

JD/3811

20 September 2024

Andrew Hunter
North Herts District Council
PO Box 10613
Nottingham
NG6 6DW

Dear Andrew,

RE: Land at Oakleigh Farm Industrial Estate, Codicote Road, Welwyn AL6 9TY
Planning Permission Ref: 23/02572/S73

Under Section 96A of the Town and Country Planning Act 1990 please find enclosed an application to vary conditions attached to the above planning permission. We are making the application on behalf of our Client, Kingshall Estates.

In September 2021 planning permission 20/00598/FP was granted on appeal for the demolition of all existing buildings and structures, the change of use of western section to residential comprising the erection of seven new detached dwellings with associated detached garages, parking and amenity areas. The change of use of eastern section to paddock and upgrading the existing access road.

The site crosses the boundary between Welwyn Hatfield and North Herts, and a duplicate application was therefore submitted to Welwyn Hatfield Borough Council. This was also granted on appeal.

These planning permissions were subsequently amended in July 2024 through the approval of Section 73 applications (NHDC ref: 23/02572/S73) which sought to introduce revised drawings with amendments to the approved access road to the site and its associated landscaping. The purpose of the amendments was to improve the visual appearance and useability of the access road.

Separate full applications were also submitted concurrently to both authorities which incorporated design enhancements to the 7 dwellings and their garages/carports. This revised scheme reflected the amendments to the access road which were proposed in the abovementioned Section 73 applications.

NHDC approved the full application (ref: 23/02719/FUL), but WHBC subsequently took the decision to refuse the application since whilst concluding that proposal significantly improved upon the extant consent in design terms, Officers considered that “very special circumstances” had not been sufficiently demonstrated to approve inappropriate development in the Green Belt.

Positive discussions have since been held with WHBC and an amended proposal is in the process of being prepared. The refusal and delays associated with the preparation and determination of a further application does, however, have the potential to create significant issues for the construction programme, and the delivery of 7 much needed homes.

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The original consent has already been implemented through the demolition of the existing buildings and structures on site. There are, however, a number of conditions that need to be discharged on that consent (as amended) prior to any further works taking place. These are as follows:

Condition 7: No development (except demolition) shall commence until details of the existing and proposed ground levels and finished floor levels of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these approved details.

Condition 18: No development (except demolition) shall commence until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins, dated 18 September 2020. The scheme shall also include:

- 1. Detailed infiltration testing be carried out pre-commencement in accordance with BRE Digest 365 standards at the proposed locations and depths of all SuDS features.*
- 2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.*
- 3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.*
- 4. Provision of half drain down times within 24 hours.*
- 5. Silt traps for protection of any residual tanked elements.*
- 6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.*
- 7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.*

The drainage scheme shall be fully implemented prior to occupation.

Condition 20: No development (except demolition) shall commence until a detailed scheme for the provision of mains water services providing fire hydrants has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme for the provision of mains water services providing fire hydrants has been provided in full. Thereafter the fire hydrants shall be retained as approved in perpetuity.

Drainage details and ground level information for the access road were submitted and approved when the Section 73 application (ref: 23/02572/S73) was determined. The other matters to be addressed when discharging the above conditions relate to the residential element of the approved development, and therefore there is no reason why these conditions need to be discharged before the access road works take place.

It is also relevant to note that under the Section 278 process technical approval had been granted by the Local Highway Authority for improving the existing access to the development from Codicote Road.



We therefore propose that the above conditions are amended to read “*No development (except demolition and construction of the access road including vehicular access from Codicote Road) shall commence until...*”

This will allow the access road works to proceed at the earliest opportunity, and avoid unnecessary delays whilst the revised proposal is being determined.

Following our discussions ahead of submission of this application, we trust that you will support the proposal and look forward to receiving a decision notice at the earliest opportunity. A similar application has been submitted to WHBC.

Yours sincerely

For and on behalf of WOODS HARDWICK PLANNING

James Delafield
Associate Director