

Appeal Ref: APP/C1950/W/22/3307844

APPEAL BY AURORA PROPERTIES (UK) LTD AGAINST THE REFUSAL OF OUTLINE PLANNING APPLICATION BY WELWYN HATFIELD BOROUGH COUNCIL FOR UP TO 125 dwellings, A CARE FACILITY FOR UP TO 60 bedrooms (Use Class C2), AND A SCOUT HOUT (Use Class F2) (ALL MATTERS RESERVED EXCEPT ACCESS)

AT LAND TO THE NORTH OF BRADMORE WAY, BRADMORE WAY, THE BROOKMANS PARK ESTATE, BROOKMANS PARK

SCHEDULE OF PLANNING CONDITIONS FOR CONSIDERATION

No.	Conditions proposed by Welwyn Hatfield Borough Council
1	<p>Details of the appearance, landscaping, layout, and scale (hereinafter called, the reserved matters) for each area identified on the plan to be submitted and approved in accordance with conditions 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority before any development begins in that area and the development shall be carried out as approved.</p> <p>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.</p>
2	<p>Prior to, or concurrently with, the submission of the first reserved matters an areas plan for the entire application site identifying the areas/locations of the market and affordable housing, self-build and custom housing plots, care facility and the scout hut shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the parameters plan and areas plan unless otherwise agreed in writing by the local planning authority.</p> <p>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.</p>
3	<p>Applications for approval of the reserved matters for the market and affordable housing and the care home shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Applications for approval of the reserved matters for the self-build and custom housing and the scout hut shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990.</p>
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 490/20/OUT/PL1000 (Site Location Plan) and drawing no. 2012-1353-DWG-214 Rev A (Proposed Site Access).</p> <p>REASON: To ensure that the development is carried out in accordance with the approved plans and details.</p>
5	<p>The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with Green Infrastructure Parameters Plan, drawing no>: 490/20/OUT/PL1009, which depicts the extent of green infrastructure to be implemented on-site with no built development.</p>

	<p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
6	<p>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.</p> <p>REASON: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.</p>
7	<p>Development must not commence in an area of the site identified on the areas plan to be approved under condition 2 until a Construction Management Plan for that area has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development of each area must be carried out in accordance with the approved Construction Management Plan (or Construction Method Statement for that area unless otherwise agreed in writing by the Local Planning Authority. The Construction Management Plan / Statement must include details of:</p> <ul style="list-style-type: none"> 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. <p>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.</p>
8	<p>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</p>

	<p>(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.</p> <p>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.</p>
9	<p>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.</p> <p>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 area of development, in accordance with condition 2, is occupied.</p> <p>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.</p> <p>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</p>

	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
10	<p>A. Development must not commence <u>[on the whole site or specific area? - HCCC to confirm]</u> 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:</p> <ul style="list-style-type: none"> 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; vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. <p>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.</p> <p>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.</p> <p>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.</p>
11	No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing has been supplied to the local planning authority in accordance with the following requirements:

	<p>a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for ‘accessible and adaptable dwellings’;</p> <p>b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;</p> <p>c) The person carrying out the building work must inform the Building Control body which requirements apply; and;</p> <p>Written verification of the completion of all dwellings in accordance with part (a) above will be supplied to the local planning authority within 30 days of the practical completion.</p> <p>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.</p>
12	<p>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.</p> <p>REASON: To ensure water infrastructure provision is made for the local fire service to discharge its statutory firefighting duties, in accordance with Policy IM2 of the Welwyn Hatfield District Plan, Policy SP13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.</p>
13	<p>As part of the first application for approval of reserved matters for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system for the whole development 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).</p> <p>The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development. The submitted details shall:</p>

	<p>a) 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:</p> <p>b) 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</p> <p>c) 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.</p> <p>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</p>
14	<p>As part of the first application for approval of reserved matters 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) for the whole development, must be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> <p>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.</p>
15	<p>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.</p> <p>The verification report must include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.</p> <p>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</p>

16	<p>As part of the first application for the approval of reserved matters 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) for the whole development must be submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> <p>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.</p>
17	<p>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.</p> <p>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.</p>
18	<p>Prior to first occupation of the development, a scheme showing the detailed engineering designs and construction of the Bradmore Way access and associated highway works, as shown indicatively on drawing numbers (2013-1353-DWG-214_A and 2012-1353-300_C), must be submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved details must be completed prior to first occupation of the development.</p> <p>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</p>
19	<p>As part of each of the applications for approval of reserved matters for the market and affordable housing, self-build and custom housing plots, and care facility, a scheme to protect future occupiers from noise associated with the railway must be submitted, in accordance with the following requirements:</p>

	<p>a) Indoor ambient noise levels in living rooms and bedrooms from the railway should meet the standards within BS 8233:2014;</p> <p>b) Internal L_{Amax} levels should not exceed 45dB more than ten times a night in bedrooms;</p> <p>c) If opening windows raise the internal noise levels above those within BS8233, mechanical ventilation will need to be installed. Indoor ambient noise levels in living rooms and bedrooms must then meet the standards within BS 8233:2014 (with the mechanical ventilation system off, on and on maximum boost setting). Also, ventilation rates are required to meet those found within The Noise Insulation Regulations 1975; and</p> <p>d) Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through measurements that a suitable place is available within 5 minute walk from the development that complies with the amenity noise level.</p> <p>In terms of requirements (d), alternative methods (such as passive systems) and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment.</p> <p>REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to the transport noise source, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.</p>
20	<p>No more than 125 dwellings but excluding the care home and scout hut, or no more than 60 dwellings including the care home and scout hut, shall be occupied until either:</p> <ul style="list-style-type: none"> 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.

	<p>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.</p>
21	<p>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.</p> <p>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.</p>
22	<p>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); and 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 updated in the submitted Reptile and Great Crested Newt Surveys (by Green Shoots Ecology Ltd, dated: July 2022) and; the recommendation in Section 5 of the submitted Bat Activity Survey (by ASW Ecology, dated: September 2014).</p> <p>REASON: To ensure that the development would not have an adverse effect on Water End Swallow Holes Site of Special Scientific Interest; and to assist in minimising impacts on biodiversity, in accordance with Policies R11 and R13 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..</p>
23	<p>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).</p> <p>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.</p>
24	<p>A Landscape and Ecological Management Plan (LEMP) shall be submitted as part of any relevant application for reserved matters approval as required by Condition 1 and include:</p> <ul style="list-style-type: none"> 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, tree belts and ancient woodland does not exceed 0.5 lux); and

	<ul style="list-style-type: none"> 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. <p>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.</p>
25	<p>Full details of both soft and hard landscape works should be submitted as part of any relevant application for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:</p> <ul style="list-style-type: none"> 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). <p>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.</p>