

Liam Sutton
13 Arm & Sword Lane
Old Hatfield
AL9 5EH

Application No: 6/2022/1097/OUTLINE

Date of Refusal: 5 August 2022

WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit: -

Development: Outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2)

At Location: Land to the North of Bradmore Way Bradmore Way The Brookmans Estate Brookmans Park

Applicant: Aurora Properties (UK) Limited

Application Date: 11 May 2022

Refused Plans and Details: -

1. The proposal would represent inappropriate development in the Green Belt, result in a considerable loss of Green Belt openness and represent a significant encroachment into the countryside. No very special circumstances exist to clearly outweigh this harm. Consequently, the proposal conflicts with Policy GBSP1 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework.
2. The proposed development would severely detract from the character of the site and area, in conflict with Policies D1, D2 and RA10 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.
3. The application has failed to demonstrate that there would not be an unacceptable impact on highway safety and that the impact on the road network would not be severe. Furthermore, the application has failed to demonstrate that priority first would be given to pedestrian movements in the area and that the needs of people with disabilities and reduced mobility would be addressed. Consequently, the proposal conflicts with Policy M5 of the Welwyn Hatfield District Plan 2005, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.

4. The application has failed to demonstrate that it would contribute positively to the biodiversity of the site. Without such assurances, the proposal conflicts with Policy R11 of the Welwyn Hatfield District Plan, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.
5. The application fails to demonstrate that the proposed development will not increase flood risk to the site and elsewhere. Furthermore, the sustainable drainage system is unacceptable. Consequently, the proposal conflicts with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.
6. 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 and provisions by any method other than a legal agreement. The proposal is therefore contrary to Policies IM2, M3, M4 and H2 of the Welwyn Hatfield District Plan 2005; Policies SP13 and SADM1 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

7.

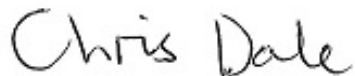
Plan Number	Revision Number	Details	Received Date
490/20/OUT /PL1000		Site Location Plan	11 May 2022
490/20/OUT /PL1001		Existing Site Plan	11 May 2022
490/20/OUT /PL1002		Constraints And Parameters Plan	11 May 2022
490/20/OUT /PL1003		Illustrative Block Plan	11 May 2022
490/20/OUT /PL1004		Illustrative Site Plan	11 May 2022
490/20/OUT /PL1005		Illustrative Access Strategy Plan	11 May 2022
490/20/OUT /PL1006		Illustrative Dwelling Types Plan	11 May 2022
490/20/OUT /PL1007		Illustrative Massing Study	11 May 2022
490/20/OUT		Illustrative Green Spaces	11 May 2022

/PL1008		Plan	
490/20/OUT /PL1010		Illustrative Site Sections	11 May 2022
490/20/OUT /PL1011		Illustrative Visuals	11 May 2022
490/20/OUT /PL1012		Illustrative Visuals	11 May 2022
490/20/OUT /PL1100		Land Ownership Plan	11 May 2022
490/20/OUT /PL1101		Land Ownership Plan 1 Of 2	11 May 2022
490/20/OUT /PL1102		Land Ownership Plan 2 Of 2	11 May 2022
UTC-0661- P05-TPP		Tree Protection Plan	11 May 2022
UTC-0661- P02-TCP		Tree Constraints Plan	11 May 2022
1573A2 001	B	Landscape Masterplan	11 May 2022
2012-1353- DWG-213		2.4m X 25m Visibility Splays	11 May 2022
2012-1353- DWG-212	A	25m Forward Visibility	11 May 2022
2012-1353- DWG-214	A	Proposed Site Access	11 May 2022
2012-1353- AT-107(1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(2)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(2.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(3)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(4)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(4.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(5)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353- AT-107(5.1)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353-	A	Swept Path Analysis Using a	12 May 2022

AT-107(6)		Large Refuse Vehicle	
2012-1353-AT-107(7)	A	Swept Path Analysis Using a Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(2)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(2.1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(3)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(4)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(4.1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(5)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(5.1)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(6)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-108(7)	A	Swept Path Analysis Using a 11m Large Refuse Vehicle	12 May 2022
2012-1353-AT-109(1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(2)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(2.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(3)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(4)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(4.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(5)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(5.1)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022
2012-1353-AT-109(6)	A	Swept Path Analysis Using a 7.5t Box Van	12 May 2022

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).



Christopher Dale
Assistant Director (Planning)

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of The Town and Country Planning Act.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. •
- If this is a decision to refuse permission for
 - a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
- For all other appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. •
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.