



**Colin Haigh**  
**Head of Planning**

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9 November 2018

Dear Mr Waller,

**Application Reference:** 6/2018/0508/PA

**Proposal:** Pre-application advice for assessment of Financial Viability Assessment associated with Enabling Development

**Location:** Northaw House Northaw Potters Bar EN6 4PS

I refer to the above enquiry concerning the principle of this development and in particular the demonstration of the financial information to help to justify the very special circumstances required to justify its inappropriateness. This should also be read in conjunction with all other previous pre-application letters sent concerning this proposal.

Please note that no assessment has been made regarding the proposed plans, which form part of this enquiry. This enquiry relates only to the assessment of the financial viability reports associated with the proposal and justifying that this is the minimum amount of development required to secure the future of Northaw House. However, you have submitted a couple of supporting letters, dated 26 April 2018 and 5 November 2018, which will also be considered.

This enquiry originally referred to the conversion of the house to provide 15 residential units and new build development of 16 residential units in the grounds. This was an alteration to the number and layout of houses from the most recent pre-application enquiry dated February 2018. That enquiry related to a total of 28 residential units. However, since receiving comments on the financial information a further amended plan has been received which omits three properties from the Eastern Drive and now is stated in your most recent correspondence dated 7 November to include, 15 converted properties and 12 new build properties.

Please note that if you would like officer's opinion on these new proposals, which includes alterations within the historic core of the site, then you will need to submit a further pre-application enquiry in this regard.

### **Policy Context**

As you are aware the application site is located on land which is designated as Green Belt as defined in the District Plan. Paragraph 145 of the National Planning Policy Framework (the Framework) outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions which are set out and in your letter dated 5 November 2018 which includes the re-use of existing buildings, extensions to buildings, the redevelopment of previously developed land and infill development on previously developed land.

Your letter refers to the buildings to be converted and outlines that some of these buildings would be extended and which in your opinion would not be disproportionate. However, I consider that some of the extensions proposed would be large and would be considered disproportionate to the size of the original building. On that basis, unlike your letter suggests, I consider that you would also need to demonstrate very special circumstances for these elements of the scheme.

With regard to the new build, part g) of paragraph 145 of the Framework, refers to the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Whilst some of the site where the new build would be located may be classed as previously developed land, a large proportion of the site is open and undeveloped where some of the proposed houses would be located. In any event, given the scale and size of the properties proposed, they would have a greater impact on the openness of the Green Belt. Accordingly the development is inappropriate. Additional harm would also be caused to the purposes of the Green Belt, in particular in safeguarding the countryside from encroachment, as development would spread out into the site. Therefore, as outlined at paragraph 143, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In addition to the harm caused by being inappropriate in the Green Belt, as referred to in previous letters, it is considered that the proposal would also cause harm to the heritage assets at the site. This harm is mainly associated through the development within the setting of those heritage assets, however through the pre-application enquiries and subsequent amendments to the schemes, the design and layout of the proposal has been altered and the harm is considered to be less than substantial. Nevertheless, paragraph 196 of the Framework outlines that 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Clearly however the benefits of the proposal would be to bring back into a viable new use a listed building in need of repair and refurbishment works, which would be a public benefit of the proposal.

### **Very Special Circumstances**

In considering whether to allow development within the Green Belt, it must first be considered the level of harm arising from the inappropriate development and then secondly consider the benefits to be delivered by the development, and then consider whether those needs clearly outweigh the harm so as to amount to the very special circumstances needed to justify the proposal. There is no guidance in the Framework as to the nature of 'very special circumstances', the question is therefore for the decision maker and, as long as it acts rationally in reaching its decision, the courts will not interfere.

Paragraph 144 states that; - *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, any other harm, is clearly outweighed by other considerations'*.

Therefore, this proposal requires the need to identify if there are very special circumstances and also to identify the public benefits of the proposal. With regard to this, you outline and rely predominately on the fact that the proposed development would fund the repair of the principle Grade II listed building, Northaw House, the Stable Building, walled garden its outbuildings and its setting. A number of these buildings are in need of repair and restoration works which requires significant financial input. Therefore the consideration is whether

the heritage benefits derived from the development in the Green Belt amount to the very special circumstances needed to justify new development.

Paragraph 202 of the Framework outlines that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Therefore, this enquiry focuses on demonstrating whether very special circumstances exist to set aside that identified harm. As well as the restoration and enhancement of the asset, your letter dated 26 April 2018 states that the following information should be submitted to provide support to the proposal, which is agreed; -

- It is necessary to demonstrate that the proposed enabling development is a last resort means of securing the funding to repair and refurbish the heritage assets within the site, thus giving them a viable future use;
- It is necessary to provide a FVA which will demonstrate that the amount of development proposed is the minimum required to undertake this work;
- It is necessary to demonstrate that there are no alternative sources of funding which could enable the necessary works;
- The proposed development must be designed in a way which minimises any potential harm to heritage assets, and creates new places of a high quality; and
- There must be a long term management strategy for the site, ensuring that listed buildings, public areas and landscape planting will be maintained in a suitable manner.

The letter goes on to say that you are not intending to apply the English Heritage enabling development policy as you believe it is out of date and inconsistent with the Framework. However I disagree with this and consider that the policy is still relevant to determining applications involving heritage assets. As a matter of public policy, enabling development should not provide an easy way out for owners of listed buildings. Generally therefore enabling development should be seen as a long term solution of last resort with proposals coming forward when other solutions have been tried but have failed. It is for this reason that the English Heritage's practical guide remains a vital policy tool and has a useful role to play to justify proposals such as this. Nevertheless, the Financial Viability Report refers to English Heritage's (now Historic England) 2008 approach of enabling development and outlines that the proposed new houses would fund the repair of the heritage assets, its outbuildings and its setting and assesses it against the policy.

As previously referred to in other letters, I consider that this policy is relevant for this case and I welcome the inclusion of it in the Financial Viability Assessment as part of the proposal. The policy for enabling development provides a robust and tested method to assess a proposal that is not acceptable in terms of planning policy against the need for the scale and type of development proposed. This policy states;

*Enabling development that would secure the future of a significant place but contravene other planning policy objectives should be unacceptable unless,*

- *It will not materially harm the heritage values of the place or its setting*
- *It avoids fragmentation of management of the place*
- *It will secure the long term future of the place and where applicable, its continued use for a sympathetic purpose*
- *It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
- *Sufficient subsidy is not available from any other source*
- *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests*

- *The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.*

It is concluded that if English Heritage's criteria are met, permission should only be given if the impact of the development is precisely defined at the outset, it is securely and enforceably linked to a planning obligation, their heritage asset is repaired to an agreed standard as early as possible and the planning authority closely monitors implementation.

With regard to the first criterion of that policy, I draw your attention to the content within the previous letters concerning the design of the proposal. The most recent letter encompassing all of the development proposed was dated 12 January 2018 and outlined in its conclusion; -

*'As it stands, it is considered that the proposals do not adequately conserve or enhance the significance of the heritage assets and less than substantial harm of a designated heritage asset would result. As with all previous pre-applications submitted, there has been a lack of information submitted to enable officers to fully understand and provide an in depth assessment of the proposals and to address all the issues that may arise regarding the heritage assets on site. It is considered that an appropriate proposal has the potential to suitably conserve and in some regards enhance the significance of the heritage assets within this site. This will be subject to sympathetic intervention to the heritage assets as well as new build proposals of appropriate scale, siting, design and character'.*

With regard to criterion 2 and 3, information concerning the long term care and management of the place would need to be submitted as part of an application. In the event of an approval, a S106 would be required to secure this. Additionally you would need to demonstrate that there is not sufficient subsidy available from any other source.

With regard to criterion 4, 5 and 6 of English Heritage's policy, this refers to the need to demonstrate that the proposal for residential development on part of the estate's land is the only viable and realistic option for generating the capital receipts required to address the heritage deficit and pay for the refurbishment works to the listed buildings. The essential test is that any enabling development is the minimum possible required to address the deficit and secure the future of Northaw House.

The information provided includes a financial viability assessment prepared by Savills, which includes the conservation practice and costs together with a follow up report prepared by Mr Robert Grimshaw. BNP Paribas Real Estate (BNP), an independent consultant, have considered both reports and a meeting has also been held on 26 September 2018 together with a telephone meeting between Mr Grimshaw and BNP. A follow up response was then provided by BNP dated 15 October. These responses from BNP have been forwarded to you. In summary those comments from BNP are set out below:

The initial response from BNP on the viability submission drafted by Savills outlines that the applicant argues that the heritage asset is in such a poor condition, that its completed values is significantly lower than the current market value and the costs of repair and conversion, resulting in a conservation deficit that they argue justifies enabling development. Historic England guidance indicates that enabling development should only be accepted when the viability assessment is based on the needs of the heritage asset itself. In this case, BNP considers that the need for enabling development is driven directly by the price the applicant has chosen to pay for the site, which is not a market value reflecting current condition of the property.

A subsequent submission was then prepared by Robert Grimshaw. In summary, this concludes that the existing office represents the optimum viable use and as a consequence the application for conversion of the heritage assets to residential flats should fail. However, this valuation approach is undermined by evidence submitted by the applicant indicating that there is no demand for the heritage asset as continuing office use. On the basis of the marketing evidence, this approach should be disregarded which leads to the following.

The applicant has demonstrated redundancy of the heritage asset through a marketing campaign, which nullifies Mr Grimshaw's valuation approach. Any value to be placed on the heritage asset therefore needs to reflect the approach set out in Section 5 of BNP's report, namely that the case for enabling development rests on there being a conservation deficit, as guided by Historic England. The key passage from Historic England's guidance:

Given that the market value of a property is theoretically the sum remaining once development costs have been subtracted from end value, the result for some significant places in very poor condition will be negligible or negative. The actual purchase price paid by the developer must be disregarded if it is based on the hope or anticipation of consent for development contrary to established planning policy (i.e. enabling development) para 5.6.1.

These two positions are mutually exclusive and the applicant cannot claim a value for the existing use and then deny that this is not the optimum viable use; and they cannot claim redundancy of the existing use in order to assert that residential conversion is the optimum viable use.

A further letter has been provided by BNP dated 15 October having discussed matters raised in Mr Grimshaw's submission with the applicant and officers. This concludes that a benchmark land value of £1.6 million has been adopted. BNP's appraisal of the conversion and repair of the main house and other buildings generates a residential land value of -£0.25 million on the basis of the assumptions in Mr Grimshaw's report. That report concluded that removing the four East Drive units would leave the remaining new build as enabling development.

Overall it is clear that the original case put forward does not present a case for enabling development and the amount of development proposed is not the minimum necessary to address the deficit. However, the amended scheme, which removes the four East Drive units, presents the minimum new build required.

In addition to the above very special circumstances, you propose further very special circumstances set out in the letter dated 26 April your most recent letter of the 5 November 2018, which are listed below:-

1. The proposed development will prevent the further deterioration of the heritage assets within the site and fund the necessary works to repair and refurbish them;
2. The proposed development will give the heritage assets a viable long term future;
3. The areas proposed for development involve previously developed land;
4. The land contains a number of structures which themselves erode the openness of the Green belt, and their replacement with new development implies that the impact on the openness would be consequently less than on a virgin greenfield site;
5. Development within the walled garden will be largely hidden from view, and so will have a lesser effect on both the openness of the Green Belt and the setting of the listed buildings;
6. There are existing structures which are harmful to the character and setting of the listed buildings, the removal of which would provide a heritage benefit;
7. The proposals would help to enhance the setting of the listed buildings by addressing what is currently a deteriorated and unkempt environment;
8. Improvement would be made to the wider landscape surroundings which would enhance the setting of the listed buildings;

9. The proposed development would make a positive contribution towards the provision of housing, at a time where there is a very substantial shortfall in the supply of deliverable land;
10. Car parking will be removed from the front of Northaw House;
11. The proposals would provide employment during the construction phase; and
12. Improvements to the access points to the site, which will improve highway safety.

In taking the above identified considerations into account, I consider that only the heritage benefits would be able to be afforded any significant weight, which are listed above within points 1, 2 and 7.

With regard to the site being previously developed land, as referred to above, a large proportion of the scheme would be sited on land which is currently open and undeveloped and I consider would not fall within this definition. However, those properties proposed that would be on PDL, given their size and scale, would impact detrimentally on the openness of the Green Belt and its purposes. Therefore, the proposal would be inappropriate. With regard to the development within the walled garden, I appreciate that its location does help to mitigate the development against its impact to the Green Belt, however, that part of the site is in Green Belt and as a result the development is inappropriate. Accordingly, I do not consider that weight can be attached to these considerations.

With regard to the benefit put forward with the provision of housing and paragraph 11 of the Framework, whilst it has been found from the recent appeal at Entech House, London Road that the Council do not have a 5 year housing land supply, given the location of the site, within Green Belt which provides a clear reason for refusing the development, the lack of such up-to-date policies would not result in the tilted balance being applied. Therefore, only limited weight would be attached to this consideration as a result.

No information has been provided with regard to the economic benefits of the proposal in relation to construction work during the build, however, I do not consider that this would provide much weight in favour of the proposal. Whilst the creation of jobs is a consideration, it is clear that the site is not within a sustainable location where national guidance and the development plan seeks to demonstrate sustainable development in the most accessible locations, where people would have alternatives to the car. In this instance, the development would involve a departure from the development plan by being in Green Belt, where it is clearly necessary to consider the effects of these departures on the objectives that policies were designed to achieve and the amenities that they were designed to protect. In this instance, particularly relevant is the need to make the settlement and land use matters more sustainable. Therefore in my opinion this argument is flawed and would provide minimal weight in favour of the proposal.

Additionally, the improvements to the access to the site, would be a normal planning requirement that would be needed as part of any development proposal and required under other development plan policies. Additionally, a good standard of design would be expected from any proposal.

With regard to the improvements to the site which would include the removal of buildings, enhancements of the listed building and improvements to the wider landscape, are considered a positive impact. However, I would attach only some weight to these considerations.

Whilst not listed and referred to above, the site is also located in a poor location in terms of accessibility where access to a range of services and public transport is limited. The proposals are considered to conflict with the policies contained within the development plan and are thus not considered to represent sustainable development. In addition to the harm identified above the site is also not within appropriate walking distances of services and facilities and bus routes.

In conclusion, it is fully acknowledged the benefits associated with the refurbishment and restoring of a number of listed buildings, however these benefits have to be balanced against the harm to the Green Belt, by

reason of inappropriateness and additional harm to the openness and purposes of the Green Belt together with the less than substantial harm caused to the heritage assets, along with any other harm that may be found throughout the consideration of a formal application. Officers have to come to a balanced recommendation as to whether very special circumstances have been demonstrated and in line with paragraph 11 of the Framework, *'if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole'*.

As referred to above, the proposals now include an amount of development that I understand from BNP and the financial information submitted, to be the minimum necessary to address the deficit and it is clear that the case put forward does present a case for enabling development. However, as it stands, the very special circumstances are limited and do not decisively set aside the harm. I would expect that they would go into a lot more detail when an application was submitted. Accordingly, I consider that a case for enabling development is likely to be able to be put forward, which would need to refer to English Heritage's enabling policy and would clearly demonstrate the public benefit of securing the future of Northaw House and its outbuildings through enabling development which is likely to be able to decisively outweigh the disbenefits of breaching other public policies, namely Green Belt policy.

Accordingly, subject to the above and my advice to provide a robust justification in line with English Heritage's policy for enabling development and address the previous concerns raised with regard to layout and design, if an application was received on this basis with the very special circumstances set out in detail, it is likely that objections would not be raised in regard to the principle of the proposal. However, as you are aware, any application submitted would consult the relevant bodies and their specialist advice would be a material consideration with any application submitted, and this would include Historic England who provide their own pre-application advice and the Council's Conservation Specialist.

Please note that I would also expect that with any future application the following are explored and detailed;

- Alternative options for the use of the site, other than residential and include office detailing why the previous owner moved out and why this is unable to be used now; and
- Income generating projects.

In addition to the above, we recently had a conversation concerning whether the proposal would require a S106. As referred to above in the letter, a S106 is considered likely to be necessary to address the long term care and management of the place. Additionally contributions towards education, youth, libraries and waste and recycling would also be likely to be necessary. These would be based on the size and number of units proposed. If you would like the exact amounts that would be requested please provide me with the above information.

I would suggest that you discuss the proposal with neighbours before submitting the application as we will consult them along with the Parish Council once the application is received. You may also like to refer to the Council's Statement of Community Involvement when considering your pre-application consultations.

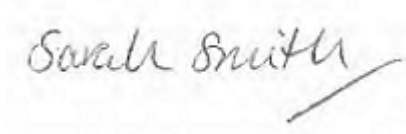
Please note that pre-application advice has not been sought from Hertfordshire County Council, Transport Programmes and Strategy, Environment Agency, Historic England or the Lead Local Flood Authority as they each provide their own pre-application advice service, subject to a fee. Certain information may be obtained without a fee from these parties.

This advice represents my personal professional opinion and is given without prejudice to the decision of the Local Planning Authority in respect of this enquiry or any future application which may be submitted. Please note that there may be other issues which come to light when an application is submitted and consultations carried out.

Should you have any questions, please contact me.

I trust this is of assistance.

Yours sincerely,

A handwritten signature in black ink that reads "Sarah Smith". The signature is written in a cursive style and is positioned above a horizontal line.

**Mrs Sarah Smith**

**Principal Development Management Officer**

**Useful Information:**

WHBC Statement of Community Involvement - <http://www.welhat.gov.uk/index.aspx?articleid=459>

WHBC Planning Application Forms - <http://www.welhat.gov.uk/planningapplication>

WHBC Planning Guidance - [www.welhat.gov.uk/index.aspx?articleid=467](http://www.welhat.gov.uk/index.aspx?articleid=467)

HCC Building Futures website - [www.hertfordshire.gov.uk/microsites/building-futures/](http://www.hertfordshire.gov.uk/microsites/building-futures/)

HCC Highways Development Management - [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/)



**List 1 Information Requirements for an:**

- **Application for Planning Permission**
- **Application for Outline Planning Permission with Some Matters Reserved**
- **Application of Outline Planning Permission with All Matters Reserved**
- **Application for Planning Permission and Consent to Display Advertisement(s)**
- **Application for Planning Permission and Listed Build Consent for Alterations, Extension or Demolition of a Listed Building**
- **Application for Listed Building Consent for Alterations, Extensions or Demolition of a Listed Building; and**

Information listed within 'Section 1: National Requirements' is required to be submitted with the above types of applications.

The Council formally adopted a local list for the above applications, except advertisement(s), on 14 July 2015. If you are uncertain as to the level of information required, prior to submitting your application please speak to a Development Management Officer. In instances where pre-application advice has been sought, the case officer will advise you of necessary information. If you consider that your proposal does not warrant the information detailed, please note this within your application.

**2a. Drawings and Documents**

Required for all major applications, which comprise:

- 10 or more dwellings, or the site area for residential development is 0.5 hectares or more
- 1000 square metres or more of floor space
- Development carried out on a site having an area of 1 hectare or more (the following requirements do not relate to householder applications on sites of more than 1 hectare)

**2b. Existing and Proposed Floor Plans**

Required for all applications including change of use

All plans to be drawn at a minimum scale of 1:50, or 1:100. Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or scale bar and paper size.

They should show clearly the proposed works in relation to what is already there, highlighting any structures to be demolished.

Policy Driver and where to get more advice:

- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

**2c. Existing and Proposed Elevations**

Required for all applications involving building work, alterations to buildings or display of advertisements

All plans to be drawn at a minimum scale of 1:50, or 1:100. Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included, if only to show that this is in fact the case.

They should show clearly the proposed works in relation to what is already there, highlighting any structures to be demolished, and the relationship to neighbouring buildings.

Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

If your application is for a change of use and no change is proposed to the external elevations a statement must be included to state that no external changes are proposed.

Policy Driver and where to get more advice:

- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

## 2d. Existing and Proposed Sections and Floor Levels

Required for all applications involving building work, alterations to buildings or display of advertisements when the proposal includes or involves a change in ground levels

All plans to be drawn at a minimum scale of 1:50, or 1:100 with a bar scale (horizontally and vertically) showing a cross section(s) through the proposed building(s). Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated where appropriate with dimensions or scale bar and paper size. They should show clearly the proposed works in relation to what is already there, highlighting any structures to be demolished. The drawings may take the form of contours, spot levels or cross or long sections as appropriate.

Policy Driver and where to get more advice:

- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

## 2e. Existing and Proposed Roof Plans

Required for all applications involving alterations to the roof layout

All plans to be drawn at a minimum scale of 1:50, or 1:100. Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size. They should show clearly the proposed works in relation to what is already there, highlighting any structures to be demolished.

Policy Driver and where to get more advice:

- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

## 2f. Landscaping Plan

Required for: Examples include: Increase in bedroom numbers; Proposals reducing on-site parking provision; Increase in commercial floorspace; Houses in multiple occupation; Forecourt parking.

### Plans and elevations

Submit existing and proposed layout plans to scale, annotated with dimensions or a scale bar and paper size, showing:

- Areas of hard and soft landscaping

- Location and type of boundary treatment for example gates, walls, fences, railings
- Location, type and spread of trees on the site and on pavement.
- Existing and proposed changes of levels

An indication as to how the hard standing will be drained.

## 2g. Topographical Survey

Required for major applications and sloping sites

Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size.

## 2h. Outline Planning Permission

Required for outline planning applications. These applications are generally only appropriate for new build developments outside conservation areas and are not appropriate for changes of use, or for proposals which are within or adjacent to a conservation area or involve development to or adjacent to a listed building

Where access is a reserved matter there is a requirement to indicate where access points to the development would be situated.

If access is to be determined at the outline stage all transport matters must be dealt with in detail, including the submission of a Transport Impact assessment where necessary.

The Council reserves the right to request further information in the form of e.g. indicative drawings and other supplementary documents, if it is not possible to determine the application on the reserved matters indicated (Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Policy Driver and where to get more advice: Town and Country Planning (Development Management Procedure) (England) Order 2015

## 2i. Plant and Flue Drawings

Required for installation of plant, flues, ventilation, extraction or air conditioning equipment.

### Plans, elevations and sections

- Show equipment, ducting and acoustic enclosures or screening on plans, elevations and sections
- Show the location of neighbouring windows on drawings cross referenced to the acoustic report

Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size.

## 2j. Shop Fronts or ATMs

Required for shop fronts

### Plans, elevations and sections

- Section of security grilles or shutters, if proposed, indicating the location of the shutter box and canopy
- If the proposal affects the access to the upper floors in any way, ground floor plans showing separate access to upper floors
- For proposals including the installation of ATM's, details of height (for disabled access) and details of any illuminated adverts

Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size.

If advertisements are shown on the plans, these may require a combined planning permission and advertisement consent application.

Policy Driver and where to get more advice:

- Policies D1 and D2 of the Welwyn Hatfield District Plan 2005
- Policy CS9 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 7

## 2k Basements or Excavations

Required for basements or excavations

### Plans, elevations and sections

- Existing and proposed sections
- Show light wells and window dimensions on sections

If the proposed works to the basement extend to the front and rear of the property show the distance between basement and boundary on plans and section.

Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size.

Policy Driver and where to get more advice:

- Policies D1 and D2 of the Welwyn Hatfield District Plan 2005
- National Planning Policy Framework, Section 7

## 2l Parking Plan

Required for all new development which would result in a change in parking requirements or loss of parking provision

### Plans and elevations

Submit existing and proposed layout plans to scale showing:

- Details of existing and proposed parking provision including disabled and cycle parking
- Areas of hard and soft landscaping,
- An indication as to how the hard standing will be drained,
- Garage provision, to include information showing the garage is large enough to accommodate a vehicle in accordance with the Interim Parking Standards, November 2014

Plans should be proportionate to the nature and size of the proposal, titled and numbered, annotated with dimensions or a scale bar and paper size.

Policy Driver and where to get more advice:

- Policies M14, D1 and D2 of the Welwyn Hatfield District Plan 2005
- Supplementary Planning Guidance Parking Standards Adopted January 2004
- Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- Policies CS1 and CS9 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 4

## Statements and Reports

### 3a Affordable Housing Statement

Required for proposals of 25 or more new residential units or on sites of 1 hectare or greater.

Submit an affordable housing statement. The statement will need to include:

- The mix of private and affordable units with numbers of habitable rooms and/or bedrooms
- If you are proposing different levels or types of affordability or tenure for different units you should explain this clearly and fully
- If you are proposing affordable housing that is not policy compliant, a viability statement will need to be submitted

You should also show the location of the affordable units and the number of habitable rooms and/or bedrooms, and/or the floor space of the units on the floor plans.

Policy Driver and where to get more advice:

- Policy H7 (Affordable Housing) of the Welwyn Hatfield District Plan 2005
- Policies CS7 and CS20 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 12

### 3b Air Quality Assessment

The Council may require an applicant to submit an Air Quality Assessment for proposals that would:

- Include housing and is within or adjoining an Air Quality Management Area;
- Require an Environmental Statement;
- Require a Transport Assessment;
- Result in increased traffic congestion, or create a change in traffic volumes or vehicle speed;
- Significantly alter the traffic composition in an area (i.e. bus stations, HGV Parks etc);
- Include proposals for new car parking (>300 spaces) or coach/ lorry parks; or
- Have an effect on sensitive areas such as ecological sites, or areas previously defined as having poor air quality (including Air Quality Management Areas)

This assessment should indicate the change in air quality resulting from the proposed development and outlining appropriate mitigation measures as necessary.

Policy Driver and where to get more advice:

- Policy R18 of the Welwyn Hatfield District Plan 2005
- National Planning Policy Framework, Section 11
- Further advice may be obtained from the Council's Environmental Health Services department

### 3c Archaeological Assessment

Required for proposals involve a new building or the disturbance of ground within an Area of Archaeological Significance, and/or where the development would have an impact on a site which has, or may have, archaeological interest of over 0.5ha.

For all applications involving the disturbance of ground within an Area of Archaeological Significance as defined in the development plan, or other archaeological notification areas that might be published (including Scheduled Monument data), or in other areas in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the Heritage Statement. This assessment may comprise the results of a desk based assessment and/or the results of an archaeological evaluation of the site.

Policy Driver and where to get more advice:

- R29 of the Welwyn Hatfield District Plan 2005
- Policy CS11 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 12

Further information on existing archaeology, as well as other archaeological information and advice can be obtained from the Natural, Historic and Built Environment Team at Hertfordshire County Council.

### **3d Bin Stores / Recycling Facilities**

Required for all new development which would result in the need for new or additional bin storage or recycling facilities

A scaled plan indicating the location of bin stores and details of the materials, design and type of enclosure to be used. The plan should include elevations with dimensions.

Policy Driver and where to get more advice:

- Policy R5 of the Welwyn Hatfield District Plan 2005
- Houses in Multiple Occupation, Supplementary Planning Document, February 2012
- Policy CS1 of the Emerging Core Strategy, November 2012

### **3e Biodiversity Survey/Report**

May be required where your proposed development is part of, or located next to, a site designated for its biodiversity value, where it supports other locally significant habitat interest or may affect protected species or the potential for them.

For sites where protected species are known to exist, you will need to accompany your planning application with a biodiversity survey and report.

For other sites, where protected species are believed to be present and would be affected by the development, a phase 1 survey is recommended is undertaken which should be submitted with the application.

A biodiversity survey and report (Phase 1 Habit Survey) should include the following information:

- Details about the existing biodiversity interests and protected species found on the development site (including any possible impacts that the new development may have on them)
- Details of any proposed measures to prevent mitigate or compensate for the possible impacts of the proposed development

Where necessary, an appropriate ecological survey (e.g. walkover, Phase 1 Habitat Survey, National Vegetation Classification or protected species) should include details of any statutory or non-statutory sites, other existing biodiversity interests and protected species or potential for them found on the development site. These will include any significant wildlife habitats or features and any species or potential for them protected under the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 (as amended by 2012 (Regulations) or the Protection of Badgers Act 1992.

Details of any proposed measures necessary to prevent, mitigate or compensate for the possible impacts of the proposed development on both habitats and species will also be required. These may need to include details for long term maintenance and management.

This applies to those types of development requiring an EIA and an Environmental Statement as well as to those where any locally valuable habitats or protected species is involved.

Without appropriate surveys, when required, the application may be refused planning permission for insufficient information.

Policy Driver and where to get more advice:

- Policy CS11 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 11
- BS42020:2013 Biodiversity. Code of practice for planning and development
- Planning Practice Guidance, Natural Environment, Planning Portal

It is advisable for applicants to seek advice on the scope of the assessment from the local Natural England office (Natural England, Harbour House, Hythe Quay, Colchester, Essex, CO2 8JF; Tel 01206 796666; email: consultations@naturalengland.org.uk).

Further advice may be found in: [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/), DEFRA Circular 01/2005 and Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.

Further guidance and the Protected Species Trigger List may be found in Association of Local Government Ecologists (ALGE) document on Validation of Planning Applications – Template for Biodiversity and Geological Conservation, <http://www.alge.org.uk/publications/index.php>; and Publicly Available Specification (PAS) 2010:2006. Planning to halt the loss of biodiversity. Biodiversity Conservation standards for planning in the UK. Code of Practice. British Standards Institute.

### 3f Chalk Mining

Required for those in Hatfield on University of Hertfordshire, College Lane Campus

When a development is proposed within these areas, it is necessary for a chalk mine risk assessment to be undertaken. Developers should contact Development Management prior to submitting an application to clarify the risk. Details, including the following will be required to undertake the assessment:

- Site Address
- Land use
- Access – types of highway being provided and/or might be affected by the development, for example 'A' roads, major local road, minor, footpaths etc
- Services – provided/impacted upon (electricity, gas, water etc), national supply, local service, industrial level, domestic level, minor drainage and telecoms.

This assessment, undertaken by the planning authority will determine the level of risk as a result of the proposed development.

Where the risk is established to be 'very high' or 'high' a Geophysical Technical Survey' report will be need to be undertaken and submitted with the planning application to enable the consideration of the risk to be undertaken.

Policy Driver and where to get more advice:

- National Planning Policy Framework, Section 11

### 3g Character Analysis and Appraisal

Required for all new build

Provide a contextual statement that demonstrates a clear understanding and analysis of the local character of the area. The statement should demonstrate how your proposal will make a positive contribution to protecting and enhancing the local character of the area.

Policy Driver and where to get more advice:

- Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005
- Policy CS9 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 7

### 3h Contaminated Land Assessment

Required for applications to re-develop or significantly change the use of a piece of land which could potentially be contaminated as a result of current or historic use

Dependent on the site and the end use and the potential for contamination to affect the development proposals, it may be a requirement that a Site Investigation and Risk Assessment and Remediation Strategy need to be submitted with the application

The amount of information required should be sufficient to determine the existence or otherwise of the contamination, the nature of the contamination, risks it may pose to human health and controlled waters and whether these can be satisfactorily reduced to an acceptable level.

Policy Driver and where to get more advice:

- Policy R2 of the Welwyn Hatfield District Plan
- National Planning Policy Framework, Section 11
- Advice may be obtained from the Council's Environment Health Services section

### 3i Cycle Parking

Required for all new build and change of use.

Details of proposed cycle parking, including a plan to scale showing location; numbers of stands, elevations of proposed cycle covers and materials to be used.

Policy Driver and where to get more advice:

- Policy M6 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance Parking Standards Adopted January 2004
- Policies CS1 and CS9 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 4

### 3j Daylight and Sunlight Assessment

Required for major applications where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including associated gardens or amenity space. Applications where the application site itself is subject to potential adverse impact from adjoining buildings or features or where one part of the development is affected by another part of the same development.

A daylight, vertical sky component, sunlight availability and shadow study should be undertaken and assessed against the criteria set out in the BRE document.

The information included should be sufficient to determine:

- The existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties
- The measures that will be taken to mitigate against the expected impact of the proposed development

Policy Driver and where to get more advice:



- Policy D1 of the Welwyn Hatfield District Plan 2005
- Supplementary Design Guidance, February 2005
- Policy CS9 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 9

Site Layout Planning for Daylight and Sunlight 'A guide to good practice' (BRE) 2011  
<http://www.bre.co.uk/>

### 3k Economic Statement

Required for major developments, excluding householders which are major developments by virtue of the site area

Applications may need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

This will assist in demonstrating the economical benefits associated with sustainability.

### 3l Energy Statement

Required for 10 or more dwellings

Statement to demonstrate how the proposal will maximise energy conservation through means such as renewable energy or low carbon sources

Policy Driver and where to get more advice:

- Policy R3 of the Welwyn Hatfield District Plan 2005
- Policy CS1 and CS10 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 10
- Advice may be obtained from Building Futures: <http://www.hertslink.org/buildingfutures/>

### 3m Environmental Statement

Required for developments that: are listed under Schedule 1 and may be required for developments defined within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

You should request a screening opinion before submitting a planning application if the development meets or exceeds the thresholds defined within Schedule 1 and 2 of the Regulations to determine if an EIA is required. Other developments below this threshold may also require a screening opinion. Further guidance is provided within the National Planning Policy Guidance.

The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures e.g. air quality assessment.

Where an EIA is required, this should be in the form set out in Schedule 4 of the Regulations.

Policy Driver and where to get more advice:

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- National Planning Practice Guidance

### 3n Financial Viability Assessment

Required form major developments that do not offer planning obligations in accordance with the Council's Supplementary Planning Document on Planning Obligations, February 2012 and Hertfordshire County Council's Planning obligation guidance – toolkit for Hertfordshire.

Applicants are required to provide evidence and firm assurances demonstrating the reliability of the submitted financial viability information. This shall take the form of a robust open book appraisal.

Information may be found in the Council's Planning Obligations Supplementary Planning Document, February 2012, Section 4, page 34, paragraph 4.12 'Viability'.

Policy Driver and where to get more advice:

- Policies H10 (Affordable Housing) and D9 (Access and Design for People with Disabilities) of the Welwyn Hatfield District Plan 2005
- Policy CS7 of the Emerging Core Strategy November 2012
- Planning Obligations Supplementary Planning Document, February 2012
- National Planning Policy Framework, Section 8
- Section 106 affordable housing requirements (April 2013, Communities and Local Government)

### 3o Flood Risk Assessment (FRA)

Required for Planning applications for development proposals of one hectare or greater in Flood Zone 1 and all development proposals located in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment (FRA).

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SuDS) and address the requirement for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

A Strategic Flood Risk Assessment has also been prepared for the Local Planning Authority (May 2009). This identifies a number of areas across the Borough that are vulnerable to flooding from sewers, groundwater, overland flow and artificial sources. It is therefore necessary for applicant's to contact the planning department to establish if the location of their development might be affected by any of these sources, and if so, whether a FRA will be required and/or sustainable drainage systems.

Policy Driver and where to get more advice:

- National Planning Policy Framework, Sections 2 and 3

### 3p Heritage Statement Appraisal and/or Heritage Impact Statement

Required for all listed building consent applications and / or developments affecting Registered Park & Garden or Locally Listed Park & Garden

You must provide information about:

- the significance of the architectural and historical interest and character of the building or structure or park and garden;
- the principles of and justification for the proposed works; and
- the impact of the proposal on the special interest of the listed building or structure and/ or park and garden, its setting and the setting of adjacent listed buildings.

The information should explain:

- the sources that you have considered;
- the expertise that you have consulted; and
- the steps that have been taken to avoid or minimise any adverse impacts on the significance of the building.

The type and amount of detail required will vary according to the particular circumstances of each application.

Policy Driver and where to get more advice:

- Policies CS11 and CS13 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 12
- Policy R28 of the Welwyn Hatfield District Plan 2005
- <https://www.historicengland.org.uk/advice/planning/>

### 3q Landscape Strategy

Required for all applications, the amount/level of information will vary depending upon the scale of the development as well as its location.

All development proposals should be considered in terms of their landscape / urban context, to ensure that the best possible design solution, responding to the local character, delivering a high quality living environment is achieved.

The type and depth of information required for each development proposal will vary according to the landscape and visual effects of the development, and their significance. In some cases it may be necessary to engage with a landscape professional, with the relevant skills and expertise to consider landscape and visual issues.

A Landscape Strategy should include:

- a landscape statement to demonstrate an understanding of how the proposed development will conserve and enhance local character;
- a site survey and analysis to include information on levels/geology and soils/drainage /ecology/existing vegetation and trees/access and circulation/services/views into, within and out of site/site boundaries/important site features/ any other environmental constraints and opportunities;
- a tree survey / tree protection plan / arboricultural method statement, trees should be considered in line with BS 5837:2012 'trees in relation to design, demolition and construction recommendations';
- for developments that would affect the setting of a designated heritage asset, how this would be preserved and/or enhanced
- a Landscape Masterplan to show:
  - general arrangement of hard and soft landscape, to include new planting and trees, boundary treatments and lighting etc.
  - landscape details (with reference to all relevant British Standards) including hard surfacing material;
  - levels (to include cross sections);
  - specifications;
  - construction details;

- planting plan and schedule (including species, tree and plant sizes, numbers and planting densities); and management schedule.

Policy Driver and where to get more advice:

- Guidance on hiring a landscape professional can be found on the Landscape Institute website ([http://www.landscapeinstitute.org/registered practices/](http://www.landscapeinstitute.org/registered_practices/))
- National Planning Policy Framework, Section 11
- 'Guidelines for Landscape and Visual Impact Assessment' (Third edition) Landscape Institute and Institute of Environmental Management and Assessment 2013
- Policies R17, D2 and RA10 of the Welwyn Hatfield District Plan 2005

### 3r Lighting Assessment

Required for all major applications and those including floodlighting.

Schemes involving floodlighting will provide an assessment that will cover such matters as:

- Light spillage;
- Hours of illumination;
- Light levels;
- Column heights;
- Specification and colour treatment for lamps and luminaires;
- The need for full horizontal cut-off;
- No distraction to the highway;
- Levels of impact on nearby dwellings;
- Use of demountable columns;
- Retention of screening vegetation;
- Use of planting and bunding to contain lighting affects a tree; and
- Where applicable, impact(s) upon biodiversity.

Policy Driver and where to get more advice:

- Guidance on hiring a landscape professional can be found on the Landscape Institute website ([http://www.landscapeinstitute.org/registered practices/](http://www.landscapeinstitute.org/registered_practices/))
- National Planning Policy Framework, Sections 7 and 11
- 'Guidelines for Landscape and Visual Impact Assessment' (Third edition) Landscape Institute and Institute of Environmental Management and Assessment 2013
- Policy R20 of the Welwyn Hatfield District Plan 2005

### 3s Marketing Assessment

Required for relevant non policy compliant proposals (e.g. change of use of employment land)

This will need to show that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the site. The marketing should be carried out by a suitable firm of chartered surveyors or estate agents who have a good knowledge of both property and the local, national, or niche market, as appropriate.

Marketing should then be properly and extensively undertaken, including placing advertisements in all relevant journals, both locally, and/or, if appropriate nationally or via the internet. Professional advice from the selling agent is essential. All enquiries and inspections should be recorded, and a proper audit trail kept, so that it can be demonstrated that every reasonable effort has been made to find a purchaser for the property.

Assuming normal market conditions, the minimum period of active marketing would be 12 months. The emphasis is on active marketing rather than merely placing the property's details on a website after an initial advertising campaign.

Policy Driver and where to get more advice:  
Welwyn Hatfield District Plan 2005 – non policy compliant proposals

### **3t Noise and vibration assessment**

Required for applications with issues of disturbance, or are considered to be noise and/or vibration sensitive development

A Noise and Vibration Impact Assessment which is recommended is prepared by a suitably qualified practitioner is required. The assessment should outline the potential sources of noise and/or vibration generation, and how these may have a negative effect on local amenity. The assessment should also outline how the developer intends to overcome these issues.

Policy Driver and where to get more advice:

- National Planning Policy Framework
- Policy R19 of the Welwyn Hatfield District Plan 2005
- Welwyn Hatfield Council, Environmental Health Department: [e.health@welhat.gov.uk](mailto:e.health@welhat.gov.uk) or 01707 357242

### **3u Open Space Assessment**

Required for applications with open space

Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements.

For applications specifically involving playing fields, the following information is required:

- The size of the existing playing field and how much of the playing field is affected by the proposal (in ha or m<sup>2</sup>);
- Existing site plan, clearly showing the layout of the winter and summer pitches including safety margins at a minimum 1:1000 scale;
- Proposed site plan, showing how any proposed new buildings and other works are likely to impact on the existing pitch layout. Any realignment of pitches should also be shown;
- Copy of any relevant correspondence, supporting statement or submission, including when last used, used by whom, in addition to what formal sports provision is being proposed if any), including replacement facilities;
- Any information of alternative sport and recreational provision.

Policy Driver and where to get more advice:

- Further guidance from Sport England can be downloaded from their website at [www.sportengland.org](http://www.sportengland.org)

### **3v Planning obligation(s) / Draft Head(s) of Terms**

Required for all major applications

This could include brief draft heads of terms for a section 106 agreement or unilateral undertaking, as well as include title and solicitor details. Applicants should clarify the Local Planning Authority's requirements in pre-application discussions and confirm any planning obligations that they agree to provide in brief heads of terms.

Policy Driver and where to get more advice:  
Further advice is available in Circular 1/97: Planning Obligations

### 3w Planning Statement and Additional Supporting Information

Required for all major applications

The planning statement should explain the principles of and justification for the proposed works. The type and amount of detail required will vary according to the particular circumstances of each application.

You should submit information explaining how the proposed development accords with policies in the Local Plan and Supplementary Planning Documents/Guidance and any development briefs.

You should also include details of any pre application consultation you have carried out in accordance with Welwyn Hatfield's Statement of Community Involvement 2013.

The planning statement should also include for all major residential and commercial developments details of how crime prevention has been considered and opportunities to design-in community safety with the proposals. Early contact with the Crime Prevention Design Advisor of Hertfordshire Constabulary is essential to obtain relevant local advice on designing out crime in the built environment.

Policy Driver and where to get more advice:

- Guidance may be found on the Secured by Design website <http://www.securedbydesign.com> where there are design guides that can be downloaded and also a 3D interactive guide. The local Crime Prevention Design Advisor for Hertfordshire can be contacted at [cpds@herts.pnn.police.uk](mailto:cpds@herts.pnn.police.uk).

### 3x Retail Assessment

Required for Retail Impact Assessments are required for any application for a main town centre use (or an extension to a use) which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan.

The requirements for an assessment are set out at paragraph 26 of the National Planning Policy Framework

An assessment should include the need for development, whether it is of an appropriate scale, whether there are any sites closer to a centre for the development, whether there are any unacceptable impacts on existing centres and whether the location is accessible.

Policy Driver and where to get more advice:

- Policies CS5, CS14, CS16 and CS20 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Section 2

### 3y Schedule of Works

Required for structural alterations to a listed building or demolition of a listed building or other heritage asset

Where you are proposing to remove any part of the building/heritage asset including ceilings, partitions, fixtures and fittings, indicate the location, extent and character of the items to be removed on the existing elevations, plans and sections and cross referenced to a schedule of works.

If major repair works are proposed provide a supplementary schedule of works and method statement which explains the principles for the proposal.

Structural plans are required when demolition of a designated heritage asset is proposed on the grounds it is structurally unsound.

The schedule of works is required in addition to the requirements detailed under 'Heritage Statement'.

Policy Driver and where to get more advice:

- National Planning Policy Framework

### **3z Statement of Community Involvement (SCI)**

Required for all developments

Applicants for larger developments should consult with the local community prior to making a planning application, and to provide details of this consultation.

Policy Driver and where to get more advice:

- Further information can be found in Welwyn Hatfield Council's Statement of Community Involvement 2013

### **3zi Structural Survey**

Required for a structural survey will be required in the following circumstances:

- The demolition or conversion of listed buildings
- Conversion of buildings in the countryside to any other use (including commercial, tourism and residential), to demonstrate that they are capable of conversion without major alterations or rebuilding

A full structural engineers survey by a suitably qualified professional. This should include each of the following where appropriate:

- General description and age of building
- Condition - structural integrity, foundations, damp proofing, walls, joinery, timbers, roof structure and roof covering
- Assessment of repairs necessary to ensure retention of the building
- Assessment of structural and other alterations necessary to implement the proposed conversion
- Assessment of percentage of building that needs to be rebuilt - including walls and timbers
- Opinion as to the suitability of building for proposed conversion
- Photographs are often helpful but not essential
- A schedule of works necessary to preserve the building
- A schedule of works necessary to carry out the applicant's proposals (including those necessary to meet building regulation approval)

Policy Driver and where to get more advice:

- Policy RA17 of the Welwyn Hatfield District Plan 2005
- Policy CS11 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework

### **3zii Sustainable Drainage Systems and Foul Sewage Assessment**

Required for all major developments

Plans and details shall be submitted to ensure that sustainable drainage systems for the management of run-off are in place, unless demonstrated to be inappropriate.

Applications for development should also demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to adverse amenity impacts for existing or future users in the form of internal and external sewer flooding or pollution of land and water courses.

Appraisals and reports may be required to ascertain whether the proposed development will lead to overloading of existing water and/or waste water infrastructure. Where there is a capacity constraint, as identified by Thames Water, the developer shall provide a detailed water and/or drainage strategy informing what infrastructure is required, where, when and how it will be delivered.

When the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

Policy Driver and where to get more advice:

- Policies R7 and R9 of the Welwyn Hatfield District Plan 2005
- Policy CS11 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework. Sections 10 and 11
- Hertfordshire County Council, Lead Local Flood Authority  
floodandwatermanagement@hertfordshire.gov.uk

### **3ziii Transport Statements, Transport Assessments and Green Travel Plans**

Required for:

Transport Statement - development affecting a trunk road with between 50 and 80 units

Transport Assessment – 80 or more units

Green Travel Plans – In accordance with Hertfordshire's Travel Plan Guidance for Business and Residential Development

Transport Assessment and Transport Statement

Where a development might have an impact on a trunk road, requirements are set out within Department for Transport Circular 02/2007, Planning and the Strategic Road Network. The guidance can be found at [www.highways.gsi.gov.uk](http://www.highways.gsi.gov.uk).

It is recommended that where a development may have an impact on a Trunk Road that the Highways Agency is consulted regarding the preparation of any scoping document as necessary, prior to the submission of an application.

Information required in the assessment will include all existing and proposed commercial and residential vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. It should describe and analyse existing transport conditions, how the development would affect those conditions and any measures proposed to overcome any problems.

A travel plan should outline the way in which the transport implications of new development will be managed in order to ensure that there is the least environmental, social or economic impact. Developers should state how new occupiers of or customers to the development will use alternative means of travel that do not involve private vehicle use. Clear targets should be included to enable the Travel Plan to be monitored and reviewed.

Residential Travel Plans to encourage car sharing or other alternative means of travel other than by private single occupancy trips.



New developments will be expected to encourage cycling through the inclusion of safe cycle routes and parking for cycles. New routes should link with existing or proposed cycle paths. Contributions may be required for off-site facilities. Appropriate secure waterproof storage and changing/shower facilities should be provided within developments. These details should be provided within the application and on plan, as appropriate.

Policy Driver and where to get more advice:

- Department of Transport/Communities and Local Government document Guidance on Transport Assessment (March 2007)
- Guidance may be found at Department for Transport Circular 02/2007, Planning and the Strategic Road Network. The guidance can be found at [www.highways.gsi.gov.uk](http://www.highways.gsi.gov.uk)
- Hertfordshire County Council, <http://www.hertsdirect.org/services/transtreets/devmanagement/greentravelplans1/>
- Policies M2, M3 and M6 of the Welwyn Hatfield District Plan 2005

### **3ziv Ventilation / Extraction Equipment**

Will be required for all applications relating to the sale or preparation of cooked food, shops requiring extracting equipment and launderettes

Applications will be required to provide details of the method and appearance of measures to deal with ventilation and extraction, including sound power levels of machinery, odour abatement and types of filters to be used. Due to the potential disturbance and loss of amenity to residents within the vicinity, prior to determining the suitability of the equipment and whether any further attenuation works are required, a British Standard 4142:2014 assessment is recommended is carried out. This assessment is designed to evaluate the likelihood of complaints that may arise from the introduction of an industrial type of noise to an area. A suitably competent person is recommended completes this assessment.

Policy Driver and where to get more advice:

- Policy CS20 of the Emerging Core Strategy, November 2012
- National Planning Policy Framework, Sections 7, 11 and 12
- Welwyn Hatfield Council, Environmental Health Department, [e.health@welhat.gov.uk](mailto:e.health@welhat.gov.uk) or 01707 357242

### **3v Visual Impact Assessment**

Will be required to support an application where there is a potential adverse impact from the visual effects from the proposed development

The following guidance outlines the appropriate methodology for carrying out Visual Assessments. 'Guidelines for Landscape and Visual Impact Assessment' (Third edition) Landscape Institute and Institute of Environmental Management and Assessment 2013

Policy Driver and where to get more advice:

- Policies D2 and RA10 of the Welwyn Hatfield District Plan 2005
- Policy CS20 of the Emerging Core Strategy, November 2012
- Welwyn Hatfield Landscape Character Assessment, April 2005
- Supplementary Design Guidance, February 2005
- National Planning Policy Framework, Sections 77, 11 and 12

### **3vi Summary Statement**

- Required for any planning application when reports and surveys exceed 100 pages. A summary document of no more than 20 pages shall be submitted.



Welwyn Hatfield Borough Council Validation Requirements for Planning Applications

## Section 1: National Requirements

Note: one copy only for **all** applications whether submitted electronically or on paper

### 1a. Application Form

Required for all applications, with the exception of prior approvals, discharge of conditions, works to trees

Guidance on how to fill out these forms can be found at the Planning Portal web site:  
[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

### 1b. Site Location Plan

Required for all applications, except non material amendments and discharge of conditions when it clear from the application which development the proposal relates to

A site location plan at a scale of either 1:1250 or 1:2500 which identifies the site and the surrounding area and shows at least two roads and the north point. In exceptional circumstances plans of other scales may also be required. The site should be outlined in red and any other land owned by the applicant in blue. It should include land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, car parking and open areas around buildings).

Applications which have been submitted with unlicensed Ordnance Survey mapping will be accepted, but a request will be made to the agent/applicant for an appropriate plan to be provided. .

Site location (1:1250 and 1:2500) and block plans (1:500) may be obtained from the Planning Portal <http://www.planningportal.gov.uk/planning/applications/plans> or from Land Registry by calling 0844 8921111.

Policy Driver and where to get more advice:

- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

### 1c. Site Plan/Block Plan

Required for all applications, except non material amendments and discharge of conditions when it clear from the application which development the proposal relates to

The site plan should be drawn at an identified standard metric scale (1:500 or 1:200). It should accurately show: the direction of North; the proposed development in relation to the site boundaries and other existing buildings on site, with written dimensions including those to the boundaries or and include a bar scale, drawn both horizontally and vertically.

The following may be required, unless these would **not** influence or be affected by the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements
- All public rights of way crossing or adjoining the site
- The position of all trees on the site, and those on adjacent
- The extent and type of any hard surfacing

- Boundary treatment including walls or fencing where this is proposed

Policy Driver and where to get more advice:

- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

### 1d. Ownership Certificate (A,B,C or D as applicable)

Required for all applications except for approval of reserved matters, discharge or variation of conditions, tree works, prior approval, lawful development certificates and express consent to display an advertisement must include the appropriate certificate of ownership

If part of your proposal overhangs or forms a party wall on your neighbours land you are required to submit certificate B and serve notice on the landowner. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Policy Driver and where to get more advice:

- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Planning Practice Guidance – [www.planningguidance.planningportal.gov.uk/](http://www.planningguidance.planningportal.gov.uk/)

Guidance on how to fill out these forms can be found at the Planning Portal web site:

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

### 1e. Appropriate Fee

Required for all applications (exemptions)

Most applications attract a fee, set by Central Government. Your application must be accompanied by the correct fee; it will not be considered valid if a fee is not submitted with the forms and plans. Please refer to the planning portal website for details: [www.planningportal.gov.uk/pins/FeeCalculatorStandalone](http://www.planningportal.gov.uk/pins/FeeCalculatorStandalone)

Please make any cheques payable to 'Welwyn Hatfield Borough Council' and ensure the site address is written on the back of the cheque, or alternatively payment may be accepted by credit or debit card or through the Planning Portal when the application is submitted electronically.

There are exemptions when no fee is required, such as, applications to provide access or facilities for disabled persons; or the re-submission of applications received within a year of the decision date, or withdrawal date, where the applicant has not previously benefited from a free go for that site. The proposal description needs to be similar in nature to the previous application.

If you wish to clarify the fee please contact Development Management before submitting your application.

### 1f. Design and Access Statement

Required for all major developments and applications within conservation areas which comprise:

- Provision of one or more dwellinghouse
- Building or buildings where the floorspace to be created is 100m<sup>2</sup> or more

These are required to explain the design concepts and principles which have informed the proposed development, and to demonstrate how context has informed their scheme. An explanation of the approach taken to access and how any consultation on access issues has been taken into account is to be stated.

Policy Driver and where to get more advice:

## 1g. Personal and Sensitive Information

Requested for all application types

It is requested that any personal or sensitive information is removed / redacted from applications/reports etc. prior to their submission. Such information includes signatures, personal phone numbers, personal email addresses and photographs containing images of children and vulnerable adults and vehicle registration numbers.

Applications will not be invalidated if they have such information, however it might lead to a slight delay in its registration.

## 1h. Format of Submissions

Requested for those not submitted in full through the Planning Portal

It is requested, when an application and associated plans and documents are not submitted through the Planning Portal that the application should be submitted in the form of 1 hard copy of all plans and documents and 1 electronic copy on CD. Information on the CD shall be divided into 3 folders of information/documentation as follows:

- A. Application form, covering letter, design & access statement and planning statement
- B. All plans
- C. All other relevant documents
  - No bigger than 10Mb (applies to each and all documents/files),
  - No signatures on any document (or if they do have to be included only on one page). Initials are acceptable.
  - No vehicle registration plates and no children in the images. If either is included, they should be redacted.

## 1i. Do Not Scale

Requested for all applications with plans submitted

It is necessary to determine the size of developments proposed as part of planning applications. We are therefore unable to accept any drawing(s) with 'Do Not Scale' or similar on drawings and plans. Drawings and plans with such a disclaimer will not be accepted.

## 1j. Drawing Numbers

Requested for all applications with plans submitted

Any drawing submitted is required to have a drawing number on the plan. Plans without a drawing number will not be accepted. Please also consider drawing numbers when providing any revisions. The amended plan should always be identifiable with a new number. This is normally provided with an 'A' for the first amendment, 'B' for the second, 'C' for the third and so forth.

**Where information is submitted both in paper and on CD, please ensure that the information on both correspond with one another. Please ensure that files are not security locked. Please label each document with a clear description as to its contents.**



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## **Leaflet to be Read in Conjunction with Pre-application Advice**

Welwyn Hatfield Borough Council encourages all applicants to seek pre-application advice at the earliest possible opportunity prior to the submission of a planning application.

The relevant areas for you to read have been annotated on the following pages.

### **Planning Policy**

The following comprise the plans and policies against which planning applications submitted to the Council will be determined:

#### **National:**

- **National Planning Policy Framework**

<https://www.gov.uk/government/policies/making-the-planning-system-work-more-efficiently-and-effectively/supporting-pages/national-planning-policy-framework>

#### **County**

- **Hertfordshire Waste Core Strategy and Development Management Policies Document, adopted 5 November 2012**

<http://www.hertsdirect.org/services/envplan/plan/hccdevplan/wasteplan/wstdevfrmrk/adptwstlocpln/>

- **Hertfordshire Minerals Local Plan 2002-2016 , adopted 27 March 2007**

<http://www.hertsdirect.org/services/envplan/plan/hccdevplan/mlp/>

#### **Development Plan for Welwyn Hatfield:**

- **Welwyn Hatfield District Plan 2005**

<http://www.welhat.gov.uk/index.aspx?articleid=463>

#### **Supplementary Planning Documents:**

- **Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005**

<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1076&p=0>

- **Welwyn Hatfield District Plan Review, Supplementary Planning Guidance Parking Standards, Adopted January 2004**

<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1075&p=0>

- **Welwyn Hatfield Borough Council, Houses in Multiple Occupancy, Supplementary Planning Document, February 2012** <http://www.welhat.gov.uk/index.aspx?articleid=3969>

- [Welwyn Hatfield Borough Council, Planning Obligations, Supplementary Planning Document, February 2012](http://www.welhat.gov.uk/index.aspx?articleid=3970) <http://www.welhat.gov.uk/index.aspx?articleid=3970> Refer to page 9 of this advice leaflet for further information.

#### **Local guidance:**

- [Digswell Character Appraisal, January 2004](http://www.welhat.gov.uk/CHttpHandler.ashx?id=1077&p=0)  
<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1077&p=0>
- [Welwyn Garden City Guide to shopfront and advertisement design, September 2013](http://www.welhat.gov.uk/CHttpHandler.ashx?id=7089&p=0)  
<http://www.welhat.gov.uk/CHttpHandler.ashx?id=7089&p=0>
- [Welwyn Garden City Conservation Area Appraisal, September 2007](http://www.welhat.gov.uk/CHttpHandler.ashx?id=1794&p=0)  
<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1794&p=0>

#### **The Local Plan**

The Local Plan will set out the Council's vision, objectives, delivery strategy, site allocations [housing] and development management policies for new development in the borough to at least 2030 and will eventually replace the saved policies in the Welwyn Hatfield District Plan 2005. Included on the Council's website is the timetable, evidence base and sustainability appraisal. The documents are all available on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=455>

If you would like to be involved or notified as the Local Plan progresses please register at <http://consult.welhat.gov.uk/common/register.jsp>

#### **Statement of Community Involvement**

The Statement of Community Involvement, adopted 3<sup>rd</sup> December 2013 <http://www.welhat.gov.uk/index.aspx?articleid=459> provides guidance on the level and type of consultations we would expect to be carried out by developers for different types of application.

For all applications, developers might it helpful to discuss the proposal with the local town or parish council before submitting the application as they are consulted on planning applications. Their contact details may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1152>.

For large scale applications, as well as holding a public consultation event, developers may also wish to consider presenting their draft scheme to Members of the Borough Council through a 'Development Consultation Forum' ([www.welhat.gov.uk/index.aspx?articleid=3910](http://www.welhat.gov.uk/index.aspx?articleid=3910)) before finalising and submitting any planning application. These Development Consultation Forums are also useful for potentially controversial schemes. Please speak to the officer dealing with your enquiry if you would like to arrange a Development Consultation Forum. Further information on Development Consultation Forum's is provided below.

#### **Development Consultation Forum**

Open and constructive pre-application discussions are an opportunity for local authorities and members of the public, agents or developers to work together to achieve



developments that deliver benefits to the community and the economy. This can save time, costs and frustration and optimise the potential of a site. For these reasons we encourage discussion on proposals before a planning application is submitted. As part of these talks we will ask if the developer would come along to a Development Consultation Forum (DCF).

The Development Consultation Forum enables councillors and the public to obtain more information and understanding about proposed large scale planning applications. However, it will not bind members or the council to a decision on a future planning application (as not all information will be to hand and no consultations will have been carried out).

The Development Consultation Forum is a fact finding exercise for councillors to ask questions and identify major issues. Councillors cannot express an opinion, at the Development Consultation Forum, about the development or the proposals.

Only proposals with a wider community impact would be presented at the Development Consultation Forum. The meetings are held when required and are open to the public and press to attend and listen.

Further information on DCFs may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=3910>

### **Planning Performance Agreements**

The aim of a Planning Performance Agreement (PPA) is to deliver a development that is responsive to society's needs and has the ability to resolve differences and deliver appropriate development. They can improve the quality of decision making by 'taking the application out' of the normal 8, 13 or 16 week target, thus enabling the developer and planning authority to discuss and negotiate and achieve a high quality sustainable development. This is achieved through the PPA, by:

- Agreeing a shared vision and set of objectives;
- Committing to a genuinely collaborative approach by all key parties;
- Adopting a spatial approach underpinned by development management; and
- Establishing a robust project management process.

Agreement to enter into a PPA is between the developer and Local Planning Authority. If either party do not wish to enter into the agreement, then there is no obligation for either party to do so.

Further information on PPAs may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1063>

### **Sustainable Drainage Approval Body**

From October 2014 approval for drainage matters will be required from Hertfordshire County Council, SuDS (sustainable drainage) Approval Body (SAB). This will be on commencement of Schedule 3 of The Flood and Water Management Act 2010. Herts

County Council is proposing to introduce the approval on a phased basis, with initially all major<sup>1</sup> developments requiring their approval.

A fee will be chargeable for applications and from April 2014, a pre-application fee will be charged following an initial consultation. Further information may be found on Hertfordshire County Council's website

<http://www.hertsdirect.org/services/envplan/water/floods/suds/>. Any query regarding SuDS, including payment of the pre-application fee should be sent to Herts County Council.

The requirements for SAB does not overcome the need to provide a flood risk assessment/drainage assessment in accordance with Policy 10 of the National Planning Policy Framework, where applicable.

### Environment Agency

The Environment Agency provides site-specific pre-application advice and would like to hear from you if your proposed development site is:

- in flood zones 2 or 3;
- close to a watercourse;
- on potentially contaminated land;
- handling waste or hazardous substances, or;
- one hectare or more.

The Environment Agency (EA) will highlight any issues as part of a free 'preliminary opinion'. The preliminary opinion will inform you of the site constraints within our remit; any documents that you will need to submit at the planning application stage; plus any further assessments, licenses or consents that you will require from the EA. As a minimum the Environment Agency will require a site plan and a brief description of the proposed use.

Any additional technical advice (including pre-application or post-permission) provided outside of the preliminary opinion - such as site visits, meetings or document reviews are now chargeable. Further details are available on the Environment Agency website: <http://www.environment-agency.gov.uk/research/planning/33580.aspx>.

For sites within Welwyn and Hatfield please send your enquiry to [SPHatfield@environment-agency.gov.uk](mailto:SPHatfield@environment-agency.gov.uk).

### The Environment Agency's role in development and how they can help

Combining their expertise with Natural England and the Forestry Commission, the Environment Agency has produced guidance that explains their roles in new developments. 'Building a Better Environment' provides initial information to help you make the most of new development for people and the environment, and how they can

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<sup>1</sup> Major developments comprise 10 or more dwellinghouses; sites of more than 1 hectare; 1000m<sup>2</sup> or more new floorspace; or sites of 0.5 hectares or more when the number of dwellinghouses is not known

help you through the process. The EA will also signpost to more technical advice, including consents and permits you might need.

### What's in your backyard?

The Environment Agency offers a range of detailed maps – 'What's in your backyard?' <http://www.environment-agency.gov.uk/homeandleisure/37793.aspx> – to show various environmental constraints that may affect your development. Maps include:

- groundwater aquifers;
- groundwater Source Protection Zones (SPZs);
- flood maps –including new flood risk maps and surface water flooding maps;
- river quality;
- historic landfill sites.

### Public Health & Protection Department

The Council's Environmental Health Team (EHT) provides, through the planning department, site specific pre-application advice on environmental matters that may affect the development. The EHT also provides advice and recommendation to ensure that a development does not cause an adverse environmental impact nearby sensitive receptors.

The EHT would like to hear from you if the proposed development:

1. Is on or is neighbouring former commercial or industrial land
2. Is in close proximity to any source of pollution such as industry, railway lines, or major roads.
3. If the development includes commercial operations such as restaurants and take-aways.
4. Is likely to generate emissions of smoke, fumes, gasses, dust, odour, light, noise and vibration.

In accordance with the Council's policy on pre-application advice the EHT is happy to provide free informal verbal advice. However, formal pre-application advice shall be charged in accordance with Council's pre-application fee structure.

### Land Contamination

In addition to the above Environment Agency requirements, the Council's Public Health and Protection department also has an interest in the land under Part IIA of the environmental Protection Act 1990. The Council will assess whether, in the light of the type of contamination, the proposed development will be suitable and whether there are likely to be any unacceptable risks to health or the environment arising from its development or its future occupation. The responsibility for decontamination rests with the developer or owner. The Council will normally require developers to undertake a full investigation of contamination on such sites and undertake the necessary remediation measures, if necessary by imposing conditions on planning permissions. To assist

developers in this regard the following guide has been prepared to assist developers  
<http://www.welhat.gov.uk/CHttpHandler.ashx?id=511&p=0>

## Air Quality

Any major developments that will result in significant increases in road traffic and or development that releases emissions into the environment may be required to assess the impact of the development on local air quality. Guidance on whether or not an air quality assessment will be necessary can be found at *Environmental Protection UK Development Control: Planning for Air Quality (2010 Update)*. This document is readily available on the Institute of Air Quality Management (IAQM) website. The EHT will expect that the development will take into account AQ and shall prevent or mitigate sensitive receptors to poor air quality. Methods to reduce the need to travel and promotion of smarter and clearer transport options will also be required in the form of a Low emission strategy (LES) in support of the development. Further information on LES can be found at <http://www.lowemissionstrategies.org/>

## Noise & Vibration

The EHT will require a noise and vibration survey and/or assessment to support the application where;

- the development has potential to raise background noise levels and or cause disturbance to local residents and businesses, and/or
- the development is located to high ambient noise levels from neighbouring industrial or commercial operations, roads and railway lines.

The EHT will be able to provide advice on the scope of the survey and the standards expected to ensure that the future occupiers are protected from adverse levels of noise.

## Odour

The EHT will require an assessment to be made should the development lead to emissions that may emit an odour. If it is likely that significant impact may occur mitigation measures will be expected to ensure that emissions are not detrimental to the amenity of the environment. Further guidance can be found on the Institute of Air Quality Management (IAQM) website (Guidance on the assessment of odour for planning 2014).

For smaller commercial developments such as restaurants and takeaways and odour impact assessment is unlikely to be necessary. However, it may be necessary to include details of extraction, filtration and odour abatement systems with the planning application. The EH team will be able to advice in relation to this. Further advice can be sought at [www.gov.uk](http://www.gov.uk) *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*

## Light

Any lighting associated with a development should be approved by the EHT. Lighting can have an adverse impact on surrounding residents and under extreme circumstance can lead to statutory nuisance action under Part III of the Environmental Protection Act 1990. Advice on lighting can be found at the Institute of lighting Professionals website, [www.theilp.org.uk](http://www.theilp.org.uk) *Guidance notes for the reduction of Obtrusive Light*

### **Health Impact Assessments**

A Health Impact Assessment should accompany all major developments. The Health Impact Assessment should be undertaken early in the development phase to improve the health of local people and reduce health inequalities. The HIA shall take into consideration the existing and likely social and environmental factors that affect the health of the local community. By taking into account the findings of the HIA early in the planning and design stage improvements can be made to physical and mental health of the population. For advice on HIAs, the applicants should contact the EHT or refer to the Planning Practice Guidance *Health and Wellbeing*

### **Protected Species**

The presence of protected species is a material consideration in the determination of a planning application, in accordance with National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

Where there is a likelihood of protected species being present on a site, we will require a phase 1 ecological survey to be undertaken to establish if there are any protected species present or not. If species are found, further surveys may be required. This will depend upon whether the species would be affected as a result of the development. Further information on the considerations may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=4055> .

### **Heritage Assets**

Heritage assets include listed buildings, historic parks and gardens, conservation areas and archaeology. In proposing a development that might affect such an asset, consideration should be given to:

- the significance of the architectural and historical interest and character of the building, structure, or designated area;
- the principles of and justification for the proposed works; and

- The impact of the proposal on the special interest of the listed building or structure, its setting and the setting of adjacent listed buildings, or on the designated area. Information should be supplied with the application which explains:
  - the sources that you have considered;
  - the expertise that you have consulted; and
  - The steps that have been taken to avoid or minimise any adverse impacts on the significance of the building or designated area.

The type and amount of detail required will vary according to the particular circumstances of each application. You can provide this information in the design and access statement, where one is required, as part of the explanation of the design concept. If you are not required to submit a design and access statement then you should provide this information in a separate written statement. Consideration of any application will be in the context of the National Planning Policy Framework, Chapter 12, in addition to other local or national guidance.

It is recommended that expert advice is sought from a professional historic advisor, for example through the Institute of Historic Building and Conservation.

## **Sustainable Development**

Sustainability is at the heart of the National Planning Policy Framework. District plan policies SD1 (Sustainable Development) and R3 (Renewable Energy) are also applicable. Advice and guidance on how developments might be improved to enhance their sustainable design may be found on the Building Futures Website <http://www.hertslink.org/buildingfutures//> .

## **Planning Obligations**

Planning obligations are generally sought on developments of more than 10 residential units or 1000m<sup>2</sup> or more commercial floor areas to mitigate the impact of the development on the locality. Both Welwyn Hatfield Borough Council and Hertfordshire County Council have adopted documents for obligations that might be sought:

Welwyn Hatfield Borough Council, Planning Obligations, Supplementary Planning Document, February 2012 <http://www.welhat.gov.uk/CHttpHandler.ashx?id=4762&p=0>  
 Planning obligations guidance – toolkit for Hertfordshire, January 2008  
<http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>

Listed below are the most commonly sought obligations for both Councils.

- Highways and rights of way improvements (including payments for the provision of roads, byways, footpaths, bridleways, cycleways, bridges, bus infrastructure and/or traffic signals as may be required) (HCC)
  - Sustainable transport measures (HCC)
  - Education(HCC)
  - Libraries(HCC)
  - Youth & childcare(HCC)

- Fire and rescue services (HCC)
- Adult care services – special needs accommodation and other services(HCC)
- Archaeology (HCC)
- Waste facilities (HCC)
- Health care facilities (PCT)
- Police facilities (Police)
- Economic development(WHBC)
- Affordable Housing (WHBC)
- Waste and Recycling facilities (WHBC)
- Green space / infrastructure (WHBC and HCC)
- Play areas / facilities (WHBC)
- Public open space (WHBC)
- Landscape Management Plan (WHBC)
- Allotments (WHBC)
- Outdoor Sports Facilities (WHBC)
- Indoor Sports Facilities (WHBC)
- Community Facilities (WHBC)
- Public Art (WHBC)
- Childcare Facilities (WHBC)
- Local Recruitment (WHBC)
- Heritage Assets (WHBC)
- Revocation of an earlier planning permission (WHBC)
- Removal of permitted development rights (WHBC)
- Monitoring fee of 5% of the total contributions, up to a maximum of £5000 ((WHBC)

If development is likely to require a s106 agreement, it is recommended that you speak to a solicitor. As part of any applicable planning application, the following information will be required:

1. A solicitors undertaking on behalf of the applicant undertaking to pay the reasonable legal fees of the Borough Council and County Council in drawing up the agreement(s)
2. Whether you are looking to complete an agreement or undertaking
3. Whether your solicitors would be preparing the first draft
4. The name, address, phone number and email address of your solicitor
5. An up to date certificate of title from your solicitor or up to date official copies or certified copies of title documents.
6. If the planning applicant is not the freehold owner of the land and/or any other person, mortgagee, company, corporation, executor or trustee, has a legal interest in the land then please provide full contact details of all other parties involved and their solicitors.
7. Copies of a site location plan for inclusion within any agreement
8. Heads of terms (if not already submitted with the application) including trigger dates for payments/provision

The Council also charges for the time of the Development Management Officer (DMO) negotiating the agreement in addition to the Solicitor's time in checking the agreement. Details of the charge for the DMO can be found at <http://www.welhat.gov.uk/index.aspx?articleid=1048>

Template s106 planning obligations and Unilateral Undertakings are available on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1048> , together with a guidance note for your assistance.

## **Contact Us**

Should you have queries regarding the contents of any of this leaflet, then please either contact the Planning Officer who provided you with the pre-application advice; or, if you have obtained a copy of this leaflet direct from the Council's website, please call the duty planning officer on 01707 357573.