and the amenity and living conditions of the wider public in line with the mitigation measures set out in the Environmental Statement and in accordance with the National Planning Policy Framework.

2. Development must not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - (a) A preliminary risk assessment which has identified:
    - i. all previous uses;
    - ii. potential contaminants associated with those uses;
    - iii. a conceptual model of the site indicating sources, pathways and receptors; and
    - iv. potentially unacceptable risks arising from contamination at the site.
  - (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - (c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON: To ensure that the development will not pose a risk to the water environment, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

3. The measures recommended in Section 9 of the submitted Phase 2 Ground Investigation Report (by Stantec, Project Ref: 47179/3502, Rev: 00, Date: August 2020) must be carried out.

REASON: To ensure that will be no unacceptable risk to health or the environment in relation to contamination, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### (a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. (an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems; and
  - archeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## (b) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Proposed Surface Water Drainage Strategy prepared by Stantec, drawing number 47179/4001/002 Revision B dated 20 July 2021, the letter provided by Stantec dated 20 July 2021, and the following mitigation measures detailed within the submitted Flood Risk Assessment:
  - a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2 l/s during the 1 in 100 year event plus 40% climate change event.
  - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 210 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in permeable paving subbase and attenuation tank.
  - c) Discharge of surface water from the private drain to the Thames Water sewer on Goldsmith Way.

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

REASON: To reduce the risk of flooding in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

6. Development must not commence (excluding works of demolition) until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and include details of the following:

- a. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs, for the entire site within the red line boundary including all footpaths and accesses.
- b. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times.
- c. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

7. Drainage systems for the infiltration of surface water to the ground must not be carried out other than with the written consent of the local planning authority.

REASON: To ensure that the development will not exacerbate the bromate and bromide groundwater pollution beneath the site, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

8. Piling/other foundation designs using penetrative methods must not be carried out other than with the written consent of the local planning authority.

REASON: To ensure that the development will not exacerbate the bromate and bromide groundwater pollution beneath the site, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

9. Development must not commence (excluding works of demolition) until detailed design plans have been submitted to and approved in writing by the local planning authority to illustrate the proposed roads, footways and cycleways. All construction works shall be carried out in accordance with the approved plans.

REASON: To ensure safe and suitable access in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

## PRIOR TO ABOVE GROUND DEVELOPMENT

10. No development above ground level (excluding works of demolition) shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:
- a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';
  - b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
  - c) The person carrying out the building work must inform the Building Control body which requirements apply; and
  - d) Written verification of the completion of all dwellings in accordance with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible and wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; Policy SP 7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

11. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing (No. 147179/5501/101 REV P5) have been submitted to and approved in writing by the Local Planning Authority.

(Part B) Prior to first occupation of the development the off-site highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON: In the interest of highway safety in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield

District Plan 2005, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

13. No development above ground level (excluding works of demolition) shall take place until a ground floor level hard landscaping scheme has been submitted to and approved in writing by the local planning authority. This scheme shall include:
- a) Details of the height and appearance of gates, fences, walls or other means of enclosure and a plan to an identified scale illustrating and annotating the location of such features; and
  - b) Details of the surface material for the internal road, footway, cycle way and parking spaces and arrangement for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: In the interest of high quality design, in accordance with Policies D1, D2 and D7 of the Welwyn Hatfield District Plan 2005; Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

14. No development above ground level (excluding works of demolition) shall take place until details of the planting methods and aftercare of the soft landscaping as shown on drawing numbers: BLA021-003 Revision A, BLA021-005, BLA021-006, BLA021-004 Revision C and 19\_386\_PL18, has been submitted to and approved in writing by the local planning authority.

The approved soft landscaping scheme must then be carried out in the first planting and seeding seasons following first occupation of the development, and any plant 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.

REASON: To ensure proper implementation of the agreed landscape details in the interest of high quality design and improving biodiversity, in accordance with Policies D1, D2, R11 and D8 of the Welwyn Hatfield District Plan 2005; Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

15. No development above ground level (excluding works of demolition) shall take place until further details of the hard landscaping as shown on drawing numbers: 19\_386\_PL12, BLA021-003 Revision A, BLA021-005, BLA021-006 and BLA021-004 Revision C, has been submitted to and approved in writing by the local planning authority. These details must include:

- a) Confirmed height of barrier for all roof gardens (inclusive of plinth and clear screen), locations, and specification of the clear screen element;

- b) Hard landscaping within main roof garden (fourth floor) to create areas of privacy and seclusion for residents. This must include a plan to an identified scale illustrating and annotating their location and details of the height and appearance of such features; and
- c) The location and appearance of seating and furniture for all roof gardens.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: In the interest of high quality design, in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP 9 and SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

16. No development above ground level (excluding demolition) shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details must include:
- a) A site plan showing the location of the external lighting (ground based, on building and in roof gardens);
  - b) Metrically scaled elevations of the types of external lighting; and
  - c) Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting, and should be designed to minimise light spill, in particular directing light away from any boundary vegetation / trees to enable dark corridors to be used by wildlife as well as directing lighting away from potential roost / nesting sites.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: To assist with site safety, to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with Policies D1, D7, R11 and R20 of the Welwyn Hatfield District Plan 2005; Policies SADM16 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. No development above ground level (excluding works of demolition) shall take place until details of the type of cycle stands within each cycle store of the building and how they would accommodate the quantity of provision as stated on drawing number 19\_386\_PL08 must be submitted to and approved in writing by the local planning authority.

The approved details must be implemented prior to first occupation of the development. Thereafter, the cycle stores must be permanently retained for no other purpose.

REASON: To ensure that the development is served by sufficient cycle provision and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

18. No development above ground level (excluding works of demolition) shall take place until further details of the cycle parking within the under-croft and open-air area on drawing number 19\_386\_PL08 have been submitted to and approved in writing by the local planning authority. The details must include:

- a) The type of cycle stand to be provided; and
- b) The quantity of spaces in each area.

The approved details must be implemented prior to first occupation of the development. Thereafter, these cycle parking areas must be permanently retained for no other purpose.

REASON: To ensure that the development is served by sufficient cycle provision and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

19. No development above ground level (excluding works of demolition) shall take place until details of the balcony screens for flats 04, 10, 12 and 16 on the approved floor plans have been submitted to and approved in writing by the local planning authority. The details must include:

- a) A plan to an identified scale showing the location and extent of the balcony screen; and
- b) Elevations to an identified scale showing the height and appearance of the balcony screens.

The approved details must be implemented prior to first occupation of each of the above flats and retained permanently thereafter.

REASON: To protect the living conditions of future occupiers in terms of privacy, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

20. No development above ground level (excluding works of demolition) shall take place until an Energy & Sustainability Statement has been submitted to and approved in writing by the local planning authority. This Statement must include measures to maximise energy conservation through the design of the buildings. The development shall be constructed in accordance with the agreed and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 13 of the Welwyn Hatfield



Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

21. No development above ground level (excluding works of demolition) shall take place until details of the photovoltaic (PV) cells on the roof of the apartment building has been submitted and to and approved in writing by the local planning authority. The details must be metrically scaled and include:
- a) Elevations of PV cells;
  - b) Elevations of each block inclusive of PV cells; and
  - c) Roof plan of each block showing final layout of PV cells.

Prior to first occupation of the development, the PV cells must be installed in accordance with the approved details and subsequently, must be permanently retained in operational use.

REASON: In the interest of environmental sustainability and high quality design, in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan; Policies SP 1, SP 10 and SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

22. No development above ground level (excluding demolition) shall take place until details of the proposed bird and bat boxes have been submitted to and approved in writing by the local planning authority. These details must include:
- a) A site plan(s) and elevations identifying the location of such biodiversity enhancement features; and
  - b) Images of the type of biodiversity features to be installed.

Prior to first occupation of the development, the approved details must be implemented and retained permanently thereafter.

REASON: To contribute positively to biodiversity, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

23. Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:
- a) Noise tests showing that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014 (with the mechanical ventilation system off, on and on maximum boost setting). Internal LAmax levels should not exceed 45dB more than ten times a night in bedrooms.
  - b) Noise testing showing that all outdoor amenity areas comply with the 55dB WHO Community Noise Guideline Level.

Non-compliance with any of the above levels will require additional mitigation measures to be incorporated into the development prior to first occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

REASON: To ensure that intended 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 SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

24. Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:

- Noise testing showing that indoor ambient noise levels in living rooms and bedrooms from commercial noise sources are 10dB below the standards within BS 8233:2014 and LA<sub>max</sub> levels do not to exceed 40dB internally with windows closed.

Testing must take place in the properties that would be worst affected by the commercial noise sources, as in the closest property to the noise source. Testing must also take place for a suitable period of time to ensure that the commercial units are in fact operating so representative noise levels can be recorded.

Non-compliance with these levels will require additional mitigation measures to be incorporated into the development prior to the occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

REASON: To ensure that intended 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 SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

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

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

26. Prior to first occupation of the development, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

27. Prior to first occupation of the development, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number (47179/5501/101 Rev P5) only. Any of the access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON: In the interest of highway safety in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

28. Prior to first occupation of the development use of the development hereby permitted, provision must be provided for at least eight of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready Active charging points and all other spaces constructed so that they can be retrofitted with passive charging. Thereafter such provisions must be retained permanently thereafter.

REASON: To promote sustainable transport in accordance with Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

29. Prior to first occupation of the development, the car parking spaces as shown on drawing number: 19\_386\_PL08, must be made available for use. Thereafter, the car parking spaces must be permanently retained for no other purpose

REASON: To ensure that the development is provided with and retained with an acceptable car parking provision, in accordance with in accordance with Policy M14 of the Welwyn Hatfield District Plan, Policy SADM 12 of the Welwyn Hatfield

Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

30. The double doors of each bin store, as shown on drawing number 19\_386\_PL08, must be fitted with coded locks for access for residents and waste collection crews. The bin stores must be made available for use prior to first occupation of the development. Therefore, the bin stores must be permanently retained for no other purpose.

REASON: To ensure that the bin stores are secure, are provided and are retained, in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

31. The communal roof gardens must be made available for use upon first occupation of each respective Block and be retained permanently thereafter for no other purpose.

REASON: To ensure that the communal amenity space is implemented for use by future occupiers in the interest of high quality design, in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### DRAWING NUMBERS

32. 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> |
|--------------------|------------------------|----------------------------|----------------------|
| 19_386_PL<br>01    |                        | Location & Block Plan      | 01 December 2020     |
| 19_386_PL<br>02    |                        | Existing Site Plan         | 01 December 2020     |
| 19_386_PL<br>03    |                        | Existing Ground Floor Plan | 01 December 2020     |
| 19_386_PL<br>04    |                        | Existing Elevations        | 01 December 2020     |
| 19_386_PL<br>07    |                        | Proposed Site Plan         | 01 December 2020     |
| 19_386_PL<br>08    |                        | Proposed Ground Floor Plan | 01 December 2020     |
| 19_386_PL<br>09    |                        | Proposed First Floor Plan  | 01 December 2020     |

|                 |                               |                  |
|-----------------|-------------------------------|------------------|
| 19_386_PL<br>10 | Proposed Second Floor<br>Plan | 01 December 2020 |
| 19_386_PL<br>11 | Proposed Third Floor Plan     | 01 December 2020 |
| 19_386_PL<br>12 | Proposed Fourth Floor<br>Plan | 01 December 2020 |
| 19_386_PL<br>13 | Proposed Fifth Floor Plan     | 05 January 2021  |
| 19_386_PL<br>14 | Proposed Sixth Floor Plan     | 01 December 2020 |
| 19_386_PL<br>15 | Proposed Roof Plan            | 01 December 2020 |
| 19_386_PL<br>16 | Proposed Elevations 1         | 01 December 2020 |
| 19_386_PL<br>17 | Proposed Elevations 2         | 01 December 2020 |
| 19_386_PL<br>18 | Proposed Elevations 3         | 01 December 2020 |
| 19_386_PL<br>19 | Proposed Elevations 4         | 01 December 2020 |

## POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

## INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

3. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. Cadent Gas have identified that a low or medium pressure (below 2 bar) gas pipes and associated equipment are located in the vicinity of the proposed development. Please contact Cadent Gas on [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or +44 (0)800 688588 to discuss your requirements before carrying out any work.
5. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges will apply. It is advised that this is done as soon as possible to avoid delays in servicing the new development.

6. In relation to the protection of the railway, the developer must liaise with Network Rail's Asset Protection Team prior to the construction phase to discuss the scheme, to ensure that it can be delivered safely, and without detrimental impact on the safety of the adjacent railway environment. Issues to be discussed and agreed will include (but not necessarily be limited to) construction methodology, use of scaffolding, use of crane and plant, boundary treatments (including landscaping and anti-trespass provision where appropriate) and drainage. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

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, and where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

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 a 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.

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition and/or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

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.

Given the scale of the development it is likely use of a crane will be required. The developer must bear in mind that 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.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
9. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
10. Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.



OR

It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed S106 agreement for the following reason and subject to the application not being called in by the Secretary of State:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.

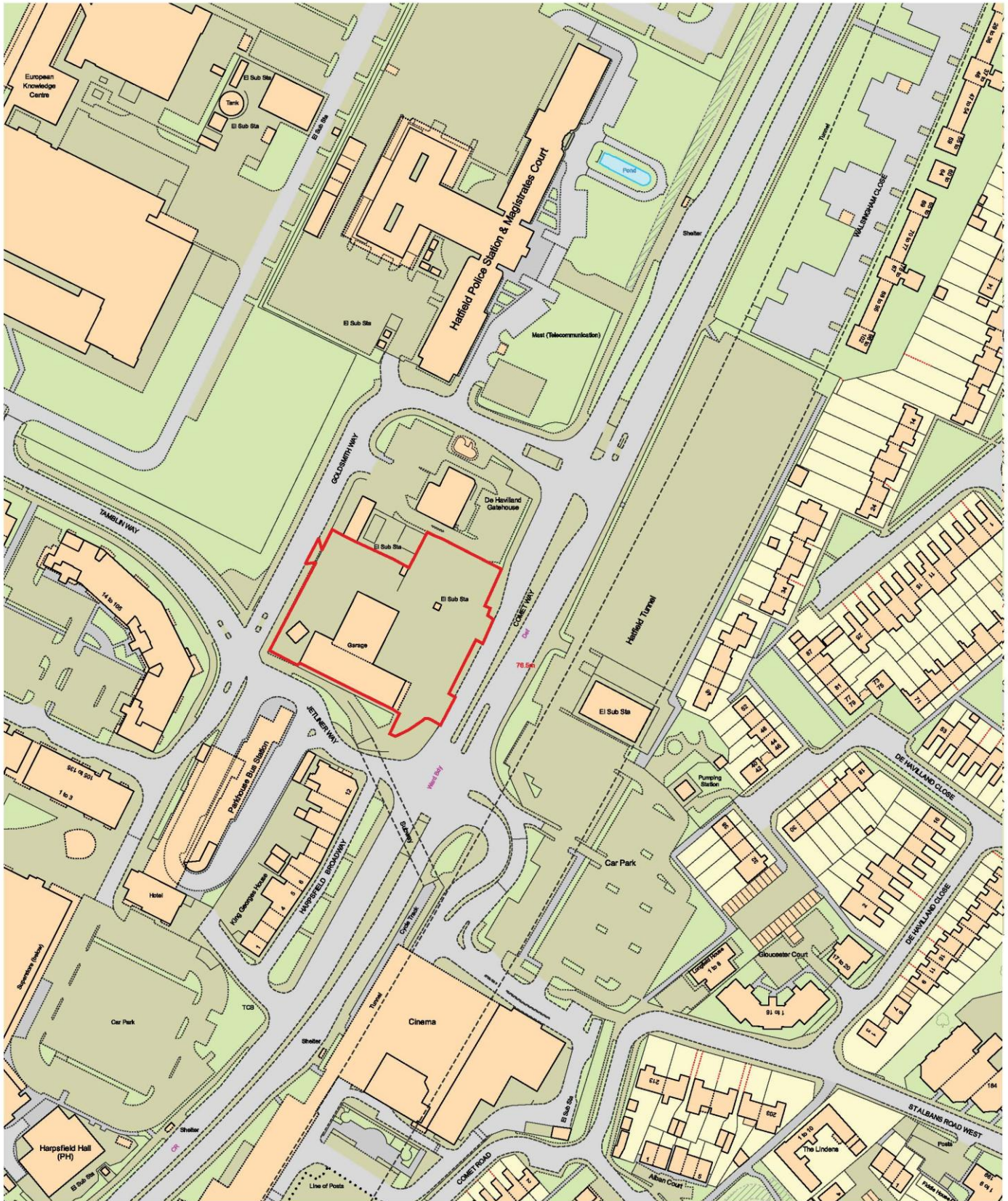
Together with the above drawing numbers to also be included.


#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

David Elmore (Development Management)

Date: 29/07/2021



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|--|--|---------------------------|------------------|
|  <b>WELWYN<br/>HATFIELD</b> | FORMER VOLKSWAGEN VAN CENTRE, COMET WAY, HATFIELD,<br>AL10 9TF |                           | Scale: DNS       |
|  | Development Management Committee                               |                           | Date: 02-08-2021 |
| Council Offices, The Campus<br>Welwyn Garden City, Herts, AL8 6AE  | 6/2020/3222/MAJ  | Drawn: C Gooding-Williams |                  |
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