

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1352/VAR
Location: Land to the north east of King George V Playing Fields Northaw Road East Cuffley EN6 4RD
Proposal: Variation of condition 3 (Approved Parameter Plans) for planning permission 6/2015/1342/PP
Officer: Ms Ashley Ransome

Recommendation: Granted

6/2023/1352/VAR

Context	
Site and Application description	<p>The application site initially comprised 4.9 hectares of agricultural land to the south of Cuffley and is currently being developed.</p> <p>The site is bounded to the north by existing residential development and the grounds of Cuffley Primary School. A railway line and Northaw Road East (B156) form the eastern and western boundaries respectively. On the opposite side of Northaw Road East, there are three pairs of semi-detached dwellings which are accessed from Colesdale to the north. The southern boundary is defined by a mature hedgerow and tree belt lining the Hertfordshire Way footpath. Beyond the footpath to the southwest of the site are the King George V Playing Fields and sports pitches.</p> <p>The land falls away from the western edge of the site where it adjoins Northaw Road. The land then rises to a high point adjacent to the school, situated beyond the north-west boundary of the site. The higher land falls away within the site to the south and east. The southeast corner forms the lowest lying area of the site.</p> <p><u>Background</u></p> <p>An application for Outline planning permission was submitted in June 2015 under reference S6/2015/1342/PP for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters were reserved except for vehicular access, the provision of surface water discharge points and the levels of development platforms.</p> <p>The application was subsequently put on hold by mutual agreement between the applicant and Welwyn Hatfield Borough Council, to allow the Inspector's consideration of the site's allocation through the Local Plan examination.</p> <p>The Development Management Committee resolved to grant outline planning permission on 9 December 2021, subject to the completion of a satisfactory S106 agreement, referral to the Secretary of State and conditions. Subsequently, on 31 March 2022, the S106 agreement was</p>

completed, and the planning permission issued.

Following the approval of the outline planning permission under reference S6/2015/1342/PP, a subsequent reserved matters application was submitted under reference 6/2022/1774/RM. The reserved matters application followed the site layout with respect to the principles and parameters of the Illustrative Master Plan approved at outline stage.

The proposal comprised the residential development of the site for 121 dwellings to provide a range of house types, sizes and tenures. The site proposed to comprise 91 no. 1, 2, 3, 4 and 5 houses and 30 no. 1 and 2-bedroom apartments. Of the 121 dwellings, 42 are affordable. The scale of new homes was proposed to be predominately 2 storeys in height with a small amount of 2 ½ storey development.

Vehicle access into the development is taken from Northaw Road East as a simple T-junction. Pedestrian/cycle infrastructure was also incorporated, including new links between South Drive and the Hertfordshire Way / King George V Playing Fields.

Landscaping and areas of open space were proposed throughout the site, including the provision of amenity space in the southeastern corner of the site and at the centre of the development, serving as multi-functional spaces. Existing vegetation surrounding the site is to be retained and enhanced, where appropriate.

The application also sought to discharge several conditions that were imposed upon the granting of the outline permission under reference 6/2015/1342/PP.

The reserved matters application, under reference 6/2022/1774/RM, was granted on 10 March 2023.

Proposal

This application seeks to vary condition 3 imposed upon the outline planning permission granted under reference S6/2015/1342/PP. Condition 3 relates to the approved drawings, where the applicant seeks to amend the approved illustrative masterplan, heights parameter plan and proposed levels plan, in relation to the built form along the northern boundary.

The submitted Design & Access Statement (DAS) sets out that eight of the dwellings along the northern boundary (plots 81-88), which have planning permission to be two storey dwellings, would now be of a split-level design to address site levels and boundary trees.

Following an initial assessment of the proposal by officers, amended drawings were submitted during the application to address design concerns. The Council considered that the initial proposal to create split level dwellings involving three storeys to the front elevation and two storeys to the rear elevation was not acceptable for a number of reasons. Moreover, the area of the site to the west of those eight dwellings at plots 89-93 was also initially proposed to be amended. This had involved the amendment of the approved dwelling heights of two storeys to a proposed height of 2.5 storeys. However, to reflect the

reduction in scale of the group of eight dwellings as detailed above, the heights of plots 89-93 were reduced back to the approved two storey height.

In light of the above, a revised scheme was presented to the Council for assessment within this application. This involved the submission of a revised parameter plan showing the eight dwellings in question to be amended to a 2.5 storey and 2 storey split (front to back). A re-consultation was undertaken to encompass the revisions.

Whilst the submitted DAS is now outdated in the sense that the application does not propose three storey split level dwellings, it does set out some further useful information with regards to the requirement of the split levels to this area of the site:

- Improve the topographical relationship between the design levels and the existing slope at the highest part of the development.
- Protect the longevity of the existing, mature boundary screening to the north.
- Improve back garden amenity space for residents by reducing the amount of retaining walls and the slope from the rear of the house to the boundary.
- Reduce the number of retaining walls at the front of the dwellings.
- Keep the storey height to the rear of the dwellings at 2 storey.

In more detail, the proposals within this variation application predominantly seek to amend the outline permission by way of increasing the building heights along the northern boundary. The building heights parameters plan (A-1400-D) approved through the outline permission of S6/2015/1342/PP saw the building heights along the northern boundary restricted to up to 2 storeys and a maximum ridge height of 10 metres, whilst the remainder of the site allowed for buildings to be up to 2.5 storeys and a maximum ridge height of 13 metres.

In comparison, submitted within this variation of condition application is an amended building height parameters plan (1848.12 D) which details four different areas of building heights.

Firstly, along the northern boundary to the front of the site, incorporating approximately plot numbers 94-109, and adjacent to Nos. 43-81 Greenfields, the proposed building heights are to remain as approved at outline stage - buildings in this area are restricted to up to 2 storeys and a maximum ridge height of 10 metres.

Secondly, the remainder of the site to the centre / south also retains the building heights as approved - buildings can be up to 2.5 storeys and a maximum ridge height of 13 metres.

Thirdly, along the northern boundary to the rear of the site, encompassing approximately plots 81-88, and adjacent to Cuffley School, the proposed building heights are to partly remain as approved, so the rear of the building would be up to 2 storeys and a maximum ridge height of 10 metres. However, to the front of the buildings the heights are proposed to be increased. The proposed increase would be

	<p>from up to 2 storeys and a maximum ridge height of 10 metres (as approved), to a new proposal of up to 2.5 storeys and a maximum ridge height of 13 metres.</p> <p>With regards to the design of plot numbers 81-88. These plots are sited at the highest point of the site and with the changes to building heights, these plots are proposed to be split level with a 2.5 storey frontage to the street and two storey elevation to the rear garden.</p> <p>For the avoidance of doubt, the proposals would not change the number of plots or layout of the scheme, nor will they result in any changes to the approved access arrangements. The landscaping will follow the principles established within the Illustrative Landscape Plan.</p> <p>All other parts of the development remain unchanged and so the previous approval remains relevant apart from references in regards to the changes requested in this application. Section 73 applications allow applicants to vary one or more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed. In determining an application under this section, Officers must have regard to the development plan and all other material considerations, but the principle of development should not be re-assessed since that is not an issue in relation to the variation of the condition.</p>
<p>Constraints (as defined within WHDP 2005)</p>	<p>AAS - Area of Archaeological Significance Area of Archaeological Significance: AAS37 - Distance: 0 NPA - Northaw and Cuffley Neighbourhood Plan Area - Distance: 0 SCA - 93253466.3872 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Theobalds Estate) - Distance: 0 NGL - ZB - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 ROW - FOOTPATH (NORTHAW 006) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - Article 4 Direction - Glasshouses, market gardens and nursery grounds - Distance: 0 FM30 - Flood Zone Surface Water 30mm (1890761) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (496) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18092) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: S6/2013/1200/EI Decision: Not EIA development Decision Date: 19 July 2013 Proposal: Environmental Impact Assessment Screening Opinion for a proposed residential development</p> <p>Application Number: S6/2013/2638/PA</p>

<p>Decision Date: 23 April 2014 Proposal: Pre-application advice for residential development of 120 dwellings with associated infrastructure and landscaping</p> <p>Application Number: 6/2015/1342/PP Decision: Granted Decision Date: 31 March 2022 Proposal: Outline planning application for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. All matters reserved except for new vehicular access to serve the site, the provision of surface water discharge points and the levels of development platforms</p> <p>Application Number: 6/2022/1774/RM Decision: Granted Decision Date: 10 March 2023 Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) following outline planning permission S6/2015/1342/PP for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. In addition, to approve details for Condition 9 (refuse and recycling), Condition 10 (noise), Condition 11 (air quality) and Condition 16 (LEMP).</p> <p>Application Number: 6/2023/2515/FULL Decision: Under consideration Decision Date: Under consideration Proposal: Retention of a temporary cabin structure for sales use for a temporary period of 2 years</p>			
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 17 August 2023 Site Notice Expiry Date: 8 September 2023 Press Advert Display Date: 12 July 2023 Press Advert Expiry Date: 2 August 2023 Neighbour Letters		
Summary of neighbour responses	Should never have been agreed in the first instance – no school, no GP, no transport.		
Consultees and responses	Northaw & Cuffley Parish Council – Neither support nor object. WHBC Landscape and Ecology – In terms of impact on the existing vegetation and proposed landscaping, this is negligible and I have no comments on the aspect of the landscape. However, the increase in height of the buildings is likely to have a greater impact on views in the wider landscape. Some screening is afforded by the boundary trees but the larger more prominent buildings would be more easily seen particularly in winter when there is no leaf cover. WHBC Client Services – I don't think any of the changes affect my original comments around drag distances as it seems more based		

around the parameter changes, heights of building and floor levels so if I am correct in that then I would not have any comments to make on those subjects. My objections remain as previously stated.

Affinity Water – No comments to make.

HCC Rights of Way (South) – I cannot see that any of these changes impact on the currently recorded public footpath (Northaw and Cuffley 6), the new footpath through the site and the new permissive footpath. Therefore, there are no further comments to make.

Lead Local Flood Authority – We are unable to advise that there is sufficient technical information to support the application in relation to the wording of Condition 3. Clarifications and updates for the layout drawings, detailed design and drainage scheme is required.

Highways England – No objection.

WHBC Public Health and Protection – No issues to raise.

Environment Agency – No comments.

Thames Water – No comments.

Hertfordshire Transport Programmes & Strategy – No highways objection.

Network Rail – I believe the plots being altered are not adjacent to the railway boundary and we therefore have no comment to make on the proposed variation of conditions.

Hertfordshire County Council Growth Team – No further comments.

Hertfordshire Constabulary – Thank you for sight of this amended plan. It does not materially impact on the matter of crime, and therefore I have no further comment to make.

Sport England – No comments to make on the amended parameter plans.

WHBC Parking Services – No objection.

Hertfordshire County Council Spatial Planning & Economy Team – No comments.

Hertfordshire County Council Minerals and Waste Team – No comments.

National Grid- Provided the relevant statutory clearances are maintained from our overhead lines which are covered in the guidance we previously provided for 6/2022/1774/RM there is no objection from NGET. There are no National Gas Transmission assets affected in this area.

UK Power Networks – No comment to make.

	<p>Active Travel England – Standing advice note issued.</p> <p>Joint Committee of the National Amenity Societies - Do not wish to comment.</p> <p>Hertfordshire Ecology – No material changes that would warrant amended comments.</p> <p>No responses were received from the following consultees:</p> <ul style="list-style-type: none"> • Hertfordshire County Council Adult Care Services • Hertfordshire County Council Historic Environment Advisor • The Ramblers' Association • HCC Water Officer • WHBC Affordable Housing • Herts & Middlesex Wildlife Trust • Cadent Gas Limited • Borough of Broxbourne • Herts Sports Partnership
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Relevant Policies and Guidance

National Planning Policy Framework

The Welwyn Hatfield Borough Council Local Plan 2016-2036:

- SP1 Delivering Sustainable Development
- SP2 Targets for Growth
- SP3 Settlement Strategy and Green Belt Boundaries
- SP4 Transport and Travel
- SADM2 Highway Network and Safety
- SADM3 Sustainable Travel for All
- SP7 Type and Mix of Housing
- SP8 The Local Economy
- SP9 Place-making and High Quality Design
- SADM11 Amenity and Layout
- SADM12 Parking, Servicing and Refuse
- SP10 Sustainable Design and Construction
- SADM13 Sustainability Requirements
- SADM14 Flood Risk and Surface Water Management
- SADM16 Ecology and Landscape
- SADM18 Environmental Pollution
- SADM33 Housing Allocations in Cuffley

Northaw and Cuffley Neighbourhood Plan 2022-2036:

- D1 Residential Design and Amenity
- D2 Local Character
- D3 Green Infrastructure
- D4 Local Green Space Designation
- T2 Walking and Cycling
- W1 Community Facilities and Services
- W2 Library and GP Surgery
- W3 King George V Playing Fields
- I1 Community Projects

Planning Guidance:

- Supplementary Design Guidance 2005
- Supplementary Planning Guidance Parking Standards 2004
- Interim Policy for Car Parking Standards and Garage Sizes 2014
- Planning Obligations Supplementary Planning Document 2012
- Planning Practice Guidance
- National Design Guide

Others:

- Hertfordshire Waste Development Framework 2012
- Hertfordshire's Local Transport Plan (2018 – 2031) 2018
- Manual for Streets

Main Issues**Principle of Development**

The principle of residential development was considered acceptable under the initial application of 6/2015/1342/PP. However, since that application was granted, there have been revisions to the National Planning Policy Framework (NPPF), with the latest version published in December 2023. There has also been a change in the Development Plan following adoption of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan) on 12th October 2023 and Northaw and Cuffley Neighbourhood Plan (Neighbourhood Plan) in May 2023. In this regard, it important to note that the application site is no longer situated in the Green Belt and has been allocated for housing under Policy SADM33.

Policy SP1 of the Council's Local Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Of particular note is that the location of new development should be delivered in a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk. Moreover, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, as well as the principles set out within Policy SP1.

Through the adoption of the Local Plan, and the granting outline planning permission, the Council has already assessed the principle of residential development at this site and its sustainability so there is no need to reconsider this within the current application.

As such, there is no in principle objection to this site being used for residential purposes in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies which are discussed below.

Design (form, size, scale, siting) and Character

Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further

<p>(appearance within the streetscene), plus landscape and trees</p>	<p>advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”</p> <p>The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site’s character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.</p> <p>Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.</p> <p>In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:</p> <ul style="list-style-type: none"> - Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place; - Use local materials and building methods/details to enhance local distinctiveness; and - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered <p>Moreover, Table 5 of the Northaw and Cuffley Neighbourhood Plan sets out the Design Principles for both Northaw and Cuffley. The Character Management Principles for Cuffley state that “Any houses proposed should be limited to two and a half-storeys in height.”</p> <p>The proposal seeks an increase in the height of the dwellings located to this area of the site, in comparison to the approved building heights within the initial planning permission under reference 6/2015/1342/PP. As discussed in more detail earlier within the report, the proposal has been amended within the course of this application. This involved a change to the building heights from an initial proposal of dwellings with split 3 storey to the front and 2 storey to the rear to plots 81-88, to a proposal that now seeks 2.5 storey dwellings to the front and 2 storeys to the rear.</p> <p>The impact of the proposed amendments to the building heights in terms of the design and character upon the wider scheme cannot be</p>
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	<p>fully assessed within this application. This is due to the nature of the application which seeks to vary a previous outline permission, and as such, full details of the proposals are therefore not provided at this stage. This would form details to be submitted within a subsequent reserved matters application, subject to the variation of the outline permission being approved.</p> <p>Notwithstanding the above, whilst it is acknowledged that the proposal would seek an increase in the height of the dwellings located to this area of the site, in comparison to the approved building heights within the initial planning permission under reference 6/2015/1342/PP, it is however considered that the proposed split level dwellings at 2.5 storeys to the front and 2 storeys to the rear now meets with the objectives set out within the Local Plan and Northaw and Cuffley Neighbourhood Plan and would, in principle, be considered acceptable. Moreover, whilst the increase in height would make the subject dwellings more visible from outside of the application site, the change would however not result in a material harm given the distant vantage points as well as the dwellings being read within the context of a much wider development, including the blocks of flats which are of a similar height.</p>
<p>Impact on neighbours</p>	<p>Paragraph 130 of the NPPF seeks to secure a high standard of amenity for all existing and future users of land and buildings. Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's SDG which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised.</p> <p>The impact of the proposed amendments upon the amenity of future occupiers of the dwellings within this area of the site cannot be fully assessed within this application. This is due to the nature of the application which seeks to vary the outline permission. Full details, such as floor plans and elevation drawings, will be assessed under a subsequent reserved matters application, subject to the variation of the outline permission being approved.</p> <p>Potential impacts of the proposed variation could involve an increased loss of light and privacy to future occupiers of nearby dwellings due to the increase in height and number of windows proposed. Notwithstanding, it is considered that the increase in building height from 2 storey to 2.5 storey would not be unacceptable in principle and, subject to careful design, there would be no undue harm. The principle of the proposed increase in building heights has been assessed and is considered acceptable.</p>
<p>Access, car parking and highway considerations</p>	<p>There are no changes proposed to the access arrangements as approved under application 6/2015/1342/PP.</p> <p>As a result of the proposal, there are likely be alterations to the parking layout of the affected plots. There may also be limited changes in trip</p>

	<p>generation, highway capacity, sustainable travel, accessibility and refuse strategy. However, this detail would be submitted and assessed within a subsequent reserved matters application, subject to the variation of the outline permission being approved.</p>
<p>Biodiversity</p>	<p>Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that <i>“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”</i>. Local Plan Policy SADM16 seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies.</p> <p>Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact (‘net gain’) on biodiversity, compared to what was there before development. A mandatory BNG of 10% will apply to major development sites from 12th February 2024. However, since this application is a variation to the original permission, which was granted before 12th February 2024, the site is exempt from providing a measurable biodiversity net gain of at least 10%. Nevertheless, it is notable that evidence submitted in support of application 6/2015/1342/PP demonstrated an on-site biodiversity uplift of 13.35% for habitat units and 42.58% for hedgerow units.</p> <p>No significant ecological constraints were identified at outline stage that prevented permission being granted. The submission of further details, in the form of a Landscape and Ecological Management Plan (LEMP), were secured through the imposition of Condition 16 on application 6/2015/1342/PP. These details were submitted and approved under reserved matters application 6/2022/1774/RM. Subsequently, conditions were imposed on permission 6/2022/1774/RM to secure the implementation of the approved LEMP, together with tree protection measures and new landscaping. The amendments proposed under the current S73 application would not materially affect biodiversity or the LEMP. The proposal has also been designed to minimise the impact of the development on existing trees along the northern site boundary and landscaping details would be submitted and assessed within a subsequent reserved matters application, subject to the variation of the outline permission being approved. On that basis, there is no in principle ecological objection to the development.</p>
<p>Any other considerations</p>	<p>It is acknowledged that the following considerations also formed part of the previous assessment under planning permission 6/2015/1342/PP. However, due to the nature of the proposal within this application which solely seeks to amend the parameters plan, it is considered that no further consideration with respect to the following elements are required at this stage:</p>

	<ul style="list-style-type: none"> • Flood risk and sustainable drainage • Renewable energy • Contaminated land • Archaeology • Self-build and custom housing • Accessible and adaptable dwellings • Environmental impact assessment <p>These considerations would fall to be assessed during the submission of a subsequent reserved matters application where further information in respect of these elements could reasonably be requested and submitted.</p>
Conditions	<p>A successful application to amend condition 3 would result in the issue of what would be in effect a new planning permission, sitting alongside permission 6/2015/1342/PP. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.</p> <p>Application 6/2015/1342/PP was granted planning permission subject to 20 conditions.</p> <p>The standard conditions for the submission of a subsequent reserved matters application (condition 1), time limit (condition 2) and approved plans (condition 3) all require to be re-imposed.</p> <p>The following conditions have been satisfied and are encompassed within one new condition:</p> <ul style="list-style-type: none"> • Condition 4 (CEMP)- 6/2023/0241/COND • Condition 5 (External Lighting)- 6/2022/2849/COND • Condition 6 (SUDS)- 6/2023/1346/COND • Condition 7 (Accessible Housing)- 6/2023/1423/COND • Condition 8 (Arboricultural Method Statement)- 6/2023/0855/COND • Condition 9 (Refuse and Recycling)- 6/2022/1774/RM • Condition 10 (Noise)- 6/2022/1774/RM • Condition 11 (Air Quality)- 6/2022/1774/RM • Condition 16 (LEMP)- 6/2022/1774/RM • Condition 19 (Flood Risk)- 6/2023/1347/COND <p>The following conditions require to be reimposed and re-worded as the development is under construction and to reflect the new Local Plan:</p> <ul style="list-style-type: none"> • Condition 12 (Northaw Road East access)- 6/2023/2180/COND under consideration • Condition 13 (highway improvement works)- 6/2023/2181/COND under consideration • Condition 14 (Theobalds Road route)- 6/23/2182/COND under consideration • Condition 20 (SUDS management) <p>Conditions 15 (Noisy Works) and 18 (Contamination) are compliance</p>

	<p>conditions and thus would need to be re-imposed and re-worded to reflect the new Local Plan.</p> <p>Condition 17 (Highways) does not need to be reimposed as the information requested within this condition was dealt with during the reserved matters application of 6/2022/1774/RM.</p>
Conclusion	
<p>Having regard to the above, subject to conditions, the proposed development is considered to be in accordance with the aims and objectives of the policies set out within the Welwyn Hatfield Borough Council Local Plan, the adopted Supplementary Design Guidance, the Northaw and Cuffley Neighbourhood Plan and the National Planning Policy Framework. It is therefore recommended that planning permission is granted.</p>	

Conditions:

1. Details of the appearance and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before the development of this area of the site begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

3. Conditions 4, 5, 6, 7, 8, 9, 10, 11, 16 and 19 of the varied planning permission reference S6/2015/1342/PP shall continue to apply to this permission. Where the replicated conditions pertaining to the varied permission reference S6/2015/1342/PP have been discharged, the development of this permission shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also, unless alternative details are otherwise agreed in writing through a separate discharge of the conditions.

REASON: To define the terms of the application, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Prior to first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the Northaw Road East access and associated highway works, as shown indicatively on drawing number 141386/A/35 revision D and 141386/A/29 revision B. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development. This shall include the permanent provision of the visibility splays as shown on these plans: 2.4m x 120m to the north-east and 2.4 x 215m to the south-west, within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway level.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. In the event that the Footpath/Cyclepath Link (as defined within the section 106 agreement dated 31 March 2022 entered into by LIH Property 2 (UK) Limited and Welwyn Hatfield Borough Council and Hertfordshire County Council (the "S106 Agreement")) is to be delivered pursuant to Schedule 8 of the S106 Agreement, then additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the highway improvement works to Northaw Road East, as shown indicatively on drawing number 141386/A/56 revision A. This provides for:

- a) Upgrade of the two existing bus stops closest to the site, to include raised Kassel kerbing and Real Time Information displays at both stops, and a shelter at the northbound stop.

- b) A pedestrian dropped kerb / tactile paved crossing point along Northaw Road East between the two bus stops.

The 30th unit on the development shall not be occupied until these works have been constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction. For the avoidance of doubt this condition shall not apply if the Footpath/Cyclepath Link is not delivered in accordance with the S106 Agreement.

REASON: To ensure users of the development can travel safely, freely, and sustainably to and from Cuffley village centre and other key destinations in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Prior to first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of improvement works to the Theobalds Road route, from the site to the village centre. This includes the provision of pedestrian dropped kerbs and tactile paving over side road junctions, as shown indicatively on drawing number 141386/A/57 revision A. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and fully implemented prior to occupation.

REASON: To ensure users of the development can travel safely, freely, and sustainably to and from Cuffley village centre and other key destinations in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Construction deliveries, demolition and construction works, which shall include use of any plant or machinery, cleaning and maintenance of plant or machinery, deliveries to the site and movement of vehicles within the curtilage of the site, must not take place other than between 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To ensure that the development is undertaken in a manner which reduces any potential impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Investigation and risk assessment

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- a) A survey of the extent, scale and nature of contamination.
- b) An assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings;
 - crops;
 - livestock;
 - pets;
 - woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters; and
 - ecological systems;
- c) An appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Remediation Scheme

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

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

9. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include:
- a) Provision of complete set of as built drawings for site drainage;
 - b) Maintenance and operational activities.
 - c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site; and to ensure surface water can be managed in a sustainable manner in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
P1848.IMP.0 1	A	Illustrative Masterplan - Site A	29 June 2023
2271-A- 1100-B		Site Location Plan	27 June 2015
2271-C- 1005-B		Illustrative Master Plan - previously approved	27 June 2015
2271-SK- 1400-D		Parameter Plan - Building Heights - previously approved	27 June 2015
P1848.12	D		29 April 2024

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

1. POSITIVE AND PROACTIVE STATEMENT

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

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

Determined By:

Mr Mark Peacock
17 May 2024