

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

DELEGATED APPLICATION

Application No: 6/2024/1342/RM
Location: Land to the north east of King George V Playing Fields Northaw Road East Cuffley EN6 4RD
Proposal: Approval of reserved matters (appearance, landscaping, layout, and scale) following outline planning permission S6/2015/1342/PP as varied by 6/2023/1352/VAR for residential development of 10 dwellings and associated infrastructure
Officer: Ms Ashley Ransome
Recommendation: Granted

6/2024/1342/RM

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</p>

a satisfactory S106 agreement, referral to the Secretary of State and conditions. Subsequently, on 31 March 2022, the S106 agreement was 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 principles and parameters approved at outline stage.

The RM application 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.

A variation of condition application was then submitted under reference 6/2023/1352/VAR. This application sought to vary condition 3 imposed upon the outline planning permission granted under reference S6/2015/1342/PP. Condition 3 related to the approved drawings, where the applicant sought to amend the approved illustrative masterplan, heights parameter plan and proposed levels plan, in relation to the built form along the northern boundary.

The variation application related to eight of the dwellings along the northern boundary (plots 81-88). These dwellings were two storeys in height under applications 6/2015/1342/PP and 6/2022/1774/RM. Permission was sought to amend the design of the aforementioned eight dwellings to a split level design to address site levels and boundary trees. The submission involved 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). The maximum ridge height of 10 metres to the rear remained as previously approved, whilst the maximum ridge height to the front was increased from 10 metres to 13 metres to encompass the 2.5 storey design to the front.

	<p>The variation of condition application, under reference 6/2023/1352/VAR, was granted on 17 May 2024.</p> <p><u>Proposal</u></p> <p>The current application seeks to update the reserved matters to align with the varied outline permission 6/2023/1352/VAR.</p> <p>The reserved matters application seeks permission for the detailed design of the amended plots. This is specifically in relation to the 10 dwellings along the northern boundary to include plots 79-88. Plots 79 and 80 have been included within the amendments sought to the reserved matters approval in design terms, but these two plots would remain as two storey dwellings.</p> <p>During the course of the application, several minor amendments to the proposed scheme were requested by the Council to secure a high quality design, as well as a high standard of amenity for future occupiers. These were provided by the applicant, in addition to some further minor amendments required as a result, including to internal layouts.</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.</p>
Constraints	<p>NPA - Northaw and Cuffley Neighbourhood Plan Area - Distance: 0 GB - 1 - Distance: 11.27 LCA - Landscape Character Area (Theobalds Estate) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 UOL - Cuffley School (UOL231) - Distance: 0 Wards - Northaw & Cuffley - 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>
Relevant planning history	<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 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</p>

	<p>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> <p>Application Number: 6/2023/1352/VAR Decision: Granted Decision Date: 17 May 2024 Proposal: Variation of condition 3 (Approved Parameter Plans) for planning permission 6/2015/1342/PP</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 1
Publicity	Site Notice Display Date: 8 August 2024 Site Notice Expiry Date: 30 August 2024 Press Advert Display Date: 31 July 2024 Press Advert Expiry Date: 21 August 2024		
Summary of neighbour responses	The provision of bird boxes on this and other parts of this development is welcome. However, no details have been provided of the model of bird boxes to be used and the locations are marked as indicative only. There are also only 2 boxes between 10 houses which is insufficient bearing in mind RIBA and NHBC guidelines which suggest a ratio of 1 per property		
Consultees and responses	National Grid – There are no National Grid Electricity Transmission assets affected by the proposal. Hertfordshire Constabulary – Concern regarding the lack of defensible space to the front of some of the new plots. The front lounge windows to a few of the plots are very close to the public path. WHBC Client Services – No issue with the refuse presentation/collection points. WHBC Public Health and Protection – No objection, subject to conditions.		

	<p>HCC Historic Environment Advisor – The development is unlikely to have a significant impact on heritage assets of archaeological interest. There is no comment to make upon the proposal.</p> <p>Affinity Water Ltd – No comments.</p> <p>Thames Water – No comment.</p> <p>Northaw & Cuffley Parish Council – Neither support, nor object to this application.</p> <p>Sport England – The proposed development does not fall within either the statutory or non-statutory remit, but offer advice.</p> <p>HCC Growth Team – No further comments to make on this application.</p> <p>Lead Local Flood Authority – No comment as there is no change to the previously approved Flood Risk Assessment and Drainage Strategy.</p> <p>HCC Transport Programmes & Strategy – No issues for the public highway.</p> <p>Hertfordshire Ecology – Further information required in relation to bat and bird boxes.</p> <p>WHBC Landscape and Ecology – Landscaping condition requested.</p> <p>Network Rail –No comment.</p> <p>NHS – Request for a S106 contribution for GP/Primary Care. There is no request for a contribution for Acute, Mental Health or Community Services.</p> <p>HCC Minerals and Waste Team – No comments.</p> <p>No response received from the following consultees:</p> <ul style="list-style-type: none"> • Borough of Broxbourne • Herts & Middlesex Wildlife Trust • Herts Sports Partnership • HCC Rights of Way (South) • WHBC Parking Services • HCC Public Health Department • HCC Spatial Planning & Economy Team • WHBC Affordable Housing • HCC Adult Care Services • Cadent Gas
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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.

	<p>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.</p> <p>Through the adoption of the Local Plan, and the granting of 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.</p> <p>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.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>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 advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place.</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>

- 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

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.”

The proposal seeks an increase in the height of the dwellings located to this area of the site, to encompass an amended design to involve split level dwellings. This follows the variation of condition application under 6/2023/1352/VAR for the approval of the amended indicative building heights plan to show this increase in height. This in turn creates the need for the design of the dwellings to be amended from that of the permission granted under reference 6/2022/1774/RM.

The application is accompanied by a suite of technical documents and other supporting evidence, including a Design and Access Statement and Planning Statement which illustrate in detail the evolution of the design. A Landscape and Visual Impact Assessment (LVIA) has also been submitted with the application as a tool to assist the decision maker in assessing the effects of the scheme. This considers the likely effects arising from the proposed development on site features, landscape character and visual receptors, together with the significance of such a change in near, medium and long views.

In terms of the proposal, plots 81-88 are proposed to be amended to a split-level design. A split-level design is required to avoid steeply terraced rear gardens, as well as to allow for the street level to be lowered in front of the plots. This in turn would provide an enhanced relationship with the apartment blocks to the south. The maximum ridge height of 10 metres to the rear is to remain as previously approved, whilst the maximum ridge height to the front is to be increased from 10 metres to 13 metres to encompass the 2.5 storey design to the front. The 2.5 storey front elevation would be achieved through lowering the ground level at the front of the site, enabling a more gentle street gradient.

These plots are all proposed to be detached dwellings, with external access to the rear of properties on higher ground level proposed through either shared staircases between properties. Three different dwelling types are proposed for plots 81-88, encompassing varying gable designs and dormers to the front elevation. Five of the plots (81-84 and 88) are proposed to incorporate half hipped roof designs. A mix of red multistock brick and red tile hanging materials are proposed for the walls, with red or grey tiles proposed for the roof. Bin and cycle storage has been amended since the previous permission. For plots 85-88, this is to be provided within a dedicated enclosure with the staircases, meanwhile dedicated enclosed stores are proposed to the side of plots 81-84. Each property (plots 81-88) is proposed to

	<p>incorporate an integral garage, with an additional two parking spaces provided on a driveway designated for each plot.</p> <p>Plots 79 and 80 have been included within the amendments sought to the reserved matters approval in design terms, but for the avoidance of doubt, these two plots would remain as two storey dwellings. These plots would now form a pair of semi-detached dwellings to include a gablette feature to the front. Red multistock brick and grey roof tile materials are proposed for these plots. Bin and cycle storage is proposed to the rear garden with level access to the site. Parking is proposed on a driveway designated for each plot.</p> <p>The supporting documents and amendments have been scrutinised by officers and statutory consultees. In view of the above, it is considered that the proposal comprises high quality design which respects the character of the area and the remainder of the site, and as such, is therefore acceptable in this regard.</p> <p>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>It is therefore considered that the proposal is in accordance with Policies SP1, SP9 and SADM16 of the Welwyn Hatfield Borough Local Plan, Supplementary Design Guidance, the Northaw and Cuffley Neighbourhood Plan and the National Planning Policy Framework.</p>
<p>Impact on neighbours</p>	<p>The NPPF at Paragraph 130 is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p> <p>Local Plan 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. It states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG. 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. The design guidance contained in the Neighbourhood Plan and the SDG is consistent with this.</p> <p><u>Impact on existing neighbouring occupants</u></p> <p>The grounds of Cuffley School are located adjacent to the north-eastern corner of the site, adjacent to the location of plots 79-88. In this location, there is extensive landscaping along the boundary and within the school site which would screen or filter views between the school and the</p>

development. It is proposed to retain this existing vegetation as detailed within the previous reserved matters application. The new residential gardens would be enclosed by 1.8 metre high close barded fence. The houses in this location would be situated approximately 10 metres from the site boundary and approximately 65 metres from the nearest school building. The school has not commented on the application, and it is not considered that the proposal would result in any undue impact in terms of privacy or safeguarding.

The proposed amendments would not pose additional harm to any other existing neighbouring occupants due to the distance from this section of the site to neighbouring buildings.

In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during the construction phase. The extent of the development is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. Such impacts are normal, and to be expected, of these developments, but are also short-term impacts that only last the duration of the construction phase.

These impacts can be managed and mitigated in line with best practice and can be secured through the implementation of a site-specific Construction Environment Management Plan (CEMP). A CEMP for this site was submitted and discharged under reference 6/2023/0241/COND. The site is already under construction with the discharged CEMP in place. A compliance condition will therefore be imposed to ensure this part of the development is carried out in line with the approved CEMP.

Notwithstanding the above, in addition, there is separate environmental health legislation which further safeguards the amenity of residents.

Living conditions for future occupiers

Policy SADM11 of the Local Plan requires, as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings. If a dwelling has more than one bedroom, Table 1 of the NDSS suggests the minimum number of bed spaces (persons) is 3 people (one double room and one single).

All proposed dwellings would meet or exceed the Nationally Described Space Standards and would also meet accessible and adaptable standards (Building Regulations Part M4(2)), policy requirements.

The proposed dwellings provide a good standard of amenity for future occupiers in terms of outlook, lights and natural ventilation.

In terms of privacy, the position of windows has been considered so as to avoid undue overlooking between properties, with amendments sought throughout this application to seek the highest level of amenity possible. Nevertheless, given the density of development proposed,

there would inevitably be views from windows towards neighbouring properties and over rear gardens. However, a degree of overlooking is acceptable and would be consistent with a neighbouring relationship generally expected between residential properties. As such, a reasonable degree of privacy to living spaces is maintained with overlooking limited to an acceptable degree.

Turning to private amenity space, Policy SADM11 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes for gardens, but the layout and design of the garden in relation to the built environment should ensure that the garden is functional and useable in terms of its orientation, width, depth and shape, with the garden large enough to be useable and meet the needs of the occupiers of the home.

The proposal would incorporate private gardens for each of the new dwelling units which would be appropriately sized for the plot. Moreover, the amendment to the previous reserved matters permission would see rear gardens provided at a mostly single level, rather than terraced as previously proposed. The proposed gardens would provide good standard of amenity.

In terms of noise and vibration, regard should be had to Policy SADM18 which sets out that development proposals should ensure that pollution would not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment. A Noise and Vibration Impact Assessment is required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration.

Whilst the proposed residential use is not likely to cause any adverse impacts, the latter is of relevance to this application. The application site abuts the railway line to the east. This is likely to create noise and vibration disturbance to future occupiers of the development and therefore the impacts must be considered.

A Noise Assessment has been submitted in support of the application. The Council's Environmental Health Officer has reviewed the report, noting the results and proposed mitigation. A condition is recommended that requires the submission of details demonstrating that noise mitigation measures have been installed in relation to mitigating noise from transport sources. Moreover, a condition requiring details of a scheme to mitigate noise from new plant and equipment is to be imposed to ensure that there would not be an adverse impact on the living conditions of future occupants and certify that internal and external noise mitigation measures are effective.

With respect to permitted development rights, a condition was imposed on the previous grant of permission under reference 6/2022/1774/RM withdrawing permitted development rights, enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new dwellings (class A) and their enlargement of consisting of

	<p>an addition or alteration to its roof (class B). This was because it was considered that given the relatively small plot sizes and the close proximity of neighbouring properties, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to overbearing impact, loss of light and loss of privacy. Therefore, to protect the amenity of future neighbouring occupiers, it was considered reasonable to impose a planning condition withdrawing permitted development rights as set out above. This remains to be the case in respect of this application and therefore a condition will be imposed to this effect.</p> <p>Given the above, it is considered that the proposed development would respect and sufficiently retain the amenity of surrounding residential properties, and, subject to conditions, would provide a good level of amenity for future occupants. The proposal is therefore in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance, the Northaw and Cuffley Neighbourhood Plan and the National Planning Policy Framework.</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>The proposal would result in alterations to the parking arrangements and bin/cycle storage of the affected plots. There would also be some changes in trip generation, highway capacity, sustainable travel, accessibility and refuse strategy.</p> <p>The Highway Authority and WHBC Client Services have commented on this application, advising that they have no objection to the proposal. With respect to parking and bin/cycle storage arrangements, these are considered acceptable.</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>.</p> <p>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 12 February 2024. However, since this application is a reserved matters to the original permission, which was</p>

	<p>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>Turning to Policy SADM16 of the Local Plan. 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.</p> <p>The amendments proposed under the current reserved matters application would not materially affect biodiversity or the LEMP. Notwithstanding, Hertfordshire Ecology have commented on the application requesting further information in relation to bird and bat boxes. A condition requesting an updated LEMP will therefore be imposed upon the grant of planning permission.</p> <p>In view of the above, conditions securing these measures have been suggested and the BNG is secured through the S106 that was agreed at outline stage.</p>
<p>Any other considerations</p>	<p><u>Flood risk and sustainable drainage</u></p> <p>The Lead Local Flood Authority (LLFA) were consulted on this application. They have advised that as there is no change to the previously approved Flood Risk Assessment and Drainage Strategy, there is no effect on flood risk and drainage matters regarding this application.</p> <p>Thames Water and Affinity Water have also advised that they have no comment to make on the proposal.</p> <p><u>Contaminated land</u></p> <p>The previous outline application of 6/2015/1342/PP was accompanied by a Phase 1 and 2 Geo-Environmental Assessment which demonstrated that there were no unacceptable risks to humans detected across the site. The Council's Environmental Health Officer reviewed the findings of the reports and recommended that a condition was attached to any planning permission ensuring that if any unexpected finds are discovered during construction further assessment work is undertaken.</p> <p>The Council's Environmental Health Officer commented on this application recommending the same condition.</p> <p><u>Air Quality</u></p>

An Air Quality Impact Assessment was submitted with the application, demonstrating a low impact in relation to this development. The Council's Environmental Health Officer advises a condition for green transport facilities to be provided, such as cycle storage and the provision of electric vehicle charging points.

Landscaping and Trees

The application is supported by landscaping and tree strategy plans. These are however outdated following the requested amendments made. A condition will therefore be imposed for these details to be submitted.

Archaeology

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

The Historic Environment Advisor commented on this application, advising that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

Contributions

The S106 for this site which makes provision for financial and developer contributions towards (but not limited to) education, libraries, the NHS, affordable housing, sports facilities, play facilities and contributions towards sustainable travel including improved pedestrian and cycle connections, was agreed and completed on the 31st March 2022.

HCC Growth Team have advised that they have no further comments to make.

The consultation response received from the NHS is acknowledged. However, as the proposal does not add any additional units, the contributions as set out within the consultation response are not required to be sought.

Other

It is acknowledged that the following considerations also formed part of the previous assessment under planning permission 6/2015/1342/PP and 6/2022/1774/RM.

- Renewable energy
- Self-build and custom housing
- Accessible and adaptable dwellings
- Environmental Impact Assessment

	<p>Due to the nature of the proposal within this application, the consideration of these elements remain unchanged, and where applicable, have been dealt with through the imposition of conditions.</p>
<p>Conditions</p>	<p>Application S6/2015/1342/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) and time limit (condition 2) are not required to be re-imposed.</p> <p>Condition 3 for approved plans is required to be re-imposed, approving the new plans submitted for this application.</p> <p>The following conditions on permission S6/2015/1342/PP 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 12 (Northaw Road East access) - 6/2023/2180/COND part discharged through reimposed condition 4 on 6/2023/1352/VAR • Condition 13 (highway improvement works) - 6/2023/2181/COND part discharged through reimposed condition 5 on 6/2023/1352/VAR • Condition 14 (Theobalds Road route) - 6/23/2182/COND part discharged through reimposed condition 6 on 6/2023/1352/VAR • Condition 19 (Flood Risk) - 6/2023/1347/COND <p>Conditions 15 (Noisy Works) and 18 (Contamination) are compliance conditions and thus would need to be re-worded and re-imposed to reflect the new Local Plan.</p> <p>Condition 16 (LEMP) is required to be re-worded and re-imposed as further information is required in this regard with respect to the amended scheme.</p> <p>Condition 20 (SUDS management) also requires to be re-worded and re-imposed as the condition has not yet been discharged as the site is still under construction.</p> <p>Condition 17 (Highways) does not need to be re-imposed as the information requested within this condition was dealt with during the reserved matters application of 6/2022/1774/RM.</p> <p>Application 6/2022/1774/RM was granted planning permission subject to 20 conditions.</p>

Condition 20 for approved plans is required to be imposed, approving the new plans submitted for this application.

The following conditions on permission 6/2022/1774/RM have been satisfied and are encompassed within one new condition:

- Condition 2 (Waste Management) - 6/2023/0853/COND
- Condition 4 (Samples and Schedule of Materials) - 6/2023/0852/COND and further details submitted within current RM application
- Condition 5 (Visibility Splays)
- Condition 6 (Cycle Storage) further details submitted within current RM application
- Condition 7 (Parking Allocation) - discharged under 6/2024/1138/COND and further details submitted within current RM application
- Condition 8 (Parking Area Surfaced)
- Condition 9 (Trespass Proof Fencing)
- Condition 13 (Refuse and Recycling) - further details submitted within current RM application

The following conditions are required to be re-worded and re-imposed as they have not yet been discharged and/or further information is required in this regard with respect to the amended scheme, and to reflect the new Local Plan:

- Condition 1 (Landscaping Scheme)
- Condition 3 (Works in Proximity to the Operational Railway Environment)
- Condition 12 (Landscape and Ecological Management Plan)
- Condition 16 (EV Charging Facilities)

The following conditions are compliance conditions and thus would need to be re-worded and re-imposed to reflect the new Local Plan.

- Condition 10 (Removal of Permitted Development Rights)
- Condition 11 (Landscape Preparation)
- Condition 14 (Sound Insulation)
- Condition 15 (Air Quality)
- Condition 17 (Energy Efficiency Measures)
- Condition 18 (External Lighting)

Condition 1 for approved plans is required to be imposed, approving the new plans submitted for this application.

Application 6/2023/1352/VAR was granted planning permission subject to 10 conditions.

The standard conditions for the submission of a subsequent reserved matters application (condition 1) and time limit (condition 2) are not required to be re-imposed.

	<p>Condition 3 relating to a number of conditions continuing to apply has already been covered above.</p> <p>The following conditions are required to be re-worded and re-imposed as the development is under construction and to reflect the new Local Plan:</p> <ul style="list-style-type: none"> • Condition 4 (Engineering Designs) - part discharged 6/2023/2180/COND • Condition 5 (Additional Plans) - part discharged 6/2023/2181/COND • Condition 6 (Theobalds) - part discharged 6/2023/2182/COND <p>The following conditions are compliance conditions and thus would need to be re-imposed:</p> <ul style="list-style-type: none"> • Condition 7 (Noisy Works) • Condition 8 (Unexpected Contamination) • Condition 9 (SUDS Management) • Condition 10 (Approved Plans)
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. No development of plots 74-88 shall take place until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority. The methodology shall include:
 - a) construction methodology;
 - b) earthworks and excavations;
 - c) use of crane, plant and machinery; and
 - d) drainage and boundary treatments

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

2. No development above damp proof course level of plots 79-88 shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing.

The landscaping details to be submitted shall include:

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

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. No development above damp proof course level of plots 79-88 shall take place until an updated Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority to encompass the additional points requested by Hertfordshire Ecology. The development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing.

REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. No development above damp proof course level of plots 79-88 shall take place until full details of EV charging facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved EV charging facilities must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose, unless otherwise agreed in writing.

REASON: To ensure the provision of adequate EV charging facilities in the interests of encouraging the use of sustainable modes of transport in accordance with the Welwyn Hatfield Borough Council Local Plan, Hertfordshire's Local Transport Plan (adopted 2018), and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A & B of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. The development must not be carried out other than in accordance with the approved revision 1 of the Noise Assessment dated 16th August 2022, unless otherwise agreed in writing by the Local Planning Authority.

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

REASON: To ensure that future occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. The development must not be carried out other than in accordance with the approved revision 1 of the Air Quality Assessment dated 17th August 2022, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

REASON: To ensure that the development contributes towards sustainable development and energy efficiency and maximises energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

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

REASON: To help create a safe place and assist with the reduction of the fear of crime; to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, to eliminate the potential for train drivers to be dazzled and to ensure habitats and species are safeguarded, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. 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.

12. 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.

13. Conditions 4 (CEMP), 5 (External Lighting), 6 (SuDS), 7 (Accessible Housing), 8 (Arboricultural Method Statement), 9 (Refuse and Recycling), 10 (Noise), 11 (Air Quality), 12 (Northaw Road East Access), 13 (Highway Improvement Works), 14 (Theobalds Road Route) and 19 (Flood Risk) of 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.

14. Conditions 2 (Waste Management), 4 (Samples of Materials), 5 (Visibility Splays), 6 (Cycle Storage), 7 (Parking Allocation), 8 (Parking Area Surfaced), 9 (Trespass Proof Fencing), 13 (Refuse and Recycling) of planning permission reference 6/2022/1774/RM 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.

DRAWING NUMBERS

15. 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
1396 GSA HA ZZ DR A 2100	P03	Harper (Plot 79 & 80)- Ground and First Floor Plans	27 September 2024
1396 GSA HA ZZ DR A 3101	P04	Harper (Plot 79 & 80)- Elevations	27 September 2024
1404 GSA FO1 00 DR A 2101	P06	Forester (Plots 83 & 84)- Ground Floor Plan	27 September 2024
1404 GSA FO1 01 DR A 2102	P05	Forester (Plots 83 & 84)- First Floor Plan	27 September 2024
1404 GSA FO1 02 DR A 2103	P05	Forester (Plots 83 & 84)- Second Floor Plan	27 September 2024
1404 GSA FO1 ZZ DR A 3102	P07	Forester (Plots 83 & 84)- Elevations	27 September 2024
1404 GSA PH1a 00 DR A 2100	P07	Philosopher (Plot 87) Ground Floor Plan	27 September 2024
1404 GSA PH1a 01 DR A 2101	P06	Philosopher (Plot 87) First Floor Plan	27 September 2024
1404 GSA PH1a 02 DR A 2102	P06	Philosopher (Plot 87) Second Floor Plan	27 September 2024
1404 GSA PH1a ZZ DR A 3100	P08	Philosopher (Plot 87) Elevations	27 September 2024
1404 GSA RE2 00 DR A 2100	P06	Reedmaker (Plots 81, 82 & 88) Ground Floor Plan	27 September 2024
1404 GSA RE2 01 DR A 2101	P06	Reedmaker (Plots 81, 82 & 88) First Floor Plan	27 September 2024
1404 GSA RE2 02 DR A 2102	P05	Reedmaker (Plots 81, 82 & 88) Second Floor Plan	27 September 2024
1404-GSA-RE2- ZZ-DR-A-3100	P08	Reedmaker (Plots 81, 82 & 88) Elevations	27 September 2024
1404 GSA SW 00 DR A 1205	P08	Unit Mix Plan Ground Floor	27 September 2024
1404 GSA SW 00 DR A 1215	P08	Parking Plan Ground Floor	27 September 2024
1404 GSA SW 00 DR A 1245	P08	Refuse Strategy Plan Ground Floor	27 September 2024

1404 GSA SW 00 DR A 1300	P11	GF Site Plan	27 September 2024
1404 GSA SW 01 DR A 1225	P08	Building Heights Plan Ground Floor	27 September 2024
1404 GSA SW 01 DR A 1231	P08	Amenity Plan First Floor	27 September 2024
1404 GSA SW 01 DR A 1255	P08	Boundary Conditions Plan First Floor	27 September 2024
1404 GSA SW 01 DR A 1301	P09	Site Plan	27 September 2024
1404 GSA SW RF DR A 1265	P08	Material Strategy Plan Roof	27 September 2024
1404 GSA SW XX DR A 1100	P02	Site Location Plan	27 September 2024
1404 GSA ZZ ZZ DR A 3101	P07	Illustrative Street Elevation Front	27 September 2024
1404 GSA ZZ ZZ DR A 3102	P05	Illustrative Street Elevation Garden	27 September 2024
1404 GSA SW ZZ DR A 4101	P04	Site Section A-A And B-B	27 September 2024
1404 GSA SW ZZ DR A 4102	P04	Site Section C-C And D-D	27 September 2024
1404 GSA SW ZZ DR A 4103	P03	Site Section E-E And F-F	2 October 2024
1404 GSA PH1 00 DR A 2100	P05	Philosopher (Plots 85 & 86)- Ground Floor Plan	27 September 2024
1404 GSA PH1 01 DR A 2101	P04	Philosopher (Plots 85 & 86)- First Floor Plan	27 September 2024
1404 GSA PH1 02 DR A 2102	P04	Philosopher (Plots 85 & 86)- Second Floor Plan	27 September 2024
1404 GSA PH1 ZZ DR A 3100	P05	Philosopher (Plots 85 & 86) Elevations	27 September 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.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
3. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
5. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.
6. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the

railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

7. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
8. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.
9. The applicant is advised that no development (including demolition) should commence until wheel-cleaning apparatus to prevent the deposit of debris, mud etc on the highway has been agreed with the Highway Authority. Hertfordshire County Council Transport Planning and Policy can be contacted on 03001234040
10. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
11. This planning permission gives no entitlement to affect any public rights of way or established highway within the application site. Any diversion, extinguishment, stopping up or creation of a public right of way may need its own Order under the Highways Act 1984 or The Town and Country Planning Act 1990 (As amended) before any works affecting the rights of way can be commenced. For further information, please contact the local planning authority on 01707 35700, or Hertfordshire County Council, Environment Department on 01992 555555
12. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire - A Guide for New Developments and by a contractor who is authorised to work in the public highway. Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
13. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the amount of waste produced on site and should contain information including types of

waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at www.smartwaste.co.uk or www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/index.html. For further information on this, please contact Hertfordshire County Council on 01992 556254.

14. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
15. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
16. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
17. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

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

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

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

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

Determined By:

Mr Mark Peacock
10 October 2024