

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

DELEGATED APPLICATION

Application No: 6/2020/2248/OUTLINE
Location: Roundhouse Farm, Land Off of Bullens Green Lane, Colney Heath
Proposal: Outline permission for the erection of up to 100 dwellings, with all matters reserved except access
Officer: Mr David Elmore

Recommendation: Refused

6/2020/2248/OUTLINE

Context	
Site and Application description	<p>The application site is located on the eastern fringe of Colney Heath and comprises agricultural arable land with an overall area of approximately 5.25 hectares. The site is split almost equally between two local authorities – the borough of Welwyn Hatfield and district of St Albans. An identical application has been submitted to St Albans City and District Council.</p> <p>The site is bordered by trees and hedgerow on all sides. Bullens Green Lane runs adjacent and parallel to the eastern boundary and on the opposite side of the road are a small number of dwellings and a field with woodland beyond. Fellows Lane runs adjacent to the southern boundary. To the south and south-east is open countryside. The rear gardens of residential properties abut the north and north-west boundary and Roestock Park abuts the western boundary.</p> <p>The north-eastern corner of the site provides access of agricultural machinery from Bullens Green Lane. This access also leads to connecting Public Rights of Way (NORTH MYMMS 067 and COLNEY HEATH 048) which provide a pedestrian link to/from Bullens Green Lane and Roestock Lane.</p> <p>The site lies within the Green Belt, Mimms Hall Valley Landscape Character Area and Watling Chase Community Forest. Public Rights of Way (NORTH MYMMS 067 and COLNEY HEATH 048) run along the northern side of the site and provide a pedestrian link to/from Bullens Green Lane and Roestock Lane.</p> <p>Outline permission is sought for the erection of up to 100 dwellings, with all matters reserved except access. As well as details of the proposed site access, the application is accompanied by a “Proposed Parameters/Schematic Plan” and a “Proposed Illustrative Layout” detailing existing and proposed landscaping, potential green/play space, location of new pumping station, points of access (for vehicles and pedestrians), existing and proposed footpath routes and the dwelling and internal road layout.</p>
Constraints (as defined within)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Mimms Hall Valley) - Distance: 0</p>

WHDP 2005)	<p>PAR - PARISH (NORTH MYMMS) - Distance: 0 ROW - FOOTPATH (COLNEY HEATH 048) - Distance: 0 ROW - FOOTPATH (NORTH MYMMS 067) - Distance: 0 Wards - Welham Green & South Hatfield - Distance: 0 WCCF - Watling Chase Community Forest - Distance: 0 ALA - St Albans - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 1.72 CP - Cycle Path (Leisure Route) - Distance: 1.72 FM30 - Flood Zone Surface Water 30mm - Distance: 0 FM10 - Flood Zone Surface Water 100mm - Distance: 0 0 FM00 - Flood Zone Surface Water 1000mm - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>		
Relevant planning history	<p>Application Number: S6/1987/0037/OP Decision: Refused and Appeal Withdrawn Decision Date: 10 April 1987 Proposal: Site for residential development</p> <p>Application Number: S6/1986/0225/FP Decision: Refused and Appeal Withdrawn Decision Date: 31 July 1986 Proposal: Site for residential development</p> <p>Application Number: E6/1973/3202/ Decision: Refused and Appeal Dismissed Decision Date: 15 October 1973 Proposal: Site and layout for 141 dwelling houses with garages (12.8 acres)</p> <p>Application Number: E6/1966/0202/ Decision: Refused Decision Date: 09 March 1966 Proposal: Site for residential development</p> <p>Application Number: E6/1954/0860/ Decision: Refused Decision Date: 21 October 1954 Proposal: Site for residential development</p>		
Consultations			
Neighbour representations	Support: 0	Object: 163	Other: 1
Publicity	<p><u>Notification letters</u> Site Notice Display Date: 15 October 2020 Site Notice Expiry Date: 5 November 2020 Press Advert Display Date: 7 October 2020 Press Advert Expiry Date: 28 October 2020</p>		
Summary of neighbour responses	<p>163 neighbour representations have been received – all objecting to the proposal. These objections are summarised as follows:</p> <ul style="list-style-type: none"> - Inappropriate development in the Green Belt, loss of Green Belt openness and encroachment into the countryside - No very special circumstances to outweigh harm to the Green 		

	<p>Belt</p> <ul style="list-style-type: none"> - Unsustainable location - The village does not have the infrastructure to support such a proposal - Local schools are over-subscribed and public services are already stretched - Proposal would exacerbate local traffic issues/congestion - Congestion will impact emergency services access and highway safety - Negative impact on wildlife and biodiversity - Flooding issues - Overdevelopment of site - Inappropriate layout and density of building design - Out of character with area - Loss of privacy and natural light - Increased noise and air pollution from increased vehicles movements - Parking issues - Loss of green/open space - Proposed site access unsafe - Buses services are very limited - No safe cycle routes to services and facilities - Contractor traffic and material deliveries will cause significant disruption in the area given the limited and already overcrowded road network adjacent - Documents do not fully reflect the impact on traffic generation and access to local amenities - Loss of valuable farmland - Subsidence of land from development - Adverse effect on setting of Listed Building (Balvicar Cottage) - Increase in crime - Dust from construction activities - Reduction of property values
<p>Consultees and responses</p>	<p>Councillor Paul Zukowskyj – Application called-in to be determined by the Development Management Committee if Officers are minded to approve. Reasons for call-in states as follows:</p> <p><i>"I'd like to call in this application under ground i) raises unusual or sensitive planning issues, iv) 'has wider ramifications of more than just local interest; and (v) any other reasons to be considered on their individual merits and circumstances. The sensitive issues and wider ramifications of more than just local interest are due to the scale and cross-border location of the proposed site and the 'other reasons' are</i></p>

that this would be a departure from both the adopted and submitted local plans, in that this site is green belt and not, to my knowledge, proposed as a site for release from the green belt for either SADC or WHBC. The site promoter may, however, be arguing that very special circumstances exist due to the lack of five year housing supply. There is also the issues around services, specifically education, which I feel should be heard in a public forum since the issue is so central to the issues around larger sites in both council's local plans."

North Mymms Parish Council – Major objection stated as follows (delegated powers if minded to refuse):

"This land is not in the Local Plan or the Draft Local Plan. It is Green Belt and valuable agricultural land therefore no special circumstances exist for it to be removed from Green Belt or developed. Any proposal would harm the openness of the Green Belt and be inappropriate development in this rural village. It is not a "sustainable" site given the remoteness from public transport, therefore, would rely on car use as evidenced by the note of 220 car parking spaces on the application form. The proposals are confused and conflict with the application form which, for example, states "surface water will be disposed of by mains drainage" yet the Landscape Strategy Plan indicates SuDs. Although this is laudable, it would result in marsh areas which presumably not be available for public access other than as open space amenity land. There is no infrastructure to support this development.

Given that the subsoil is clay and the extent of road and car parking proposed, the flood risk to the site and surrounding properties will be raised and trial pits taken in June are questionable as evidence.

Item 3 "Flooding from the Sea" in the Flood Risk Assessment and Drainage Strategy is a puerile inclusion".

WHBC Client Services Team – No objection

WHBC Landscaping Team – No objection

WHBC Public Health & Protection Team – Conditions recommended

WHBC Parking Services – Comment that the application does not indicate the parking provision or tenure mix

WHBC Affordable Housing Team – Comments that, as the application does not specify tenure, WHBC would wish to see at least 17.5% of the scheme (being 50% of 35%) as socially rented units, with the remainder as another affordable tenure

Highways England – Construction Management Plan recommended by condition

Hertfordshire County Council Transport Programmes & Strategy – Objection summarised as follows:

- Insufficient information is provided to demonstrate that the impacts of development would not have a severe impact on the wider operation of the network
- Detailed design of the access is required to demonstrate that safe and suitable access is achievable
- No swept path assessment provided. Therefore, not known if a refuse or service vehicle can safely access the site

	<ul style="list-style-type: none"> - Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable - Visibility from the access, without speed limit changes is insufficient <p>HCC Growth Team – Comment that Fire hydrant provision and financial contributions toward education, library and youth service are required</p> <p>HCC Historic Environment Advisor – Objection:</p> <ul style="list-style-type: none"> - Insufficient information has been provided determine whether remains of importance are likely to be present <p>HCC Minerals & Waste Team – Comment:</p> <ul style="list-style-type: none"> - Mineral deposits may be uncovered in the creation of footings/foundations - Advised to pay due regard to County Council and national policies relating to waste - Site Waste Management Plan recommended by condition <p>HCC Lead Local Flood Authority – Conditions recommended</p> <p>Affinity Water – Conditions recommended</p> <p>Thames Water – Comments summarised as follows:</p> <ul style="list-style-type: none"> - No objection in terms of impact on sewer network - No objection in terms of surface water drainage provided the developer follows the sequential approach - No objection in terms of foul water sewerage network infrastructure capacity - Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required <p>Environment Agency – Conditions recommended</p> <p>Hertfordshire Ecology – Objection summarised as follows:</p> <ul style="list-style-type: none"> - The submitted Ecological Appraisal is inadequate - Application has failed to demonstrate net gains for biodiversity <p>Herts & Middlesex Wildlife Trust – Objection as the application does not demonstrate a 'measurable' net gain to biodiversity by utilising the Defra biodiversity metric.</p> <p>NHS – Comment that financial contributions toward GP surgeries, mental health and community health are required</p> <p>Campaign to Protect Rural England – Objection summarised as follows:</p> <ul style="list-style-type: none"> - Inappropriate development in the Green Belt - Unsustainable location - Development would result in loss of high quality agricultural land <p>The Ramblers Association – Comments:</p> <ul style="list-style-type: none"> - Inappropriate development in the Green Belt - Development would seriously reduce the amenity of the public
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	<p>rights of way which cross the site</p> <ul style="list-style-type: none"> - Loss of productive arable land - In the event of a grant of planning permission, measures to protect the public rights of way are advised <p>Cadent Gas – Informatives advised</p>
Relevant Policies	
<p><input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance (SDG) <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: Welwyn Hatfield District Plan Adopted April 2005 (District Plan) policies SD1, R1, R2, R5, R7, R9, R11, R18, R19, R29, M1, M2, M3, M4, M5, M6, M9, IM2, H2, H6, H7, OS3, RA10, RA11, RA15 & RA25. Draft Local Plan Proposed Submission August 2016 (Emerging Local Plan) policies SP1, SP3, SADM1, SP4, SADM2, SADM3, SP7, SP9, SADM11, SADM12, SP10, SADM13, SADM14, SP11, SADM15, SADM16, SP18, SADM18, SP13 & SADM34.</p>	
Main Issues	
Principle of residential development	<p>Policy SD1 of the District Plan advocates sustainable development and this is broadly consistent with the NPPF.</p> <p>Policy GBSP2 of the District Plan also requires development to be concentrated in towns and specified settlements.</p> <p>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 NPPF which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).</p> <p>Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.</p> <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 of the District Plan 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. <p>Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the Local Plan but adds that the proposal should not undermine the delivery</p>

of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy

The site is located on the eastern side of the village of Colney Heath and comprises arable agricultural land. The site is not previously developed and is outside of any defined town or specified settlement in the Borough.

In terms of accessibility, Colney Heath has only limited services and facilities including a primary school, a public house, small convenience store/post office, hot food takeaway, village hall and church. As a result, future occupiers of the development would be unable to access the majority of their day-to-day service requirements from the village.

Paragraph 103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. In this regard it is noted that there are a number of bus stops within Colney Heath and a Community Shopping Bus between Colney Heath and Asda Hatfield. These services however are not frequent.

The settlement of Welham Green is separated from the site by approximately 1.8 miles and includes a train station and a basic range of shops and community facilities. Access would be via Bullens Green Lane and Tollgate Road. Both roads however are unlit, absent of footpaths and have a 60mph speed limit. A serious incident was also recorded on Bullens Green Lane in the past five years between a vehicle and pedestrian and presents a safety risk. Therefore, this route would not be conducive with walking or cycling.

The town centre of Hatfield is located to the east (on the opposite side of the A1(M) motorway). The town centre of Hatfield is separated from the site by approximately 2.4 miles (for pedestrians and cyclists) and 4.8 miles by other means. The shorter access for pedestrians and cyclists to Hatfield town centre would be taken from Bullens Green Lane via a bypass under the A1(M). There would be no footpath connection from the site to Bullens Green Lane and sections of this part of Bullens Green Lane are unlit and it would be necessary to cross roads and a junction to navigate footpaths. Having regard to the characteristics of link between the site and Hatfield and the distances involved, walking and cycling would not be desirable transport modes.

The settlement of London Colney is separated from the site by approximately 3.5 miles and Fleetville (Hatfield Road, St Albans) by approximately 6 miles. It is considered that the distances involved and nature of the roads connecting the site to London Colney and St Albans would discourage residents from walking or cycling.

Having regard to the above, it is considered very likely future residents would be reliant on the private motor vehicle in order to day-to-day service needs. This is the least sustainable travel option. Given the number of residential units proposed, the development would conflict with Policies SD1, GBSP2 and H2 of the District Plan, Policy SADM1 of the Emerging Local Plan and the NPPF in this respect.

In terms of criteria (iv), whilst the development would provide demand for services and facilities, this would be through unsustainable transport means.

	<p>The capacity of existing and potential infrastructure to absorb further development and the physical and environmental constraints on development of land are discussed in separate sections below.</p>
<p>Green Belt</p>	<p><i>Appropriateness</i></p> <p>Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:</p> <ul style="list-style-type: none"> a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: <ul style="list-style-type: none"> - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. <p>The above approach is broadly consistent with Policy SADM34 of the Emerging Local Plan.</p> <p>The proposed development would not fall under any of these exceptions. It would therefore constitute inappropriate development in the Green Belt.</p> <p><i>Openness</i></p> <p>There is no definition of openness in the 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.</p> <p>Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an</p>

assessment.

The development would include up to 100 dwellings, ranging from 1-5 beds, in what is an open and undeveloped agricultural field. The built form, access roads and other hard-surfaces, illumination of dwellings and potential internal street lighting, requirements for boundary treatments for residential curtilages and associated domestic paraphernalia will undoubtedly result in significant loss of Green Belt openness in both spatial and visual terms.

Purposes of including land in the Green Belt

Paragraph 143 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 towns 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.

The Green Belt Review Purposes Assessment November 2013 was undertaken as part of the evidence base for the emerging Local Plan. The application site forms part of a wider parcel of land (GB34) which was considered as part of the Assessment.

The Assessment identified that the principal function of the parcel of land is that it provides a significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between Hatfield and London Colney). It also provides a partial contribution towards preventing merging (of St Albans and Hatfield) and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park.

The Assessment then goes on to state that levels of openness are generally high especially to the south due to an absence of built development and that any reduction in the gaps would compromise the separation of settlements in physical and visual terms to the north, and local levels of visual openness. A minor reduction to the south would lead to a less significant impact.

The development would cover an expansive field which forms part of the open countryside and provides a distinct break between two built-up residential parts of Colney Heath. The site is also read as part of the open fields and countryside to the east and south. The proposed development would therefore fail to assist in safeguarding the countryside from encroachment. Furthermore, as the proposal is for development outside of urban areas, towns and settlements, it would fail to assist in urban regeneration through encouraging the recycling of derelict and other urban land.

Whilst the development would result in in coalescence of the built-up parts of Colney Heath, the reduction in the gap between Hatfield would be minor.

Taking account of the above, it is considered that the proposal would represent inappropriate development in the Green Belt. It would also

	<p>result in material loss of Green Belt openness and conflict with two purposes of including land in the Green Belt.</p>
<p>Access and highway impact</p>	<p>Whilst the application is in outline and the layout is indicative, access is not a reserved matter and plans have been submitted specifically showing the key access arrangements which are proposed to be determined as part of the application. At this stage the internal layout is indicative and will be considered at the reserved matters stage, together with car parking and cycle parking for the proposed development</p> <p>Relevant policies from the adopted District Plan are: M1 Integrating Transport and Land use; M2 Transport Assessments; M5 pedestrian facilities; M6 Cycle routes and facilities; and M9 covering bus facilities. Relevant policies from the Emerging Local Plan are: SP4 transport and travel; SADM2 highway network and safety; SADM3 sustainable travel for all; and SADM12 parking servicing and refuse which requires sustainable transport measures including the improvement of pedestrian links, cycle paths, passenger transport and community transport initiatives.</p> <p>Paragraph 108 of the NPPF outlines that in assessing applications for development, it should be ensured that:</p> <ul style="list-style-type: none"> a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location b) Safe and suitable access to the site can be achieved for all users; and c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree <p>Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>Paragraph 110 of the NPPF explains that within this context, applications for development should (amongst other things):</p> <ul style="list-style-type: none"> - give priority first to pedestrian and cycle movements and, so far as possible, facilitate access to high quality public transport and with appropriate facilities that encourage public transport use; and - allow for the efficient delivery of goods, and access by service and emergency vehicles <p>There is an existing agricultural field access from Bullens Green Lane in the north eastern corner of the site. This access also leads to connecting Public Rights of Way (NORTH MYMMS 067 and COLNEY HEATH 048) which provide a pedestrian link to/from Bullens Green Lane and Roestock Lane.</p> <p>A single point of vehicular access would be provided from Bullens Green Lane through a priority T-junction as per the proposed site access plan (ref: 18770-FELL-5-500 Rev A). Bullens Green Lane is an unclassified road subject to a 60mph speed limit adjacent to the site, reducing to 30mph north of the site near the residential dwellings. The existing hedge at the proposed junction location on-site would be</p>

replaced with planting behind the junction visibility splays.

A two metre wide footway within the site would link the proposed access to the existing footpath on Bullens Green Lane and the Public Rights of Way. This would form part of a new walking route along the internal eastern and southern perimeter of the site which would also link to Fellowes Lane and the play area at Roestock Park.

The application has been supported by a Transport Assessment (TA) by Woods Hardwick, August 2020 and it is noted that pre-application discussions have been held with the application/developer and Hertfordshire County Council Transport Programmes & Strategy (the Highway Authority) prior to submission of this application.

The Highway Authority have been consulted for this application and object on the grounds of an incomplete TA and insufficient information to demonstrate that the proposal would not result in a severe impact on the wider operation of the network and a severe impact on highway safety.

The TA includes an assessment to calculate the likely vehicular trip generation of the proposed development and, based upon figures extracted from the TRICS database, the development is predicted to generate 48 two-way trips during the AM peak hour and 49 two-way trips during the PM peak hour. This is agreed with the Highway Authority.

In terms of trip distribution, the TA identifies census data for key employment areas and google maps was used to identify the trip distribution. However, the data is not presented in the TA for review and the Highway Authority have stated in their consultation response that the raw data, assumptions and network diagrams distributing the trips across the network need to be supplied for review.

The following junctions have been proposed for modelling:

- Junction 1 – Proposed Site Access Junction (T-junction)
- Junction 2 – Fellowes Lane / Tollgate Road (T-junction)
- Junction 3 – High Street / Roestock Lane / Tollgate Road / Coursers Road (roundabout)

Paragraph 6.15 of the TA states:

“The pre-app also confirmed that the traffic counts required for the junction assessments would not be able to be undertaken until schools have returned. Therefore, the capacity assessments at junction locations confirmed within the pre-app will be undertaken and presented in an addendum at the earliest opportunity”.

The Highway Authority have commented that such assessments have not been undertaken and highlight that the TA conclusions are incomplete. Consequently, insufficient information has been submitted to demonstrate that the impacts of development would not have a severe impact on the wider operation of the network.

In terms of highway safety, a review of CrashMap for the past five years identified a serious incident on Bullens Green Lane. This incident resulted in serious injuries to a pedestrian whom was walking on the highway and was struck by a vehicle from behind. At this location there is no dedicated separated pedestrian walkway and vehicles park on the

roadside constraining the space available for road users. The Highway Authority comment that there is a lack of supporting information to ensure that the safety of pedestrians is not hindered through the potential intensification of pedestrian movements associated with the development.

The Highway Authority also comment that the application provides no evidence that the proposed speed limit change along Bullens Green Lane from 60mph to 30mph is in accordance with the County Council's approach to speed management within its' Speed Management Strategy (SMS). No speed survey data is available for Bullens Green Lane to evidence that the proposed change in speed limit is achievable, nor are any measures to introduce appropriate restrictions on speed proposed.

The failure to provide a scheme and evidence to enable the Hertfordshire Speed Management Group (involving members of the Police and the Highway Authority) therefore prevents any confirmation of acceptance of the proposed speed limit changes. Retention of existing limits (60mph) means that the proposed access is not provided with safe and suitable visibility.

The applicant has not provided a swept path analysis as part of this application to demonstrate that refuse, service and fire tender vehicles can enter and exit the site in a forward gear. Without such assurances, it cannot be reasonably concluded that the development would not infringe upon the operation and safety of the highway.

The access off Bullens Green Lane (provided at 5.5m carriageway width) is acceptable, but given the width of Bullens Green Lane a swept path analysis is also required to confirm the adequacy of the kerb radii.

The Highway Authority also highlight that given Bullens Green Lane is proposed as the only vehicular access, this would lead to a significant intensification of movements at this point and therefore the adequacy of Bullens Green Lane would need to be assessed alongside the application with any localised widening delivered through off-site highway improvements.

In terms of accessibility, the TA uses Census data from 2011 to identify existing bus patronage on the presented services. The Highway Authority comment that no conclusion is derived as to current bus patronage or an assessment of the current level of service provision against demand in Colney Heath as the census data is near on a decade old.

The Highway Authority have identified that kerb improvements to existing bus stops are required to assist in the development supporting pedestrian links but no specific details have been provided of the improvement works or indeed which bus stop locations would benefit.

The Highway Authority state that proposed pedestrian access to bus stop facilities have also not been provided. It does however appear from the proposed site plan that pedestrian access is proposed using the line of the existing on-site Right of Way leading to Roestock Lane and a new footpath link over Roestock Park Recreation Ground which connects to Admirals Close. Paragraph 6.4 of the Planning Statement however outlines that the new footpath link over the recreation ground is not agreed between the relevant parties. Precise details as to the agreed access arrangement from the site to bus stop facilities is also

	<p>required. Without this being satisfied, there is a risk that access to and from the development site may be made via Bullens Green Lane which the Highway Authority have deemed as unsafe for pedestrians given the lack of a footway.</p> <p>Further information as to the level of current patronage and proposed pedestrian access to bus stop facilities needs to be provided for the Highway Authority to be satisfied that the development proposals would not exacerbate existing safety issues and also overburden public transport facilities. This also applies to proposed train service access. No facilities to promote sustainable access to Welham Green Train Station have been provided and there is no information about current patronage levels.</p> <p>Both the Highway Authority and Highways England have recommended a Construction Management Plan in the interest of highway safety and this can be secured by condition with a grant of planning permission.</p> <p>A Travel Plan has been submitted with the application. The Highway Authority have reviewed this document and consider it not to be a full Travel Plan. Baseline targets/data have not been provided and additional sustainable measures are required amongst other procedural requirements.</p> <p>Taking account of the above, it is considered that insufficient information has been submitted to demonstrate that the proposal would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe. The application has failed to demonstrate that it would provide safe and suitable access to the site for all users and allow for the efficient delivery of goods, and access by service and emergency vehicles.</p> <p>Furthermore, insufficient information has also been submitted in terms of pedestrian access to bus and train services and patronage levels of such services. The proposal therefore fails to demonstrate that priority is given first to pedestrian movements and that access to public transport is appropriately facilitated.</p> <p>The submitted Travel Plan has been found to be unacceptable by the Highway Authority and, consequently, there would also be conflict with Policy SADM3 of the Emerging Local Plan.</p> <p>As such, the proposal would conflict with Policies M1, M5 and M9 of the District Plan, Policies SP4, SADM2 and SADM12 of the Emerging Local Plan and the NPPF.</p>
<p>Other considerations</p>	<p><u>Layout and impact on heritage assets</u></p> <p>Although access is the only matter which is not reserved, a land use parameters plan and illustrative layout have been submitted to demonstrate how the number of dwellings proposed, together with access, surface water attenuation, open space and landscaping can be accommodated.</p> <p>Although indicative in nature and not definitive, these drawings would represent approved plans in the event of a grant of outline consent. The local planning authority must take these drawings into account in determining the application.</p> <p>Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for</p>

proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's SDG which outlines that new development must be sensitive to local character. Policy SP9 of the Emerging Local Plan deals with place making and high quality design and policy SADM15 deals with proposals which affect designated heritage assets and the historic environment

The NPPF advocates high quality design and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The site lies within the Mimmshall Valley Landscape Character Area (MVLCA) and Watling Chase Community Forest (WCCF).

Policy RA10 of the District Plan states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment

A key characteristic of MVLCA is mixed farming and the site is in arable agricultural use. The agricultural land classification defines the land as Grade 3a. While residential development adjoins and is adjacent to the site, it has a clear rural character and is read as part of open countryside which extends to the east and south of Colney Heath. Trees and hedgerows are present along the site's boundaries and of adjacent fields but clear views into the site are available on approach from Bullens Green Lane (to the south) and when passing along the adjacent roads.

Policy RA11 of the District Plan states that within the boundaries of WCCF, the Council will seek to achieve the objectives of the Forest Plan in terms of planting, leisure and landscape improvement, where this accords with Green Belt policies. One of the main aims of the WCCF is to enhance the natural beauty of the countryside.

Policy SADM16 of the Emerging Local Plan states that proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting.

The Council's Tree Officer has had regard to the submitted Landscape and Visual Impact Assessment and considers that this report underestimates the impact of the development in visual terms. The report argues that the visual impact is limited to the immediate area and that the development would have little impact on visual openness beyond the site itself. The Council's Tree Officer disagrees and contends that the impact of the proposal would affect more than the immediate area and would significantly affect the open character of the area within a wider context. A fundamental change to the character of the landscape would inevitably result.

It is considered that the proposed development would completely change the character of the site and have a significant urbanising effect on a rural landscape. Although views would not be widespread, there would be a marked difference in local landscape character and this

pleasant piece of countryside which contributes to the character of the area would be lost. The indicative landscaping around the perimeter of the site would do little to reduce the visual impact of a development of such scale in this location. The development would therefore fail, at the very least, to conserve the local landscape character. Consequently, it is considered that the proposed development of up to 100 dwellings would severely detract from the character and appearance of this site and its area. Accordingly, there would be conflict with Policies D1, D2, RA10 and RA11 of the District Plan, the SDG, Policies SP9 and SADM16 of the Emerging Local Plan and the NPPF.

Notwithstanding the above considerations, it is considered that the indicative layout would not contrast unacceptably with the pattern residential development in the immediate locality. The spacing distances between existing properties would also appear to be acceptable. The relationship between the proposed dwellings and subsequent effects on living conditions of future occupiers would be considered at reserved matters stage as the level of details in the submitted plans is understandably limited.

Now turning to the impact of the development on heritage assets. The district boundary runs through the middle of the site with the western side of the site located within St Albans District. At the north western corner (within St Albans District) is the Grade II listed 68 Roestock Lane, a late seventeenth century timber framed house.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Also, paragraph 200 of the NPPF outlines that local planning authorities should look for opportunities for new development including those within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant as it requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting.

In accordance with Historic England guidance on the setting of heritage assets, the applicant's Archaeology and Heritage Assessment has identified that 68 Roestock Lane and its setting will be affected by the proposed development. No other designated heritage assets will be affected.

The Council's Built Heritage Consultant has been consulted for this application and provides the following comments:

The site forms part of the setting of the listed building and contributes to the understanding and experience of the asset's significance. The land comprising the site has remained open and undeveloped since the building's construction and contributes to an appreciation of the historic agrarian landscape. The historic details demonstrate that the land comprising the site and 68 Roestock Lane had a shared ownership in

the early-mid nineteenth century at least. The functional relationship between the land and the building is unknown, but it is likely that its occupants (being tenants of the landowner and in an area dominated by farming) were involved in agriculture and could have worked on the land forming the site.

There are views of the rear of the listed building from the two public footpaths crossing the north west part of the site. Trees and vegetation filter these views, but parts of the rear elevation, the roof and the prominent chimney are perceptible. The building is experienced in these views from open, undeveloped, agrarian land which contributes to an appreciation of the historic landscape once surrounding the building. The site remains the only open agrarian land directly abutting the listed building's boundary and makes a positive contribution to its setting and the appreciation of its significance. The proposed development will permanently remove this aspect of the building's setting and although the north western part of the site will remain undeveloped its character will change as it is proposed to contain SUDs, marsh areas and wildflower grassland rather than being agricultural in character. The footpaths will remain but the experience of the views from the footpaths will change, particularly the footpath running east-west which will be surfaced and positioned alongside the new development. The listed building will no longer be experienced from a field in agricultural use, something which has remained unchanged since its construction.

The proposal is considered to cause 'less than substantial' harm to the significance of the listed building. The Archaeology and Heritage Assessment arrives at the same conclusion and considers the harm to lie at the lowest end of the scale. Due to the adverse change to the setting of the listed building through the development of the site and the loss of the undeveloped agrarian land it is considered that the 'less than substantial harm' could be up to a moderate level.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is discussed in the 'planning balance' section of the report.

Biodiversity

The application has been supported by an Ecological Appraisal (EA), by FPCR, August 2020, and both Hertfordshire Ecology and the Herts & Middlesex Wildlife Trust have been consulted.

Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site and this is consistent with Policy SADM16 of the Emerging Local Plan

Paragraph 170 of the NPPF outlines, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes and sites for biodiversity; and
- Minimising impacts on and providing net gains for biodiversity

Paragraph 175 of the NPPF states that if significant harm to biodiversity

resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The EA observed that the proposed development site mainly supported a restricted range of features of relatively modest ecological importance although the hedgerows are worthy of note.

Although certain features benefit from protection in law and policy, the EA concluded that the proposed development would not have a significant impact on the site overall and there would be no measurable effects on any protected areas in the area are anticipated. However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and enhancement measures described in Section 5 of the EA.

Despite these claims, Hertfordshire Ecology have raised several issues with the overall outcome.

Firstly, the status of the EA is not made clear. Ecological reporting is guided by clear, established best practice published by the Chartered Institute of Ecology and Environmental Management (CIEEM). This strongly encourages the sequential use of a 'Preliminary Ecological Appraisal' (PEA) to scope ecological issues and survey requirements, followed by an Ecological Impact Assessment (EclA) to which provides the thorough scrutiny.

The submitted EA appears to take the form of a hybrid report, pitched somewhere between the PEA and EclA. Therefore, neither its status nor role are clear. The lack of any reference to CIEEM in the EA is alarming. Without clarity regarding its purpose, there can be little confidence that the necessary scrutiny has been applied. For instance, there does not appear to be any consideration of any limitations that could have constrained the report.

Secondly, the impact of increased public pressure on Colney Heath Local Nature Reserve, just 440m distant (or 500m – the report provides both figures) is too easily dismissed. If already 'well-used' reliance on the existing footpaths alone is not adequate to justify no further scrutiny or perhaps specific mitigation to reduce this potential threat.

Thirdly, the assessment of the impact of the access point on the very high value (Grade 1) hedgerow is superficial. Despite the arguments put forward in the EA, the loss of hedgerows is not inevitable from this type of development and it does not represent an opportunity. Rather, the mitigation hierarchy should have been employed and its outcomes made clear as to why this point was proposed and not, for instance, the area of tall ruderal vegetation

The EA then appears to present contradictory information. In separate places it suggests that sections of Hedges H4 and H5 (Para 5.10) will be lost to create the access point, yet in paragraph 5.33 it suggests that a section of the eastern part of H6 will be lost. H6 is identified as high to very high value (Grade 1) and important under the Hedgerow Regulations 1997. In contrast the proposed access plan seems to suggest only H5 is to be affected, taking advantage of a convenient, existing gap in the hedgerow. The impact of the access point on the hedgerows requires clarification.

The assessment of the value of the boundary features for bats is not sufficient. No activity survey was carried out along the hedgerows/woodland and no consideration at all was given to the fact that bats will cross open fields.

The EA concludes that the modest landscaping proposed will satisfy the needs of biodiversity planning policy and legislation to deliver a biodiversity net gain. Hertfordshire Ecology and the Herts & Middlesex Wildlife Trust disagree. There is no reference to the emerging need for the use of a biodiversity metric and little other evidence is presented to support how a measurable gain will be shown.

Taking account of the above, it is considered that insufficient information has been submitted to enable the local planning authority to properly assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved.

Minerals and Waste Management

Policy R5 of the District Plan states that the Council will require applications for a scheme of this scale to include details of the measures to be taken in the design, construction, operation, occupation and demolition of existing buildings on site to:

- i. Minimise the amount of waste generated;
- ii. Re-use or re-cycle suitable waste materials generated;
- iii. Minimise the pollution potential of unavoidable waste;
- iv. Treat and dispose of the remaining waste in an environmentally acceptable manner; and
- v. To maximise utilisation of appropriate secondary construction materials, including recycled aggregates.

The NPPF requires planning decisions to facilitate the sustainable use of minerals and for waste to be minimised in the interest of environmental sustainability. This is consistent with Policy SP10 of the Emerging Local Plan.

The site also lies within the St Albans Sand and Gravel Belt and is identified as a Mineral Consultation Area.

Much of Hertfordshire is underlain by sand and gravel deposits which could, potentially, help to meet the future needs of the local community for construction materials. Allowing new building and other development to take place on top of these deposits could 'sterilise' them, either by making them inaccessible for extraction, or by introducing new activities (such as new houses) into the area which would not be compatible with mineral extraction nearby.

Hertfordshire County Council's Supplementary Planning Document: Mineral Consultation Areas in Hertfordshire, has been produced to identify the areas of the county where particular care is needed to prevent the unnecessary sterilisation of sand and gravel resources, and to explain the way in which the County and District/Borough Councils will work together to protect the resources in those areas.

In these areas, before planning applications are decided, the County Council will be given the chance to consider whether the development

proposed would lead to unacceptable sterilisation of mineral resources.

Hertfordshire County Council's Mineral and Waste Team have been consulted for this application and comment that whilst the potential mineral resources under this site are not considered significant, the opportunistic use of any deposits is strongly advised, should they be found in the construction of the developments (deposits may be uncovered in the creation of foundations/footings).

In this case a Site Waste Management Plan is recommended by condition to ensure waste from construction works is reduced and managed in a sustainable manner. This can be secured through planning condition.

Archaeology

Policy R29 of the District Plan states 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 examination, and to submit a report on the findings to the local planning authority, before an application is determined. This approach is broadly consistent with Policy SADM15 of the Emerging Local Plan the NPPF.

An Archaeology and Heritage Assessment report by The Environmental Dimension Partnership Ltd has been submitted with this planning application.

Hertfordshire County Council's Historic Environment Advisor has been consulted and comments that the appendice includes a geophysical survey of the site which notes that several anomalies have been recorded which may represent archaeological features (section 4). The parts of the site which did not record any anomalies have not been investigated to verify if this represents an area devoid of archaeological remains. In Hertfordshire sites above 1ha in size are normally found to contain archaeological remains.

With the above in mind, the Historic Environment Advisor considers that this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest.

The application is accompanied by insufficient information to determine whether remains of such importance are likely to be present within the site. An archaeological trial trenching evaluation is required prior to determination to enable an informed decision to be made in this respect.

Flooding

The application has been supported by a Flood Risk Assessment and Drainage Strategy prepared by Woods Hardwick, ref: 18770/FRA and DS, dated August 2020.

The Lead Local Flood Authority have assessed this information and present no objection subject to conditions. These conditions will collectively ensure the satisfactory storage of/disposal of surface water from the site and reduce the risk of flooding to the proposed development and future users.

Water supply and disposal

Policy R8 of the District Plan states that planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater.

Policy SP10 of the Emerging Local Plan requires water sensitive design principles and practices are integrated into development proposals to sustainably address water supply, consumption and quality, extreme rainfall, drainage and flood risk in a holistic way that supports other design aims and objectives.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution and remediating and mitigating contaminated land, where appropriate.

The Environment Agency, Thames Water and Affinity Water have all been consulted for this application.

Groundwater is particularly sensitive in this location because the proposed development site is within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Roestock Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The Environment Agency comment that some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. Therefore, if piling or any other foundation designs using penetrative methods are necessary they must first be agreed prior to commencement of the development. This can be secured by planning condition.

Affinity Water have raised concern that the proposal has the potential to adversely impact the public water supply. Conditions are subsequently recommended to protect the public water supply and is expanded on below.

Excavation works such as piling have the potential to displace shallow contamination and cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand. Therefore, if piling or the implementation of a geothermal open/closed loop system are required, an intrusive ground investigation, risk assessment and method statement including mitigation measures are required to be agreed. This can be secured through planning condition.

Construction works may exacerbate any known or previously unidentified contamination. A remediation strategy is recommended by Affinity Water to avoid any impact on water quality in the chalk aquifer if any pollution is found at the site. This can be secured by planning condition.

Affinity Water also recommend that the onsite drainage system should incorporate an oil/water interceptor to prevent petrol/oil being discharged into the surface and groundwater network. This can be secured by planning condition.

To prevent contaminants being discharged into the surface and groundwater network in the event of a spill, Affinity Water require that any tanks, generators and filling areas will need to have secondary containment which can hold 110% of the volume the tank or generator is designed to contain. This can be secured by planning condition.

The proposed parameters/schematic plan and proposed site plan denotes a location of a new pump station. Affinity Water advise that any substance storage confirms the presence of a leak detection system and methodology that includes direct notification of Affinity Water and the Environment Agency if any leak is suspected. This will enable Affinity Water and the Environment Agency to immediately assess the impact on public water supply and implement protection measures if necessary and can be secured by planning condition.

Both the Environment Agency and Affinity Water have advised against infiltration of surface water due to the risks of causing pollution to groundwater and controlled waters.

The Lead Local Flood Authority have commented that infiltration tests have been carried out on site and determined that infiltration is not suitable at this location. It is therefore understood that the applicant is proposing to discharge surface water runoff from the development site to the existing Thames Water public surface sewer located in Bullens Green Lane to the north east of the site. Thames Water have provided confirmation that they have capacity within their surface water network for the proposed discharge rate of 9.3l/s as long as the phasing follows agreed timescales. For the avoidance of doubt, a planning condition can stipulate that such a method is not employed at the site.

Thames Water present no objection in terms of the impact of the development upon waste water and foul water sewerage network infrastructure capacity. Prior approval will be required from Thames Water if surface water is discharged into the public sewer

Public Health & Protection

The Council's Public Health & Protection Team have been consulted for this application. Considerations relevant to environmental health in this case include: noise from transport sources; noise from commercial operations; and contaminated land.

Sound insulation for dwellings will likely be required to ensure noise from transport sources on adjacent roads and commercial noise would not give rise to unacceptable noise levels. Such details can be secured at reserved matters stage.

The site is located within a Source Protection Zone and may be contaminated. A contaminated land condition is recommended and can be secured by planning condition.

Landscaping

Landscaping, consisting of mainly category A and category B trees and well-established hedgerow, are positioned on or adjacent to the boundaries of the site.

To facilitate the proposed main access point, sections of a maintained hedgerow will need to be removed. The hedgerow is regarded in the submitted Arboricultural Assessment as category B (moderate arboricultural quality and value). A small number of category U trees

are also proposed for removal on arboricultural grounds. All other landscaping would be retained and integrated into the proposal.

The Council's Tree Officer comments that it is likely that the development will not significantly affect the trees, hedges and shrubs already on the site. As such, there is no objection in this respect.

Planting on the site could mitigate the identified loss to facilitate the development.

Tree protection measures and an appropriate landscaping scheme can be secured at reserved matters stage.

Loss of agricultural land

Paragraph 170 of the NPPF outlines that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Annex 2 of the NPPF defines the 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Policy RA15 of the District Plan states that planning permission will not be granted for any form of development not associated with agriculture or forestry on the best and most versatile land (defined as Grades 1, 2 and 3a) unless there is special justification for development that overrides the need to protect such land. Where there is special justification for development, it should be directed towards the lowest grade of land suitable for development.

Policy SP11 of the Emerging Local Plan states that the best and most versatile land that has the greatest potential for local food security will be protected.

The District Plan is not fully consistent with the NPPF in this respect. The NPPF requires economic and other benefits of the best and most versatile agricultural land to be considered whilst the District Plan refers to special justification to warrant development of the land and to direct it to land of a lower grade.

The application has been supported by an Agricultural Land Classification report, by Kernon Countryside Consultants Ltd, August 2020 (ALCr) which identifies the land quality to be sub-grade 3a "good quality agricultural land".

The ALCr states that the site comprises a single, fairly small (in agricultural terms) arable field. The field is not owned in conjunction with any other land and is farmed on a non-secure contract arrangement by a local farmer. Accordingly there are no significant adverse effects on the farm viability of any local farming businesses.

The ALCr outlines that if the land continues to be used for arable cropping, the economic benefits are low and this benefit would not be significantly greater than grade 3b land which falls outside the designation.

The economic impact resulting from the loss of the agricultural land would therefore not be significant.

In terms of the intrinsic character and beauty of the countryside, and the

wider benefits from natural capital, it is considered that the role and character of the application site makes a material contribution to intrinsic character and beauty of the wider countryside and the development proposal by its very nature would fail to contribute and enhance the local environment and therefore does not fully accord with the aims of Paragraph 170 of the NPPF.

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.

Policy IM2 of the District Plan In order to satisfy the sustainability aims of the Plan and secure the proper planning of the area, development will be required to provide for the infrastructure, services and facilities which are directly related to it and necessary to the granting of planning permission. This includes on-site facilities, off-site improvements, services and facilities and affordable housing.

The Planning Obligations Supplementary Planning Document expands on this policy and relates to new development in the borough. It provides detailed guidance on the type and scale of planning obligations sought, in addition to setting out Welwyn Hatfield Borough Council's approach to securing planning obligations, with the aim of establishing a transparent, fair and consistent process for negotiating and monitoring planning obligations.

Policy H2, criteria (iii) requires an assessment as to the capacity of existing and future infrastructure to absorb further development.

The above approach is broadly consistent with Policies SADM1 and SP13 of the Emerging Local Plan.

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. The proportion type and mix will be based on the latest housing needs survey.

Policy SP7 of the Emerging Local Plan requires a target of 35% affordable housing in excluded villages. The progress of the emerging

Policy SP7 is something the Council must have regard to pursuant to paragraph 48 of the NPPF. Given the advanced stage of the Emerging Plan and the high degree of consistency with paragraph 63 of the NPPF, emerging policy SP7 is given significant weight. Irrefutable need for affordable housing is also identified in the Local Plan evidence base. For this reason 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, 45% affordable housing is proposed. As the applicant has not indicated tenure, the Council's Affordable Housing Team recommend at least 17.5% as socially rented unit, with the remainder as another affordable tenure.

WHBC contributions

- Open space/Green space;
- Play spaces;
- Community facilities;
- Local indoor and outdoor sports facilities; and
- Waste and recycling

County Council contributions

Hertfordshire County Council's Growth and Infrastructure Team have commented that to minimise the impact of the proposed development on HCC services, financial contributions towards:

- Library Service (towards the enhancement of Hatfield Library);
- Youth Service (towards the increase of capacity at Hatfield Young People's Centre);
- primary education;
- secondary education; and
- fire hydrants

(In terms of education, Hertfordshire County Council's Growth and Infrastructure Team require at least an indicative mix to calculate financial contributions in this respect. This application does not include an indicative mix and the applicant's agent has not provided one despite requests from the case officer. As such, projects cannot be identified)

NHS contributions

- GP practices
- Community services (toward Queensway Health Centre in Hatfield town centre)
- Mental health (Hertfordshire Partnership Foundation)

Other obligations/contributions

- Management company in regards to ongoing management and maintenance of non-private open space
- Secure an amended Travel Plan and annual evaluation and monitoring fee

- Off-site sustainable transport improvements
- WHBC monitoring fee and Officer charges

If permission were to be granted for the proposed development the applicant would need to enter into a Section 106 agreement to secure these mitigation measures. The applicant has not provided any heads of terms/draft agreement to secure these contributions and therefore it is uncertain whether the impact of the development on local infrastructure and services can be appropriately mitigated. This is therefore a matter that weighs against the proposal contrary to Policies IM2 and H2 of the Welwyn Hatfield District Plan 2005, policies SADM 1 and SP 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the NPPF.

Housing Mix

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. Although the Emerging Local Plan is still under examination, the Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base.

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.

An indicative housing mix has not been provided with this application.

The only reference is in paragraph 3.8 of the submitted Planning Statement which states that the development would incorporate a mix of 1-5 bed properties of open market and social housing. This is considered vague.

In the absence of an indicative percentage housing mix, it cannot be reasonably concluded at this stage that the proposed development would provide an acceptable housing mix. This housing mix would be expected to be secured through a S106.

Accessible and Adaptable dwellings:

District Plan Policy H10 states that in all residential developments involving 5 or more dwellings the Council will seek a proportion of dwellings to be built to Lifetime Homes Standard. 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” (across tenure). This proportion may be varied where a proportion of the dwellings proposed meet the wheelchair standard M4(3) of the Building Regulations. 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 planning condition.

Late submission of LVIA and ALCr

The LVIA and ALCr were only submitted to the local planning authority on the 26 November and the Council’s Tree Officer was consulted on the LVIA. It is considered that applicant, nor any neighbours or other consultees has been prejudiced by the approach to consultation on these documents.

Environmental Impact Assessment (EIA)

Under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the Council has undertaken a formal Screening Opinion for this development proposal. It is considered that the proposal is not EIA development and the formal Screening Opinion has been sent to the applicant’s agent.

Other considerations

Section 7.4 of the submitted Planning Statement states that there are a number of compelling very special circumstances to justify approval of the development. These are set out as follows:

1. The very limited to no contribution the application site makes toward the purposes of including land within the Green Belt, together with the localized impacts on openness of the Green Belt. This should invariably be considered in the context of a new, more defensible settlement edge being proposed as a result of the scheme and the existence of extensive woodland already to the east, meaning the development would remain entirely constrained.
2. The very considerable need for housing in both SADC and WHBC where, at present, there is an approximate combined shortfall of 7,000 homes over the next five years;
3. The cataclysmic under-delivery of affordable housing within

SADC and WBHC that has left many households within these local authorities in the lurch without any realistic prospect of having their needs met now or under the emerging Local Plans;

4. The impacts of Covid-19 on housing delivery, together with the social, economic and environmental consequences of this. Of course, this should be considered in conjunction with imminent changes to the Standard Methodology as announced by national government and what the implications are for future housing targets and delivery rates; and
5. The sustainability credentials of the proposed development and the proposed location; particularly, the benefits in improving the social, economic and environmental conditions within SADC and WHBC. It is clear from the preceding sections that Colney Heath is a sustainable location when judged in the context of the proposed residential development. The existing services and facilities available within the settlement and within neighbouring settlements are accessible by sustainable, public transport, reducing the need to rely on the car.

In addition to the above, the Council identify that economic benefits would also arise from the construction of the development and future spending of residents on local facilities and services. This attracts limited weight in favour of the development.

In response to (1), the Council's Green Belt Review Purposes Assessment November 2013 identifies that the site provides a significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern. Material harm to the openness of the Green Belt has also be identified by the proposal.

In response to (2), the Council are unable to demonstrate a five-year supply of deliverable housing sites. The latest published position (February 2020) states that the Council can only demonstrate a supply of 2.34 years. The proposed development would contribute towards the identified shortfall in housing supply, which is a benefit to which moderate weight is attached.

In response to (3) the level of affordable housing which this proposal would provide is a benefit to which moderate weight is attached.

In responses to (4), it is acknowledged that Covid-19 has had an impact on the construction sector. However, in July 2020, the Affordable Housing Commission put forward proposals to address that issue and, should the Government implement the recommendations in its report (Making Housing Affordable after Covid-19), then the impact would be mitigated. It is also likely that the impact on the construction sector will be short term. Very limited weight is attached to this matter.

In response to (5), it has been considered that the site is an unsustainable location for residential development.

Neighbour representations

Much of the neighbour representations have been addressed in this report. Other concerns raised include: air pollution from increased vehicle movements; subsidence of land, crime and property values.

In terms of air pollution, it is noted that the site does not fall within an air quality management area. Having regard to this together with the

	<p>overall scale of the proposed development, it is unlikely that any release of pollutants or any hazardous, toxic or noxious substances to air would be significant.</p> <p>One neighbour has raised a concern regarding subsidence of land, however no specific details or reasoning to substantiate this claim has been provided. The site is situated outside of the Hatfield chalk mining area and buffer zone. As such, there are no known reasons why the development would result in subsidence of either the site or neighbouring properties. Safe construction would be dealt with under separate legislation.</p> <p>There is no reason why the principle of residential development at the site would give rise to crime. It is however recognised that well-designed development can reduce the opportunity for crime and therefore reduce the fear of crime. Policy D7 of the District Plan and the NPPF can requires the design of new development to contribute to safer communities and this would be considered at reserved matters stage.</p> <p>The impact of development proposals on property values is not a material planning consideration and therefore cannot be taken into account in the determination of planning applications.</p>
<p>Planning balance</p>	<p>The proposed development would represent inappropriate development in the Green Belt, result in a loss of Green Belt openness and conflict with one of the purposes of including land in the Green Belt.</p> <p>The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The site is also not suitable for windfall residential development as future residents would likely rely on the private car for day-to-day service needs and the submitted information fails to demonstrate that existing and potential infrastructure can absorb this scale of development. Also, the applicant has not provided any heads of terms/draft agreement to secure S106 contributions. Considerable weight is attached to this harm.</p> <p>The submitted information fails to demonstrate that the development would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe. Safe and suitable access for all users has not been demonstrated and the proposal has not given priority first to pedestrian movements. These factors weighs considerably against the proposal.</p> <p>The development would cause harm to the character and appearance of the area and result in less than substantial harm to a Grade II listed building which borders the site. It is considered that the public benefits of the proposal would not outweigh the heritage harm. Insufficient information has also been submitted to determine whether remains of archaeological importance are likely to be present at the site. Considerable weight is attached to this harm. There would also be a limited adverse effect through the loss of the existing site which has a</p>

	<p>high agricultural grade.</p> <p>Insufficient information has also be provided in terms of biodiversity impact and net gains for biodiversity would not be achieved. This weighs considerably against the proposal.</p> <p>It is considered that the other considerations identified would not clearly outweigh the substantial weight that must be given to the harm to the Green Belt by reason of inappropriateness and the other harm identified.</p> <p>The Council's position in respect of housing land supply is acknowledged. Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:</p> <p>(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason of refusing the development proposed; or</p> <p>(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p> <p>However, in accordance with footnote 6 to para. 11(d)(i), land that is designated as Green Belt and designated heritage assets are specified as policies that protects areas or assets of particular importance.</p> <p>Therefore as Green Belt policy and Historic Environment policy in this case provides clear reasons for refusing the development proposed, and the presumption in favour of development (also known as the tilted balance) does not apply in this case.</p> <p>Even if no harm to the Green Belt or the heritage asset were identified, it is considered that the other harm identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.</p>
Conclusion	<p>The proposed development would result in conflict with the development plan and the NPPF. There are no material considerations of sufficient weight or importance that clearly outweigh the significant harm identified to the Green Belt and the other harms identified so as to amount to the very special circumstances necessary to justify the proposal. Additionally, there are no apparent public benefits to outweigh the heritage harm.</p> <p>For the reasons given above it is recommended that planning permission is refused.</p>

Reasons for Refusal:

1. The location of the development is unsuitable for the proposed development as it would fail to provide satisfactory access to services and facilities by means other than the private motor car and fail to demonstrate that the capacity of existing and potential infrastructure would absorb a development of this scale. Consequently, the proposal would conflict with Policies SD1, GBSP2, H2 and R1 of the Welwyn Hatfield District Plan 2005; Policy SADM1 of the Welwyn Hatfield Borough Council

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

2. The proposal would represent inappropriate development in the Green Belt. It would also result in a material loss of Green Belt openness and conflict with two purposes of including land in the Green Belt as it would fail to assist the countryside from encroachment and fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Very special circumstances do not exist to clearly outweigh this harm. Consequently, the proposal would conflict with Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
3. The application has failed to demonstrate that the proposal would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. In addition, the application has failed to demonstrate that it would allow for the efficient delivery of goods, and access by service and emergency vehicles. The proposal also fails to demonstrate that priority is given first to pedestrian movements and that access to public transport is appropriately facilitated. Consequently, the proposed development would conflict with Policies M1, M5 and M9 of the Welwyn Hatfield District Plan 2005; Policies SP4, SADM2 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
4. The proposed development would severely detract from the character of the site and its area. It would urbanise the site and the character of the area, be a visually intrusive development within open countryside and fail to converse local landscape character. Consequently, the proposal would conflict with Policies D1, D2, RA10 and RA11 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
5. The development would cause 'less than substantial' harm to the significance of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm. The proposal would represent a poor standard of design in conflict with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore conflict with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms impact of the proposal on the historic environment cannot be made and, consequently, the proposal would fail to accord with Policy R29 of the Welwyn Hatfield District Plan, Policy SADM15 of the Welwyn Hatfield Borough Council Draft

Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

8. 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 IM2, H2 and H7 of the Welwyn Hatfield District Plan 2005; Policies SADM1, SP7 and SP13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

9.

Plan Number	Revision Number	Details	Received Date
17981-1002		Location Plan	2 September 2020
17981-1003		District Boundary Line Plan	2 September 2020
18770-FELL-5-500	A	Site Access	1 December 2020
17981/1004		Proposed Parameters Schematic Plan	2 September 2020
17981/1005		Illustrative Site Plan	2 September 2020
17981-7-855		Topographic Survey Overall Plan	2 September 2020
17981-7-851		Topographic Survey 1	16 September 2020
17981-7-852		Topographic Survey 2	16 September 2020
17981-7-853		Topographic Survey 3	16 September 2020
17981-7-854		Topographic Survey 4	16 September 2020

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).

Determined By:

Mrs Sarah Smith
2 December 2020