

**Planning conditions (draft) - APP/C1950/W/22/3307844: Land North of Bradmore Way (BrP12a), The Brookmans Park Estate, Brookmans Park**

*These notes are offered without prejudice to the formal round table condition session at the Inquiry and my further consideration of them should I be minded to allow the appeal. Furthermore, the consideration of conditions at the Inquiry does not mean I have made up my mind it is simply an opportunity to discuss these matters with all parties present.*

*D J Board*

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
  
REASON: Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.
  2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
REASON: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 490/20/OUT/PL1000 (Site Location Plan), drawing no. 2012-1353-DWG-214 Rev A (Proposed Site Access) & highway works drawing(s) tbc.  
  
REASON: To ensure that the development is carried out in accordance with the approved plans and details.
  4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
  
REASON: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.
- PRE-COMMENCEMENT
5. Development must not commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development must be carried out in

**Commented [BD1]:** Which? Be precise  
Should the requirement be – 'The approved Construction Method Statement shall be adhered to throughout the construction period for the development'?  
Does the condition need to list all the details as any submission that does not have all the appropriate information can be refused?

accordance with the approved Construction Management Plan (or Construction Method Statement). The Construction Management Plan / Statement must include details of:

- i. Construction vehicle numbers, type, routing;
- ii. Access arrangements to the site;
- iii. Traffic management requirements;
- iv. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- v. Siting and details of wheel washing facilities;
- vi. Cleaning of site entrances, site tracks and the adjacent public highway;
- vii. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- x. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

REASON: To protect highway safety and the amenity of other users of the public highway, in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

6. Development must not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:

- i. An intrusive ground investigation, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- ii. Site investigation results and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iii. A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement;
- iv. A method statement detailing how surface water drainage at the site will prevent contamination of any public water supply abstractions present; and
- v. A verification plan providing details of the data that will be collected to demonstrate that the works set out in (ii) are complete and identifying any requirements for

**Commented [BD2]:** I find this condition confusing. It is not clear what it is trying to get submitted. Are you seeking the submission of an assessment of the risks posed by contamination? Followed by remediation and reporting?

No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The development must be carried out in accordance with the approved details.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must cease immediately, and it must be reported in writing immediately to the Local Planning Authority. A further site investigation, risk assessment and method statement, must then be undertaken in accordance with the requirements of condition 6 and, where remediation is necessary, a remediation scheme must be undertaken in accordance with the requirements of condition 6. Such requirements must be submitted to and approved in writing by the local planning authority before works re-commence, and the scheme must be implemented as approved.

Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 6.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

8. A. Development must not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
  - ii. The programme and methodology of site investigation and recording as required by the evaluation;
  - iii. The programme for post investigation assessment;
  - iv. Provision to be made for analysis of the site investigation and recording;
  - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - vi. Provision to be made for archive deposition of the analysis and records of the site investigation;

**Commented [BD3]:** Would this be better worded as:

No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority.

The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within (\*\*) days of the report being completed and approved in writing within (\*\*) days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further (\*\*) days and approved in writing within (\*\*) days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

**Commented [BD4]:** By when, prior to occupation?

**Commented [BD5]:** Whole site or specific areas?

vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The development must not take place other than in accordance with the approved programme of archaeological works set out in the Written Scheme of Investigation.

C. The development must not be first occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis and publication where appropriate.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site. To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

#### NO ABOVE GROUND DEVELOPMENT

9. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing have been supplied to the local planning authority in accordance with the following requirements:

- i. A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings;
- ii. All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- iii. The person carrying out the building work must inform the Building Control body which requirements apply; and
- iv. Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the local planning authority within 30 days of the practical completion

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

10. No development above ground level shall take place until a scheme for the provision of fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure water infrastructure provision is made for the local fire service to discharge its statutory firefighting duties.

**Commented [BD6]:** Should this not be a requirement to submit with the reserved matters as it should be integral to layout?

**Commented [BD7]:** Policy reason? Again should this not be part of submissions for layout?

**PRIOR TO OCCUPATION**

11. Prior to submission of the first reserved matters application involving buildings, roads or other hard surfaces, for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates (19.30l/s for the 1 in 1 critical storm duration and 22.2 l/s for the 1 in 100 plus cc critical storm duration) as contained within the Flood Risk Assessment (Revision REV 3.0: dated January 2023).

**Commented [BD8]:** Is this clear? I am not sure when the submission should be made reading it.

The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development. The submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. This shall include the following information:
- ii. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration; and
- iii. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes.

**Commented [BD9]:** Is this information not contained in the FRA?

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

12. As part of the submission of the reserved matters application for the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a detailed construction method statement (which ensures protection of the surface water drainage system through the whole of the construction as well as ensuring no debris/silt or sediment enters the surface water drainage system), must be submitted to and approved in writing by the Local Planning Authority.

**Commented [BD10]:** I am afraid I am not clear what this is seeking to secure and should the requirements for all these surface water conditions align? E.g. prior to REM or concurrently with if they are critical to informing layout and/or landscaping?

The scheme must be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

**Commented [BD11]:** No - tailpiece

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

**Commented [BD12]:**  
I would like to discuss the aim and purpose of this condition. Would something simpler do the same job? Could it also pick up what condition 14 is trying to do?

13. Prior to first occupation of the development, details of the maintenance and management of the sustainable drainage scheme must be submitted to and approved in writing by the Local Planning Authority.

Before the development is first occupied or brought into use a drainage management plan, including long term management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority. The drainage management plan shall be carried out as approved.

The drainage scheme must be implemented prior to first occupation of the development and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval must include:

- i. a timetable for its implementation;
- ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect; and
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

14. Prior to first occupation of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, Flood Risk Assessment, and flood bypass channel), must be submitted to and approved in writing by the Local Planning Authority.

The verification report must include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

15. As part of the submission of the reserved matters application for the development hereby permitted, calculations, construction drawings including cross sections of the proposed bypass channel and associated flood compensation areas (ensuring water can flow freely in and out of the areas), flow control mechanisms and a detailed construction method statement (which ensures protection of the ordinary watercourse) must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

Commented [BD13]: Will be asking for more explanation for 14, 15 and 16

16. Prior to first occupation of the development, details of the maintenance and management of the ordinary water course, bypass channel and flood compensation areas must be submitted to and approved in writing by the Local Planning Authority. The Bypass channel and flood compensation areas must be implemented prior to the alteration of the existing access road and prior to the first occupation of the development, and thereafter managed and maintained in accordance with the approved details in perpetuity.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. Prior to first occupation of the development, additional plans showing the detailed engineering designs and construction of the Bradmore Way access and associated highway works, as shown indicatively on drawing numbers (tbc), must be submitted to an approved in writing by the Local Planning Authority.

The approved details must be completed prior to first occupation of the development.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users, in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

18. Prior to first occupation of the development, a pre-occupation noise testing report must be submitted to and approved in writing by the local planning authority. This report must include:

- i. All measures implemented at the dwellings and care home to reduce noise from the railway line;
- ii. Noise tests showing that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms; and
- iii. That outdoor amenity areas comply with the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through testing that a suitable place are of public outdoor amenity space is available within a 5-minute walk from the development that complies with the amenity noise level;

Should there be non-compliance with the noise levels in part (ii) or (iii), mitigation measures must be provided within the pre-occupation testing report to the satisfaction of the local planning authority.

The development must be carried out in accordance with the approved details.

REASON: To protect the occupants of the new development from noise disturbance, in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

**Commented [BD14]:** Do you mean a scheme showing the engineering detail and construction design?

**Commented [BD15]:** How will this work with detailed design matters which should be considered as part of the REM?

19. No occupation beyond the 60th dwelling (incl. 60 bed care facility and scout hut) or 125th dwelling (not including the 60 bed care facility and scout hut) shall occur until the following details have been submitted to and approved in writing by the local planning authority:

- i. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or
- ii. A development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potential pollution incidents, in accordance with Policies R2, R7 and R9 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

#### COMPLIANCE

20. The development must be carried out in accordance with the submitted Flood Risk Assessment (REV 3.0: dated January 2023), unless otherwise first approved in writing by the Local Planning Authority.

REASON: To ensure the development does not increase flood risk and remains safe in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

21. The development must be carried out in accordance with the mitigation and compensation measures, habitat creation, and ecological enhancement measures, as set out in Section 4 of the submitted Ecological Appraisal Report (by Liz Lake Associates, dated: March 2022); the mitigation measures in Section 8 of the submitted Reptile and Great Crested Newt Surveys (by Green Shoots Ecology Ltd, dated: June 2014) and; the recommendation in Section 5 of the submitted Bat Activity Survey (by ASW Ecology, dated: September 2014)

REASON: To assist in minimising impacts on biodiversity, in accordance 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.

22. The development must be carried out in accordance with the measures set out in the submitted Addendum to Ecological Appraisal Report (by Liz Lake Associates, dated: March 2022).

REASON: To ensure that the development would not have an adverse effect on Water End Swallow Holes Site of Special Scientific Interest, in accordance with Policy R13 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

**Commented [BD16]:** How reasonable it this? What happens if the upgrades cannot be done or something changes? Is this condition relying on works on land the appellant has no control over?

**Commented [BD17]:** Presumably this won't undermine the other drainage conditions?

**Commented [BD18]:** Can these be combined?



## OTHERS

23. A Landscape and Ecological Management Plan (LEMP) should be submitted as part of any application for reserved matters approval as required by Condition 1 and include:
- i. A description of the objectives;
  - ii. Habitat/feature creation measures proposed
  - iii. Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
  - iv. Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
  - v. A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.
  - vi. The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

REASON: To assist in suitably addressing the biodiversity impacts of the development, in accordance 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.

**Commented [BD19]:** Would this be something different to the plan you require compliance with above?

24. Full details of both soft and hard landscape works should be submitted as part of any application for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- i. existing and proposed finished levels and contours;
- ii. trees and hedgerow to be retained;
- iii. planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- iv. hard surfacing;
- v. means of enclosure and boundary treatments;
- vi. Details of toddler play area including play equipment; and
- vii. Any other structures (such as furniture, refuse or other storage units, signs, lighting)

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity, in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

**Commented [BD20]:** Landscape is a reserved matter so why is this necessary?

