

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2019/2162/OUTLINE
Location: Land south-west of Filbert Close, Hatfield, AL10 9SH
Proposal: Outline planning permission for the erection of 39 dwellings with all matters reserved
Officer: Mr David Elmore

Recommendation: Granted

6/2019/2162/OUTLINE

Context	
Site and Application description	<p>The application site is located in the southern part of Hatfield, approximately 1.5km to the south-west of the town centre. It lies to the south-western side of Hazel Grove and to the rear of Filbert Close.</p> <p>The site is approximately 0.92 hectares in area and has a broadly regular shape. It is laid predominately in grass and bounded with vegetation to three sides (south-east, south and north-west). A strong tree belt exists to its southern side of the site. Beyond the southern boundary of the site is a footpath and an area of open land laid to grass and used for recreational purposes.</p> <p>All of the site currently falls within the area of Urban Open Land (OUL) designated in the Welwyn Hatfield District Plan 2005 as UOL 179 – Hazel Grove JMI playing fields. The land beyond the footpath comprises UOL 190 – Redhall Lane Park and Angerland Common.</p> <p>The designation of the site as UOL is largely in recognition of its function as a school playing field. However the school is was associated with (Hazel Grove Primary) closed over 12 years ago and the site of the school buildings, adjacent to the application site, now comprises Filbert Close – a 40 unit residential development.</p> <p>The area is residential in character. Filbert Close includes two storey terraced dwelling and a two storey flatted block. Hazel Grove to the north includes terrace dwellings of simple design on both sides of the road and faced in either brickwork or pebbledash and render. The residential cul-de-sac of Cloverland is located to the immediate south-east and includes modest bungalows. Detached bungalows and terrace properties exist along and adjacent Lane End to the south-west.</p> <p>Outline planning permission is sought for the erection of 39 dwellings with all matters reserved for subsequent approval.</p>
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) - Distance: 0</p> <p>PAR - PARISH (NORTH MYMMS) - Distance: 197.58</p> <p>ROW - FOOTPATH (HATFIELD 161A) - Distance: 2.93</p> <p>UOL - Urban Open Land (Proposals Map Sheet 4) - Distance: 0</p>

	<p>Wards - Hatfield South West - Distance: 0</p> <p>WCCF - Watling Chase Community Forest - Distance: 0</p> <p>A4HD - Article 4 HMO Direction - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2733728) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2733839) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (70631) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7606976) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7606999) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7607076) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7607106) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7606778) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7607177) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7607241) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>HHA - Hatfield Heritage Assessment Area(Hatfield New Town) - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: 6/2018/2950/PA</p> <p>Decision Date: 27 March 2019</p> <p>Proposal: Pre-Application follow up advice for the erection of up to 40 residential units</p> <p>Summary of advice:</p> <ul style="list-style-type: none"> - Proposed 40 dwellings spread over 1-2 bed flats and 2-4 bed dwellings and achieving a housing density of 38dph is acceptable - Road layout following existing underground infrastructure is suitably justified - Concerns over close proximity of 19 & 20 to the northern boundary and use of tandem parking arrangement for many of the proposed dwellings. - A terraced row of 4no dwellings running adjacent to and parallel to the road in north-east part of the site has the potential to overcome the close proximity of plots 19 & 20 to the northern boundary and residential properties on Filbert Close. This layout would also enable T10 to be retained - Proposed road layout lends itself to one-way traffic which could facilitate on street parking in short linear arrangements of 2-3 cars broken up by trees of other soft landscaping. - No objection to the location of the SuDS features as a policy compliant site capacity would be achieved - Having regard to paragraph 49 of the NPPF the opinion is that the development proposal would not be refused planning permission in terms of prematurity having regard to the scale of

	<p>the development proposal in itself, absence of objections to its proposed allocation and that the Emerging Local Plan is not currently at an advance stage.</p> <p>Application Number: 6/2017/2719/PA Decision Date: 15 March 2018 Proposal: Pre-Application advice for the erection of 26 residential dwellings</p> <p>Summary of advice:</p> <ul style="list-style-type: none"> - Principle of development accepted - 25% affordable homes is policy compliant - Cost of diverting existing sewage and water line in terms of viability should be evidenced - Proposed 6no 2beds, 14no 3beds and 6no 4beds is an acceptable mix but 28dph too low for site - Acceptable layout - Integration of attenuation pond into the curved landscaped buffer along the south/south-west boundary of the site would free up the potential for more developable space. - Retention of the landscaping strip to south side is imperative for any future design. - The loss of T04, T29 or T10 could be justified by the need to make efficient use of the land, subject to any future development delivering a landscaping scheme of high quality. - Avoid flatted development to north-eastern side of site - Off-street car parking in a 3x tandem arrangement not supported - Noise impact assessment, external light assessment and chalk mining survey required 		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 1
Publicity	Site Notice Display Date: 2 October 2019 Site Notice Expiry Date: 23 October 2019 Press Advert Display Date: 25 September 2019 Press Advert Expiry Date: 9 October 2019		
Summary of neighbour responses	Two representations have been received, including one objection and one comment. All representations received are published in full on the Council's website and are summarised below: <i>Objection</i> <ul style="list-style-type: none"> - Site not suitable/fit to support a structure of properties following construction soil/land tests - Trees missing off submitted plan - Bats have been seen so bat survey should be undertaken - Removal of trees can damage drainage, soil stability and wildlife habitats - Drainage issues - Stress on infrastructure i.e. waste disposal, roads and not enough school places - Loss of light, overshadowing and sense of enclosure - Overlooking and loss of privacy 		

	<ul style="list-style-type: none"> - Noise, smell and disturbance - Loss of green space - Potential damage due to ground condition <p><i>Comment</i></p> <ul style="list-style-type: none"> - Filbert Close currently highly congested with parked cars on both sides of the street - No infrastructure to accommodate lorries and equipment for construction of houses
Consultees and responses	<p>Hatfield Town Council – Comment:</p> <ul style="list-style-type: none"> - Concerns regarding wildlife and influx of further traffic in already congested area - Would replacement trees be planted? - The right proportion of affordable housing is expected <p>The following consultees have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:</p> <ul style="list-style-type: none"> - WHBC Client Services - WHBC Affordable Housing - WHBC Public Health & Protection - WHBC Parking Services - WHBC Landscaping - HCC Growth Team - HCC Highways - HCC Ecology - HCC Lead Local Flood Authority - HCC Historic Environment Advisor - Ramblers Association - Thames Water
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance (SDG) <input checked="" type="checkbox"/> Supplementary Parking Guidance (SPG) <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes (Interim Parking Policy) Others: District Plan policies SD1, R1, R2, R11, R19, R29, M1, M4, M5, M6, M8, H2, H6, H10, OS1 & CLT9; Emerging Local Plan Policies SP7 & SADM26	
Main Issues	
Principle of development	<p>The application site is not allocated in the District Plan as a designated housing site so comes forward as a windfall site. Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:</p> <ol style="list-style-type: none"> i. The availability of previously-developed sites and/or buildings; ii. The location and accessibility of the site to services and facilities by transport modes other than the car; iii. The capacity of existing and potential infrastructure to absorb further development; iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; v. The physical and environmental constraints on development of

land.

The site is located on the southern edge of the town of Hatfield, is readily accessible to services and facilities by transport modes other than a car and the development would have a supportive function. There is no evidence to suggest that existing infrastructure cannot absorb the development. The physical and environmental constraints of development of the land in the manner proposed is assessed below.

Whilst the site is not previously developed land (PDL), does not mean they cannot be built on in any circumstances. Although greenfield sites are not priority for development, the need to make efficient use of urban land remains a policy objective. In this case, the site is located within a sustainable location for residential development and would make effective use of the land. Accordingly, there would be no conflict with Policy H2 of the District Plan.

Emerging Policy SADM26 outlines that this site (HS13) has a dwelling capacity of 37 units (40dph), applying the Housing and Economic Land Availability Assessment (HELAA). Alongside this, the site designation as UOL is proposed to be deleted.

The UOL designation in the District Plan refers to the use of the land as a playing field, however, the school it was associated with has been closed for some time and redeveloped for housing. Whilst the site's landscaped southern border does provide a useful UOL function by giving Redhall Lane Park a green 'edge', it is considered that that could equally be achieved without a UOL designation and simply through the use of a landscaped strip.

The site has no public access and has been fenced off since the school closed over 12 years ago and has remained unused since that time. Therefore it is considered that the site is not capable of being a functional playing field and, as such, no longer meets the criteria for UOL designation. It is acknowledged that the immediate area would still be well provided with informal open space, in the form of Redhall Lane Park and Angerland Common. In this respect, there would be no conflict with Policies OS1 and CS6 of the District Plan which respectively concern UOL and use of redundant educational facilities.

The Emerging Local Plan was submitted for examination in May 2017 and the examination is ongoing.

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plan 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 weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Whilst the examination has yet to be concluded, the hearing session for new dwellings in Hatfield took place in early 2018 and no objections

have been made either to the allocation of this site for housing or to the deletion of the UOL designation. Finally, Policy SADM26 is consistent with Section 5 of the NPPF in terms of delivering a sufficient supply of homes. Having regard to these factors, significant weight is attached to this policy in the determination of the application.

In terms of dwelling density, whilst the proposal would provide two additional dwellings to that identified in Policy SADM26, it is considered that such an increase could be acceptable subject to no physical or environmental constraints being identified which would limit the dwelling capacity to 37. Additionally, there is no objection to Policy H6 of the District Plan with regard to density and it is considered that the density proposed would not have an adverse impact on the character of the surrounding area. Potential physical and environmental constraints relevant to this outline application include: access to the site, infrastructure location/capacity, ground conditions, contamination, pollution, flood risk, hazardous risk, landscape character/features and nature conservation.

In terms of housing type and mix, Policy SP7 of the Emerging Local Plan outlines that in order to deliver a choice of homes and help create sustainable, inclusive and mixed communities, provision will be made for a range of housing to support the needs and requirements of different households.

Proposals for 11 or more 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 households including single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes.

The Strategic Housing Market Assessment Update 2017 (SHMAU) identifies implied size of housing required between 2013-2032 as follows:

- 1 bed – 13%
- 2 bed – 22%
- 3 bed – 41%
- 4+ beds – 23%

This modelling exercise provides an illustrative interpretation of available historic evidence to estimate the size of housing which may be required in Welwyn Hatfield over the plan period. In reality, the profile of housing delivered is likely to respond to the market, which will judge the type of housing most appropriate to meet demand at any point in time.

Analysis presented above should only be used for guidance in its translation into policy and for the monitoring of future development. While this evidence provides a valuable overall indication of the broad mix of housing which may be required, it is recommended that policies are not overly prescriptive in directly basing requirements for individual sites on the illustrative mix presented above. The individual mix of housing provided on a site-by-site basis will need to take account of local market evidence and viability considerations, which will have an important influence on the appropriate mix.

	<p>An indicative mix of the units for the scheme are as follows:</p> <ul style="list-style-type: none"> • 1 bed flats – 10% • 2 bed flats – 41% • 2 bed houses – 15% • 3 bed houses – 20% • 4 bed houses – 14% <p>It is considered that given the prevailing character of the area surrounding the application site at Filberts Close, and the types of dwelling which the policy above suggests are required, the site would be a suitable to provide predominately two and three bed family housing. In this context, there is no objection to the indicative split proposed.</p> <p>Policy H10 of the District Plan states that in all residential developments involving 5 or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime Home Standards. Policy SP7 of the Emerging Local Plan updates Policy H10 and outlines that at least 20% of all new dwellings on sites involving 5 or more new dwellings will be required to meet Building Regulations Part M4(2) standards for ‘accessible and adaptable’ dwellings.</p> <p>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. Such a matter can be secured by condition to ensure that the development would contribute to meet varied housing needs.</p> <p>Taking account of the above, it is considered that subject to there being no physical or environmental constraints to development of the land, the development would be acceptable in principle.</p>
<p>Other considerations</p>	<p><u>Ecology and biodiversity</u></p> <p>District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity.</p> <p>The NPPF sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against and that planning decisions should provide net gains for biodiversity.</p> <p>The application has been supported by a Preliminary Ecological Appraisal (by Pell Frischmann, dated August 2019). Hertfordshire Ecology have been consulted accordingly and have no objection to the principle of development at the site.</p> <p>Retained trees should be protected and trees to be lost should be compensated for. It was noted that trees and scrubs on site may have potential to support nesting bats. Therefore, any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.</p>

Some of the trees have been identified to have potential bat roosting features and if these trees are to be removed, they should be subject to a bat assessment and possible pre-felling climbed inspection and/or activity surveys.

Furthermore, any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Some simple biodiversity enhancements have been suggested in the Preliminary Ecological Appraisal for bats, birds and invertebrates; and by planting trees, shrubs and wildflowers. Hertfordshire Ecology have highlighted that these could be expanded to include native species hedgerow planting (and in-filling of gaps) around the site boundary to maintain and enhance wildlife corridors in the local area, orchard and fruit tree planting to attract pollinators and support local wildlife, provision of gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians. A planning condition can be included at this stage to make clear that any landscaping scheme submitted at reserved matters must provide net gains for biodiversity.

Herts & Middlesex Wildlife Trust raise an objection in terms of measurable net gains for biodiversity not being demonstrated. Such an issue is however one to be addressed at reserved matters stage.

All of the above details should be provided and satisfied at reserved matters stage.

Flood risk and sustainable drainage

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

This application has been supported by a Drainage Statement (by Stomor Ltd, reference ST2629/DS-1908, dated August 2019) and the Lead Local Flood Authority (LLFA) have been consulted accordingly.

The LLFA present no objection in principle to this proposal at the outline stage. In order to secure the principles of the proposed scheme, a condition is recommended requiring the development to be carried out in accordance with the approved Drainage Statement and following explicit mitigation measures.

Chalk mining

Following the discovery of chalk mines in Briars Lane, Hatfield, it was agreed by WHBC and HCC to undertake a study to review the possibility of chalk mining elsewhere in Hatfield.

The study looked at historical information and geotechnical data such as the composition of the ground and the natural landscape. The study

systematically pulled together data, often some of it indirect, to indicate the relative likelihood of chalk mining activity. The result was a map that showed areas of evidence and a risk assessment model for council services to use. This was published in 2007. The result of the study allowed WHBC to proactively investigate areas, either to rule out the risk of any subsidence or to put in place measures to minimise any risk.

Following further investigation, completed in 2009, it was concluded that the initial areas identified were significantly smaller than originally thought. Some of the areas that do remain are also smaller in size.

A next phase of investigation was commissioned to gain further information and this was completed in August 2011. Of the 14 areas, six were identified as 'no significant risk' and were removed from the list. Four were reduced in size but not eliminated and two were inconclusive".

Chalk mining zones are located in the vicinity of the application site, the closest of which is 'Vixendell Chalk Pit' (Area 19 – Hazel Grove Hotel), located approximately 12 metres beyond the western boundary of the site.

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for proposed development taking account of land instability, including from former activities such as mining. Decisions should be based on adequate site investigation information prepared by a competent person.

Paragraph 179 goes on to state that where a site is affected by land instability issues, responsibility for securing a safe development rests with the developer and/or landowner.

A Chalk Mining Risk Evaluation Statement (by Pell Frischmann Engineering Consultancy, dated 1 September 2017) has been submitted with this application and considers that the risk of the proposed development of the site being constrained by the presence of chalk mining or natural cavities is 'low'. It is however recognised that the development risk associated with chalk mining and/or natural cavities cannot be completely excluded at this stage as the submitted evaluation is only based on currently known information. Unknowns in relation to the ground conditions in the site have been identified in the report as follows:

- i. There remains slight risk that early, unrecorded pits or workings could be present, for which full surface reinstatement occurred in advance of the first mapping.
- ii. There remains slight risk that workings from the Vixendell Chalk Pit extended a short distance below the western part of the Site.
- iii. There is risk that one or more unrecorded, natural dissolution features (eg. infilled pipes) exist at the site, as there is a boundary with the overlying Tertiary strata in relatively close proximity (to the east).

The report recommends that supplementary work is incorporated into the ground investigations with the objective being to reduce the risk ranking to 'very low' such that the development could proceed with conventional foundation types.

In addition to the risk from mining and natural cavities, in this chalk

terrain there is also a foundation design risk from backfilled surface workings and shallow pits. This risk is also identified to be addressed by the ground investigation.

In terms of chalk-specific risks, the report recommends that the exploratory hole coverage for the Site should be approximately x2 to x3 the scope of that which might normally be employed on a non-chalk site and that it should include a combination of both 3.5m deep trial pits and 6.0m deep dynamic sample probe holes. A higher density of exploratory holes should also be implemented in the western area of the site.

The Council have produced a Hatfield Chalk Mining Risk Assessment Tool (HCMRAT) to identify the expected risk level of development proposals based on: location of development relative to chalk mining zones and buffers; proposed land use; site access and; infrastructure services.

The risk level was identified through the HCMRAT as 'low'. In area of 'low risk' a site specific risk assessment is required by the HCMRAT to determine if investigations are necessary.

The submitted Chalk Mining Risk Evaluation Statement considers further investigations to be necessary. Such investigations and confirmation from a competent person that the site is suitable for proposed development taking account of land instability is recommended by planning condition.

Archaeology

HCC's Historic Environment Advisor has been consulted for this application and considers that the development is unlikely to have an impact on heritage assets of archaeological interest.

Environmental health

Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan.

The Council's Public Health & Protection Officer considers that the issues relevant to environmental health for this application include noise from traffic and contaminated land.

The application has been supported by a Noise Impact Assessment (by RSK Environment, dated 23 August 2019)

In terms of noise from traffic, the Noise Impact Assessment shows that even with the A1(M) and the A1001 being a significant distance away, that the site is still effected by levels of noise which will require mitigation. An internal noise level of 40dB, however a 35dB level during the day time for living rooms and bedrooms for resting is required.

A sound insulation and mechanical ventilation condition is recommended by condition to ensure that the development would experience unacceptable levels of noise or vibration from traffic. This can be secured through planning condition.

The outdoor amenity areas appear to be able to meet the 55dB WHO Guidelines for Community Noise level, but will require shielding provided by fencing to ensure that this is met. Additional detail can be requested and agreed by condition.

In terms of contamination, the Council's mapping system is not showing any known contamination on the site. It is recommended that the unexpected finds condition is placed on the application as a precautionary measure.

Environmental Impact Assessment

Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the development would take place on a site less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwelling house development. An EIA is therefore not required.

Planning obligations

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.

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

Affordable housing

Policy H7 of the District Plan states that the Council will expect the site to include the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. That policy requires a minimum of 30% to be sought which should comprise subsidised housing.

Policy SP7 of the Emerging Local Plan requires 25% of new homes in Hatfield to be affordable. Considering the substantial body of evidence supporting affordable housing and Policy SP7, the on-site delivery targets for affordable housing in the Emerging Local Plan are now being applied rather than the baseline percentage identified in the District Plan.

In this case 25% (or 10 units) will be provided as affordable housing, in accordance with emerging Policy SP7. This would be a 50/50 split between social housing and intermediate tenure. The agreed affordable housing provision is as follows:

- 4 x 1 bed Social Rented flats;
- 1 x 3 bed Social Rented house;
- 4 x 2 bed Shared Ownership Housing flats; and
- 1 x 4 bed Shared Ownership Housing house.

Hertfordshire County Council Contributions

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

- Primary Education: £59,196.00 (toward expansion of De Havilland)
- Secondary Education: £53,690.00 (towards expansion of Onslow St Audrey's School by 1FE)
- Library Services: £5,819.00 (toward Hatfield Library to develop a 'Creatorspace')
- Youth Services: £1,099.00 (toward group work area at Hatfield Young People's Centre)
- Highways/Transport: £35,500.00 (toward improvements to the Hatfield cycle network)
- Fire hydrants

WHBC Contributions

WHBC request that financial contributions are required to fund various projects in order to mitigate the impacts of the development including:

- Client Services: £3,155.00 (bin provision)
- Green Space: £4,770.20 (improvement to woodland edge at Hazel Grove)
- Play facilities: £10,877.00 (new equipment at Newstead or Coppice Close play area)
- Indoor & outdoor sports facilities: £35,931 (toward Hatfield Leisure Centre & Hatfield Swim Centre)

In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5,000.00 will also be required and payment will be required to be made prior to commencement of the development.

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.

The applicant has agreed the heads of terms of the Section 106 Agreement which is currently being drafted. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

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.
Conclusion	
<p>The proposed development has been assessed against the policies of the District Plan, Emerging Local Plan and NPPF. Whilst the site is not previously developed land, it would involve the effective re-use of land which is no longer serving its function as UOL or educational use. It has been found to be acceptable in principle in terms of environmental health; ecology, flood risk and the wider environment. The development would also meet the economic, social and environmental objective of sustainable development in mutually supportive ways.</p> <p>Subject to the imposition of relevant conditions and S106 obligations, the proposal is considered acceptable in terms of the above. Therefore no objections are raised in regards to the aims and objectives of policies of the Welwyn Hatfield District Plan 2005; the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.</p>	

Conditions:

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

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. No development shall take place until a structural design report, completed and signed by a Chartered Engineer, and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the Local Planning Authority. The report shall certify that appropriate site investigations have been carried out at the site. The scheme shall include an investigation and assessment to identify those precautions or measures deemed to be required in the design and construction of the proposed development in order to minimise any danger which might arise as a result of ground conditions. The approved scheme must be fully incorporated in the design and construction of the development.

REASON: To ascertain the stability of the site and to determine the structural suitability of the development thereon in view of prevailing ground conditions in accordance with the National Planning Policy Framework.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with that approved. The Construction Management Plan must include details of:

- a) Construction vehicle numbers, type and routing;
- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for loading/unloading and turning areas);
- d) Siting and details of wheel washing facilities;
- e) Cleaning of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities (including delivery times and removal of waste);
- and
- g) Provision of sufficient onsite parking prior to commencement of construction activities

REASON: To ensure that the development is undertaken in a manner which reduces potential adverse impacts upon the residential amenities of nearby occupiers and to maintain the efficient operation of the road network and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. Notwithstanding the submitted Noise Assessment (by RSK, Project No: 297166-01(02), dated 23 August 2019), prior to any above ground development, a scheme to protect future occupiers from traffic noise must be submitted to and approved in writing by the Local Planning Authority. The approved scheme and any mitigation measures must be installed before first occupation of the development and retained permanently thereafter. The scheme must ensure that:

- a) Indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. If mechanical ventilation is required, the ventilation rate must meet the Noise Insulation Regulations 1975;
- b) Overheating will not occur and evidenced in the form of a SAP assessment conducted with windows closed and the ventilation rate for the system being substituted for those within Appendix P; and
- c) Outdoor amenity areas are protected from noise by the mitigation measures and designed to achieve the lowest practicable levels in accordance with BS 8233:2014 and World Health Organisation Guidelines for Community Noise.

REASON: To protect the living conditions of future occupiers from noise, in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, and National Planning Policy Framework.

7. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:

- a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of

the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';

b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;

c) The person carrying out the building work must inform the Building Control body which requirements apply; and

d) Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; and Policy SP7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement prepared by Stomor Ltd, reference ST2629/DS-1908, dated August 2019, submitted in support of this application 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 5 l/s during the 1 in 100 year 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 total storage volume in attenuation pond; and

c) Discharge into the Thames Water surface water sewer running along the western boundary of the development site.

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

REASON: To reduce the risk of flooding to the development in accordance with the National Planning Policy Framework.

9. 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 within 7 days to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act

1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

REASON: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. Any future landscaping proposals submitted at reserved matters stage must demonstrate net gains for biodiversity.

REASON: To contribute to and enhance the natural and local environment in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

11. 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
70-006	P1	Site Location Plan	9 March 2020

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

1. POSITIVE AND PROACTIVE STATEMENT

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

Informatives:

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

Determined By:

Mrs Sarah Smith
1 July 2020