

Welwyn Hatfield Borough Council
Planning Application 6/2022/1097/OUTLINE

Land North of Bradmore Way, Brookmans Park

Statement by Jed Griffiths MA DipTP FRTPI

On Behalf of

North Mymms District Green Belt Society

June 2022

Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of the North Mymms District Green Belt Society. It sets out the Society's response to a planning application (Reference 6/2022/1097/OUTLINE) for the development of land to the north of Bradmore Way, Brookmans Park. The proposal is for outline planning permission with all matters reserved except access, for up to 125 dwellings, a care facility for up to 60 bedrooms (Use Class C2), and a scout hut (Use Class F2).
2. Although this is an outline application, the applicants have submitted a large number of documents in support of the proposal. The Society has studied this material carefully – its comments are set out below under the following headings:
 - Principle of Development.
 - Green Belt.
 - Transport
 - Summary and Conclusions.
3. As the Borough Council will be aware, this site has been the subject of considerable speculation for a number of years. It was originally put forward for housing development by the applicants in response to the Local Plan "call for sites" process. Subsequently, it was listed in the Local Plan Consultation Document of January 2015, as Site BrP12 Peplins Wood. The Society's comments, objecting to the development of the site, were submitted to the Borough Council on 15th March 2015. It is a matter of record that the original site was not included in the final version of the Local Plan which was submitted for examination in May 2017.
4. As noted by the applicants, the Local Plan has been under examination for almost five years, and there have been a total of nine public hearing sessions. The Society has made numerous representations to the Inspector and has participated in many of the hearings. Following the early stages of the examination, the Inspector made it clear that the plan would be found unsound unless the Borough Council came forward with additional sites sufficient to fulfil the full objectively-assessed housing need figure (FOAHN). A review of sites was undertaken and a Site Selection Background Paper was presented to the Council's Cabinet Planning and Parking Panel in January 2019. Although the reduced site BrP12a was considered by officers to be suitable for allocation, it was rejected by the Council following a further round of public consultation. It was not included in the list of preferred sites presented to the Inspector.

5. At the Stage 9 hearings, however, the Inspector decided to conduct a comprehensive examination of all sites which had been assessed in the site selection review. Site BrP12a was therefore included in a list of potential additional sites for housing development, at villages excluded from the Green Belt (examination paper EX238). Sites at Brookmans Park were debated at a Stage 9 hearing session on 17th March 2021.
6. It is clear from the applicant's Planning Statement that there is considerable frustration about the length of time which has elapsed since the start of the Local Plan examination. The Society shares that frustration, but is hopeful that the final stages of the process will be initiated shortly, when the Borough Council forwards its final list of housing sites to the Inspector for his consideration. There is still a prospect that the Local Plan will be adopted by early 2023. In these circumstances, the Society believes that any major planning application on an unallocated site is premature.
7. The context for planning decisions is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that:

"if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise."

In Welwyn Hatfield, the statutory development plan consists of the "saved" policies of the Welwyn Hatfield District Plan 2005, plus the County Council plans for minerals and waste development. Although the "saved" policies date from April 2008, the majority are still relevant and are compliant with the NPPF.

Green Belt

8. For this application, the key policy is GBSP1 which states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map. Thus the site is firmly located in the Green Belt. For detailed consideration of development proposals in the Green Belt, the District Plan deferred to national government policy and guidance, which is now embedded in the NPPF and Planning Practice Guidance.

9. The NPPF clearly expresses the aim of successive governments since 1955 to maintain and protect the Green Belt. Thus, in paragraph 149, it states that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.” Exceptions to this policy are listed, but these do not include large housing developments. It is clear, as expressed in paragraph 147, that:
“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

10. In their Planning Statement, the applicants argue that “very special circumstances” do exist in favour of the proposed development. It is contended that the development plan is out-of-date and that the Borough Council cannot demonstrate a five-year supply of housing land. Reference is made to the NPPF and its presumption in favour of sustainable development. Here paragraph 11 (d) of the NPPF is relevant, stating as follows:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”

11. In the Society’s view, the relevant “saved” Green Belt policy is not out of date, because it is connected to the NPPF. Footnote 7 to the NPPF paragraph 11 (d) (i) specifies Green Belt one of the areas of particular importance. The applicants are arguing that there are “very special circumstances” which tilt the balance in favour of granting planning permission. Any harm, in their view, is outweighed by other material considerations.

12. During the course of the Local Plan examination, particularly at Stage 9, the Society has consistently argued against the inclusion of BrP12a site in the Local Plan. In their Planning Statement, the applicants assert that it has a low value compared to other Green Belt sites in the Borough. On the contrary, in the Borough Council Stage 2 Green Belt Study, the assessment of harm of the larger site BrP12 against the purposes of the Green Belt was stated as “moderate-high”. At the Stage 9 hearing, however, the Society considered that both BrP12 and BrP12a should be given a “high” ranking, because of the open nature of the land. In terms of the third purpose of the Green Belt, the site application site should be protected as Green Belt because it clearly does assist in preventing encroachment into the open countryside. The Society does not accept the applicant’s claim that it is surrounded on three sides by existing residential areas. Development of the site would project beyond the settlement edge of Brookmans Park, which currently forms a strong and robust Green Belt boundary.
13. In this part of Hertfordshire, another key purpose is to prevent neighbouring towns from merging into one another. In the southern part of the Borough, the Green Belt plays a key role in preventing the merger of Potters Bar and Hatfield. A secondary role, no less important, is to prevent the merger of the villages which are excluded from the Green Belt, thus protecting their identity. In all its submissions on this site, the Society has pointed out its role in maintaining the gap between Brookmans Park and Welham Green. In their documentation, the applicants contend that the development would be contained by Peplins Wood. This clearly misses the point about the role of a gap, which is not only visual but of wider environmental value.
14. As a result of the debate at the hearing sessions on the Green Belt, the Council commissioned a Green Gaps Assessment, which studied the role of the gaps between settlements and the need for their protection. The importance of the area between Brookmans Park and Welham Green was acknowledged in the report. In the Society’s view, the significance of the gap is enhanced by the fact that there are two sites on the southern edge of Welham Green (WeG4 and WeG6), both of which have been considered for potential housing allocations.
15. The Society has studied the Landscape and Visual Assessment (LVIA), the Landscape Masterplan, and the Ecological Appraisal Report, all of which seek to show how the proposed development could be absorbed into the landscape and produce landscape and biodiversity opportunities. Impressive as these documents may be, they do not mitigate fully the potential effects of the proposed development and the harm it would cause to the Green Belt. Immediately to the north of the site, there is Peplins Wood, which is a designated Ancient Woodland and Wildlife Site (WS146). Further to the north there is another wildlife site (WS90).

16. Because of the close proximity of Peplin's Wood to the development, it is surely inevitable that there would be damage resulting from urban fringe effects, such as trespass, dog walking, and fly-tipping. There would be a severe effect on the viability of the woodland habitat and species, many of which are protected. In earlier consultations on the Local Plan, Herts Ecology has pointed out that the bulk of the site and its surrounding are Ecosites - Meadow South of Peplins Wood (78/063), adjacent to Peplins Wood (78/021), and Brookmans Park golf Course (78/064). Development would inevitably cause the loss of these areas, with no "like-for-like" replacement.

Transport

17. At the Stage 9 hearing session, the Inspector asked whether there were any issues which would affect highway safety and/or the free flow of traffic, which would be incapable of a satisfactory resolution. The Society pointed out that there were a number of problems, which had been outlined in its response to the Local Plan Consultation Document in 2015. There are severe problems of traffic congestion and conflicts in Peplins Way and Bradmore Way, even in off-peak periods. These issues remain today, as demonstrated by the numbers of specific objections from local residents against the planning application.

18. In their Transport Assessment, the applicants have sought solutions to these problems, but their conclusions are not convincing. The series of swept path assessments do not reflect the real world environment on the two roads, where the carriageway width is generally at 4.9 metres on the main part of Bradmore Way. Residents regularly park their cars on the street, despite the issue of parking permits. There are particular problems when parents and pupils are accessing the primary school – many pupils are from outside the area and are driven by car. This is not reflected in the Traffic Assessment surveys which were conducted on a "walk-to-school" week and the first week of a school holiday in which Covid restrictions were applied. As access roads to the proposed development AND the existing housing areas AND an existing school, both Bradmore Way and Peplins Way are both below acceptable highway standards. According to the Hertfordshire Highway Design Guide, the access road should be 5.5 metres in width, with two metre footways on both sides.

19. In these circumstances, the Society is astonished that HCC Highways have given their conditional support for the scheme, especially when there is compelling evidence on the ground of the real difficulties which currently exist. There are no proposals to improve the off-site highway access to accommodate the traffic which would be generated by the proposed development. As pointed out by many local residents, the real access to this development is at the southern end of Bradmore Way, in the Brookmans Park shopping centre. In particular there is a bottle-neck adjacent to the post office, which already results in conflicts with traffic accessing the Bradmore Way area. From all the evidence, it is clear that the addition of 125 additional dwellings, plus a care home and scout hut, would breach the capacity of the local highway network to absorb future traffic movements. The road safety risks, particularly to pedestrians, would be compounded, particularly around the school site and the southern end of Bradmore Way.

20. Although the applicants have claimed in the Transport Assessment that their proposals are sustainable, these potential advantages are outweighed by the problems outlined above. The NPPF, at paragraph 111 states as follows:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

21. In the Society’s view, and that of local residents, there would be a severe impact on highway safety and the surrounding road network as a result of the proposed development. Clearly, the applicants recognise the issues, as shown by the series of swept-path analyses. They are not in a position to rectify the problems, however. The Society would wish to remind the Council that, if site BrP4 (HS22) were to be included in the Local Plan, the cumulative impact of BrP12a and BrP4 on the local road network could be severe. This is an issue which needs to be resolved at the final stages of the Local Plan process.

Summary and Conclusions

22. In summary, the Society strongly objects to the proposed development for the following reasons:

- (a) The new Welwyn Hatfield Local Plan is in the final stages of its examination. The Inspector has indicated to the Council a way in which the Local Plan could be found sound, with a timetable that would see it formally adopted early in 2023. In these circumstances, this application is premature and should be rejected.
- (b) The proposal is inappropriate development in the Green Belt. No “very special circumstances” for the grant of planning permission have been demonstrated by the applicant, sufficient to overturn Green Belt policies. The application is contrary to “saved” policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the NPPF paragraph 147.
- (c) From the evidence of existing conditions in the Bradmore Way area, it is clear that the proposed development would have an unacceptable effect on road safety and that that the cumulative impact on the local road network would be severe. The application is therefore contrary to the provisions of the NPPF (paragraph 111).

For the above reasons, the Council is urged to refuse the application.

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Hertford

14th June 2022