

# **Examination of the Welwyn Hatfield Local Plan**

## **Council's Statement - Stage 8 Hearing session**

### **Southern Settlements**

**Settlement: Welham Green**

**Policy Number: SADM30**

**Site References: HS35 (GTLAA01)**

**Matter number: N/A**

**Issues: Planning irregularities, Delivery,  
Capacity, Noise**

**Question Numbers: Q61-66**



## Policy SADM30 - Site HS35 (GTLAA01), Foxes Lane, Dixons Hill Road

- 61) What are the planning irregularities referred to in representations?
- 62) Are they now resolved and if not do they have a bearing on the delivery of additional pitches at this site?

### Welwyn Hatfield Response

- a) A combined response is provided to questions 61 and 62.
- b) Regulation 19 representation **dlpps85** includes reference to a planning application which had been received for this site:

*'12 pitches- Foxes Lane. This is a private site. An application to add additional pitches has been pending since 2013. It appears to have stalled. It is retrospective. The site has been accommodating additional families contrary to the appeal decision for several years. There are drainage objections which do not appear to be capable of being addressed. There is no guarantee this will be delivered. It should not be relied on if there is no realistic chance permission will be granted for additional pitches on this land. The current site/ applications include an element of transit provision which is not mentioned/ relied on.'*

- c) Site **HS35 (GTLAA01)** is an extension to an existing Gypsy and Traveller site previously permitted by appeal (S6/2010/0960/FP). The planning application noted in the above representation: S6/2013/2118/FP seeks permission for no more than 14 pitches comprised of between 9 and 11 static pitches and between 1 and 5 transit pitches together with associated touring caravans, utility blocks, play area, parking and alterations to existing layout.
- d) The Local Lead Flood Authority raised initial concerns in connection with the current planning application as the application was not accompanied by a FRA and the flood risks resulting to and from the proposed development were therefore unknown. However, it indicated that the applicant could overcome its objections by submitting an FRA which demonstrates that the development will not increase flood risk to the site and the surrounding area and that future occupiers of the site will be safe for its lifetime. The applicant has submitted a FRA for review.
- e) This application is yet to be determined. At the time this application was received, the decision was made to await the adoption of the Local Plan and the potential release from this site from the Green Belt. However, due to the passage of time, progress is now being made to determine this application. It is not considered this issue will affect the delivery of pitches on this site during the first five years of the plan period as the need for a FRA was identified in the HELAA 2016 and included in the delivery estimate for this site.

- f) Hertfordshire County Council as Lead Local Flood Authority has worked to resolve surface and fluvial water flooding issues along Marshmoor Lane due to blockages of the Dixons Hill Road culvert. The LLFA implemented a Surface Water flood alleviation scheme in April 2017 and have monitored the site annually and have seen that water levels have remained low enough to allow water to drain through the Dixons Hill culvert.

**63) Has the site's capacity for pitch extension been objectively assessed?**

**Welwyn Hatfield Response**

- a) Yes, the capacity of this site has been objectively assessed and is considered to be appropriate.
- b) As part of the plan-making process, in 2013 a 'Call for Sites' was held to identify land available in the borough for the provision of Gypsy and Traveller pitches. The Council engaged with the local Gypsy and Traveller community and other key stakeholders throughout this process. A Gypsy and Traveller Land Availability assessment was published in 2014 (**HOU/13**). Subsequent to this, a number of sites were reviewed in the HELAA 2016 (**HOU/19**).
- c) When assessing site capacity for Gypsy and Traveller pitches the GTLAA 2014 (section 4.9 – 4.12) noted that The Department of Communities and Local Government Designing Gypsy and Traveller Sites - Good Practice Guide (2008)<sup>1</sup>, advised that there are no one-size-fits all measurements of a 'standard' pitch or site. Account should be taken of the accommodation needs of different sized households but as a general guide, an average family sized pitch should be capable of accommodating a hard standing for 1 large mobile home, a hard standing for 1 touring caravan (trailer), parking spaces for 2 vehicles with suitable surface, 1 small amenity block, a lockable storage shed, a drying area and a 9 small garden area. The CLG Good Practice Guide also advised that for reasons of health and safety, such as fire prevention measures, certain minimum distances should be planned for.
- d) The Good Practice Guide further advised that sites should generally consist of up to 15 pitches in capacity unless there is clear evidence to suggest that a larger site is preferable. Having undertaken early consultation as part of plan preparation, including with the Gypsy and Traveller community and with service providers, which indicated general support for smaller sites, the planning authority set out in its Emerging Core Strategy 2012 (**LPD/4, paragraph 9.27**) that sites would not generally exceed 15 pitches.
- e) At that time, the council commissioned the preparation of an illustrative scheme for a 15 pitch site (with a mix of pitch sizes) designed with reference to the CLG best practice guidance. This work indicated that the average (gross) pitch area would require 678sqm of land, taking into account the need to provide access and

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<sup>1</sup> Note: This national guidance was subsequently withdrawn in September 2015

circulation within a site, a play area and a small site office/community building). Smaller sites may not require a site office or play area and individual pitch sizes (net areas) varied from 240sqm for single pitches to 662sqm for large family pitches. Based on this work, the average sized family pitches ranged from 350sqm to 560sqm (net).

- f) The council also reviewed the average size of pitches on existing sites in the borough. These varied from 298sqm to 940sqm per pitch. For the purposes of this assessment, an average pitch size of 500sqm was applied in order to assess site capacity. This is equivalent to 20 pitches per hectare. This approach was agreed with the Head of the Hertfordshire County Council Gypsy and Traveller section.
- g) It should be noted however, that at a detailed planning applications stage, a higher or lower number of pitches may be more appropriate for each site depending on pitch and site layout and the level of facilities to be provided. It should also be noted that transit pitches are generally smaller than residential pitches.
- h) The GTLAA 2014 and HELAA 2016 concluded that an estimated capacity for 12 additional pitches the existing 3 pitches/previously permitted on appeal (for 3 static caravans, with space for 4 touring caravans). A total of 15 pitches would, on the basis of an average pitch allowance, allow for a total of 30 caravans for the site.
- i) This estimate is based on an 'average' pitch size, however, as noted in the GTLAA 2014 (**HOU/13**) it is recognised that pitch sizes do vary and at a planning application stage this would need to be considered dependant on what scheme is submitted for consideration.

**64) Have the ramifications of noise pollution from the adjacent railway, on the potential living conditions at this site, been fully considered?**

**Welwyn Hatfield Response**

- a) Yes, the Council's Environmental Health team provided advice at an earlier stage in the plan making process and did not object to the allocation of this (existing) site. In the HELAA 2016 (**HOU/19**) it has been noted that the site is adjacent to the railway and noise pollution is likely to be significant in this location. Environmental Health were also consulted on the existing permission for the site (S6/2010/0960/FP) and advised that whilst noise levels on the site are not desirable, they are considered acceptable subject to appropriate mitigation measures (such as siting and landscaping). Therefore, at the planning application stage, a noise and air quality survey and report would need to demonstrate that appropriate mitigation measures can deliver a residential development with a healthy internal and external environment.

65) **Is six additional pitches the optimum outcome for the proposed extension to this site?<sup>2</sup>**

66) **Is the proposal positively prepared and fully justified?**

**Welwyn Hatfield Response**

- a) A combined response is provided to questions 65 and 66.
- b) Yes, as discussed in the response to question 63 above the 12 pitches is an objectively assessed estimated of (additional) pitch capacity for this site. The estimate is considered robust and justified by the evidence. Site allocation **HS35/GTLAA01** is an extension to an existing Gypsy and Traveller site and Policy SADM 30 makes provision for 12 additional pitches. This would increase the overall number of pitches on site to 15.
- c) As previously noted, pitch sizes may vary depending on the size of household and the mix of permanent/transit pitches proposed. This level of detail is appropriately considered at a planning application stage in light of all material considerations at that time.
- d) The current application, as mentioned in the Councils response to questions 61 and 62 (reference: S6/2013/2118/FP) seeks permission for no more than 14 pitches comprised of between 9 and 11 static pitches and between 1 and 5 transit pitches together with associated touring caravans and provides evidence of a scheme promoted by the landowner which is close to the estimate made in the GTLAA 2014 and HELAA 2016 of 12 pitches (15 overall).

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<sup>2</sup> Note, this site is for 12 additional pitches.