

Part I

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WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 9 DECEMBER 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2015/1342/PP

LAND TO THE NORTH EAST OF KING GEORGE V PLAYING FIELDS, NORTHAW
ROAD EAST, CUFFLEY, HERTFORDSHIRE, EN6 4RD

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

APPLICANT: Lands Improvement Holdings

1 Background

- 1.1 Initial pre-application advice was provided by the Council in April 2014. This did not include an assessment of Very Special Circumstances which is required when considering any planning application for development within the Green Belt, but instead focused on technical issues and other matters of detail; all of which have been taken into account in the formulation of the proposals for the Site's development
- 1.2 The Applicant entered into a Planning Performance Agreement with the Borough Council, enabling a significant number of meetings to be held with various stakeholder interests and planning officers.
- 1.3 An application for Outline planning permission was submitted in June 2015 under ref: 6/2015/1342/PP and statutory and non-statutory consultations were undertaken. 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.
- 1.4 In spring 2021, several supporting documents and appraisal were updated and submitted to the Council, including an Ecological Appraisal, Reptile and Bat Surveys, Flood Risk Assessment and Transport Assessment. In July 2021 a Revised Planning Statement was submitted and a full reconsultation of the application was undertaken.

2 Site Description

- 2.1 The application site comprises 5.52 hectares of agricultural land to the south of Cuffley. The proposal, submitted in outline, is for up to 121 dwellings and associated infrastructure. The application site comprises two separate parcels of land. Approximately 4.89 hectares is being promoted for houses (Site A) and the other of 0.63 hectares forms an extension to the playing fields (Site B).
- 2.2 Site A 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 south west of the site are the King George V (KGV) Playing Fields and sports pitches, which include three sports pavilions (Cuffley football Club, Tennis Club and Bowls Club), a recreation area with hard surfaced MUGA and an area of formal play equipment.
- 2.3 Site B comprises a rectangular parcel of agricultural land, located to the south west of the Tennis Club. Northaw Road East forms the western boundary of the land, on the opposite side of which are a two residential properties and several former agricultural buildings which are now in various commercial uses. Further agricultural land lies to the south whilst tennis courts, sports pavilions and a bowling green are located to the north east and south east of the Site.

3 The Proposal

- 3.1 The planning application is in outline form with all matters reserved except for vehicular access, the provision of surface water discharge points and the levels of development platforms.
- 3.2 The application is accompanied by Parameter Plans detailing green infrastructure, land use and building heights which are submitted for approval as part of this application.
- 3.3 The application comprises of the erection of up to 121 dwellings, of which 35% would be affordable (42 units). The proposed density for the site is 25 dwellings per hectare. With the exception of a small number of bungalows, the scale of the new homes would be predominately 2 storey with a small amount of 2½ storey. The development proposes a range of house types, sizes and tenures in order to provide a wide choice of homes, able to accommodate a variety of household types and thereby creating a mixed and inclusive community. The final mix of houses to be provided would form part of a subsequent Reserved Matters application.
- 3.4 Vehicle access into the development would be taken from Northaw Road East as a simple T-junction. The Transport Assessment (TA) submitted by the applicant proposed some valuable pedestrian infrastructure measures, including a new pedestrian link from the development onto South Drive (as shown on drawing number 141386/A/51 revision A). A pedestrian link to South Drive would ensure easy access to the adjacent primary school, as well as a much quieter and more pleasant route to Cuffley centre / Station Road for both pedestrians and cyclists. The applicant has submitted a plan which shows upgrades to the Theobald's

Road route to the village centre, in the form of new pedestrian dropped kerbs and tactile paving crossing points over side junctions. Pedestrian links between the development and the Hertfordshire Way / KGV Playing Fields are also proposed.

- 3.5 Landscaping and areas of open space are proposed throughout the site, including the provision of amenity space in the south eastern corner of the site and at the centre of the development. Existing vegetation surrounding the site would be retained and enhanced, where appropriate. Details of the open space and landscape proposals would form part of subsequent Reserved Matters applications.
- 3.6 The application also includes the change of use of land to the south west of KGV Playing Fields (Site B) from agricultural land to an extension of the playing fields. This land is to be transferred to the Parish Council enabling them to enhance the existing sports facilities at KGV.
- 3.7 The application is accompanied by a range of documentation and supporting material, as listed below:
- Design and Access Statement, including Energy Statement (Omega);
 - Planning Statement, including draft Heads of Terms and Affordable Housing Statement (Marrons Planning)
 - 'Very Special Circumstances' Justification Report (Marrons Planning)
 - Landscape and Visual Assessment (Hankinson Duckett)
 - Ecological Appraisals, including Protected Species Surveys (Hankinson Duckett)
 - Flood Risk Assessment and Drainage Strategy (Brookbanks)
 - Archaeological Desk Based Assessment and Trial Trenching Report (Heritage Network)
 - Geo-Physical Survey (Stratascan)
 - Geo-Environmental Assessment Phase 1 and 2 (Brookbanks)
 - Transport Assessment and Green Travel Plan (Vectos)
 - Arboricultural Assessment (Hankinson Duckett)
 - Noise Assessment (Brookbanks)
 - Air Quality Assessment (Brookbanks)
 - Statement of Community Involvement (Political Developments)

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because:
- It would represent a departure from the Local Plan and is recommended for approval;
 - The application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee; and
 - The application has wider ramifications of more than just local interest.

5 Relevant Planning History

- 5.1 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

- 5.2 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

6 Relevant Planning Policy

- 6.1 National Planning Policy Framework 2021 (NPPF)
- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 Draft Local Plan Proposed Submission 2016 (draft Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 6.7 Draft Northaw and Cuffley Neighbourhood Plan 2021

7 Site Designation

- 7.1 The Application Site is not allocated in the Welwyn Hatfield District Plan (2005) for development and lies outside of the specified settlement of Cuffley. The Application site lies wholly within the Metropolitan Green Belt and Landscape Character Area 55 "Theobalds Estate" as defined by the Welwyn Hatfield District Plan.

8 Representations Received

- 8.1 The application was advertised by means of a neighbour notification letters, site notice and press notice. In total 53 representations have been received, comprising 40 objections together with six in support of the proposal and seven comments. All representations received are published in full on the Council's website and are summarised below.
- 8.2 A total of five representations were received in response to the reconsultation dated 20 July 2021:

Objections

- Green Belt must be protected
- Agricultural land must be kept for production of food
- Development will exacerbate the traffic problems and dangers
- The pavements are narrow and the extra traffic will cause a safety risk to pedestrians
- Noise disturbance from the new residents and traffic
- Insufficient school places for new families
- Insufficient GP provision

- Loss of Green Belt
- Blocked gullies on Northaw Road East resulting in waterlogged gardens
- Cuffley does not have modern architecture
- This development is out of scale and character
- Any planned cycle route through the sheltered housing would prove dangerous to elderly and infirm residents
- The southern boundary is of major historical importance in that this tree lined route and the mature oak trees date back to the time when King James I acquired Theobalds Palace in the 1600's and expanded the parkland.
- Inadequate bus services
- Surface water flooding occurs on the site
- Bat and foxes have been seen in the north west corner of the site
- Birds nest along the hedgerows

Comments

- Unconvinced about the adequacy of the traffic management measurements in light of the amount of development in the draft Local Plans of neighbouring Local Authorities.

8.3 A total of 48 representations were received between June 2015 and October 2016:

Objections

- There are more suitable sites and development should take place on Brownfield land first
- Very special circumstances have not been demonstrated to allow Green Belt development in this location
- Case law and Ministerial Statements demonstrate that the single issue of unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt
- Financial contribution towards local aspirations are not material planning considerations
- Virtually any major housing development will bring economic and community benefits. If these are accepted as "very special circumstances" then it would weaken Green Belt policy significantly
- The housing allocations proposed for Cuffley in the draft Local Plan will attract a large number of objections, which will need to be considered at an Examination in Public
- Some of the land within the red line on the location plan is not within the draft Local Plan allocation
- Insufficient public health facilities to support the development
- Cuffley cannot cope with more houses and is over developed
- Infrastructure will not be able to cope with the development (road, sewage, GP surgeries, schools)
- Traffic impact on the village making it more dangerous for pedestrians and harder to cross the road
- Development would exacerbate the already severe traffic congestion into and out of Cuffley at rush hours
- Rail services already very busy

- The station is at full capacity now and there is no intention of increasing the number of trains
- Poor vehicular access within limited available road frontage
- There will be years of disruption, building site noise and extra road noise
- Objection to the volume and density of the proposed development
- Residents would suffer from pollution caused by the Cattlegate composter
- The development would devalue existing properties
- Loss of views over countryside
- The development delivers no mix of uses and involves an uninspired and conventional housing scheme layout
- Development offers very little, if any, community benefit
- Impact on wildlife

Comments

- There is a shortage of housing in the area
- The site is in a good location
- Looking to purchase property on the development
- The site is a natural extension, well considered and well designed.
- Traffic will not be a major problem
- The development seeks to inaugurate walking and cycling improvements and will encourage children and families to walk to school
- The proposal addresses concerns within the 2013 Cuffley Primary School Route Audit
- Support for the provision of walking and cycling routes through the site from KGV playing fields to the primary school; improvements to Hertfordshire Way and the introduction of traffic calming measures.
- Cuffley Football Club support the proposals, particularly the provision of additional land at KGV playing fields and financial contributions towards improved sporting facilities.
- This will provide the football club with better facilities helping to secure their long term future.

9 Consultations Received

- 9.1 No objections have been received in principle from statutory consultees, subject to conditions and/or financial contributions. The consultation responses received are summarised below, and where appropriate, are expanded upon in later sections of this report.
- 9.2 Hertfordshire and Middlesex Wildlife Trust – objection summarised as follows:
- The application must demonstrate a measurable net gain to biodiversity
- 9.3 The Countryside Charity, formerly known as the Campaign to Protect Rural England (CPRE)
- Inappropriate development in the Green Belt and no very special circumstances can be demonstrated
- 9.4 The following have responded advising that they have no objections to the proposal in principle subject to conditions or obligations being applied:
- Sport England
 - NHS England
 - Highways England

- Natural England
- Network Rail
- National Grid
- Cadent Gas Limited
- Thames Water
- WHBC Client Services
- WHBC Parking Services
- WHBC Public Health and Protection
- WHBC Landscape and Ecology
- WHBC Youth Sport Partnership
- HCC Growth Team
- HCC Transport Programmes and Strategy
- HCC Lead Local Flood Authority
- HCC Archaeology
- HCC Rights of Way
- HCC Public Health
- HCC Spatial and Land Use Planning Minerals and Waste
- Hertfordshire Ecology
- Hertfordshire Fire & Rescue
- Hertfordshire Constabulary
- Hertfordshire Building Control
- Borough of Broxbourne

9.5 No response was received from the following consultees:

- National Planning Policy Casework Unit
- Environment Agency
- Affinity Water
- HCC Adult Care Services
- Hertfordshire Sports Partnership

10 Town/Parish Council Representations

10.1 Northaw and Cuffley Parish Council does not object to the application. The Parish Council has confirmed that their position remains the same as set out in their response to the application dated 19 August 2016 which is set out below:

“The Parish Council has been in discussion with the applicant for a number of months in relation to many aspects of the proposed scheme. At the same time the Parish Council is developing a Neighbourhood Plan which, inter alia, will include an outline development brief for this site as well as proposals for road modification to deal with traffic congestion in Cuffley and improvements to King George V playing fields.

If Welwyn Hatfield Borough Council would be minded to grant planning permission for this development, then the Parish Council would wish to widen its discussions with the applicant and include both Welwyn Hatfield Borough Council and the Highway Authority to reach agreement in relation to a number of the aspects of the scheme particularly in relation to funding, delivery process and timing. If this could be achieved the Parish Council could then embed any such agreement within the Neighbourhood Plan.

If, however, the Council are minded to refuse the application or should the discussions between the stakeholders not result in sufficient consensus, then

the Parish Council reserve the right to subsequently submit a formal letter of objection to this application.

Development on the Greenbelt – The Parish Council submitted a detailed response to the draft Local Plan. The Council at that time did not in principle object to the release of this site from the Green Belt for residential development but would wish to see the overall quantum of development within the final Local Plan restricted to the quantum for Cuffley and Northaw currently contained in the Draft Local Plan. The Parish Council would ideally have preferred that this site did not come forward for consideration prior to adoption of the Local Plan. The Parish Council generally welcomes the package of measures agreed with the applicant and accepts that given the proposed re-designation within the current draft Local Plan that the site will be developed for residential use. The primary issue to be resolved is timing of development.

Density – The site in the draft Local Plan is scheduled for 110 units. The applicant has presented to the Parish Council a development plan for 121 units. However it is the Parish Council's view that although 121 units may be capable of being accommodated on the site the illustrative layout accompanying the application indicates a number of unacceptable compromises particularly in relation to the massing and location of the apartment buildings within the open space area on the highest point of the site. The Parish Council would wish to retain apartments within the development at an appropriate location but is of the view that a development of 110 units would lead to a better solution.

Phasing – There are no proposals to phase the development. If the development was developed and sold as a single phase this would raise issues about the ability of local facilities to absorb, within a short period of time, the impact of additional numbers. In addition, the draft local plan is proposing 193 additional dwellings in Cuffley in the period to 2033. It seems misguided to front load the delivery of the majority of that number. We would wish to discuss further phasing options and the timing of proposed development on this site.

Highways – The Parish Council within its emerging Neighbourhood Plan will be including proposals for traffic calming and environmental improvements in Station Road which are considered necessary if this development proposal is implemented. We understand that both the applicant and the Highway Authority have in principle agreed that this application should not result in any major modifications to the Station Road/Northaw Road junction but modifications to the Cattlegate Road/ Northaw Road junction may be required. We would support these junction proposals. The Parish Council would wish to make it clear that the improvements to pedestrian safety, speed reduction measures and improvements to the environment of Station Road, as agreed with the applicant, are an essential and necessary part of the proposed development. It is vital, therefore, that the mechanism to deliver the package of measures for Station Road at as early a stage as possible, is set out in any s106 and s278 agreements.

School Parking – There is a pre-existing problem with school parking which results in parking in the local area and at the KGV car park. We have reviewed the applicant's proposals for mitigating parking related to the school and are of the view that these are acceptable.

KGV access – It is essential given the proximity of the new access to the development to the access to the KGV car park that the KGV access is modified to be a full two way access which is what we understand the applicant is proposing. As this car park is used for the setting down and picking up of children attending the Cuffley School, it is essential that this access modification is put in place at the commencement of any development on the application site.

Pedestrian Access from South Drive – The plans show a pedestrian access from South Drive through the proposed development to the KGV car park. The applicant has shared with the Parish Council its proposals to limit this through route to pedestrian traffic only through the use of offset obstructions to prevent through cycling. The Parish Council supports these proposals.

Development views – It is the view of the Parish Council that consideration should be given to the views from both Cattlegate Road and Northaw Road. It is the Parish Council's view that the height and location of the apartment buildings is not visually attractive and consideration should be given to a redesign which avoids the taller buildings being located on the highest point of the site. This area is sensitive in landscape terms and every effort should be made by design, layout and landscaping, to minimise the visual impact of any development

Community benefit and highways funding – The Parish Council would wish to see a significant contribution via a Section 106 agreement from the applicant towards the Parish Council's proposals for Station Road traffic calming and environmental improvements, enhancement of the existing KGV facilities together with the gifting of the designated site for a new all-weather multi use pitch to the south west of the scheme. As the KGV is the responsibility of the Parish Council it is critical that the Parish Council is involved in the negotiation of the Section 106 agreement.

The Parish Council would wish that any section 106 contributions towards primary health care is secured for the benefit of the existing Cuffley GP practice and invested in building modifications to deal with disabled access and other issues.

The Parish Council would wish to agree the timing and funding package for any highway improvements to ensure that any agreed proposals are actually delivered within a reasonable timeframe consistent with the community's aspirations".

11 Analysis

- 11.1 *Procedure:* With reference to procedure, this application has been advertised as being a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the

Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

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

1. **Principle of development**
2. **Site specific considerations**
3. **Residential amenity**
4. **Highways and transport considerations**
5. **Other considerations**
 - i) **Landscape and trees**
 - ii) **Ecology and biodiversity**
 - iii) **Flood risk and sustainable drainage**
 - iv) **Contaminated land**
 - v) **Archaeology**
 - vi) **Self-build and custom housebuilding**
 - vii) **Accessible and adaptable dwellings**
 - viii) **Environmental Impact Assessment**
6. **Planning obligations**
7. **The planning balance**

1. Principle of the development

11.3 Policy SD1 of the District Plan advocates sustainable development and this is broadly consistent with the NPPF.

11.4 Policy GBSP1 states that the Green Belt will be maintained as defined on the Proposals Map, while Policy GBSP2 requires development to be concentrated in towns and specified settlements.

11.5 Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (Para.120) and the efficient use of land (Para.124).

11.6 The application site comprises agricultural land which is free from built development, however, it is proposed for housing development in the draft Local Plan. The draft Local Plan is at an advanced stage of preparation and should be afforded weight accordingly.

Status of the draft Local Plan

11.7 The Welwyn Hatfield District Plan 2005 remains the adopted development plan for the Borough. The Council has prepared a new Local Plan to replace the District Plan. The Council does not currently have a five year supply of deliverable housing sites, a position which the Local Plan seeks to remedy through its site allocations.

11.8 The application site is proposed for housing development in the Welwyn Hatfield draft Local Plan. Policy SADM 33 identifies a possible development of 108 homes on the site. Table 17 sets out site-specific considerations for the site's

development. This includes noise mitigation and an easement corridor either side of the overhead high voltage power lines.

- 11.9 The schedule of proposed Modifications (Examination Document EX235) identifies a small increase in capacity on the allocation from 108 to 121 to reflect more up to date relevant information on the site's potential capacity.
- 11.10 The Local Plan Inspector has noted that the application site (Local Plan ref: HS28 / Cuf6) has been found sound (Paragraph 144 of the Inspectors Stage 9 Hearings observations Examination Document EX273).
- 11.11 The Local Plan examination remains ongoing and the Inspector has written to the Council setting out his findings following the Stage 9 sessions held in February and March 2021. The Inspector has requested the Council submit a list of additional sites that have been selected from all of those that have now been examined and sufficient to at least provide a Full Objectively Assessed Housing Need (FOAHN) of 15,200 dwellings. The choice of sites needs to be accompanied by evidence that objectively justifies the choice and distribution of the proposed sites.
- 11.12 The Council is to consider the Inspector's conclusions regarding the need for additional sites to be submitted to the Examination. The Council has written to the Inspector setting out that its decision will be delayed pending a clarification from the Secretary of State on two points. Firstly, to confirm whether there is a possibility of a reduction on 15,200-target figure for new homes and secondly, whether the Prime Minister's recently suggested changes to planning policy would redirect growth or prevent growth on green fields.
- 11.13 In line with Paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
- 11.14 Therefore, the draft Local Plan policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process.

Prematurity

- 11.15 The NPPF sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area (Paragraph 49)
- 11.16 The site is a proposed allocation in the draft Local Plan and the Inspector has indicated that the site is sound. It is not considered that the granting of

permission would undermine the plan-making process. Therefore, the determination of this application would not be premature.

Green Belt

11.17 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.18 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

11.19 As described earlier in the report, the application site is formed of two parts: Site A comprises the area proposed for residential development; and Site B comprises the area proposed to extend KGV playing fields. Both parts of the application site are agricultural land located beyond the settlement boundary for Cuffley and are within the Metropolitan Green Belt.

11.20 The NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in Paragraph 149. The proposal does not fall within any of the exceptions to the general presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development by definition.

11.21 Paragraph 150 sets out that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (such as changes of use for outdoor sport or recreation). While the creation of a playing field may not be inappropriate development, the proposal taken as a whole is inappropriate development.

Openness

11.22 Paragraph 137 of the NPPF defines the essential characteristics of Green Belts as their openness and their permanence. There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both a spatial (physical) dimension and a visual aspect.

11.23 Spatially, the site is entirely free from built development, therefore the scheme would result in a significant reduction in existing openness simply by the extent of built development involving up to 121 dwellings.

11.24 Visually, the effect of the development would be shaped by a more complex combination of factors. Nevertheless the proposal would introduce built development to the site in the form of 121 dwellings with associated access roads and pavements, residential gardens, open space and driveways. The precise layout and form of the development would be determined at reserved matters stage. Even taking into account the potential for boundary treatment and landscaping which could include open green space and play space and could be integral to the layout of the residential development proposed, this would have the effect of a considerable reduction in the openness of the site. This harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

Purposes of including land in the Green Belt

11.25 It is necessary to consider whether the proposal would conflict with any of the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 138 of the NPPF states that the Green Belt serves five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring town merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

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11.26 The proposal would not result in the unrestricted sprawl of a large built up area having regard to the scale of development; the relatively contained setting; and the site's location on the edge of a village. A substantial area of Green Belt would be retained between Cuffley and surrounding settlements, such that the development would not result in neighbouring towns merging. Neither would the proposal harm the setting and special character of historic towns. In respect of this fifth purpose of the Green Belt, "*to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*" it is notable that the draft Local Plan proposes a number of urban regeneration sites, some of which already have planning permission. However, there is no substantive evidence to suggest that the development at this site would disincentivise the urban regeneration of sites elsewhere. Given the scale of development proposed to be located within the Borough, it is not considered that the proposal would be likely to adversely impact on the regeneration of urban redevelopment sites elsewhere. There would as a result be no conflict with this purpose.

11.27 Although there is an absence of harm to purposes a), b), d) and e), this is a neutral factor which weighs neither in favour nor against the appeal proposals.

11.28 The proposed development would, however, introduce a large amount of additional built form into what is at present a predominantly open agricultural field beyond the edge of the settlement. The scale and extent of the development would urbanise the Site A and result in the encroachment of residential

development into the countryside. Developing previously open land, which would be the case here, would not assist in safeguarding the countryside from encroachment.

- 11.29 In terms of the impact of the proposal on the wider area, the application was accompanied by a Landscape and Visual Assessment (LVA). The LVA was reviewed by the Council's consultants, Liz Lake, who required further analysis of the impact of the proposed development on the surrounding countryside. Further analytical evidence was submitted and in response Liz Lake advised that in visual terms the development results in localised effects on receptors in close proximity to Site A, but more limited effects in the wider landscape. As a consequence, it is not considered that the proposed development of the Site A would cause substantial harm to the wider Green Belt. The same view was taken by the Council when formulating the Local Plan and firstly identifying the Site A as a "more favourable" site for development and then allocating it for housing purposes in the Local Plan (Policy SADM35; reference HS28 (Cuf6)).
- 11.30 The Council's Green Belt Study Stage 3 (August 2018) considered the scenario for release of the site (reference Cuf6 proposed allocation HS28). It noted that the site is open and rural, and its release leads to encroachment on the countryside.
- 11.31 The assessment goes on to note that the release of Cuf6 would not reduce the perceived separation between the Tier 1 settlements of Cheshunt to the east and Potters Bar to the southwest. If released through the Local Plan the adjacent school site would also be released to create a well-defined Green Belt boundary along the railway line to the East. The overall harm rating for the release of the site from the Green Belt was regarded to be moderate.
- 11.32 In terms of the proposed change use of the Site B, this has not been included within the applicants LVA as no physical alterations are proposed. At this stage, aside from ensuring the parcel of land to be transferred to the Parish Council is used to improve and enhance outdoor sport and recreation provision at KGV playing fields and locally within Cuffley, it is not the applicant's intention to be prescriptive over the final use of the land. As a result, the current planning application solely seeks a change of use of the land from agriculture to a playing field. This would provide the Parish Council with the flexibility to use the land as they deem appropriate in consultation with the existing sports clubs which use KGV playing fields and the residents of Cuffley. This approach is supported by Sport England.
- 11.33 However, despite the need to be flexible over the use of the additional land, it is recognised that the Parish Council wish to use the additional parcel of land to provide a 3G Pitch (all-weather synthetic surface). Whilst granting planning permission for the change of use of the land from agriculture to a playing field would establish the use of the land as a pitch as acceptable in principle, the development of a 3G pitch, subject to the final design detail and specification, is likely to require a further application for planning permission. For example, the development of a 3G pitch would require some relatively minor re-profiling of the land through a cut and fill exercise which would excavate material from the north western corner of the site and deposit it near the south eastern corner. There is also a likelihood that permission would be sought for perimeter fencing and flood lighting. Importantly, any future planning application would be considered on its own merits and this application is solely for the change of use of the land.

Summary of Green Belt harm

- 11.34 As inappropriate development the application would constitute definitional harm to the Green Belt. It would also cause harm to the physical and visual aspects of openness of the Green Belt. Substantial weight must be attributed to this harm.
- 11.35 One of the NPPF's defined purposes for the Green Belt is to safeguard the countryside from encroachment. Whilst the impact of the proposal would be limited on the wider integrity of the Green Belt, built form would replace existing open countryside and encroachment would thereby be incurred. Given the site and scheme characteristics, and particularly the immediate relationship to the existing built form of the village, such harm would be moderate consistent with Council's draft Local Plan evidence base. No conflict has been identified with other purposes.
- 11.36 The proposal is therefore contrary Section 13 of the NPPF. Similarly, the proposal would be contrary to Policies SP3, and SADM34 of the draft Local Plan which have similar aims.

Very Special Circumstances

- 11.37 Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.38 What constitutes very special circumstances will depend on the weight of each of the factors put forward and the degree of weight to be afforded to each is a matter for the decision taker, in this case the Development Management Committee, acting within the "Wednesbury Principles". A reasoning or decision is Wednesbury unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it.
- 11.39 A number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances. However, the test is a stringent and demanding one. Very special circumstances requires a set of circumstances that are compelling and outside the norm. These must clearly outweigh the harmful effects of the development, and harmful effects to the Green Belt must be given substantial weight. In forming its judgement, it is essential therefore that the Members have a full understanding and appreciation of those harmful effects as well as all relevant positive planning benefits of the development and that the weighing up of these factors is transparent and rationally made.
- 11.40 What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime.
- 11.41 In this case, the applicant accepts that the proposal is inappropriate development and have set out their case for very special circumstances within the submitted Planning Statement.

11.42 The Applicant's very special circumstances are summarised below:

- i) A shortfall in housing provision within the Borough;
- ii) The allocation in the draft Local Plan of the site (Cuf6) for housing development, based upon the analysis of the extensive evidence base informing the Plan's preparation;
- iii) The Local Plan's growth and settlement strategy and identification of Cuffley as a large village with appropriate service provision, employment areas, primary school and good public transport facilities and as a suitable settlement to accommodate an element of future growth;
- iv) The Green Belt Study Stage 3 concluded that the release of the Cuf6 site would result in only moderate harm in Green Belt terms;
- v) The stated intention of the Parish Council to include a development brief for the site in the emerging Neighbourhood Plan;
- vi) The significant contribution the site will make to the provision of affordable housing in Cuffley and the creation of a more mixed and balanced community;
- vii) The allied benefits to be delivered as part of the proposed development of the site including:
 - the provision of additional land to enable the extension of the existing KGV playing fields;
 - improvement of the recreation use of the playing fields and enhancement of access to the countryside through improvements to Hertfordshire Way and the introduction of permissive paths around the adjacent land controlled by the applicants as site owners;
 - the provision of a safe and convenient pedestrian and cycle route across the site linking the playing field and the primary school via South Drive; and
 - facilitating the implementation of the Parish Council's proposals as supported by the County Council for public realm improvements along Station Road.

11.43 In the case of *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of "any other harm" refers to any other harm whatsoever, and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.

2. Site specific considerations

11.44 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design

Guidance (SDG). Policy SP9 of the draft Local Plan deals with place making and high quality design and Policy SADM11 amenity and layout.

- 11.45 The revised NPPF 2021 has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable 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 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. As such, there is also consistency between the Council's Saved and Emerging Local Plan with the NPPF.
- 11.46 The draft Local Plan includes the removal of the Site A from the Green Belt and its allocation in Policy SADM33 for residential development. Table 17 of the draft Local Plan sets out the site specific considerations. The application has been assessed against these criteria which are:

Opportunities to create a nature conservation buffer with railway bank and southern woody boundary. Reptile surveys may be required at planning application stage.

- 11.47 The area to the west of the railway line and within the easement required for the overhead lines, would be used for informal public open space purposes. These would provide the opportunity to incorporate biodiversity and enhance the natural environment through the planting of native trees and vegetation; an approach which will be pursued within the landscaping of the development as a whole.
- 11.48 The SUDs features to be incorporated into the site will also provide ecological benefits for new and existing residents. An attenuation pond is to be provided in the south eastern corner of the site and has been designed to be seasonally wet. It would include edges sloped at a maximum gradient of 1:4 to aid management and planting. Shelves would be created within the banks and planted with marginal plants. This would ensure nature conservation is provided for as part of the development and is integrated into the buffer from the railway line and woodland to the south of the site.
- 11.49 Ecological Appraisals, including Protected Species Surveys, have been undertaken as part of the application and these have demonstrated that no reptiles were recorded using the site.

Overhead HV power lines (National Grid) will require an easement corridor either side.

- 11.50 275kv overhead powerlines cross the south eastern corner of the application site, as shown on the Illustrative Masterplan. A 30m offset based on conductor clearance has been provided for and no residential development or private amenity space is proposed in the offset. As set out above, the area of the site affected by the powerlines is proposed for public open space, landscaping and surface water attenuation features. National Grid have been consulted on the planning application and have not raised any objection.

Due to the potential for development in Cuffley to be subject to overland flow, a specific flood risk assessment of the site will be required at planning application stage, and SUDs design would need to take specific account of topography of the area to manage overland flows.

- 11.51 A Flood Risk Assessment has been prepared, the findings of which have informed the design of the SUDs scheme and the Illustrative Masterplan. In particular, as noted by the Lead Local Flood Authority, the proposed development has been designed to avoid increased vulnerability to the range of impacts arising from climate change, and ensures that the development does not increase flood risk elsewhere. This is achieved by providing attenuation features within the site.
- 11.52 *Avoid and mitigate any potential impact on Northaw Great Wood and Wormley Hoddesdon Park Wood SSSI's.*
- 11.53 As part of the planning application, a Habitat Regulation Assessment Technical Note was submitted. This concludes that, due to the distance of the Wormley-Hoddesdon Park Woods SAC (2.5km) and Northaw Great Wood SSSI (1.9km) from the site, the proposed development would be highly unlikely to have any direct impact on these, or any other internationally or nationally designated areas.
- 11.54 It was concluded that the proposed development would not result in an adverse effect on nationally or internationally protected areas, either alone or in combination with other plans or projects. This conclusion is supported by the site's location relative to the Impact Risk Zones for these designated areas as identified by Natural England. Natural England, Herts Ecology and the Wildlife Trust were consulted on as part of the application. No objections were raised in relation to the impact on the SSO's, subject to the inclusion of a condition securing details of the on-site ecological strategy to be approved prior to development commencing on site.

Mitigate noise pollution from the railway

- 11.55 As part of the development of the site, a 25m buffer has been provided adjacent to the railway line, as shown on the Illustrative Masterplan and described in Section 3.5 of the Design and Access Statement. No built development is proposed within this buffer area. An Acoustic Report was submitted with the planning application and Environmental Health have confirmed that all areas of the site, including the outdoor amenity spaces, would be below the 55dB WHO Community Noise Guideline level.
- 11.56 The report also shows that standard thermal glazing would be sufficient in reducing noise levels to those within BS8233:2014, however, this will be with windows closed. Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. This can be secured through an appropriately worded condition. Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided. Mechanical ventilation can be installed, with ventilation rates required to provide 4 air changes per hour to habitable rooms. However, mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres).
- 11.57 The application is accompanied by a suite of technical documents and other supporting evidence, including an Illustrative Masterplan, which have been scrutinised by the officers and statutory consultees. Having done so, they are satisfied that by providing a range of dwelling types and sizes, at an average net

density of 25 dwellings per hectare, the Site A can accommodate up to 121 dwellings, whilst providing sufficient public open space and without compromising existing and future residents' amenity space. Further, the application ensures that the Site is developed as efficiently as possible; a very important consideration if the amount of Green Belt land to be released / developed is to be minimised.

11.58 In view of the above, it is conceded that a good standard of development which respects the visual amenities and the character of the area can be adequately safeguarded with conditions, S106 obligations and through the assessment of a detailed scheme to be submitted at the reserved matters stage.

3. Residential amenity

11.59 The NPPF 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. Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Draft Local Plan Policy SADM11 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. The SDG provides the local policy framework when assessing the impact of development on residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development.

11.60 The proposed development is in outline form with matters such as layout, appearance and scale reserved for later approval. Notwithstanding this, an Illustrative Masterplan has been submitted with the application, which demonstrates how the site could be laid out.

11.61 The proposed development would be located to the south of residential development located at South Drive. Given the distance between existing and new dwellings in this part of the site, the retention of the hedgerow along the northern boundary of the site, and the orientation of the proposed dwellings (side to side), it is considered unlikely that the proposed development would have any adverse impacts on the residential amenity of occupiers of houses in South Drive. In addition, two bungalows are located in this part of the site, as shown on the Illustrative Masterplan, which ensures an acceptable transition between existing and new development could be achieved.

11.62 Whilst the Illustrative Masterplan is not being considered for approval as part of this outline application, the layout of the development is generally acceptable. The majority of houses on the development are proposed to be two storeys with a minimum of 20m back to back separation. Further, all the dwellings proposed on site include either private or communal amenity space, with private gardens a minimum of 10m in depth.

11.63 Areas of open space are dispersed throughout the development providing residents with significant areas of amenity space which have been integrated into the design proposals.

- 11.64 Dwellings are proposed to be set back from the internal road network with a boulevard running through the site. The carriageway would be flanked on either side by 3m tree lined verges and 2m wide footways before a further 2m set back to the front of dwellings (7m set back in total).
- 11.65 In terms of noise, The Acoustic Report provided with the application has assessed the noise from the existing roads and the railway line. It shows that in all areas of the site the outdoor amenity spaces will be below the 55dB WHO Community Noise Guideline level. Noise from the railway has already been discussed in at paragraph 11.56 above, under the heading “Mitigate noise pollution from the railway”. In summary, subsequent to receiving comments from the Council’s Environmental Health Officer, the applicant amended the Acoustic Report to address the points initially raised by the Environmental Health Officer who has confirmed that noise from the railway can be adequately mitigated. A condition is suggested requiring the approval of glazing and ventilation systems required to be installed to meet the internal noise levels within BS8233:2014.
- 11.66 The Acoustic Report also takes into account the impact of the development on traffic noise in the area, which is shown as making a negligible difference of 0.2dB.
- 11.67 In light of the above observations, it is considered that the proposed development would respect and sufficiently retain the amenity of surrounding residential properties and ensure an acceptable level of amenity for future occupants. Whilst the details of the proposed layout, scale and appearance of the development would form part of a future reserved matters application, the principles outlined within the Design and Access Statement and shown on the Illustrative Masterplan, accord with Policy D1, the Supplementary Design Guidance and the relevant paragraphs of the NPPF in this regard.
- 11.68 Whilst it is accepted that the outlook from neighbouring properties would change fairly significantly this is not in itself a reason to withhold planning permission. Objections have been received with regard to a loss of a view, however, planning exists within the public interest and not the private interest and therefore this is not a consideration that holds weight.
- 11.69 In addition to the impact of the built development, the proposals have the potential to impact on residential amenities through operational impacts during construction. The extent of the development and the close proximity of noise sensitive residential buildings and primary school is such that there is potential for noise and atmospheric pollution nuisance during the construction phases. 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), which can be required by condition.

4. Highways and transport considerations

- 11.70 Since the application was submitted, there have been a number of significant national and local changes to planning policy and guidance relating to transport and highway matters. In particular, there is now a much greater emphasis placed on sustainable travel and accessibility. The applicant acknowledges this in an updated Transport Assessment (TA) and Travel Plan.

11.71 These documents have been assessed against the transport elements of the following national/local policies and technical guidance documents:

- National Planning Policy Framework (NPPF) 2021
- Hertfordshire's Local Transport Plan 4 (LTP4) 2018
- Welwyn Hatfield Local Plan
- South East Hertfordshire Growth & Transport Plan
- Design Manual for Roads and Bridges
- Manual for Streets and Manual for Streets 2
- Hertfordshire County Council's Planning Obligations Toolkit

11.72 Herts County Council (HCC) as Highway Authority has reviewed the application submission and have no objection to the proposed development, subject to planning conditions and obligations. The TA and other relevant documents have been used to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates were reviewed and are considered appropriate for the proposals. The collision data was reviewed and it was found that there were no obvious trends in the vicinity of the site which could otherwise point to highway design issues. Therefore, it was found that the proposed development would not likely have a severe impact on the local highway network.

Access:

11.73 Vehicle access to the development site will be taken from the B156 / Northaw Road East. It is shown on drawing number 141386/A/35 revision D as simple T-junction, with standard kerb radii and 2 metre wide footways on both sides. Visibility splays from the access are to be provided on the basis of measured vehicle speeds.

11.74 A stage 1 Road Safety Audit has been undertaken by the applicant and found no fundamental concerns. It should be noted though that the access and associated highway works will be subject to a stage 2 Road Safety Audit at the S278 / Implementation stage. Pedestrian dropped kerbs and tactile paving have been added either side of the new access in the interest of accommodating more vulnerable highway users.

Trip generation:

11.75 Chapter 6 of the TA outlines the trip generation calculations that have been applied to the proposed development. These have been checked with the TRICS database and are accepted. The development will generate around 83 vehicle trips in morning peak hour (8-9am) and 76 in the evening peak hour (5-6pm). Table 6.2 shows the expected trip levels by other modes of travel, and it is anticipated these will proportionally increase as a result of the sustainable travel / accessibility works secured by the developer.

11.76 The applicant has established trip distribution on the highway network by making use of Census 2011 'travel to work mode' statistics. The raw data behind the routing assumptions have led to table 6.3 in the TA. When combined, this shows that 62% of development traffic can be expected to travel to/from the south-west of the site access, and 38% can be expected to travel to/from the north-east (i.e. to/from Cuffley itself).

Highway capacity / impact on network

- 11.77 The applicant has undertaken a capacity model of the site access, which is considered in detail further below. They have undertaken a more basic capacity assessment of the Station Road / Plough Hill / Northaw Road East junction and the Cattlegate Road / Northaw Road East junction. This shows an increase of 2% and 3% in vehicle traffic respectively in the busiest peak hour. Historic government guidance in this respect suggests an increase of more than 3% justifies detailed highway capacity modelling, but more recent government guidance encourages a more pragmatic approach in making this decision based on specific local environmental circumstances.
- 11.78 In this case, these junctions have already been modelled by Hertfordshire County Council in a wider / strategic context (i.e. a SATURN model which considers all the planned and possible developments coming forward in this area and the whole county over future years). This SATURN modelling shows that on the basis highway improvement schemes are delivered along these sections of highway in a cumulative context, the impact of additional traffic arising from all future developments (including this one) will be mitigated. As such, it is important that this current development makes an appropriate pooled financial contribution towards such schemes. However, this needs to be understood with the caveat that Hertfordshire County Council as Highway Authority now places a heavy focus on sustainable travel and modal shift away from the private car. This ethos is clear in our LTP4 and recently revised government planning policies and guidance. As such, any highway schemes delivered by the County Council from pooled financial contributions need to be designed to respect this approach.
- 11.79 In terms of the site access itself, the applicant's modelling shows a minor impact, with minimal effect on the free flow of traffic along this section of Northaw Road East. This model has been checked and found to be broadly robust.
- 11.80 Finally, it should be noted that table 8.1 of the TA shows a very small increase in traffic as a result of the development to M25 junctions 24 and 25, but this lies outside the remit of the Highway Authority, as the motorway and trunk road networks are managed by Highways England.

Site layout

- 11.81 The site layout will be considered at the reserved matters stage. An Illustrative Masterplan has been submitted with the application, which demonstrates how the site could be laid out.

Sustainable Travel & Accessibility

- 11.82 There is been a very significant shift towards increasing focus on sustainable travel and highly accessible developments since 2018, when the NPPF was fundamentally revised, and Hertfordshire County Council's new LTP4 was adopted. Since that time, additional government guidance has been published to reinforce this approach, and the County Council has declared a climate emergency. As such, all new development must now accord with this approach.
- 11.83 Paragraph 110 of the NPPF states that developments should ensure "*safe and suitable access to the site can be achieved for *all* users*", and that "*appropriate opportunities to promote sustainable transport modes can be – or have been – taken up*". It references the new National Model Design Code, of which key

quotes include: “New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes” and “all streets should be accessible to all members of the community” (paragraph 59 part 1); plus “walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less” (paragraph 33 part 2).

- 11.84 Paragraph 112 of the NPPF 2021 goes on to states that “development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”... “address the needs of people with disabilities and reduced mobility in relation to all modes of transport”... and “create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles”.
- 11.85 Hertfordshire County Council’s Local Transport Plan 4 (2018) echoes this, placing a much greater emphasis on the importance of sustainability/accessibility than its predecessors. Policy 1 for example states that the first step to consider is that “opportunities to reduce travel demand and the need to travel” are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised forms of travel. This user hierarchy should be at the heart of all new development proposals, and each user is considered in turn below.
- 11.86 The TA submitted by the applicant proposed some valuable pedestrian infrastructure measures, including a new pedestrian link from the development onto South Drive (as shown on drawing number 141386/A/51 revision A), and various pedestrian links to the Playing Field to the south. A pedestrian link to South Drive will ensure easy access to the adjacent primary school, as well as a much quieter and more pleasant route to Cuffley centre / Station Road for both pedestrians and cyclists.
- 11.87 Beyond South Drive, the applicant has submitted a plan which shows upgrades to the Theobald’s Road route to the village centre, in the form of new pedestrian dropped kerbs and tactile paving crossing points over side junctions. These would ensure a much better and continuous pedestrian route is provided for highway users with protected characteristics under the Equality Act 2010, such as those in wheelchairs, with sight impairment, parents with buggies, etc. The proposed works in this respect are shown in drawing number 141386/A/57 revision A.
- 11.88 The applicant has confirmed that it has access rights over the private/third party land from the site to South Drive and intends to pursue the delivery of a surfaced scheme for pedestrians and cyclists. If, for any reason, such a scheme is not delivered this raises concerns as there is currently a grass verge here, and if pedestrians and cyclists travel across this from the site onto South Drive it will become muddy and unattractive to use, and inaccessible to some users. This potentially comprises the connection to the Theobalds Road route to the village centre for sustainable users, unless the alternative route via Northaw Road is improved. As such, it is suggested that a clause is included in any S106 Agreement requiring the applicant to implement a Highway Improvement Scheme to Northaw Road East, from the site access up to and including the junction with Theobald’s Road. The principle of the need to improve the full length of Northaw Road East from the site access to Theobald’s Road to better accommodate pedestrians and cyclists in the event the South Drive link cannot be delivered has been agreed by the applicant.

11.89 The two closest bus stops to the site are located along Northaw Road East, around 70 metres from the site access. The stops mainly serve the 242 service, which has reduced in frequency since the application was submitted. Of this service in the weekday, there are three hourly early morning buses and one bus in the afternoon. The southbound stop has a shelter whereas the northbound stop has a simple flag/pole. The applicant has agreed to upgrade these stops to include raised Kassel kerbing at both, and the addition of a shelter at the northbound stop. A simple pedestrian dropped kerb / tactile paved crossing point between the two bus stops is also proposed (drawing number 141386/A/56 revision A). Given the nature of the highway environment here and an existing zebra slightly further north, this is considered sufficient, and visibility for pedestrians at these crossing points exceeds standards. A Real Time information displays at both would also be justified. Details of these enhancements, together with their implementation, can be secured by condition.

11.90 The closest rail station is in Cuffley, around 850 metres from the site. There are typically trains every half an hour (with greater frequency in the peak hours), to Stevenage northbound and Finsbury Park and Moorgate southbound.

Travel Plan:

11.91 The applicant has provided an updated Travel Plan. The Highway Authority consider that the Travel Plan is broadly acceptable, however, a number of areas where additional information is required have been identified. Further detail is expected to be added in subsequent revisions. To this end, it is recommended that a Travel Plan be secured via S106 Agreement to include a £6,000 contribution towards the ongoing monitoring, support and engagement activities undertaken by the County Council.

Wider highway / sustainable travel and accessibility works

11.92 When the application was first submitted in 2015, the Highway Authority agreed with the applicant a Highways Contribution of £333,500 towards highway improvement works in the village centre / Station Road, and the Northaw Road East / Plough Hill / Station Road junction, primarily to better accommodate sustainable travel users and improve the overall flow of highway users.

11.93 Since that time, the Highway Authority has developed a South-East Growth & Transport Plan (GTP). This considers the key problems and opportunities that currently exist or may occur in the future on the transport network in this area, and identifies what types of interventions are needed to improve the transport network. For Cuffley, some of the key schemes listed under Packages 36 to 38 in the South-East GTP are:

- SM240 = Reduced speed limits - Goff's Oak and Cuffley. Reduce speed limits to improve safety for pedestrians and cyclists (IC21).
- PR241 = Cycle parking - Cuffley - Improve cycle parking provision at key locations in Cuffley to promote cycling uptake. Key locations include the station, town centre, activity centres and large employment sites.
- PR242 = Wayfinding – Cuffley. Improve the wayfinding between key locations in Cuffley, particularly for walking, cycling and public transport routes (IC23).
- PR244 = Cuffley station crossing improvements - Improve pedestrian crossing facilities around Cuffley railway station (IC22).

- SM245 - Cuffley station bus service enhancement. Improve bus services to Cuffley railway station (IC18) SM246.
- SM249 = Electric vehicle charging points - Cuffley. Help enable the improved provision of electric vehicle charging points at key locations in Cuffley to promote an uptake in electric vehicle use.
- PR250 = Promote available sustainable travel options in Cuffley. Promote the available public transport services and active travel routes in Cuffley to encourage an uptake in sustainable travel.
- SM251 Parking management in Cuffley. Work with operators and local authorities to manage car parking provision at key locations in Cuffley through paid parking, parking limitations and other measures with the aim to shift people toward sustainable travel. Key locations include car parks, the station, town centre, activity centres and large employment sites.

11.94 In addition, it is recognised that the Station Road / Northaw Road East / Plough Hill junction could be improved to better accommodate the free flow of highway users, in particular sustainable travel users.

11.95 The £333,500 figure remains appropriate in scale and context, but should have SPONS indexation applied from July 2015 (the date the original application was assessed by the Highway Authority) to the date payment is made. This contribution will be pooled towards one or more of the above measures or other similar CIL compliant measures, with further details outlined in Highway Informative Note 6A.

Parking provision:

11.96 Car parking and cycle parking for the proposed development will be considered at the reserved matters stage in accordance with the with Welwyn Hatfield District Plan Parking Standards SPG (2004) and the interim standards (August 2014).

Construction:

11.97 To ensure construction vehicles do not have a detrimental impact in the vicinity of the site, a Construction Environment Management Plan (CEMP) will be required. A CEMP can be appropriately secured by condition.

5. Other considerations

i) Landscape and trees

11.98 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.

11.99 The NPPF sets out at paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to

secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

11.100 A Tree Report has been submitted with the application which has been considered by the Council's Landscape Officer and is considered sufficient at this outline stage. Landscaping is not a matter being approved as part of this outline planning application, however, key elements are fixed by the Parameter Plans. In addition, details of proposed strategic landscaping along the site boundary, areas of amenity space and tree lined walkways and roads linking the site together are indicatively shown on the Illustrative Masterplan.

11.101 The majority of existing trees are located around and adjacent to the boundary of the site. These trees provide screening and should be retained where possible. It is considered feasible to develop the site whilst retaining most of the key vegetation.

11.102 The detailed design of the scheme in terms of public and private open space and landscaping will be secured at reserved matters stage. An Arboricultural Method Statement would also be required, detailing the protection of the trees and any special methods of construction to minimise the impact on the retained trees. However the Illustrative Masterplan and Landscape Plan (contained within the Design and Access Statement) demonstrates how the development could be delivered.

11.103 The site is within Landscape Character Area 55 "Theobalds Estate" where Policy RA10 requires proposals to contribute, where appropriate to the maintenance and enhancement of the local landscape character. The Landscape Character of the area is described as:

"Complex layers of history are evident in the cultural pattern of the landscape, in which mixed farmland and parkland are a dominant feature. A strong pattern of discrete woodland blocks and medium to large open arable fields create an unusual patchwork of ecologically rich and sterile patches across the undulating landform. Low, managed hedgerows allow long views across the arable slopes to the M25 in the south. Isolated settlement is generally confined to defensive sites on the higher ground. Small farms are scattered across the estate."

11.104 The key characteristics of the Landscape Character Area are noted as:

- discrete woodlands and estate farmland
- geometric field pattern
- undulating landform
- horse grazing
- mansions and isolated farms
- transport infrastructure
- long straight boundaries

11.105 The visual impact of the proposal on the wider area has already been discussed in at paragraph 11.28 above. In summary, the effects of the development are largely localised, with limited visual influence in the surrounding (wider) landscape, given the nature of the topography, the effects of vegetation and the relative containment of the site by mature hedgerows and trees.

11.106 There are a few localised landscaping issues which can be resolved at the reserved matters stage, these include:

- A length of Hawthorn Hedge (category B) would be lost to facilitate the new road access and this would change the character of the road in the immediate area. There would be a loss to the landscape resource and this remains one of the key areas of change. The reserved matters proposals should allow for sufficient new landscaping in the form of new hedgerow planting to mitigate this loss.
- The proposals seek to introduce additional links between the site and the recreation ground across the Hertfordshire Way, which in themselves are welcome in terms of connectivity. However, it would result in the opening up of several small sections of existing hedgerow to create the new pedestrian path links increasing the visibility of the proposals at various points on the route. To ensure that there is adequate mitigation, the boundary planting should be reinforced along the majority of the path to maintain a strong defined edge to the development.
- There is very little in the way of mitigation/screen planting proposed on the school boundary on the masterplan. Rear garden boundaries (close boarded fences) appear to abut the northern boundary with the school. It would have been beneficial for the design to include additional planting to soften the backdrop.

11.107 In summary, the development would retain and protect the mature trees and hedges wherever possible and appropriate, whilst also introducing new planting which would help assimilate the site into the wider landscape. Detailed landscaping proposals can be adequately secured through the assessment of a detailed scheme to be submitted at the reserved matters stage. In this respect, no objections are raised with regard to the objectives of the District Plan, draft Local Plan or the NPPF.

ii) Ecology and biodiversity

11.108 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.

11.109 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

11.110 The Environment Act 2021 gives greater emphasises to measurable biodiversity net gain and advocates using the current version of the Biodiversity Metric (Biodiversity Metric 3.0). However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023.

- 11.111 The application is supported by a number of ecological reports prepared by Hankinson Duckett Associate which were updated in January 2021. These include an Ecological Appraisal, 2020 Bat Survey Report and 2020 Reptile Survey Report. No areas of international, national, regional or district nature conservation importance were identified within or adjacent to the site during the study and the findings of the field surveys indicated that the majority of site, which is dominated by an arable field, is of negligible ecological value. Where designated sites occur within the wider area these are not expected to be impacted by the proposed development, either alone or in combination with other plans or projects.
- 11.112 The Ecological Report concludes that the habitats of highest nature conservation value are located around the site margins and include the hedgerow on the north western Site boundary, the treeline and hedgerow on the southern site boundary, the southernmost ditch and the railway embankment to the east. Although these habitats are of limited nature conservation interest in their own right, in combination they form part of a network of semi-natural habitats around the site and the wider area, and appreciably enrich the habitat resource of the site. Of particular note is the treeline and hedgerow on the southern site boundary which was identified as being of high local value for commuting bats.
- 11.113 No trees potentially supporting roosting bats are expected to be affected by the proposed development and the Illustrative Masterplan demonstrates that the network of semi-natural habitats around the site would be maintained.
- 11.114 Hertfordshire Ecology have been consulted for this application and have advised that the reports provide an adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the reports suggest reasonable precautionary measures to ensure that legally protected species are not harmed.
- 11.115 Whilst the Wildlife Trust confirmed that the development proposals have the capacity to result in a net gain to biodiversity, they objected on the grounds that the development *“must demonstrate that it can deliver a ‘measurable’ net gain to biodiversity”* and *“should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved.”* Whilst there is increasing expectation for developments to deliver biodiversity net gain, use of a biodiversity metric is not yet mandatory (NPPF Paragraph 180(d)) and is not expected to become planning law until 2023. Nevertheless, in response these concerns, the applicant submitted the following additional documents:
- Biodiversity Impact Assessment Calculation Technical Note
 - Biodiversity Metric 3.0 Auditing and accounting for biodiversity Calculation tool
- 11.116 These documents demonstrated an on-site biodiversity uplift of 13.35% for habitat units and 42.58% for hedgerow units. These figures clearly show an uplift of over 10%, which although not yet mandatory to provide, is the minimum expected in a development of this nature and scale.
- 11.117 The Biodiversity Impact Assessment calculation is based on an adaptation of the Illustrative Landscape Plan (HDA, 2015). The outcome of the assessment

should be taken as provisional and subject to review at the detailed design stage. It does however provide a useful indication of the likely effects of the proposed development on the habitat resource of the site and whether the development is likely to achieve 'net gain' for biodiversity. The Biodiversity Impact Assessment calculator used was Defra's 2021 Biodiversity Metric 3.0 Calculation Tool which is in accordance with The Environment Act 2021.

11.118 Although biodiversity net gain is not yet mandatory and cannot be used as a reason for refusal, this submitted metric data is a useful mechanism to demonstrate that a measurable net gain can be delivered.

11.119 Overall, there is no in principle ecological objection to the development of the. No significant ecological constraints have been identified that would prevent permission being granted, subject to appropriate mitigation and enhancement measures being implemented. Further detail will be required alongside a reserved matters application to ensure the recommendations of the ecological report are delivered into a coherent ecology strategy. In view of this, conditions securing these measures have been suggested.

iii) Flood risk and sustainable drainage

11.120 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The Environment Agency identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. The application site is located within Flood Zone 1 i.e. a low probability of flooding.

11.121 The application is supported by an updated Flood Risk Assessment (Brookbanks, February 2021) which includes a strategy for managing surface water drainage. The proposed residential development drainage system will manage storm water by way of a SuDS management train and ensure peak discharges from the developed land are reduced to circa 69% below the appraised baseline rates. The system would also provide improvements to the quality of water discharged from the development. It is proposed to provide surface water attenuation in two detention basins. Two discharge options are proposed – Option 1 proposes a split discharge through an outfall from each basin while Option 2 proposes that the westernmost detention basin would discharge to the eastern basin before a singular outfall to the ordinary watercourse south of site. A swale is proposed in the east of the site. Further source control measures are indicatively proposed for the site.

11.122 Hertfordshire County Council Lead Local Flood Authority (LLFA) have been consulted on the application and did not object subject to suggested conditions. As this is an Outline Planning application, more detail will be required as part of any reserved matters application particularly in relation to the proposed layout to ensure sufficient space is allocated to implement the principles outlined above within the current Flood Risk Assessment to ensure there will be no increase in flood risk within the development site. The detailed surface and foul water disposal strategies can be secured by conditions.

11.123 Thames Water have advised that they have no objection to the planning application with regard to waste water network and waste water process infrastructure capacity.

iv) Contaminated land

11.124 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

11.125 In this regard, the application has been accompanied by a Phase 1 and 2 Geo-Environmental Assessment which demonstrates there are no unacceptable risks to humans detected across the site. The Council Environmental Health Officer has reviewed the findings of the reports and recommended that a condition is attached to any planning permission ensuring that if any unexpected finds are discovered during construction further assessment work is undertaken. Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.

v) Archaeology

11.126 Policy R29 requires that where a proposal for development may affect remains of archaeological significance, or may be sited in an area of archaeological potential, developers will be required to undertake an archaeological assessment, if necessary with a field evaluation, and to submit a report on the findings to the Local Planning Authority. When planning permission is granted for development that would affect archaeological remains, taking into account the importance of the remains, conditions will be imposed to ensure that the remains are properly recorded, the results analysed and published and where practicable, the management and reservation of archaeological sites and their settings is enhanced.

11.127 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 planning application. Hertfordshire County Council's Historic Environment Advisor has not raised any objections to the proposed development and has agreed that no further archaeological work is required prior to development commencing on site.

11.128 It is therefore considered that the development is unlikely to have an impact on heritage assets of archaeological interest and there would be no conflict with Policy R29 or the NPPF in this respect.

vi) Self-build and custom housebuilding

11.129 Draft Local Plan Policy SP7 requires qualifying sites to make provision for a proportion of serviced plots of land to contribute towards meeting the demand for self-build and custom housebuilding in the Borough. The requirement was discussed at the Session 3 Hearings in February 2018.

11.130 The Council has a statutory duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, with reference to the number of entries added to the authority' register.

11.131 Policy SP7 required the four Strategic Development Sites to make provision for service plots, during the examination, in response to evidence on the number of entries on the register, a modification was proposed requiring that on sites of 100 or more dwellings, 2% of the development should be serviced dwellings plots. This requirement for all sites over 100 dwellings is to assist the Council in meetings its duties. This modification is set out in the schedule of Main Modifications (Examination Document EX235) and will form part of a future Main Modification consultation. In this instance, three self-build plots can be suitably secured within the S106 Agreement.

vii) Accessible and adaptable dwellings

11.132 As stated above, draft Local Plan Policy SP7 was subject to discussion at the Stage 3 Hearings in February 2018. In response to objections a modification was proposed requiring that on all qualifying sites that at least 30% of all new dwellings on sites involving five or more dwellings be required to meet Building Regulations Part M4(2) standards for accessible and adaptable dwellings. Also, 1.5% of all new dwellings on sites involving 50 or more new dwellings will be required to meet Part M4(3) standards for wheelchair user dwellings. This modification is set out in the schedule of Main Modifications (Examination Document EX235) and will form part of a future Main Modification consultation.

11.133 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance. A planning condition is suggested to ensure that at least 20% of new dwellings within the development adhere to this part of the Building Regulations.

viii) Environmental Impact Assessment

11.134 The proposed development has been subject to the formal process of Environmental Impact Assessment (EIA) in accordance with Directive 2011/92/EU of the European Parliament and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council provided a screening opinion in April 2013, which concluded that the development is a Schedule 2 project, being an urban development project, the area of which exceeds 0.5ha. Notwithstanding this, the development would not give rise to significant effects on the environment and is therefore not EIA development in accordance with the definition set out in the Regulations and would not require an Environmental Impact Assessment. Although the Environmental Impact Assessment Regulations 2017 came into force on the 16 May 2017, it is considered there have been no change in circumstances since 2015 to alter the conclusion that the application proposals are an EIA development.

6. Planning obligations

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

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

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

11.137 A S106 Legal Agreement to secure planning obligations has been subject to negotiations with Officers. The heads of terms sought by the Council are summarised below:

Affordable Housing:

11.138 District Plan Policy H7 seeks the provision of affordable housing on sites above 1 ha or with 25 or more units with a minimum of 30% subsidised housing. The proportion type and mix will be based on the latest housing needs survey.

11.139 Draft Policy SP7 states that for sites falling within excluded villages, which includes Cuffley, a minimum of 35% of units should be affordable housing, subject to viability. The proposed development meets the emerging policy requirement, as it comprises 121 dwellings, 35% of which will be affordable housing (42 units).

11.140 Whilst Policy SP7 has not yet been adopted, it is based upon evidence that identifies a need for this level of affordable housing to be provided. It is therefore considered appropriate and reasonable to seek this higher figure.

Hertfordshire County Council Contributions:

11.141 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development. These include:

- Nursery education – £122,640 towards bursary places with Cuffley
Primary Education – £812,846 towards Woodside Primary School
- Special Educational Needs and Disabilities – £125,554 towards the New East Severe Learning Difficulty (SLD) School
- Library Services – £35,299 towards Cuffley Library
- Youth Services – £29,533 towards Waltham Cross Young People's Centre or its future re-provision
- Waste – £15,031 towards Tewin Road Recycling Centre
- Sustainable Travel – £333,500 towards pooled improvement measures along Station Road in Cuffley and/or other public highway and right of way routes within Cuffley
- Travel Plan Evaluation and Monitoring – £6,000
- Rights of Way (Northaw Footpath 006) – Improvements including:

- New Permissive Path
 - Upgrade existing Footpath to a Bridleway
 - Cutting back of all tree branches, scrub and overhanging vegetation to the boundaries
 - Scraping of the leaf matter from the surface to a minimum width of 2m
 - Redressing the surface to a minimum width of 2m with granite fines
- Provision of fire hydrants
 - Monitoring Fee – based on the number of triggers within the legal agreement
 - Highway Works – For the Owner to undertake reasonable endeavours to deliver a hard-surfaced shared Footway/Cycleway link of at least 3m width, from the Application site to the public highway section of South Drive, as shown indicatively on drawing number 141386/A/51 revision A. In the event reasonable endeavours fail to deliver this, the Owner shall submit plans of a Highway Improvement Scheme to the Highway Authority's satisfaction along Northaw Road East, from the Application site entrance to the Theobald's Road entrance, to safely and suitably accommodate pedestrians and cyclists to Cuffley village centre.

WHBC Contributions:

11.142 Financial contributions and projects as follows:

- Waste and recycling bin provision – £10,494
- Outdoor sports – Site B transferred to the Parish Council to enable the extension of KGV playing fields
- Outdoor sports – £162,000 to facilitate the use of Site B as a playing field
- Outdoor sports (football, rugby and cricket) – £45,767 towards KGV pitches and £69,966 towards changing rooms
- Indoor sports (swimming pools) – £60,194
- Indoor sports (bowls) – £7,138 towards KGV bowls club
- Indoor sports halls – £57,934 towards KGV, Cuffley Hall and Cuffley Youth Centre
- Play facilities – £40,627 towards enhancement of the KGV play area
- Off Site Green Space – £15,489 towards projects at Northaw Great Wood
- On-site Open Space and SUDS Maintenance
- 3 Self-Build Plots
- Monitoring Fee – £5,000

NHS Contributions:

11.143 NHS (GP Provision) – £156,332 towards the expansion of the existing Cuffley Medical Practice by way of complete reconfiguration and refurbishment to current clinical standards of an additional floor.

11.144 All S106 financial obligations are subject to indexation.

11.145 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to

the development and fairly and reasonably related in scale and kind to the development.

11.146 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been broadly agreed with the applicant. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

11.147 Members should note that all of the Hertfordshire County Council and Welwyn Hatfield Borough Council contributions as set out, are indicative at this stage and subject to change as they are based on up-to-date evidence as well as the number and type of residential units which have been provided by the applicant at this outline stage. The figures will be adjusted to reflect the details to be finalised at the reserved matters stage.

11.148 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

7. The planning balance

Five Year Housing Land Supply

11.149 In decision-taking, if an authority cannot demonstrate a five year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in Paragraph 11(d) of the NPPF.

11.150 The recent Annual Monitoring Report (2020) indicates the current position of the five-year housing land supply in the Borough. The housing land supply of 2.58 years was identified.

11.151 In addition, the Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284 which equates to 63% of its delivery.

11.152 In accordance with paragraph 11(d) of the NPPF, this means that the policies which are most important for determining the application are to be considered to be out-of-date as Footnote 8 clarifies that:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

11.153 For decision taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.154 However, in accordance with Footnote 7 to Paragraph 11(d)(i), land that is designated as Green Belt is specified as a policy that protects areas or assets of particular importance. It is common ground that the proposal represents inappropriate development in the Green Belt, therefore, this provides a clear reason for refusing the development proposed except in 'Very Special Circumstances'. Therefore, the presumption in favour of sustainable development (also known as the tilted balance) does not apply in this case.

Very special circumstances

11.155 It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal. This includes an assessment of the overall benefits of the scheme and the weight that should be attributed to them. It is for the decision maker to determine the amount of weight that should be attributed to each respective element.

11.156 For the reasons outlined in this report, the proposal would cause harm to the Green Belt by reason of inappropriateness. It would also cause harm to the physical and visual aspects of openness of the Green Belt. Substantial weight must be attributed to this harm.

11.157 With respect to 'any other harm', no material harm has been identified. A good standard of development which respects the amenities and living conditions of neighbouring occupiers, together with the visual amenities and the character of the area, can be adequately safeguarded with conditions, S106 obligations and through the assessment of a detailed scheme to be submitted at the reserved matters stage.

11.158 The visual and landscape impacts of the proposals are considered to be localised and not significantly adverse as these would be mitigated by the layout and design of the scheme together with the landscaping enhancements.

11.159 In terms of highways impacts, it is acknowledged that a number of local residents have expressed concerns regarding localised congestion and overall highways impacts. However, taking into account the likely vehicular traffic to be generated by the development and the conclusions reached by the supporting transport assessments, the development will not have a severe impact on the operation of the wider highways network.

11.160 Subject to conditions, the strategy for site drainage has been found acceptable by the statutory authorities and proposals adequately address the ecological impacts. All these factors are to be taken as neutral balance.

11.161 The Applicant's very special circumstances are summarised below together with officer's conclusions on them:

i) A shortfall in housing provision within the Borough

11.162 Paragraph 60 of the NPPF seeks to support the Government's objective of significantly boosting the supply of homes. In order to achieve this, the NPPF notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

11.163 WHBC cannot demonstrate a five year supply of deliverable homes and the shortfall is considerable and significant.

11.164 Annex 2: Glossary of the NPPF provides the definition of a deliverable housing site: sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Where a site has outline planning permission for major development, as would be the case here, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this regard, the Applicant has provided a timetable setting out the steps required to commence construction in spring 2023 and deliver first completions by the end of 2023. This includes securing outline planning permission and the finalisation of a S106 agreement, the disposal of the site to a developer, the submission and determination of a reserved matters planning application, the approval of conditions and site preparation. This timetable has been scrutinised by Officers and it is considered that there is a good chance that there will be delivery of some (if not all) the dwellings within 5 years.

11.165 The delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, it would nevertheless, when delivered, positively boost the supply within the Borough. This is not a position on which there would be any marked improvement in the short to medium term. For this reason very substantial weight is afforded the provision of market housing which would make a positive contribution to the supply of market housing in the Borough.

ii) The allocation in the draft Local Plan of the site (Cuf6) for housing development, based upon the analysis of the extensive evidence base informing the Plan's preparation

11.166 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In plan-preparation, the Council has set out that "exceptional circumstances" exist to release land from the Green Belt to meet development needs over the plan-period. The draft Local Plan is at an advanced stage of preparation and should be afforded weight accordingly. The site is a proposed allocation in the draft plan and the Inspector has indicated that its inclusion is 'sound'. Therefore, the draft Local Plan policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process. For this reason this factor is afforded significant weight.

iii) The Local Plan's growth and settlement strategy and identification of Cuffley as a large village with appropriate service provision, employment areas,

primary school and good public transport facilities and as a suitable settlement to accommodate an element of future growth

11.167 In a similar regard to above, the draft Local Plan policies relating to this site should carry significant weight as they have been thoroughly considered by the examination, and the plan as a whole is a considerable way through the process. Likewise, the service provision within Cuffley has previously been acknowledged earlier in this report. Nevertheless, these factors are afforded significant weight.

iv) The Green Belt Study Stage 3 concluded that the release of the Cuf6 site would result in only moderate harm in Green Belt terms

11.168 The Council's Green Belt Study Stage 3 (August 2018) considered the scenario for release of the site (reference Cuf6 proposed allocation HS28). It noted that the site is open and rural, and its release leads to encroachment on the countryside. The assessment goes on to note that the release of Cuf6 would not extend the urban area of Cuffley further downslope to the south and therefore would not reduce the perceived separation between the Tier 1 settlements of Cheshunt to the east and Potters Bar to the southwest. If released through the Local Plan the adjacent school site would also be released to create a well-defined Green Belt boundary along the railway line to the East. The overall harm rating for the release of the site from the Green Belt was regarded to be Moderate. However, the Green Belt Review was prepared to inform the preparation of the Local Plan. When considering a planning application, consideration must also be given to the Green Belt harm as set out earlier in this report. For this reason this factor is afforded limited weight.

v) The stated intention of the Parish Council to include a development brief for the site in the emerging Neighbourhood Plan

11.169 The Parish Council's support for the proposed development is clearly a material consideration which the Local Planning Authority should include in its decision-making process and the importance of local views is indeed supported by the NPPF. The Parish Council have prepared their Draft Neighbourhood Plan Document for consultation (Regulation 14) which includes a concept plan and site specific requirements for the application site. Consultation of the draft plan ended on 1 November 2021. However, it is considered that the Neighbourhood Plan should be afforded limited weight at the Regulation 14 stage as the consultation is informal and does not address matters of soundness or in conformity with the Local Plan and national policy. Given the above, only limited weight to local support can be attributed.

vi) The significant contribution the site will make to the provision of affordable housing in Cuffley and the creation of a more mixed and balanced community

11.170 It is correct that Cuffley has a very low level of affordable housing and the persistent under delivery of affordable housing in the Borough presents a critical situation. In Cuffley there have been only three affordable dwelling completions since 2005. This proposal would increase supply by providing 42 affordable dwellings, equivalent to 35% of the total proposed, which accords with draft Local Plan Policy SP7. Taking into account the extremely acute affordable housing position in Borough, the delivery of up to 45 affordable homes in this location is afforded very substantial weight.

- 11.171 Turning to housing mix, Policy SP7 states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households including single person households, couples, families with children, older people, people with disabilities, and people wishing to build their own homes.
- 11.172 The proposal would deliver a mix of housing types as demonstrated by submitted Schedule of Accommodation. The affordable housing scheme would also secure the mix of units and tenures. Whilst it is acknowledged that the Schedule of Accommodation is indicative, it is considered sufficient at this outline stage. It is reasonable to allow flexibility for an applicant/developer to determine the dwelling mix at the reserved matters.
- 11.173 Provision of accessible and adaptable dwellings can be secured through the imposition of an appropriate planning condition as set out above.
- 11.174 In terms of people wishing to build their own home, the proposal would deliver three self-build or custom build dwellings. The Government attaches great importance to the provision of this element of the supply. Notably, paragraph 62 of the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes.
- 11.175 There are no development plan policies which relate specifically to the provision or delivery of self-building housing. Draft Local Plan Policy SP7 requires qualifying sites to make provision for a proportion of serviced plots of land to contribute towards meeting the demand for self-build and custom housebuilding in the Borough.
- 11.176 The Council has a statutory duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, with reference to the number of entries added to the authority's register. The statutory duty has not been met.
- 11.177 The provision of three self-build service plots at the site would make a small but positive contribution to the supply of self-build plots in the Borough. For this reason moderate weight is afforded to this element of housing supply.

vii) *The allied benefits to be delivered as part of the proposed development of the site including:*

- *the provision of additional land to enable the extension of the existing KGV playing fields;*

- 11.178 This aspect of the proposal would contribute to the positive role that Green Belts have to play in pursuing various objectives, including the provision of opportunities for outdoor sport and outdoor recreation near urban areas in accordance with Paragraph 145 of the NPPF, which states:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport

and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

11.179 The provision of land to extend the KGV Playing Field together with a financial contribution towards new and enhanced facilities is an appropriate way of the development meeting the additional demand for outdoor sports facilities that it would generate. All new development of this scale is required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. Although the way in which these factors will be delivered is unique to the application, the factors themselves are not exceptional or unusual and would probably be delivered by other acceptable developments, albeit in different ways.

11.180 The proposal to provide an extension to KGV Playing Fields would be a positive response to the Council's evidence base and planning policies. Extending Cuffley's main outdoor sports facility would be a more appropriate response than seeking to provide any new provision within the residential development site given the limited scope for providing a standalone sustainable facility that would be responsive to local needs. This approach is supported by Sport England and the Parish Council.

11.181 Importantly, it is acknowledged that there exists, in this case, a unique set of circumstances whereby all of the land surrounding the KGV Playing Field is in the control of the Applicant. Subsequently the land required to extend the KGV playing field (Site B) will only be made available if planning permission is granted. This factor is therefore attributed moderate weight.

- *improvement of the recreation use of the playing fields and enhancement of access to the countryside through improvements to Hertfordshire Way and the introduction of permissive paths around the adjacent land controlled by the applicants as site owners;*

11.182 This aspect of the proposal also falls within the scope of NPPF Paragraph 145, relating to the beneficial use of the Green Belt by means such as provision of opportunities for outdoor sport and recreation. As described above, there exists, in this case, a unique set of circumstances whereby all of the land surrounding the KGV Playing Field is in the control of the Applicant. Subsequently and the land over which the permissive paths are proposed will only be made available if planning permission is granted. This factor is therefore attributed moderate weight.

- *the provision of a safe and convenient pedestrian and cycle route across the site linking the playing field and the primary school via South Drive; and*

11.183 The provision of a safe and convenient pedestrian and cycle route is required by Local Plan Policy M5 and M6. It is therefore a normal aspect of any acceptable residential development. However, it is acknowledged that there exists, in this case, a unique set of circumstances whereby the route would not otherwise be delivered given that the land required to provide the pedestrian and cycle route is within the control of the Applicant and is currently in agricultural use. Notwithstanding this, there is some doubt over the deliverability of a connection through to South Drive as detailed earlier in the report. For these reasons, this factor is attributed very limited weight.

- *facilitating the implementation of the Parish Council's proposals as supported by the County Council for public realm improvements along Station Road.*

11.184 In a similar regard to above, whilst it is acknowledged that the scheme of public realm improvements would be beneficial in terms of improving accessibility to local facilities and the railway station, the proposed scheme is not considered to be unique to this proposal, or indeed very special, as it could be provided using financial contributions from other development sites in the area or various other sources of funding. It is quite usual and a normal aspect of any acceptable residential development of this scale to contribute towards mitigation measures for development impacts. Accordingly this factor is given very limited weight.

Other benefits

11.185 District Plan Policy SD1, draft Local Plan Policy SP1 and the NPPF advocate sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.

11.186 The proposal would have an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. However, the economic benefits in terms of construction would be short-term and therefore limited. Local business would derive some long term economic benefit from the future occupiers spending on goods and services but this would also be limited in scale. These considerations therefore have limited weight in favour of the proposal.

11.187 The proposal would provide a social benefit through the provision of 121 dwellings which would make a considerable contribution towards the identified housing need within the Borough. Further social benefit arises from the provision of high quality housing. These considerations weigh significantly in favour of the proposal.

11.188 Turning to the environment, the proposal would not unduly harm the visual amenity or the character and appearance of the area. The design would be good quality and would not unduly harm the amenity of neighbouring occupiers. The proposal makes efficient use of land which reduces pressure on housing land take elsewhere in the Green Belt, and would accord with the support in the NPPF for increasing the supply of housing. These considerations weigh moderately in favour of the proposal.

11.189 In terms of transport sustainability, the site is situated close to facilities and services in Cuffley. The site benefits from close proximity to a bus service, albeit limited, as well as being within a reasonable walking and cycling distance of Cuffley railway station. Further moderate weight is attributed to these benefits.

Balancing exercise

11.190 The proposal would result in inappropriate development to which substantial weight is attached. By its very nature, development of this parcel would result in a substantial loss of openness, even taking into account visual harm or the localised extent of views due to screening or topography; the physical development of the land itself creates a permanent physical change,

which will diminish the openness of the land by introducing built form into the Green Belt to which substantial weight is attached. Finally, the proposal conflicts with the one of the five purposes of including land within the Green Belt; the weight to be attributed to this is considered to be significant.

11.191 The Council has already identified the “exceptional circumstances” for land to be released from the Green Belt and has proposed that the site is allocated for housing in the emerging Local Plan. The issue to be addressed in this application is whether “very special circumstances” have been shown to exist justifying the grant of planning permission at this stage, in advance of the adoption of the draft Local Plan.

11.192 Taking all matters into consideration, Officers are of the view that the factors in support of the proposal clearly outweigh the harm.

11.193 In light of the above, it is concluded that ‘very special circumstances’ outweighing the harm do exist. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

12 Conclusion

12.1 In determining planning matters the weight to be given to the evidence considered by the Council in coming to its decision is a matter for it alone. The courts have long-recognised that town and country planning involves acute, complex and interrelated social, economic and environmental implications, and that Parliament has consequently entrusted its regulation to administrative decision-makers with planning experience and expertise, namely planning authorities (whose planning officers and committees also have local knowledge). Planning decisions quintessentially require planning judgments of fact and degree, the merits of which are a matter entirely for the appointed administrative decision-makers.

12.2 In this case, the proposed development has been assessed against the policies of the District Plan, draft Local Plan and the NPPF. It has been found to be inappropriate development in the Green Belt and it would cause harm to the physical and visual aspects of openness of the Green Belt.

12.3 Subjected to conditions and a satisfactory S106 agreement, the outline proposal has been found acceptable in terms of quality of design; landscaping; amenity and living conditions of neighbouring occupiers and future occupiers; highways; air quality; drainage; ecology; archaeology; and supporting facilities. Other material considerations have also been considered.

12.4 Set against the Green Belt harm, there is an acute housing delivery shortage and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self-build and affordable housing.

12.5 The application site is not subject to any significant constraints other than its Green Belt designation and is sustainably located. The application site has been identified as sound in the draft Local Plan suitable location for such a development.

12.6 Notwithstanding the identified harm to the Green Belt, when all of the factors set out above, are considered collectively, Officers’ are of the view that the benefits in favour of the proposal clearly outweigh the harm identified. Accordingly, the

test in Paragraph 148 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.

- 12.7 If Members are minded to approve the application, the application will have to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 as the proposals represent inappropriate development on land allocated as Green Belt and the building proposed exceeds 1,000sqm and would have a significant impact on the openness of the Green Belt. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.
- 12.8 If Members are minded to refuse the application there would be no requirement to refer the application to the Secretary of State. In this case clear reasons for refusal must be given.

13 Recommendation

- 13.1 It is recommended that outline planning permission be approved subject to:
- a) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
 - b) referral to Secretary of State; and
 - c) the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. Approval of Reserved Matters

No part of the Development shall commence within any part of the application site until details of the layout, scale, appearance and landscaping (hereinafter referred to as “reserved matters”) for that relevant part have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant part of development must not be carried out other than in accordance with approved reserved matters.

REASON: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Time Limit

Application for the approval of the first reserved matters application for the relevant part of the development shall be made not later than the expiration of two years beginning with the date of this permission. Commencement of development of that part or parts approved shall begin within two years from the date of approval of the reserved matters for that part or parts.

REASON: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Approved Drawings

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
2271-A-1100-B		Site Location Plan	27 June 2015
2271-C-1005-B		Illustrative Master Plan	27 June 2015
2271-SK-1400-D		Parameter Plan - Building Heights	27 June 2015
2271-SK-1402-E		Parameter Plan - Green Infrastructure	27 June 2015
2271-SK-1403-D		Parameter Plan - Land Use	27 June 2015
2271-A-1009-D		Proposed Levels Plan	27 June 2015
141386/A/35	A	Parameter Plan - Site access	27 June 2015
141386/A/51		Proposed Shared Cycleway-Footway Link to South Drive	18 November 2015
10316-DR-04		Surface Water drainage strategy	27 June 2015
1667_200_1	0	Topographical Survey 1	27 June 2015
1667_200_2	0	Topographical Survey 2	27 June 2015
1667_200_3	0	Topographical Survey 3	27 June 2015
1667_200_4	0	Topographical Survey 4	27 June 2015
1667_200_5	0	Topographical Survey 5	27 June 2015
1667_200_6	0	Topographical Survey 6	27 June 2015
1667_200_7	0	Topographical Survey 7	27 June 2015
1667_200_8	0	Topographical Survey 8	27 June 2015
1667_200_9	0	Topographical Survey 9	27 June 2015
1667_200_10	0	Topographical Survey 10	27 June 2015

4. Construction Environment Management Plan

Prior to the commencement of the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The CEMP must set out:

- a) the phasing of construction and proposed construction programme;
- b) the methods for accessing the site, including wider construction vehicle routing;
- c) the numbers of daily construction vehicles including details of their sizes, at each phase of the development;
- d) the hours of operation and construction vehicle movements;
- e) details of any highway works necessary to enable construction to take place;
- f) details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway;
- g) provision of hoardings around the site;

- h) details of how the safety of existing public highway users and existing public right of way users will be maintained;
- i) management of traffic to reduce congestion;
- j) control of dirt on the public highway, including details of the location and methods to wash construction vehicle wheels;
- k) the provision for addressing any abnormal wear and tear to the highway;
- l) the details of consultation with local businesses or neighbours;
- m) the details of any other Construction Sites in the local area;
- n) waste management proposals;
- o) control measures to minimise noise and vibration; and
- p) control measures to minimise dust.

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

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties; and to protect the amenity of the neighbouring school, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework

5. External Lighting

No development above ground level shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details must:

- a) Identify those areas/features on site that are particularly sensitive to the impact of lighting on species susceptible to light disturbance in or around their breeding sites, resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site.

The external lighting scheme 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.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

REASON: To protect the living conditions of neighbouring properties and to ensure habitats and species are safeguarded in accordance with Policy R11, R20 of the Welwyn Hatfield District Plan 2005; Policies SP9, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework

6. Surface Water Drainage

No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- a) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- b) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours.
- c) Assessment of the surface water flow path and the volumes to be managed as part of the development.
- d) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
- e) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

REASON: To reduce the risk 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 Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

7. Accessible and Adaptable Homes

No development within any development phase shall commence until a scheme setting out the arrangements for the delivery of accessible housing within that phase has been submitted to and approved in writing by the Local Planning

Authority. Thereafter each phase must be carried out in accordance with the approved scheme. The scheme must include the following:

- a) A schedule of units, together with appropriate plans and drawings, shall be submitted to and be approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010;
- b) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures;
- c) All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- d) The person carrying out the building work must inform the Building Control body which requirements apply; and
- e) Written verification of the completion of all dwellings in accord with b) and c) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1, H10 of the Welwyn Hatfield District Plan 2005 and SP7 of the draft Local Plan Proposed Submission and the National Planning Policy Framework.

8. Tree Protection

No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved statement. The Arboricultural Method Statement must include:

- a) A specification for the pruning of trees to be retained in order to prevent accidental damage by construction activities;
- b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection;
- c) The specification of the routing and mean of installation of drainage or any underground services within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- d) The details and method of construction of any other structures such as boundary walls within the Root Protection Area (RPA) and/or canopy spread of retained trees;
- e) The details of any proposed alterations to existing ground levels within the Root Protection Area (RPA) and/or canopy spread of retained trees; and

- f) Provision for the supervision, by an appropriately qualified arboricultural consultant, of any works within the root protection areas of trees to be retained.

REASON: To ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policy R17, D8 of the Welwyn Hatfield District Plan 2005; Policy SADM16 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

9. Refuse and Recycling

A full detailed refuse and recycling proposal shall be submitted to and approved in writing by the Local Planning Authority within each reserved matters application. The proposal must include detailed tracking diagrams and detailed property information so that a calculation of requirements and costs can be made. Thereafter, the development must not be operated other than in accordance with the approved Refuse and Recycling Plan.

REASON: In order that the Local Planning Authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general in accordance with Policy D1 of the Welwyn and Hatfield District Plan 2005; Policy SADM12 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

10. Sound Insulation (including ventilation)

No development above ground level shall take place until a scheme to protect future occupiers from noise due to transport sources has been submitted to and approved in writing by the Local Planning Authority, in accordance with the following requirements:

- a) Indoor ambient noise levels in living rooms and bedrooms should meet the standards within BS 8233:2014;
- b) Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms;
- c) If opening windows raise the internal noise levels above those within BS8233, alternative methods must be submitted for consideration

(Passive systems and rates will be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment (other overheating assessments can be provided but will need to be agreed in writing by the local planning authority) conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that overheating will not occur. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the assessment. Mechanical ventilation should only be used as a last resort, once all other noise mitigation measures have been implemented (good acoustic design, orientation of sensitive rooms, bunds, noise barriers, passive systems or acoustic louvres). In such cases, the ventilation rates must meet those found within The Noise Insulation Regulations 1975).

- d) Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through measurements that a suitable place is available within 5 minute walk from the development that complies with the amenity noise level.

In terms of requirements (c) and ventilation, alternative methods (such as passive systems) and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment.

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 Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

11. Air quality

Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, an air quality impact assessment to evaluate and assess the following pollutants, PM10, PM2.5 and Nitrogen Dioxide. The report must demonstrate potential effects on future residents from current pollution levels and the resultant effect the proposed development will have on local pollution levels. The report must also consider the cumulative impacts of proposed developments nearby in relation to the local plan.

The applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the promotion of green travel. This should include the provision of cycle storage and the provision of electric vehicle charging points.

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 Policies SD1 and R18 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

12. Vehicle Access

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 Policy SD1 of the Welwyn Hatfield District Plan 2005; Polices SP1, SP4, SADM2 of the daft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

13. Wider Highway and Right of Way Works:

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 highway improvement works to Northaw Road East, as shown indicatively on drawing number 141386/A/56 revision A. This includes:

- 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.
- c) These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first 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 Policies SD1, M5 and M9 of the Welwyn Hatfield District Plan 2005; Polices SP1, SP4, SADM3 and SADM2 of the daft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

14. Theobalds Road

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 Policies SD1, M5 and M9 of the Welwyn Hatfield District Plan 2005; Polices SP1, SP4, SADM3 and SADM2 of the daft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

OTHERS

15. Construction times

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 Policy R18, R19 and R20 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

16. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) must be submitted as part of application(s) for reserved matters approval as required by Condition 1. Thereafter, the development must not be carried out other than in accordance with the approved LEMP. The content of the LEMP must be consistent with the submitted "Ecological Appraisal, 2020" (Jan 2021) and "2020 Bat Survey Report" (Jan 2021) and include the following:

- a) description of the objectives;
- b) habitat/feature creation measures proposed;
- c) timetable for implementation;
- d) maintenance of habitat/feature creation measures in the long term and those responsible for delivery; and
- e) monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP must also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan must also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

REASON: To ensure habitats and species are safeguarded, and where appropriate enhanced, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005; SP10, SADM16 and SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. Highways Details

The detailed plans submitted as part of application(s) for reserved matters approval, as required by Condition 1, must include the following:

- a) The details of all hardsurfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
- b) The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
- c) That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
- d) The provision of sufficient facilities for cycle storage. All these features shall be provided before first occupation and maintained in perpetuity.

REASON: To provide adequate visibility for drivers within the site, to promote alternative modes of travel, and for the overall free and safe flow of all site users in accordance Polices SD1, M5 and M6, M14 of the Welwyn Hatfield District Plan 2005; Polices SP1, SP4, SADM2, SADM3 and SADM12 of the daft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

18. Previously unidentified contamination

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 Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

19. Flood Risk Assessment

The development hereby permitted must be carried out in accordance with the approved Flood Risk Assessment prepared by Brookbanks reference 10710 FRA01 Rv0 dated 11 June 2021 and the following mitigation measures detailed within the Flood Risk Assessment:

- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 8.2 l/s during the 1 in 100 year event plus 40% climate change event.
- b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 1,494 m³ (or such storage volume agreed with the LLFA) of total storage volume in attenuation basin and swale.
- c) Discharge of surface water from the private drain into the ordinary watercourse south of the site.

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

REASON: To reduce the risk 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 Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan

Proposed Submission August 2016; and the National Planning Policy Framework.

20. Drainage management and maintenance

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 Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM14 of the draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

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.

OR

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

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

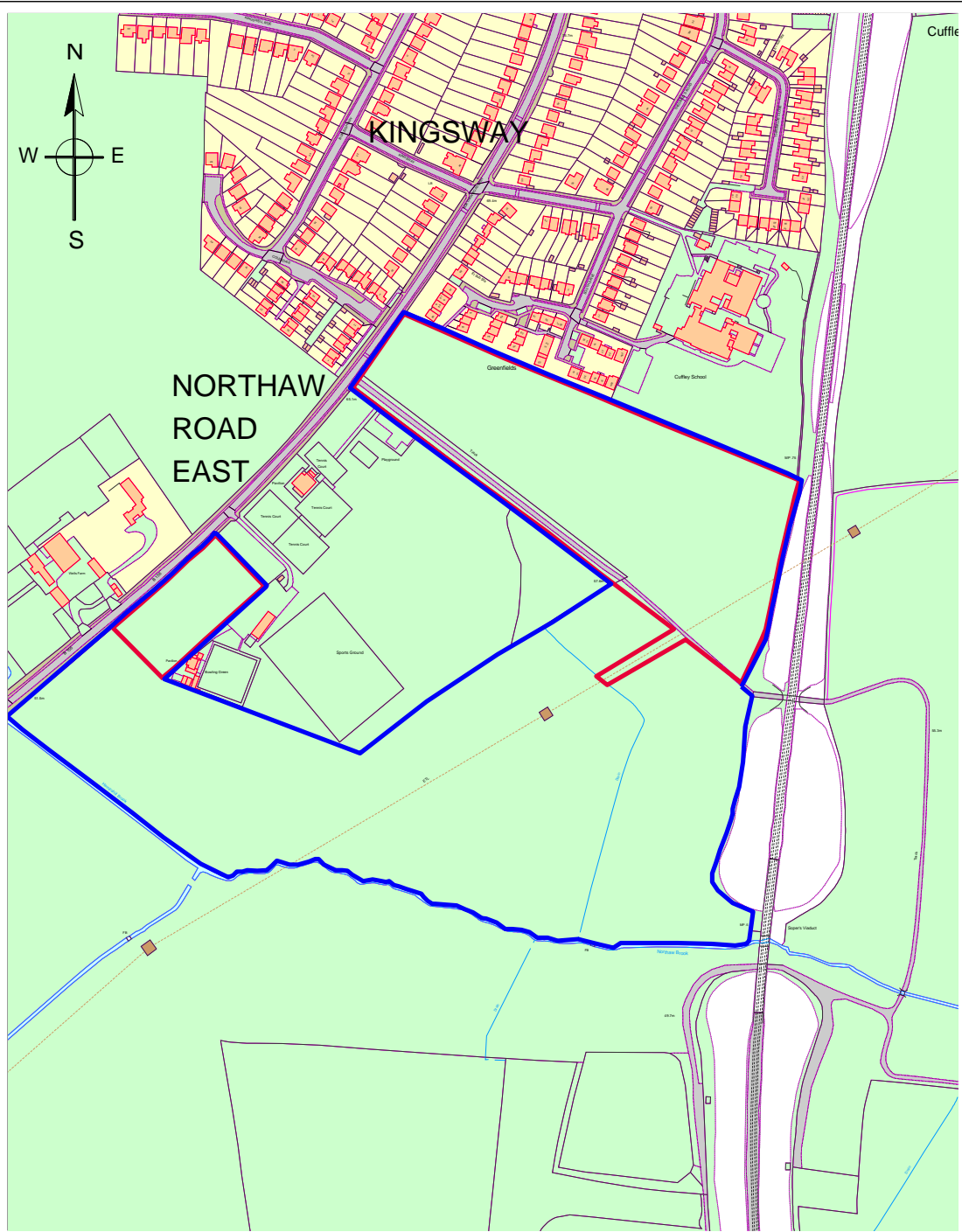
Together with the above drawing numbers to also be included.

POSITIVE AND PROACTIVE STATEMENT

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

Mark Peacock (Development Management)

Date: 29/11/2021



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title: Land to the north east of King George V Playing Fields, Northhaw Road East, Cuffley		Scale: DNS
Project: DMC Meeting		Date: 2017
Drawing Number: S6/2015/1342/PP		Drawn: Andrew Windscheffel
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Classification: Unrestricted

Classification: Unrestricted