

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: N6/2015/0034/MA

SITE ADDRESS: Broadwater House, 41 Broadwater Road, Welwyn Garden City, AL7 3AX

DESCRIPTION OF DEVELOPMENT: Change of use of B1a Business use to C3 (Residential) use and erection of 23 dwellings with associated access, landscaping and ancillary works

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND S106 OBLIGATION IN THE TERMS MENTIONED BELOW.

1. SITE AND APPLICATION DESCRIPTION:

The application site comprises an enclosed car park on the east side of Broadwater Road, Welwyn Garden City. The site extends to an area of 0.38Ha which is relatively flat, with no distinct slopes or gradients. To the south of the site is the Highways House office building, which the car park previously served and which is the site for a separate application, seeking to demolish the existing building and to erect a care home.

The rear eastern boundary of the site features a mature tree belt and the northern boundary is shared with a public footpath, which leads from Broadwater Road through to Peartree Road to the east. Beyond the tree belt on the east side of the site is Peartree Primary School. On the opposite side of Broadwater Road are new three storey homes of modern angular design.

It is proposed to change the use of the land from the existing Class B1a Business Use to Class C3 residential use and to erect a total of 23 dwellings together with a new access from Broadwater Road and the associated landscaping of the site. The proposed 23 dwellings would comprise of 12 no. houses and 11 no. 2 bedroom apartments. The apartments would be accommodated in an 'L' shaped block at the north-west corner of the site fronting onto Broadwater Road. The dwellings would be provided in three blocks, with a terrace row of 4 no. 4 bedroom dwellings along the frontage, at the south-west corner of the site, and two further blocks each of 4no. terraced dwellings, link attached, towards the rear of the site (each of these blocks including 2 no. 3 bedroom dwellings and 2 no. 4 bedroom dwellings). All four blocks (the apartment block and the three rows of dwellings) would be 3 storeys and would be of an angular, flat roof, contemporary design, similar to that on the opposite side of the Broadwater Road.

The access road from Broadwater Road would provide a small cul-de-sac within the site and the landscaping of the site would include the planting of trees along the frontage of Broadwater Road and a number of trees within the site.

The application is accompanied by the following documents: -

- Waste Management Strategy (December 2014)
- Arboricultural Impact Assessment and accompanying Tree Survey by BHA Trees Ltd (November 2014)

- Arboricultural Method statement by BHA Trees Ltd (November 2014)
- Ground Investigation Report by EPS (December 2014)
- Thames Water Asset Location Search
- Planning Supporting Statement (December 2014)
- Design and Access statement
- Archaeological Desk-Based Assessment (February 2015)
- Additional Support Statement (19th February 2015)
- Marketing Report by Davies & Co. (April 2015)
- Bat Roosting Assessment by ELMAW Consulting (October 2014)

2. SITE DESIGNATION:

The site lies within the urban area of Welwyn Garden City and within Employment Area EA1 as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

- N6/2014/2715/MA: Demolition of existing office building (B1a) and change of use to, and erection of, part two, three and four storey Residential Institution (Care Home-C2) for 83 residents with associated car parking and landscaping. Resolved to approve subject to the completion of S106 agreement.
- N6/2014/0231/OR: Prior approval for change of use of office building (Use Class B1a) to self-contained flats, comprising 40 x 1-bed apartments (Use Class C3) – Prior Approval not required.
- N6/2013/2364/OR: Prior approval for change of use of both floors in office building (Use Class B1) to self-contained flats, comprising 40 x 1-bed apartments (Use Class C3) – Prior Approval required.
- N6/2002/1396/FP: Extension of two storey modular extension to existing office building and associated car parking – Withdrawn.
- N6/2000/0635/FP: Construction of two storey modular extension to existing office building and associated car parking – Approved.
- N6/1987/0621/FP: Use of premises within Class B (Business Use) of the Use Classes Order – Approved.
- N6/1984/0445: Industrial building, including ancillary offices and car parking – Approved.
- N6/1983/0151: Warehouse – Approved.

4. CONSULTATIONS:

- Sport England – No objection

- Thames Water – No objection with regard to sewerage infrastructure capacity. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- Natural England – No objection. The LPA should apply Natural England’s standing advice in connection with determining whether any protected species may be present and consider the opportunities the development might offer in terms of bio-diversity and landscape enhancements.
- Hertfordshire Constabulary – No objection, subject to conditions requiring Police preferred minimum security standards of Secured By Design (further recommendations addressed as part of amended plans (e.g. bringing side gates forward
- WHBC Client Services – No objection, subject to S106 contributions to cover costs of refuse bin provision.
- WHBC Landscaping and Ecology – No objections, subject to condition requiring detailed landscaping plans prior to commencement and that the development take place in accordance with the submitted Arboricultural statements
- Hertfordshire Ecology – No objection
- WHBC Environmental Health – No objection, subject to conditions requiring an Acoustic Assessment to be carried out and signed off prior to commencement and the submission of a Construction Management Plan. Furthermore, the development must be carried out in accordance with the methods and recommendations of the submitted Ground Investigation Report by EPS.
- WHBC Youth and Sports Partnership – No objections, subject to S106 contributions towards the provision of and improvement of existing sports and leisure facilities.
- Hertfordshire County Council Transport, Programs and Strategy (HCC TPS) – No objection, subject to S106 contributions towards Sustainable Transport provision and various conditions
- Hertfordshire County Council Historic Environment Team – No objection regarding archaeology
- HCC Obligations Officer – No objections and no contributions requested (initial requests for S106 contributions later retracted)
- NHS East and North Herts Clinical Commissioning Group – No objection (initial requests for S106 contributions later retracted)

5. NEIGHBOUR REPRESENTATIONS:

One letter of representation has been received from a near neighbour who expresses no objection but observes that improvements need to be made to the wider supporting infrastructure.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

N/A

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) Whether the site is required to meet future employment requirements and business and community needs.**
- b) Whether the principle of a residential development is acceptable within the employment area EA1 (Policies EMP1, EMP2 and NPPF Sections 1, 3, 4, 7 and 8)**
- c) Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area**
- d) Highway and transportation issues**
- e) Impact upon neighbouring residents and provision of amenity for future occupiers**
- f) Landscaping and Ecological issues**
- g) Environmental Health Issues**
- h) S106 issues**

8. ANALYSIS:

- a) Whether the site is required to meet future employment requirements and business and community needs (Policies EMP1, EMP2 and NPPF Sections 1, 3, 4, 7 and 8)**

The proposal site is located in designated employment area EA1 – Welwyn Garden City Industrial Area. Saved Policy EMP2: Acceptable Uses In Employment Areas states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) of policy EMP2 and other relevant policies relating to the proposed use.

The emphasis of the strategy and objectives in the Employment chapter of the District Plan is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and firms seeking to locate in the area. Policy CS8 of the Council's Emerging Core Strategy was prepared to accord with guidance in the National Planning Policy Framework and has the same approach to the loss of employment land to other uses – seeking to protect the supply of land for industrial office and warehousing uses. This

approach reflects the strong emphasis on sustainable economic development in the National Planning Policy Framework (NPPF). Paragraphs 18 to 27 of the NPPF set out the Government's overarching ambitions for building a strong, competitive economy.

The Welwyn Hatfield Economy Study (2014), published recently, concluded that the Council should plan for an increase of 9,800 to 12,000 jobs. This recommended approach for jobs growth, indicates a surplus of 12 to 13 hectares of employment land by 2031 (about 4% of the total area of land in Welwyn Hatfield designated for employment). However, the study notes this is a theoretical exercise, that the market may dictate different levels of floorspace and phasing on development sites, and is merely indicative of what could be achieved if all identified opportunities were to come forward. For this reason and to allow for the provision of a choice of locations and qualities of site, it is appropriate to maintain a policy of preventing any existing employment land resources being lost to other uses. In addition, the now permanent changes to the planning system whereby office buildings can be converted to residential use without the need for planning permission, has resulted in a potential significant loss of office space in designated employment areas. Accordingly there is an issue of employment land being lost, which makes the small surplus of designated employment land identified in the Economy Study all the more important for choice and movement in the market.

The site makes up approximately half of the existing Highways House site, which is the subject of two current planning applications, potentially resulting in the split of the site. In April 2014 an application for prior approval for change of use from B1(a) office use to residential use (40 x 1 bed flats) was lodged and subsequently the LPA agreed that the building could be converted to residential use as permitted development without the council's prior approval. The application site was included within the red edge of the prior approval application and so it is therefore established that Highways House and the associated car park could be converted from its current B1 (a) office use to flats and its employment use would be lost. The applicants have asserted that this prior approval will be implemented if planning permission for either of the current applications now being considered are not granted. This potential fall-back position is a material consideration in this instance, which carries significant weight.

The development now proposed however is a new application, and all applications for planning permission must also be determined in accordance with policies contained within the development plan unless material considerations indicate otherwise, including the need to reserve employment land, as noted above. Policy EMP2 makes it clear that in designated employment areas such as this, changes from B1, B2 and B8 use classes should "generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs".

The local plan is now 10 years old and predates the National planning Policy Guidance published in 2012. The NPPF states "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose" and that "Land allocations

should be regularly reviewed.” In this case the land allocation has been reviewed by the councils Economy Study (2014) which assessed this area as one of the highest quality areas of the designated employment areas, with a score of 92% and a general comment that it should continue to be protected from alternative uses. There is therefore some evidence that the employment area continues to be well-placed for employment uses over the coming years of the emerging local plan.

This evidence however is contradicted by the agents for the application who have, at the request of the Council, provided a ‘Supplemental Marketing Report’ (dated April 2015). A total of three reports/ economic studies have been submitted to the Council relating to the existing Highways House site, two which have been submitted as part of the adjacent application for a care home and one for this application for residential development on the car park. However, all three reports relate to the same, existing employment site. All three reports are consistent in outlining that the Highways House site has been sufficiently and robustly marketed for at least 2 years, since it was vacated in 2012 and that there has been a very low level of interest from potential tenants or purchases for a B1, B2 or B8 use and a permanent occupier has not been found, for the entire building or one of the four wings or any combination thereof.

The report submitted for this application refers to the *‘undesirability’ of the office building is due to a variety of factors, such as ‘dated bland flat panel design, a lack of lifts, poorly provided and laid out service areas, low standard of cooling and ventilation etc.’*. The submitted report also outlines that B2 and B8 uses would be unlikely to be suitable, given the proximity of residential properties to the south and the west of the site. Furthermore, it is outlined that from a commercial point of view, there is a lack of demand for office space of this size in the area as a whole, with a table provided as part of the report, listing some 19 offices in the area, some of which are of a much higher quality than Highways House, which remain unoccupied.

In addition, the reports remark that the market will have to change very significantly before redevelopment of the site for B1 purposes will become viable, either the significant refurbishment/ improvement of the existing building/ site or the construction of new B1 office buildings.

The Council's Economy Report points towards the need to maintain levels of employment land over the local plan period and scores this site highly in terms of its location and attractiveness to new business, but the marketing evidence of recent years and the level of vacancy of similar units, some of which are of a better quality and newer (including one purpose built office development that has remained vacant for nine years since it was completed) suggest that the level of interest in this building is likely to remain very low for years to come. In the light of this evidence, the clear guidance from the NPPF that “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose” and the fact that saved Policy EMP2 of the Local Plan 2005 acknowledges that where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs, that alternative uses will be considered.

It is considered that a sufficiently robust marketing exercise has been carried out for a sufficiently long period of time and it has been demonstrated that the site does not fulfill the criteria that the majority of industrial and light industrial occupiers with requirements for the Welwyn Garden City market are seeking. Accordingly, based on the marketing evidence and specialist commercial advice there is no reasonable prospect of the site being used for employment purposes or business/community needs in the short to medium term. In these circumstances it is considered that alternative uses could be considered in accordance with the objectives of saved policy EMP2.

(b) Whether the principle of residential development is acceptable

Having acknowledged that uses other than B1, B2 and B8 might be considered in accordance with saved policy EMP2, the principle of the use of the land for Class C3 residential, to provide 23 dwellings, must also be considered.

Saved Policy R1 of the Welwyn Hatfield District Plan requires development to take place on previously used or developed land. The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Saved Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

- (i) The availability of previously-developed sites and/or buildings;
- (ii) The location and accessibility of the site to services and facilities by transport modes other than the car;
- (iii) The capacity of existing and potential infrastructure to absorb further development;
- (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities;
- (v) The physical and environmental constraints on development of land.

The application site is located within the main town of Welwyn Garden city, in a particularly sustainable locating, being within walking distance of the town centre and the train station and having various frequent bus services along Broadwater Road, at the front of the property. The proposed development would access directly onto Broadwater Road, which is main road within the town, providing good access to the surrounding area. Furthermore, there are no known physical or environmental constraints at this site that cannot be dealt with by the imposition of relevant conditions.

Whilst the site is located in a designated employment area it is on the edge of the area, with residential areas to the south of the site and on the opposite side of Broadwater Road, to the west of the site and it is noted that a primary school is located to the rear of the site. It is only to the north that the main employment uses

are located. The introduction of a development of 23 residential dwellings would not be inconsistent with the character of the area.

It is found that the proposal would not be contrary to policies H2, SD1 and R1 and is considered to represent sustainable development in accordance with the NPPF. Taking all of the above into account, there is no objection in principle to the residential development of this site.

(c) Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Furthermore, Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.

The character and form of built development in this area is mixed, comprising conventional housing to the south and the relatively new housing on the opposite side of Broadwater Road, which is of a flat roof, rectangular design and of large blocks of a single material, either red brick or white render with grey windows, providing a bold, contemporary appearance. To the north of this existing residential development is the Roche Products Factory, which is Grade II Listed and further north on the west side of Broadwater Road is the former Shredded Wheat factory which is also Grade II Listed. Both listed buildings are disused and abandoned. There are also office and employment buildings to the north of the application site, along Broadwater Road which are of varying and unique builds, varying in terms of their scale, form and materials.

The design, appearance, form and use of materials for the proposed development would be similar to the recently completed development on the opposite side of Broadwater Road. The block of apartments and the three blocks of houses would all be of a flat roof, angular design and each would feature 'tall' rectangular windows of grey frames, with fenestration in a uniform pattern. The proposed development and the existing development opposite appear to take the design cues from the Roche Products Factory listed building, which is industrial in its appearance, with a flat roof, finished with render and featuring rectangular windows in a regular, uniform pattern. Officers do not object to the continuation of this style of design, as it would provide a cohesive style to this part of Broadwater Road. It is considered that the proposal would provide an improved design to that opposite, as the blocks/ rows would be broken up and would appear less stark, with the appearance of bulk also reduced.

For example, the row of four terraced town houses proposed to the frontage (south-west corner of the site), would be broken up with the use of materials, with plots 1 and 2 of facing brickwork and plots 3 and 4 of white render finish. Plots 3 and 4 would also be set slightly forward and slightly down compared to plots 1 and 2 and would also. The block of apartments would be of facing brickwork, which would also be broken up with a recessed section towards the centre which would provide the front entrance and stairwell to properties and which would be of white render. The contrasting materials would help to break up the bulk of the relatively large blocks. This would also be the case for the two blocks to the rear of the site which would contain units 5-12. Each block would appear as two pairs of semi-detached properties, of facing brickwork, linked by recessed garages and first floor accommodation in between finished with render.

It is also noted that the layout of the proposed development is also logical and is similar to that on the opposite side of the road, with two blocks fronting Broadwater Road and the proposed access road leading to the two blocks to the rear, with one row facing towards the front of the site, facing the rear of the block of flats and the row at a perpendicular angle, facing into the site, backing onto Highways House/ the site for the proposed car home. The two blocks along the frontage would be set back from the road and footpath, again, a similar distance to those on the opposite side of the road, to provide a pleasing symmetry and to provide a cohesive feel and layout to the streetscape, on both sides of this part of Broadwater Road.

Landscaping is also a key feature of the proposed development, with a row of trees along the frontage of the site, to seek to soften the bulk and mass of the proposal, to match those on the opposite side of the road and to ensure that the proposal is in keeping with the key, soft landscaping ethos of the garden city. The planting of further trees within the site has been encouraged by officers and are shown on amended plans, which again, would help to soften the appearance of the development and to also create a pleasing sense of place and a built environment which nice to live in.

Two of the shortcomings of the larger development on the opposite side of the road is the prevalence of cars parked in the road and the number of refuse bins within the streetscape. The amended plans show a high level of 'defensive planting around the proposed development to seek to discourage cars being parked around the access road, in places other than the marked out/ designated parking spaces. In addition, the layout plan also notes the locate for bin storage for each dwelling and an enclosed bin store is to be provided for the block of flats, so that refuse bins are not simply left out in the street.

Comments and recommendations have been received from Hertfordshire Constabulary with regard to Safety by Design (Policy D7). The recommendations made have now been shown on the amended plans, such as moving side access gates to the front, rather than them being recessed and generally providing a higher degree of natural surveillance. An informative is to be attached in the event of permission being granted, suggesting that the development meet the minimum security standards of 'Secured by Design', in accordance with Policy D7.

Following amendments and improvements to the proposed scheme, further to discussions with officers and in light of the above observations, it is considered that

the proposed development would be of a high standard of design, which is in keeping with mixed surrounding area and takes opportunities to improve upon a similar development on the opposite side of the road. The proposal is therefore in accordance with Policies D1, D2, D4, D7 and D8 of the District Plan, the supplementary Design Guide and the relevant parts of the NPPF.

(e) Highway and transportation issues

The HCC Highway Officer has not raised any objections to the proposed development, subject to relevant S106 contributions for Sustainable Transport provision and several conditions requiring the laying out of adequate access, turning points and parking. It is noted that the proposed change of use of the land to residential and the provision of 23 dwellings would likely result in a significant reduction in the number of journeys to and from the site, compared to the existing car park, which can accommodate up to 200 vehicles, to serve the large office building on the other half of the existing site as a whole. The site is located in a sustainable location with good access to public transport and good footpath and cycle links.

The site would include 11 no. 2 bedroom flats, 8 no. 3 bedroom houses and 4 no. 4 bedroom houses. Each of the apartments would be provided with one off-street parking space each and each of the 12 dwellings would be served by 2 off-street parking spaces, as allocated on the submitted Layout Plan and totaling 34 spaces. As the site is located within the Parking Zone 2, the minimum required spaces for this development would be 32 parking spaces. Therefore the proposal meets the Councils minimum standards, in accordance with the Supplementary Parking Standards and the Interim Parking Standards. The internal access road would provide sufficient, safe access and turning areas for parking spaces accessed directly from it and there would be two parking areas, to the rear of terrace block and to the rear of the block of apartments, each of a sufficient width to provide adequate parking, access and turning space.

In the event of permission being granted, conditions would be included requiring that the access, tuning areas and parking spaces be laid out and provided in accordance with the submitted Layout Plan, prior to any occupation. In addition, whilst the proposed development would result in a reduction of car movements, compared to the existing B1a Office use of the land, the 23 dwellings would result in increased pressure and would rely upon the use of the local public transport network. Therefore sustainable Transport contributions, as part of a S106, are justified in this instance, which would be required to fund improvements of all non-car transport networks which directly relate to the proposed development.

(f) Impact upon neighbouring residents

The application site is well separated from neighbouring uses and buildings to the north, to the west on the opposite side of the road and to the rear, beyond the tall, mature row of trees (which line the rear boundary of the site). As such, the proposed development would not have any adverse impacts to the amenity of neighbouring uses beyond three of its boundaries and likewise, the proposed dwellings would not be adversely affected by these neighbouring uses.

However, concerns have been raised with regard to the relationship of the proposed development with the other half of the existing site at Highways House. In this instance, two considerations need to be made, as there is the existing situation of the office building at highways House and there is a current application for the adjacent site, which seeks permission to demolish the existing office building and to erect a care home.

Firstly, with regard to the existing office building, it is considered that due to the scale height and proximity of Highways House to the rear gardens of proposed plots 1, 2 and 5-8 (inclusive), these plots would not benefit from a sufficient degree of amenity. Highway House features a continuous row of first floor windows to the north elevation which would allow for views directly into the private rear gardens of these proposed plots, windows which would be at first floor level and set just 1.6m from the rear boundaries of these plots, in some instances. Furthermore, although only two storeys, Highways house is a tall commercial building of significant height and mass which would also be overbearing to the plots proposed along the southern boundary of the application site and being located directly south of these plots, would also block out a significant proportion of sunlight. As such, in the current situation, the proposed development is not acceptable as plots 1, 2 and 5-8 (inclusive) would not benefit from a sufficient degree of privacy or amenity.

However, officers are aware that the Highways House site is subject of a current application whereby the existing office building would be demolished. The application for Highways House has been resolved to be approved, subject to the completion of a S106 agreement. As such, it may be that the existing office building will be demolished in any case. In order to avoid a scenario whereby the development of the care home did not go ahead for some reason, and to safeguard the proposed residential development for a harmful impact, the applicants have agree to a clause within a S106 legal agreement, which states that the proposed residential development cannot take place until such time as Highways House has been demolished. He wording of the clause would be as follows:

Not to Commence nor cause nor permit Commencement until such time as the building known as Highway House and situated at 43-45 Broadwater Road Welwyn Garden City and which is also in the ownership of the Owner has been demolished pursuant to planning permission with reference N6/2014/2715/MA or otherwise.

This clause would overcome the above mentioned concerns regard the impact of Highways House on the residential amenity of proposed Plots 1, 2 and 5-8.

As the proposed care home on the adjacent site has been resolved to be approved, it is therefore necessary and reasonable to expect that an assessment of the impact on amenity should also be considered in this scenario.

Application reference N6/2014/2715/MA proposes to demolish the existing office building and to erect, in its place, a care home for 83 residents, with associated car parking and landscaping. The location and scale of the proposed care hoe is shown on two of the plans submitted for application ins question (for residential development of 23 dwellings), including the Layout Plan (showing the footprint of the proposed car home) and the Street Scene Cross-section, showing the front elevation

of the care home. The care home would be sited in a similar location to the existing Office building, although would be of a different form. The nearest section of the care home, at the north elevation, would be located approximately 3.8m from the shared boundary and would sit alongside the end of the rear garden of Plot 1 and the parking area serving Plots 1-6. This nearest section of the care home would initially be two storey and would step up to three storey and then four storey towards the centre of the building. The three storey element would be of a similar height to Plot 1 and the four storey element which would be taller, would be set approximately 10.6m away from the shared boundary. Given the careful design of the care home, so as to be lower in height at its nearest point to the proposed residential development, and its orientation to the residential development, it is considered that, on balance, it would not be overbearing or overly dominant to the nearest proposed dwellings. Trees are also proposed to be planted at the rear of Plot 1, along the shared boundary, which would also help to screen and obscure any views of the care home from the residential properties.

The proposed care home would be of a 'U' shaped footprint, with a larger front wing, a southern wing and a rear wing. The southern and rear wings would be set a sufficient distance from the proposed residential properties so as not to have any significantly detrimental impact on residential amenity. The north elevation of the 'front wing', as discussed above, would feature a number of windows at first, second and third floors, facing towards the residential development. The windows towards the rear of the north elevation would only face directly over the proposed car park which would serve proposed Plots 1-6. The windows towards the front of the north elevation would face directly towards the rear garden of proposed Plot 1 and plot 2 beyond that etc. A first floor bedroom window would be set just 3.7m from the side boundary of Plot 1 and a further second floor bedroom window would also be set 7.5m from the side of Plot 1. However, the resolution to grant permission for application reference N6/2014/2715/MA would include a condition requiring that the bedroom windows to the north elevation of the care home would be obscure glazed and fixed shut. This would be reasonable in this instance as the two windows are secondary windows to these bedrooms, which would also benefit from larger windows to the front elevation facing over Broadwater Road.

In light of the above, subject to suitable conditions being included in the event of the proposed care home being granted permission, Officers consider that the proposed residential development would benefit from a sufficient standard of residential amenity to all of the plots. The proposed development is therefore found to be acceptable in line with Policy D1 in this regard.

(g) Landscaping and Ecological issues

The site is currently occupied by a hard-surfaced car park, surrounded by tall metal fencing/ enclosures and is of low ecological value, although the row of mature trees to the rear boundary are worthy of retention.

Hertfordshire Ecology have commented that the site consists of a large area of hard-standing that protected species would not be a constraint on this proposed development and that there is no reason to request any ecological surveys in this instance.

The Council's Landscaping and Ecology Officer has indicated that there is no objection to the proposed development, which would include removal of a Oak Tree along the western (front) boundary of the site to make way for the proposed access from Broadwater Road. The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement which include recommendations which are largely agreed with by officers and which should be adhered to. Commenting on the original plans, the Landscaping Officer requested that tree planting be increased and improved, which is now shown on amended plans. However, further details of species, size and location of all soft landscaping and planting will be required as part of a more detailed landscaping plan. This can be requested via a suitable condition, in the event of permission being granted in this instance.

Compared to the existing nature of the site, it is considered that the proposed development would provide the opportunity to improve and increase soft landscaping and ecology within this location.

(h) Environmental Health Issues

The Council's Environmental Health Officer has commented that in order to ensure that the proposed residential dwellings benefit from a sufficient degree of amenity, that a noise report/ acoustic assessment will be necessary in this instance, particularly with regard to the noise from traffic using Broadwater Road. Attenuation measure me be necessary in this instance to ensure satisfactory internal noise levels. Furthermore, the construction of the site may lead to noise nuisance to neighbouring residents and businesses and so a Construction Management Plan is necessary in this instance. Both of these matters can be requested by suitable conditions, in the event of permission being granted.

With regard to contaminated land matters, the application is accompanied by a report by EPS. This includes a number of recommendations, including the importation of 300mm of top soil for the garden and landscaped areas of the site. The proposed development is considered acceptable in this regard, subject to the development being carried out and completed in accordance with the EPS Ground Investigation Report.

(i) S106 issues

HCC TPS has confirmed that it has no objection to the proposal subject to conditions and the applicant entering into a S106 obligations securing the following: -

- Sustainable transport contributions amounting to £21,750

The request for a sustainable transport contribution is considered to be reasonable and to pass the necessary CIL 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

WHBC Client Services have also found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision for the 23 proposed dwellings, amounting to £2,688. Again, this requirement is considered reasonable and necessary in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) regulations 2010.

The Council considers to reasonable and necessary to seek an additional contribution of £1,221.90 (5% of total contributions), to ensure the continued and effective monitoring of these contributions.

Lastly, as outlined above, the proposed residential development is not considered acceptable in the instance whereby the existing highways House office building were to remain in place. As such, a S106 agreement is also to include a clause which requires highways house to be demolished before any works or construction in relation to this approval can commence. Such a clause would read as follows:

Not to Commence nor cause nor permit Commencement until such time as the building known as Highway House and situated at 43-45 Broadwater Road Welwyn Garden City and which is also in the ownership of the Owner has been demolished pursuant to planning permission with reference N6/2014/2715/MA or otherwise.

The applicant has indicated a willingness to complete an obligation in the terms expressed above.

9. CONCLUSION:

Redevelopment of the site for a residential use would result in the loss of B1, B2 and B8 land and buildings within the Employment area EA1 identified in the Welwyn Hatfield District Plan 2005. Uses other than B1, B2 and B8 will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. A report has been submitted which confirms that the site has been actively marketed for some years without attracting interest from potential occupiers and furthermore that with anticipated market conditions and competition from other sites in the town and the wider region, the prospect of finding new tenants are limited. In these circumstances the LPA is justified in considering alternative uses on their merits as is advised in the NPPF (Paragraph 22).

The proposed residential development of 23 dwellings would result in a reduction in traffic movements on the road network and has been designed to reflect the character and style of new residential development immediately opposite the site on the west side of Broadwater Road. The scale and design of the buildings are considered acceptable in this location.

The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions, is acceptable with regard to impacts on highway safety and issues of environmental health.

10. CONDITIONS:

1. 30.1 - Development in accordance with approved plans and details: 17095/105 & 17095/109 & 17095/110 & 17095/111 & 17095/112 & Arboricultural Impact Assessment and accompanying Tree Survey by BHA Trees Ltd (November 2014) & Arboricultural Method statement by BHA Trees Ltd (November 2014) & Ground Investigation Report by EPS (December 2014) received and dated 9th January 2015 & & 17095/106 Rev.A &

17095/113 Rev.A & 17095/1002 Rev.A & 17095/1003 Rev.A received and dated 3rd August 2015 & 17095/107 Rev.B & 17095/108 Rev.B & 17095/114 & 17095/1001 Rev.C received and dated 17th August 2015

Prior to Commencement

2. C.5.1 – Samples of materials
3. 3.1 - No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials
- (c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (f) location of service runs
- (g) management and maintenance details
- (h) details of any lighting installations within the site and affixed to the building

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. 11.13 - No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials

- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- (h) construction vehicle numbers, type and routing to the site.
- (i) Traffic management requirements;

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specifications), of on-site drainage, access arrangements and turning spaces for vehicles shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall be adhered to, implemented and retained thereafter. The required details will include the following:
 - (i) Roads, footways, foul and on-site water drainage.
 - (ii) Access arrangements from Broadwater Road.
 - (iii) Adequacy of areas provided for the turning of vehicles within the site.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework.

6. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority an environmental Noise assessment. This report should include details of a noise monitoring exercise and details of the facade and internal noise levels for the premises. Noise measurement results in terms of day and night-time LAeqs, LA90s and for night-time, LAm_{ax} (f) will be required. Where internal noise levels exceed the BS8233 recommended levels for habitable rooms details of how these standards will be achieved without compromising the background and rapid/purge ventilation rates indicated in the Building regulations shall be provided. Details of any mechanical ventilation systems needed to achieve this will be required. The development hereby approved shall be constructed in accordance with any approved details which will be retained thereafter.

REASON: To protect the residential amenity of occupiers in accordance with Policies R19 & D1 of the Welwyn Hatfield District Plan 2005.

Prior to Occupation

7. Any existing access other than those proposed to be used on the approved drawings shall be permanently closed and the footway/highway verge shall be reinstated to match the adjoining footway/highway verge/carriageway before the development hereby permitted is first occupied.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework.

8. The approved car and cycle parking spaces, servicing areas and access shall be provided, surfaced and drained in accordance with the approved details before the development hereby permitted is first occupied and thereafter shall be retained.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework.

Post development Commencing

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

10. 5.1: All agreed landscaping comprised in accordance with Condition 3 of this permission shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D2 and D8 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:

1. INF2 – Ownership: The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
2. INF6 - Street Numbering: The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. INF12 - Pre-commencement conditions: The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.
4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access an. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

6. The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. It is advised that the development of 23 dwellings, hereby approved, shall be constructed to meet the Police preferred minimum security standard of Secure By Design. For further information, please contact Hertfordshire Constabulary Tel: 01707 355225 or information can be found at www.herts.police.uk.

Signature of author..... **Date**.....