

Rule6(6) STATEMENT OF CASE

Prepared by

NORTH MYMMS PARSIH COUNCIL

Re:- Appeal Reference APP/C1950/W/22/3307844

LPA Reference 6/2022/1097/outline

Land North of Bradmore Way, Brookmans Park, Herts.

1. North Mymms Parish Council (NMPC) submits this Statement of Case as Statutory Consultees who submitted a MAJOR OBJECTION to the proposal.
2. This statement has been compiled in respect of the appeal by Aurora Properties Limited ("the appellant") against the refusal by Welwyn Hatfield Borough Council ("WHBC") to grant permission for an outline planning application ( LPA Reference 6/2022/1097/OUTLINE) for up to 125 new dwellings, including 45 affordable homes, 10 self-build homes, a C2 care home for up to 60 bedrooms with associated facilities, together with a scout hut and all ancillary works on Land to the North of Bradmore Way, Brookmans Park, Hertfordshire.
3. A copy of North Mymms Parish Council's Major Objection is appended to this statement.
4. The application was refused by the LPA Welwyn Hatfield Borough Council (WHBC) on 5th August 2022. The reasons for refusal were as follows: The application was refused on 5th August 2022. The reasons for refusal were as follows:
  - 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 on the countryside. No very special circumstances exist to clearly outweigh this harm. Consequently, the proposal conflicts with Policies D1, D2 and RA10 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 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed submission 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, M£, 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

5. At the Inquiry, NMPC hopes to explain and question evidence to elaborate the points of objection made in its Major Objection submitted to Welwyn Hatfield Borough Council (WHBC), and to support WHBC in its reasons for refusal. The focus of the case, as described below, will be on Reasons for Refusal 1, 2, 3, and 6. At the same time, NMPC reserves the right to contribute to the inquiry on any of the other matters which may be raised, as appropriate, and guided by the Inspector.

**GREEN BELT LOCATION** (4)1 above)

NMPC agrees with the reason for refusal that the proposal is inappropriate development in the Green Belt and is contrary to Paragraph 138 of the NPP Framework sets out that the Green Belt serves 5 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;

NMPC will endeavour to demonstrate that this proposal conflicts with the above and that no Very Special Circumstances exist to outweigh the harm to the Green Belt.

**CHARACTER and SITE** (4)2 above)

NMPC agrees with the reason for refusal that the proposal would severely detract from the character of the site and area and is in conflict with section 130 of the NPPF "Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) Are sympathetic to the local character and history including the surrounding built environment and landscape setting.

NMPC will endeavour to demonstrate the coalescence risk, green gap threat and that the design is out of keeping with the village.

NMPC has concerns regarding the lack of local community consultation, the location and need for a 60 bed Care Home in Brookmans Park given the amount of local provision in a five-mile radius and similarly the need for a new Scout Hut.

### **TRANSPORT** (4)3 above)

NMPC agrees with Hertfordshire County Council Highways. Objection to the proposal on the grounds of highway safety. NMPC will endeavour to evidence the congestion around the school and village centre which would be exacerbated by the proposed development.

NMPC was invited to the school in June 2022 to meet the Head and pupils to discuss their traffic survey and road safety concerns. NMPC as recipients of Community concerns addressed to it endeavours to reflect local knowledge and experience in its responses to Statutory Bodies and the Local Authority.

### **SUSTAINABILITY** (4)6 above)

NMPC agrees with WHBC that the applicant has failed 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.

NMPC wishes to question the assertions in the applicant's Travel Plan and Railway Expert Report.

### **EMERGING LOCAL PLAN**

The WHBC emerging local plan does not include this site in its proposals nor has the examiner included the site in the agreed numbers.

The plan is going out to consultation on the final modifications very early in 2023 with a view to adoption in the late summer of 2023. The development of this site will be contrary to that plan therefore.

## **6. CONDITIONS**

NMPC has noted the suggested list of conditions in the Statement of Common Ground and in particular Section 106 contributions but has no comments at this stage. Without prejudice, NMPC reserves the right to be involved with the discussion of conditions during the Public Inquiry.

## **7. LIST OF DOCUMENTS**

The following documents will be referred to in evidence at the Public Enquiry:

- a) NPPF and other documents which are listed in the Borough Council Rule 6(6) Statement of Case (to follow)
- b) NMPC Major Objection to Application 6/2022/1097/OUTLINE (attached)
- c) NMPC Responses to Local Plan Consultations (to follow)
- d) NMPC Parish Plan (attached)
- e) Map of North Mymms Parish (attached)

December 2022