

Leaflet to be Read in Conjunction with Pre-application Advice

Welwyn Hatfield Borough Council encourages all applicants to seek pre-application advice at the earliest possible opportunity prior to the submission of a planning application.

Open and constructive pre-application discussions provide an opportunity for members of the public, agents, and developers to work with the local planning authority to achieve the most appropriate form of development for the local area and their property. Pre-application advice can help to:

- save time and frustration by highlighting relevant planning issues at an early stage in the planning process;
- avoid wasted resources on unsuccessful planning schemes and costs of planning appeals;
- gain community confidence from the initial stages of a development scheme;
- support an end-to end management of the delivery chain to sustainable development; and
- deliver high quality development on the ground

Advice will be provided in writing to help you submit your planning application. For larger or more complex schemes, meetings are encouraged, after which the written advice will be provided. Pre-application advice is given in good faith and will represent the case officer's professional view. The advice provided will be as accurate as possible, but it will be based only on the information available at the time of the enquiry, Feedback provided in pre-application discussions does not automatically mean that a planning application will be granted or refused permission.

This leaflet may be read in conjunction with any written pre-application advice provided or as an independent document in order to assist you with the preparation and submission of your planning application.

Where written pre-application advice has been issued by the Council, the relevant areas for you to read have been annotated on the following pages.

www.welhat.gov.uk

**WELWYN
HATFIELD**
BOROUGH COUNCIL



Planning Policy

The following comprise the plans and policies against which planning applications submitted to the council will be determined:

National:

National Planning Policy Framework

<https://www.gov.uk/government/policies/making-the-planning-system-work-more-efficiently-and-effectively/supporting-pages/national-planning-policy-framework>

County

Hertfordshire Waste Core Strategy and Development Management Policies Document, adopted 5 November 2012

<http://www.hertsdirect.org/services/envplan/plan/hccdevplan/wasteplan/wstdevfrmkr/adptwstlocpln/>

Hertfordshire Minerals Local Plan 2002-2016 , adopted 27 March 2007

<http://www.hertsdirect.org/services/envplan/plan/hccdevplan/mlp/>

Development Plan for Welwyn Hatfield:

Welwyn Hatfield District Plan 2005

<http://www.welhat.gov.uk/index.aspx?articleid=463>

Supplementary Planning Documents:

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1076&p=0>

Welwyn Hatfield District Plan Review, Supplementary Planning Guidance Parking Standards, Adopted January 2004

<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1075&p=0>

Welwyn Hatfield Borough Council, Houses in Multiple Occupancy, Supplementary Planning Document, February 2012

<http://www.welhat.gov.uk/index.aspx?articleid=3969>

Welwyn Hatfield Borough Council, Planning Obligations, Supplementary Planning Document, February 2012 <http://www.welhat.gov.uk/index.aspx?articleid=3970> Refer to page 9 of this advice leaflet for further information.

Local guidance:

Digswell Character Appraisal, January 2004

<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1077&p=0>

Welwyn Garden City Guide to shopfront and advertisement design, September 2013 <http://www.welhat.gov.uk/CHttpHandler.ashx?id=7089&p=0>

Welwyn Garden City Conservation Area Appraisal, September 2007
<http://www.welhat.gov.uk/CHttpHandler.ashx?id=1794&p=0>

Interim Car Parking and Garage Policy, August 2014
<http://www.welhat.gov.uk/developmentplan>

The Local Plan

The Local Plan will set out the Council's vision, objectives, delivery strategy, site allocations [housing] and development management policies for new development in the borough to at least 2030 and will eventually replace the saved policies in the Welwyn Hatfield District Plan 2005. Included on the Council's website is the timetable, evidence base and sustainability appraisal. The documents are all available on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=455>

If you would like to be involved or notified as the Local Plan progresses please register at <http://consult.welhat.gov.uk/common/register.jsp>

Statement of Community Involvement

The Statement of Community Involvement, adopted 3rd December 2013 <http://www.welhat.gov.uk/index.aspx?articleid=459> provides guidance on the level and type of consultations we would expect to be carried out by developers for different types of application.

For all applications, developers might it helpful to discuss the proposal with the local town or parish council before submitting the application as they are consulted on planning applications. Their contact details may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1152>.

Householders are advised to speak to neighbours before submitting an application.

For large scale applications, as well as holding a public consultation event, developers may also wish to consider presenting their draft scheme to Members of the Borough Council through a 'Development Consultation Forum' (www.welhat.gov.uk/index.aspx?articleid=3910) before finalising and submitting any planning application. These Development Consultation Forums are also useful for potentially controversial schemes. Please speak to the officer dealing with your enquiry if you would like to arrange a Development Consultation Forum. Further information on Development Consultation Forum's is provided below.

Development Consultation Forum

Open and constructive pre-application discussions are an opportunity for local authorities and members of the public, agents or developers to work together to achieve developments that deliver benefits to the community and the economy. This can save time, costs and frustration and optimise the potential of a site. For these reasons we encourage discussion on proposals before a planning application is submitted. As part of these talks we will ask if the developer would come along to a Development Consultation Forum (DCF).

The Development Consultation Forum enables councillors and the public to obtain more information and understanding about proposed large scale planning applications. However, it will not bind members or the council to a decision on a future planning application (as not all information will be to hand and no consultations will have been carried out).

The Development Consultation Forum is a fact finding exercise for councillors to ask questions and identify major issues. Councillors cannot express an opinion, at the Development Consultation Forum, about the development or the proposals.

Only proposals with a wider community impact would be presented at the Development Consultation Forum. The meetings are held when required and are open to the public and press to attend and listen.

Further information on DCFs may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=3910>

Planning Performance Agreements

The aim of a Planning Performance Agreement (PPA) is to deliver a development that is responsive to society's needs and has the ability to resolve differences and deliver appropriate development. They can improve the quality of decision making by 'taking the application out' of the normal 8, 13 or 16 week target, thus enabling the developer and planning authority to discuss and negotiate and achieve a high quality sustainable development. This is achieved through the PPA, by:

- Agreeing a shared vision and set of objectives;
- Committing to a genuinely collaborative approach by all key parties;
- Adopting a spatial approach underpinned by development management; and
- Establishing a robust project management process.

Agreement to enter into a PPA is between the developer and Local Planning Authority. If either party do not wish to enter into the agreement, then there is no obligation for either party to do so.

Further information on PPAs may be found on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1063>

Environment Agency

The Environment Agency provides site-specific pre-application advice and would like to hear from you if your proposed development site is:

- in flood zones 2 or 3;
- close to a watercourse;
- on potentially contaminated land;
- handling waste or hazardous substances, or;
- one hectare or more.

The Environment Agency (EA) will highlight any issues as part of a free 'preliminary opinion'. The preliminary opinion will inform you of the site constraints within our remit; any documents that you will need to submit at the planning application stage; plus any further assessments, licenses or consents that you will require from the EA. As a minimum the Environment Agency will require a site plan and a brief description of the proposed use.

Any additional technical advice (including pre-application or post-permission) provided outside of the preliminary opinion - such as site visits, meetings or document reviews are now chargeable. Further details are available on the Environment Agency website: <http://www.environment-agency.gov.uk/research/planning/33580.aspx>.

For sites within Welwyn and Hatfield please send your enquiry to SPHatfield@environment-agency.gov.uk.

The Environment Agency's role in development and how they can help

Combining their expertise with Natural England and the Forestry Commission, the Environment Agency has produced guidance that explains their roles in new developments. '[Building a Better Environment](#)' provides initial information to help you make the most of new development for people and the environment, and how they can help you through the process. The EA will also signpost to more technical advice, including consents and permits you might need.

What's in your backyard?

The Environment Agency offers a range of detailed maps – '[What's in your backyard?](#)' <http://www.environment-agency.gov.uk/homeandleisure/37793.aspx> – to show various environmental constraints that may affect your development. Maps include:

- groundwater aquifers;
- groundwater Source Protection Zones (SPZs);
- flood maps –including new flood risk maps and surface water flooding maps;
- river quality;
- historic landfill sites.

Public Health & Protection Department

The Council's Environmental Health Team (EHT) provides, through the planning department, site specific pre-application advice on environmental matters that may affect the development. The EHT also provides advice and recommendation to ensure that a development does not cause an adverse environmental impact nearby sensitive receptors.

The EHT would like to hear from you if the proposed development:

1. Is on or is neighbouring former commercial or industrial land
2. Is in close proximity to any source of pollution such as industry, railway lines, or major roads.
3. If the development includes commercial operations such as restaurants and take-aways.
4. Is likely to generate emissions of smoke, fumes, gasses, dust, odour, light, noise and vibration.

In accordance with the Council's policy on pre-application advice the EHT is happy to provide free informal verbal advice. However, formal pre-application advice shall be charged in accordance with Council's pre-application fee structure.

Land Contamination

In addition to the above Environment Agency requirements, the Council's Public Health and Protection department also has an interest in the land under Part IIA of the environmental Protection Act 1990. The Council will assess whether, in the light of the type of contamination, the proposed development will be suitable and whether there are likely to be any unacceptable risks to health or the environment arising from its development or its future occupation. The responsibility for decontamination rests with the developer or owner. The Council will normally require developers to undertake a full investigation of contamination on such sites and undertake the necessary remediation measures, if necessary by imposing conditions on planning permissions. To assist developers in this regard the following guide has been prepared to assist developers <http://www.welhat.gov.uk/CHttpHandler.ashx?id=511&p=0>

Air Quality

Any major developments that will result in significant increases in road traffic and or development that releases emissions into the environment may be required to assess the impact of the development on local air quality. Guidance on whether or not an air quality assessment will be necessary can be found at "Environmental Protection UK Development Control: Planning for Air Quality (2010 Update)". This document is readily available on the Institute of Air Quality Management (IAQM) website. The EHT will expect that the development will take into account AQ and shall prevent or mitigate sensitive receptors to poor air quality. Methods to reduce the need to travel and promotion of smarter and clearer transport options will also be required in the form of a

Low emission strategy (LES) in support of the development. Further information on LES can be found at <http://www.lowemissionstrategies.org/>

Noise & Vibration

The EHT will require a noise and vibration survey and/or assessment to support the application where;

- the development has potential to raise background noise levels and or cause disturbance to local residents and businesses, and/or
- the development is located to high ambient noise levels from neighbouring industrial or commercial operations, roads and railway lines.

The EHT will be able to provide advice on the scope of the survey and the standards expected to ensure that the future occupiers are protected from adverse levels of noise.

Odour

The EHT will require an assessment to be made should the development lead to emissions that may emit an odour. If it is likely that significant impact may occur mitigation measures will be expected to ensure that emissions are not detrimental to the amenity of the environment. Further guidance can be found on the Institute of Air Quality Management (IAQM) website (Guidance on the assessment of odour for planning 2014).

For smaller commercial developments such as restaurants and takeaways and odour impact assessment is unlikely to be necessary. However, it may be necessary to include details of extraction, filtration and odour abatement systems with the planning application. The EH team will be able to advice in relation to this. Further advice can be sought at www.gov.uk "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems"

Light

Any lighting associated with a development should be approved by the EHT. Lighting can have an adverse impact on surrounding residents and under extreme circumstance can lead to statutory nuisance action under Part III of the Environmental Protection Act 1990. Advice on lighting can be found at the Institute of lighting Professionals website, www.theilp.org.uk "Guidance notes for the reduction of Obtrusive Light"

Health Impact Assessments

A Health Impact Assessment should accompany all major developments. The Health Impact Assessment should be undertaken early in the development phase to improve the health of local people and reduce health inequalities. The HIA shall take into consideration the existing and likely social and environmental factors that affect the health of the local community. By taking into account the findings of the HIA early in the

planning and design stage improvements can be made to physical and mental health of the population. For advice on HIAs, the applicants should contact the EHT or refer to the Planning Practice Guidance “Health and Wellbeing”

Protected Species

The presence of protected species is a material consideration in the determination of a planning application, in accordance with National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species (‘EPS’) and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

Where there is a likelihood of protected species being present on a site, we will require a phase 1 ecological survey to be undertaken to establish if there are any protected species present or not. If species are found, further surveys may be required. This will depend upon whether the species would be affected as a result of the development. Further information on the considerations may be found on the Council’s website <http://www.welhat.gov.uk/index.aspx?articleid=4055> .

Heritage Assets

Heritage assets include listed buildings, historic parks and gardens, conservation areas and archaeology. In proposing a development that might affect such an asset, consideration should be given to:

- the significance of the architectural and historical interest and character of the building , structure, or designated area;
- the principles of and justification for the proposed works; and
- The impact of the proposal on the special interest of the listed building or structure, its setting and the setting of adjacent listed buildings, or on the designated area.

Information should be supplied with the application which explains:

- the sources that you have considered;
- the expertise that you have consulted; and
- The steps that have been taken to avoid or minimise any adverse impacts on the significance of the building or designated area.

The type and amount of detail required will vary according to the particular circumstances of each application. You can provide this information in the design and access statement, where one is required, as part of the explanation of the design

concept. If you are not required to submit a design and access statement then you should provide this information in a separate written statement. Consideration of any application will be in the context of the National Planning Policy Framework, Chapter 12, in addition to other local or national guidance.

It is recommended that expert advice is sought from a professional historic advisor, for example through the Institute of Historic Building and Conservation.

Sustainable Development

Sustainability is at the heart of the National Planning Policy Framework. District plan policies SD1 (Sustainable Development) and R3 (Renewable Energy) are also applicable. Advice and guidance on how developments might be improved to enhance their sustainable design may be found on the Building Futures Website <http://www.hertslink.org/buildingfutures/> .

Planning Obligations

Planning obligations are generally sought on developments of more than 10 residential units or 1000m² or more commercial floor areas to mitigate the impact of the development on the locality. Both Welwyn Hatfield Borough Council and Hertfordshire County Council have adopted documents for obligations that might be sought:

Welwyn Hatfield Borough Council, Planning Obligations, Supplementary Planning Document, February 2012 <http://www.welhat.gov.uk/CHttpHandler.ashx?id=4762&p=0>
Planning obligations guidance – toolkit for Hertfordshire, January 2008
<http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>

Listed below are the most commonly sought obligations for both Councils.

- Highways and rights of way improvements (including payments for the provision of roads, byways, footpaths, bridleways, cycleways, bridges, bus infrastructure and/or traffic signals as may be required) (HCC)
- Sustainable transport measures (HCC)
- Education(HCC)
- Libraries(HCC)
- Youth & childcare(HCC)
- Fire and rescue services (HCC)
- Adult care services – special needs accommodation and other services(HCC)
- Archaeology (HCC)
- Waste facilities (HCC)
- Health care facilities (PCT)
- Police facilities (Police)
- Economic development(WHBC)
- Affordable Housing (WHBC)
- Waste and Recycling facilities (WHBC)
- Green space / infrastructure (WHBC and HCC)
- Play areas / facilities (WHBC)

- Public open space (WHBC)
- Landscape Management Plan (WHBC)
- Allotments (WHBC)
- Outdoor Sports Facilities (WHBC)
- Indoor Sports Facilities (WHBC)
- Community Facilities (WHBC)
- Public Art (WHBC)
- Childcare Facilities (WHBC)
- Local Recruitment (WHBC)
- Heritage Assets (WHBC)
- Revocation of an earlier planning permission (WHBC)
- Removal of permitted development rights (WHBC)
- Monitoring fee of 5% of the total contributions, up to a maximum of £5000 (WHBC)

If development is likely to require a s106 agreement, it is recommended that you speak to a solicitor. As part of any applicable planning application, the following information will be required:

1. A solicitors undertaking on behalf of the applicant undertaking to pay the reasonable legal fees of the Borough Council and County Council in drawing up the agreement(s)
2. Whether you are looking to complete an agreement or undertaking
3. Whether your solicitors would be preparing the first draft
4. The name, address, phone number and email address of your solicitor
5. An up to date certificate of title from your solicitor or up to date official copies or certified copies of title documents.
6. If the planning applicant is not the freehold owner of the land and/or any other person, mortgagee, company, corporation, executor or trustee, has a legal interest in the land then please provide full contact details of all other parties involved and their solicitors.
7. Copies of a site location plan for inclusion within any agreement
8. Heads of terms (if not already submitted with the application) including trigger dates for payments/provision

The Council also charges for the time of the Development Management Officer (DMO) negotiating the agreement in addition to the Solicitor's time in checking the agreement. Details of the charge for the DMO can be found at <http://www.welhat.gov.uk/index.aspx?articleid=1048>

Template s106 planning obligations and Unilateral Undertakings are available on the Council's website <http://www.welhat.gov.uk/index.aspx?articleid=1048> , together with a guidance note for your assistance.

Validation Checklist

The Council has adopted Local Planning Application Validation Checklists in August 2013. This details the information that is required to be submitted in order to provide a valid application. The lists are divided into different development categories – householder, commercial and residential development, advertisements and signs, listed building consent and works to trees. If you have sought pre-application advice, the case officer will have provided you with a checklist of the information that is required to be submitted.

All applications are subject to the national requirements.

Contact Us

Should you have queries regarding the contents of any of this leaflet, then please either contact the Planning Officer who provided you with the pre-application advice; or, if you have obtained a copy of this leaflet direct from the Council's website, please call the duty planning officer on 01707 357573.

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