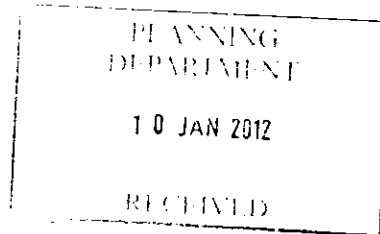




AG/njk/DP2225

09 January 2012



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Dear Richard

BROADWATER ROAD

I am writing to you in response to the committee report for Broadwater Road. In advance of this week's committee hearing I want to deal with the reasons for refusal and demonstrate why, in our opinion, the report fails to grasp the ways in which the application:

- accords with all relevant local, County and national planning policies and
- has suffered from a lack of engagement with officers.

DP9 and the wider project team entirely disagree with the conclusions of the committee report and consider that the scheme is wholly acceptable in national, regional and local planning policy terms. The scheme is 90% in accordance with the adopted Broadwater Road West SPD, delivering significant residential, employment, leisure and community uses, along with a replacement footbridge. However, having undertaken detailed viability work, it is clear that an entirely SPD compliant scheme cannot be delivered. Accordingly, an economic driver, in this case a foodstore, is required to unlock the site.

Furthermore, we are surprised and disappointed that the report does not reflect the significant additional work and information that was submitted in September 2011. I respond to each point in turn below.

1. Sequential Approach

1. The submitted PPS4 Retail Assessment has failed to demonstrate to the satisfaction of the Local Planning Authority that the applicant has complied with the requirements of the sequential approach.

We disagree with the Council's conclusions on this, bearing in mind the conclusions of the Council's own appointed retail advisors, Nathaniel Lichfield and Partners (NLP). In their review of the PPS 4 Retail Assessment, which WHBC published on the 19th May 2011, NLP concluded in paragraph 5.13 of their report that "there are no sequentially preferable sites" for the application proposal.



2. Retail Impact

2. The proposals by virtue of the inclusion of the retail store would have a significant adverse impact on public and private investment in Welwyn Garden City town centre, the vitality and viability of Welwyn Garden City town centre and on in centre trade/turnover.

Once again, I refer to the conclusions of the Council's appointed experts, NLP, who conclude that the proposed store poses no serious threat to Sainsburys, Waitrose, Marks & Spencer and Iceland in Welwyn Garden City Centre [section 3.22] or the Asda in Hatfield [section 3.23], nor does it threaten the Somerfield, One-Stop or other local convenience stores [section 3.25]. In this respect, we fail to see how the Council have concluded that the food element of the scheme presents a serious negative impact.

In respect of comparison goods, NLP agree that the comparison element of the store can be supported through growth alone, resulting in minimal impact, albeit that by 2016, there would only be £2m to support new facilities. However, since the production of the NLP report, the comparison element of the Broadwater Road proposal has been reduced by 346 sqm, from 1,739 sqm to 1,393 sqm, which would mean using NLP's figures that there will be an additional £3.8m to support new development. It should also be clearly highlighted that retail development is not bought forward on expenditure growth alone, at present Welwyn has significant leakage of comparison goods expenditure, which any developer would be looking to clawback as a result of their schemes retail offer. NLP estimate that even following the opening of the Tesco store, in 2016 out of the £381.27m of expenditure generated by WHBC residents, some £137.58m is spent outside of the borough at town centres outside of Welwyn Hatfield Borough Council. If even a quarter of this money could be "clawed back", just £34.39m, it would support a scheme in excess of 7,000 sqm at Town Centre North.

3. Urban Design

3. In urban design terms, the proposal is unacceptable, principally because of:

- *The urban structure and scale of development in the north-western part of the site;*
- *The safety and legibility of key pedestrian/ cycling routes and connections;*
- *The role, safety, and activity associated with key spaces in the public realm;*
- *The landscape character of key spaces and the residential area.*
- *Quality and appropriateness of soft landscaping proposals.*
- *The illustrative material in the two Design and Access Statements fails to establish future principles that can be used to fix principles of design for the outline application and therefore, fails to secure the future quality of these parts of the development.*

The project team are extremely disappointed that the Council are not enthused by the exemplary design promoted by Allies and Morrison. Indeed, we are surprised at the Council's stance bearing in mind the Commission for Built Architecture (CABE) stated in January 2011:-

"We are pleased to comment on this proposal which will be a significant development within Welwyn and an opportunity to enhance its status as a garden city. The development presents a strong commitment to making the best use of the industrial buildings. The scheme has a structured layout, introduces a number of green spaces and proposes a good mix of uses close to the railway station."



Furthermore, English Heritage fully supports the listed building proposals.

A number of detailed issues are raised in the committee point and we address this in the enclosed note by Allies and Morrison.

4. Under Delivery of Housing and Viability

4. The proposal, for a form of retail development for which there is no demonstrable need would deny the Council the opportunity to make the most efficient use of land for housing on what is a sustainable location and would as a consequence result in more land being released from the Green Belt than is necessary, along with jeopardising the delivery of the Pall Mall site. Furthermore, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that an SPD compliant scheme cannot be delivered.

We strongly disagree that the scheme will not deliver in terms of residential compared to the expectations of the SPD which anticipates 920 dwellings at a ratio of 85 dwellings per hectare (dph). It should be noted that the Spenhill land ownership is only one of three in the SPD, the other land owners are Taylor Wimpey and Pall Mall.

Taylor Wimpey are currently building out their planning consent for 207 units, the Spenhill application comprises 374 residential units, 57 YMCA accommodation units and 72 residential care units, leaving a short fall of 240 units from the SPD total of 920 units.

As part of their Post Submission Design Response in September 2011, A&M carried out a detailed study of the quantum of residential that could be delivered on the Pall Mall site across two options. These studies conclude that the level of housing envisaged in the SPD can be delivered. Once again, we are disappointed that the committee report does not reflect this point. Furthermore, it is incorrect to assert that the scheme will prevent the redevelopment of the Pall Mall site. The 2016 highway modelling results for the Broadwater Road junction with Bridge Road show there is spare capacity during both the AM and PM weekday peak hours based on the 'likely peak' scenario, which we believe is the more realistic representation of future traffic volumes in the town. In the case of the 2021 Paramics modelling, the results show a congested network regardless of whether the Spenhill scheme or an SPD-compliant scheme is developed on the site.

We consider that the reference to green belt land is also misleading, particularly as the site can accommodate the full quantum of residential development required by the SPD. Furthermore, there is significant vacant employment stock within the Borough, capable of accommodating the borough's housing needs.

In respect of viability, GL Hearn has produced a robust assessment that has been informed by up to date build cost information from both quantity surveyors at Rider Levett Bucknall and by a major construction firm Vinci's. We consider that Colliers have fundamentally got it wrong on this point and even offered to pay for a third party to review both parties work. Regrettably officers declined this offer. Nonetheless, we are confident in our assertion that the SPD is not deliverable and requires an economic driver such as a foodstore to unlock its development potential.



5. Highway Capacity, Safety and Parking

5. The proposal, by virtue of the site layout and traffic arising from the proposed development has a significant adverse impact on highway safety, capacity and free flow of traffic of the surrounding highway network. In relation to the issue of capacity analysis, the applicant has also failed to demonstrate that the proposed mitigation measures can adequately offset the potential increases in demand and can feasibly and reasonably be delivered. Furthermore, the applicant has failed to demonstrate to the satisfaction of the Highway Authority Local Planning Authority satisfactory measures to promote wider sustainable travel measures.

6. The overprovision of car parking for the Tesco store, and the failure to demonstrate satisfactory measures to promote wider sustainable transport measures would result in a scheme that would encourage increased car travel.

7. The failure to meet the minimum car parking standards for the residential area as set out in the adopted Supplementary Planning Guidance Parking Standards (January 2008) would have adverse impacts on the safety, quality and character of the residential areas.

Paragraphs 8.109-8.160 in Section 8 of the Committee Report consider the following subsections of Policy TCR3 of the Welwyn Hatfield District Plan 2005 that relate to transport:

- iv. It would be accessible by a choice of means of transport; and
- v. It would not generate unacceptable levels of car traffic nor prejudice road safety.

In general, we consider the tone of the comments to be disproportionately negative, particularly given the complexity of the scheme and the amount of work that has been undertaken relating to transportation and highway impact. In particular there are a number of comments suggesting that the applicant has failed to negotiate or discuss details with the planning authorities. This is despite a constant effort to maintain dialogue with the authorities and numerous requests for feedback on the material submitted. We have generally been disappointed in the level of engagement from Welwyn Hatfield Borough Council and Hertfordshire County Council throughout the planning process, and on the slow response time for comments on all aspects of the transportation and highways elements of the application. A scheme of this size and complexity requires constant communication between the applicant and authorities to resolve issues and reach agreement on a significant number of issues. This has simply not been the case for the Broadwater Road application.

A discussion with Hertfordshire Highways since the publication of the Committee Report has revealed that, in general, the majority of outstanding issues can be resolved, some following the granting of permissions. Only one item relating to the performance of a single junction on the highway network is of major concern, and it is considered that this could still be resolved with HH without significant changes being made to the development proposals as they stand. However, the wording of the Committee Report implies numerous significant failings and gives little indication that they can be resolved, which is at odds with this view.

Impact on the Highway Network

Paragraphs 8.110-8.120 focus on trip generation and impact on the highway network. The key concerns relate to the performance of the town centre road network, particularly in 2021, as



shown in the Paramics model and the queue lengths developing at the junction of Broadwater Road with Bridge Road in the 2016 PM peak hour.

Regarding the junction of Broadwater Road with Bridge Road, Hertfordshire Highways (HH) focus their assessment on the 'Release of Held Back Traffic' scenario and consider this to be the more robust assessment. We would consider the 'Likely Peak' scenario to be the more realistic representation of future traffic volumes passing through the junction because non released vehicles generated in the Paramics model would not be able to reach the town centre unless the capacity of all junctions between the perimeter of the town and the town centre was increased to allow additional traffic through. In the 2016 Likely Peak scenario results, the junction is shown operating satisfactorily on all arms in both the AM and PM peaks even with the Spenhill scheme in place.

The Paramics model shows congestion developing across the town centre in both an SPD-compliant scenario and the Spenhill scenario, albeit with the performance worsening in the case of the Spenhill scenario. We consider it misleading to focus solely on the number of non released vehicles when assessing the performance of the model. MVA state in their original Paramics report (*Future Year Model Output Analysis* [February 2009]) that relocating traffic away from the town centre would be a more effective and desirable solution to increasing capacity in the town centre. Holding traffic back at the perimeter of the town therefore not only acts as a gating mechanism to manage traffic flows in the town centre but also encourages trips to divert onto alternative routes to avoid congestion.

In the case of the 2021 model (pages 7-8 in Appendix 5), although the HH comments state that the Spenhill scenario will increase queuing and reduce traffic speeds within the town centre, they fail to mention that a similar picture emerges in the case of the SPD Base scenario. For the Spenhill scenario, the number of non released vehicles (according to the model) would be 963 and 3,010 during the AM and PM peaks respectively. In the SPD base scenario, the equivalent numbers of non released vehicles would be 662 and 2,050. In other words, the model shows a highly congested network in the town centre with both the SPD and Spenhill schemes.

Further to the publication of the Committee Report, HH have indicated that the primary reason for recommending refusal of the application is the performance of the Broadwater Road junction with Bridge Road during the PM peak hour, specifically the queuing that develops on the Bessemer Road and Bridge Road East junction arms, which extends back to the adjacent junctions in the Release of Held Back Traffic scenario only. The queue lengths and degree of saturation on these arms are only slightly greater than what would be considered acceptable peak hour levels

Highway Layout Design

Further safety audit comments are included in paragraph 8.123. It is considered that all these comments can be addressed to the satisfaction of HH. However, the comments had not been communicated to us since the latest junction layouts were submitted in September 2011 despite numerous requests from the applicant to HH to provide feedback.



Public Transport Improvements

Paragraph 8.126 considers the proposed improvements to bus services outlined in the TA report, but states that 'no details have so far been agreed and this is disappointing given the amount of negotiation and opportunity for the applicant to resolve these matters'. The £200,000 financial contribution towards improvements to the 403 bus service was discussed and agreed with HCC at a meeting in March 2011. Since this time, no further comments have been received from HCC or WHBC on any additional improvements they would like to see delivered as part of the application despite numerous opportunities to provide further feedback on the application.

Internal Site Layout

Paragraph 8.127 provides comments on the internal site layout. It is suggested that no details have been provided with regard to how traffic speeds will be kept low in the site. However, the application drawings clearly show traffic calming measures on the main access road and adjacent to the Civic Square (raised tables), and the TA and Addendum report clearly state that a 20mph speed limit will be enforced with appropriate signage throughout the site.

S106 Agreement

Paragraph 8.129 discusses the highway mitigation and the cost estimates to be included in the S106 Agreement. It states that 'even at this late stage in the process no discussions regarding this have yet taken place'. We would contest this. The highway mitigation layouts and cost estimates were presented to HH in September 2011 for review following a request for information, and no further comments have been received to date despite numerous requests for feedback from the applicant. The material submitted to date demonstrates that there is no reason to believe that the proposed mitigation measures cannot feasibly and reasonably be delivered.

Sustainable Transport

In paragraph 8.131 it states that there are no details of the proposed sustainable transport initiatives that form part of the mitigation strategy in the TA report. The sustainable transport initiatives are detailed in the Framework Travel Plan (FTP), which forms an appendix to the TA report. The initiatives are therefore not detailed in the main body of the report. Later on it states that 'the Highway Authority are also looking for more harder [sustainable transport] measures such as cycle lanes, bus lanes and improved bus infrastructure'. This is the first mention of a requirement for 'harder' sustainable transport measures to be included in the application despite the original TA report having been submitted in September 2010. The first and only other set of formal comments provide by HH in August 2011 makes no mention of such measures.

Parking Provision

Paragraphs 8.134-8.139 consider the residential parking provision and in paragraph 8.138 it states that, while officers concede that the site is in a sustainable location and that a lower ratio of residential car parking is therefore appropriate, there are concerns that the shortfall in parking for 1 and 2 bedroom units could lead to additional cars being parked illegally on the street, both within the SPD site and surrounding area of Peartree. However, the provision of 0.5 spaces per 1 or 2 bedroom unit is considered appropriate for a site with this level of public transport, walking and cycling accessibility and proximity to the town centre. It is anticipated that these unit sizes



would appeal to first time buyers who would be less likely to be car owners and would not all therefore require parking facilities. In addition it should be noted that the applicant has committed to making a contribution towards the cost of monitoring parking levels in the surrounding areas of Peartree and the implementation of a controlled parking zone (CPZ) should it be required for management purposes. The residential parking provision should also be considered alongside the proposed sustainable transport measures detailed in the framework travel plan, such as travel information packs for residents, subsidised public transport travel and the introduction of a site-wide car club.

Paragraph 8.149 states that the overprovision of parking for the food store exceeds the Council's adopted parking standards and officers consider that sufficient flexibility has not been shown in relation to car parking for this element of the scheme. The parking provision beneath the food store will be for use not only by the store customers, but also by the general public to enable shoppers to park here and walk into the town centre. This is reflected in the permitted parking duration of 3-hours. The provision also takes into account the need for parking associated with the heritage centre, restaurant and cafe elements within the civic square. The proposed provision, while higher than the maximum standard for a food store in this location, is therefore considered appropriate.

Conclusions

In the current economic climate, we feel that the Council should support development that delivers regeneration of a derelict site, provides a public swimming pool, new footbridge and creates 1800 new jobs, including about 400 to 500 at the new Tesco store and many hundreds during the building phase. In addition, the S106 benefits total some £20m, a copy of the Heads of Terms are appended to this letter. Such development is in line not only with existing planning policy, but also the emerging National Planning Framework, which states that

"planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is 'yes'"

As you will note from the above and the enclosed report, we consider that all the issues raised by the council and its consultants have been addressed by the applicant. We trust that in light of the clarifications provided and information enclosed that Council will be supportive of the Spenhill regeneration proposals.

I can confirm that we would be delighted to meet with the council and any of its consultants to address any questions you may have.

Yours sincerely


ADAM GOSTLING

Cc: Chris Conway

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report **Broodwater Road, Welwyn Garden City**
568
Urban Design Response to Committee Report

6 January 2012

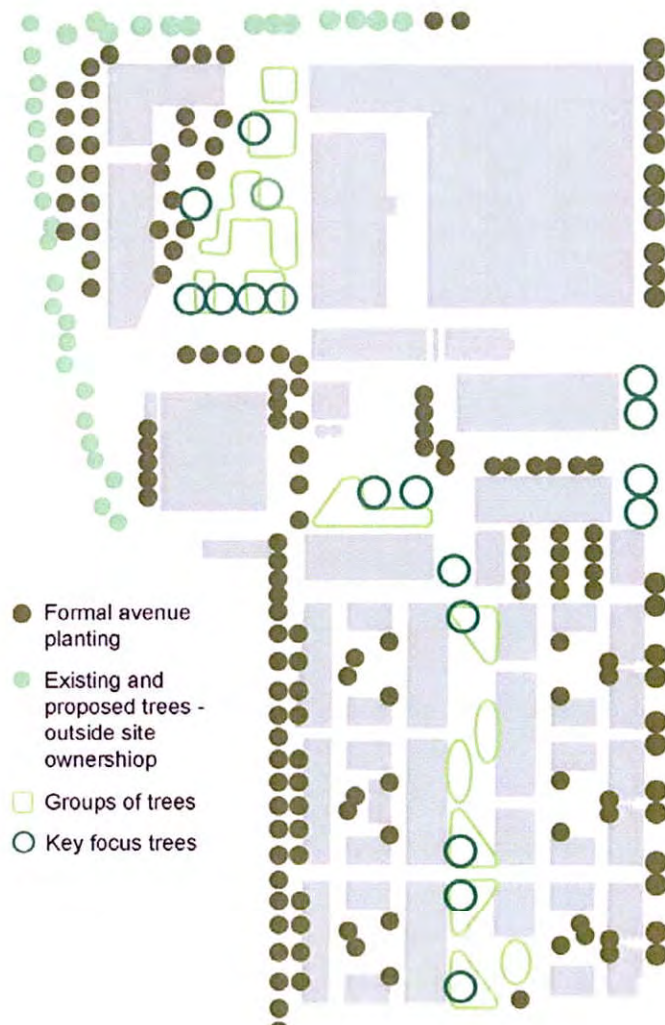
Response to the highlighted points in the Welwyn doc

8.199However existing trees are not capitalised upon in the application proposals the loss of mature tree, without adequate replacement is not acceptable.

Our schemes retain more than 30 trees and the proposal is to plant more than 330 trees, although there is a loss of 67 existing trees. This represents more than adequate replacement of trees across the site. The large majority of the losses are the result of the requirements placed on the scheme to improve highway capacity in the area.

A further group of trees has been removed along the north-south boulevard in order to ensure that the new trees which are established form a consistent formal avenue in keeping with garden city landscape form rather than relying on the existing planting which varies considerably in size, position and quality. Only one group of trees is removed to facilitate the delivery of new buildings - the new leisure centre building.

A detailed explanation of the planting strategy and the garden city principles was included in the report submitted to WHBC in September 2011.



The diagram above indicates the four typologies of garden city planting incorporated in the Broadwater West proposals namely:

- Principle avenue trees
- Key focus trees
- Tree groups
- Supportive tree planting

Should the WHBC Landscape design advisor wish to develop the design proposals by way of a condition or through the submission of reserved matters the design team would welcome design conversations to address any concerns, or further design development to increase more formal elements as required.

8.200 The proposals as currently designed do not promote linked trips by foot sufficiently at present and so are not acceptable. This is particularly exacerbated by the convoluted routes that persons using the food store have to take to access the town centre.

The route between the new store and the town centre links together some of Welwyn's most significant features, from the Howard Centre across the pedestrian bridge to the listed silos and then beyond to the new store, the link from the store towards the pedestrian bridge is created by a new public square and the presence of the new leisure centre building, both of which will contribute to a memorable and legible place. It is acknowledged that the link from the new square towards the store is somewhat compromised by the presence of the silos. However, these are such a significant heritage asset that their presence can only be regarded as a fixed element. What the scheme does do is to create new activity and frontage at ground level of the sites to highlight and animate the route so as to aid way-finding.

Linked trips to the town centre by shoppers visiting the store will be facilitated through the improvements to the bridge link over the railway, seen as the major impediment to access at present. Access to the new car park is also provided via an entrance from the main square – this is both very visible and also much closer to the bridge crossing than the store itself. As a direct comparison, the walk from the car park entrance to the eastern entrance to the Howard Centre is approximately 250m, whilst the walk from the entrance to the Waitrose car park to the northern entrance of the Howard Centre is approximately 210m and is arguably considerably less legible.

There is insufficient information included within the application (for determination as opposed to illustrative) for the outline proposals on the nature of the proposed housing and open space areas to allow a full assessment or to fix future decisions relating to these issues.

It should be noted that design codes were not requested by the Council at either the pre-application or post-submission stages. Approval for the appearance, scale and landscaping for the buildings is a reserved matter, meaning that the Council will have full control over design, materials, bulk etc. Accordingly, the Council will have the ability to undertake a full assessment during the reserved matters stage. Indeed, if the proposed appearance of the building through reserved matters is deemed inappropriate, the

Council can refuse the reserved matters application.

There is a question over the future use of the Pall Mall site and the potential implications for the appropriate mix of uses in the north-western part of the application site.

The Pall Mall site is outside the control of the applicant. However, our proposals deliver the urban framework of the SPD which creates the block structure and access required to facilitate development of the site, most particularly the north-south boulevard.

With regard to the mix of uses the SPD shows the northern part of the Pall Mall site as employment land and the southern part as housing.

The Taylor Wimpey proposal was approved without any concern about the resolution of the other two sites within the SPD area i.e. Pall Mall and Spenhill sites.

8.202 The design and positioning of the footbridge which does not promote safety

The location and many aspects of the design of the new footbridge are fixed by the constraints of the existing bridge. It is therefore beyond the ability of the scheme to significantly alter these areas. A number of new features are considered to improve the safety of the bridge. Firstly, the eastern end of the bridge has been significantly shortened to reduce the distance people walk at an elevated level rather than along a conventional street; secondly, the bridge now lands in a public space next to a prominent public building which is expected to have very high footfall and facing a new public access road; finally, the new development will generate a considerable amount of additional traffic across the bridge, making it feel safer.

An appropriately sized and maintained lift is provided to ensure access for all including wheelchair users and mothers with prams for example can easily access the Howard Centre and the railway station from the east. This is not currently provided.

The lift and staircase to the bridge are located adjacent to the leisure centre entrance and therefore benefit from being part of an active and monitored space. Neither the Secured by Design Officer nor the Community Protection Officer have ever raised any safety issues with these upgrade proposals for the bridge, which will fully comply with current Part M and BS8300-2009.

The dead frontage of the supermarket on Broadwater Road which does not promote safety

The entry buildings present no active frontage along this section of Broadwater Road and therefore the situation proposed in the application cannot be considered as lacking in

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improvement from the current condition.

In their letter to Richard Aston, dated 7th January 2011, CABE commented on the supermarket design:

"We welcome the effort that has been made to integrate the supermarket into the development. We think the architectural treatment of the supermarket responds well to its context and helps enliven potentially blank walls that could create dead frontages. The office space on the north-east corner of the store will also help create some activity on the adjoining roads"

The proposed frontage on Broadwater Road is not a 'dead' frontage. The design incorporates active elements and clerestory windows where light spilling from the building will animate the route. The active corner on the junction provided by the staff area, an entrance and the courtyard garden will engage the visitor.

WHBC have not been supportive of a supermarket replacing the now defunct Shredded Wheat production hall. The proposals do however have the support of the Twentieth Century Society, CABE and English Heritage.

The Listed Building consent WHBC report page 168, item 8.29:

discussion of the whether the buildings are appropriate in accordance with PPS5 'Planning for the historic environment' and District Plan Policy R27' states

"the approach that has been taken successfully creates a rhythm along this elevation and provides depth and articulation to this frontage. Furthermore, the proposed materials should relate well to the industrial heritage "

It is recommended that Listed Building consent be approved for this design.

This is a traffic dominated area where buildings to the east of Broadwater Road make no contribution to activate the pedestrian experience.

The Parameter Plan "Primary and Secondary Active Frontages" (568_PP_07_018), attached, was prepared in September 2011 to address minor issues raised by Tibbalds UDA.

The residential cross streets on desire lines from Broadwater Road, in particular from bus stops, which do not promote safety

The plan creates a clear block structure with rectilinear blocks which establish a clear frontage to public realm and enclose mews within. The principal routes are therefore regarded as very legible, particularly when viewed in the context of the strong north-south orientation of the boulevard, green space and Broadwater Road. Incidental footpaths

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crossing the green space have been shown to reflect desire lines of movement between these spaces.

The cycle route to the south of the civic square, which is not safe for pedestrians and relies on the outline proposals for delivery.

The Parameter Plan "Pedestrian and Cycle Access" (568_PP_07_008), attached, was revised in September 2011 to address minor issues raised by Tibbalds UDA.

The cycle route provided that connects the railway bridge to Hyde Way is delivered within the detailed application boundary.

This is the first time a concern about the safety of the cycle route to the south side of the civic square has been raised.

Should WHBC/HCC/Landscape advisor wish to develop an approach which more clearly defines a dedicated surface for cyclists to aid pedestrians by way of a condition or through the submission of reserved matters the design team would welcome design conversations to address any concerns or further safety development.

8.203 ...the design of the public spaces, including the civic square, the linear open space and the recreation ground needs further amendment to take account of the opportunities available to secure the SPD objectives and the high quality of design required by the District Plan.

The landscape scheme created for this area shows a contemporary response to the original garden city ethos. This establishes a formal structure for the new square and the boulevard leading into spaces which have a less structured planting scheme. This approach reflects similar conditions in the centre of the existing town where the informality of the green spaces at the Campus and at Wigmore North provide a counterpoint to the structure of Parkway and Howard's Gate.

We would be willing to review whether a more obviously structured landscape scheme would aid perceptions of the proposed character of the green spaces. This can be secured by an appropriately worded condition in relation to the detailed element scheme and through the reserved matters application for the landscaping.

8.204 The detailed application proposals generally demonstrate an aspiration for high quality of design, with exceptions

- southern edge of the supermarket, its entrance, access and circulation arrangements

The design of the supermarket is supported by CABI and English Heritage.

- Buildings fronting the civic square where active frontages are not created

The Parameter Plan "Primary and Secondary Active Frontages" (568_PP_07_018), attached, was prepared in September 2011 to address minor issues raised by Tibbalds UDA.

Updates to the Parameter Plan "Ground floor uses and frontages" (568_PP_07_012), as attached revision, were proposed in September 2011 to address minor issues raised by Tibbalds UDA.

All of the buildings surrounding the Civic Square have been designed to present an active frontage to the space. These include shops, cafes and the leisure centre building and particularly include adaptations to the ground floor of the silos to create active frontage - agreed with English Heritage as a positive improvement to the public realm potential of the retained structure.

The only building without an active frontage on the civic square is the listed Boiler House in the north-west corner of the square. However, as part of the significant grouping of historic factory buildings this forms a fixed point in the scheme which is difficult to repurpose. Its use as an energy centre is appropriate to the building typology, but also serves to promote the sustainable approach which is being taken to the area in the longer term.

The outline proposals demonstrate that there is a potential for an innovative high quality residential scheme, but the information provided in parameter plans and the Design and Access Statements is not sufficient to fix the quality of future development

It should be noted that design codes were not requested by the Council, at either the pre-application and post-submission stages. Approval for the appearance, scale and landscaping for the buildings is a reserved matter, meaning that the Council will have full control over design, materials, bulk etc. Accordingly, the Council will have the ability to undertake a full assessment during the reserved matters stage. Indeed, if the proposed appearance of the building through reserved matters is deemed inappropriate, the Council can refuse the reserved matters application.

8.205However, there are a number of issues identified where the current proposals do not create the high quality of design required by the national and local planning policy framework:

The bullet points here are largely repetition of the points noted above.

8.207 the residential design

In their letter to Richard Aston, dated 7th January 2011, CABE commented on the residential design:

We think the suggested outline layout of the residential quarter is successful in integrating the dwellings with a structured landscape proposal. We also welcome the mix of tenures proposed and the different ways in which car parking could be accommodated on the site."

Summary of WHBC for reasons for refusal:

"In urban design terms, the proposal is unacceptable, principally because of:

- *The urban structure and scale of development in the north-western part of the site;*
- *The safety and legibility of key pedestrian/ cycling routes and connections;*
- *The role, safety, and activity associated with key spaces in the public realm;*
- *The landscape character of key spaces and the residential area.*
- *Quality and appropriateness of soft landscaping proposals.*

Accordingly it fails to secure a high quality and inclusive design which takes the opportunities available for improving the character and the quality of the area and the way it functions. In relation to the outline application, the illustrative material in the two Design and Access Statements fails to establish future principles that can be used to fix principles of design for the outline application and therefore, fails to secure the future quality of these parts of the development."

Addressing the bullet points in turn

1. There are two buildings proposed in the north-west part of the site, both of which are covered in the outline application. The scale and massing of these buildings has been the result of considerable consultation with English Heritage and CABE as well as the council. This process has included the agreement of several verified views. The resultant maximum height for any development in this corner has been set at four residential storeys (568_PP_07_011).

Approval for the appearance, scale and landscaping for these buildings is a reserved matter, meaning that the Council will have full control over design, materials, bulk etc. Accordingly, the Council will have the ability to undertake a full assessment during the reserved matters stage. Indeed, if the proposed appearance of the building through reserved matters is deemed inappropriate, the Council can refuse the reserved matters application.

CABE stated on 7th January 2011 prior to further design amendments submitted to WHBC to address issues raised:

"We are pleased to comment on this proposal which will be a significant development within Welwyn and an opportunity to enhance its status as a garden city. The development presents a strong commitment to making the best use of the industrial buildings. The scheme has a structured layout, introduces a number of green spaces and proposes a good mix of uses close to the railway station."

2. Dealing separately with the issues of safety and then legibility of pedestrian and cycles routes:

The revised parameter plan "Pedestrian and Cycle Access" (568_PP_07_008) was issued to WHBC in September 2011, attached, and clarified minor issues raised within Tibbalds UDA.

The route of the shared east-west cycleway and footway between Broadwater Road and the railway footbridge was amended following comments from Hertfordshire Highways in June 2011. The route now passes along the south of Hyde Way to the north of Building J, as illustrated on the revised parameter plan (INSERT FIG) and in figure 5.3: Cycle access and circulation on page 32 of the Transport Assessment report.

The cycle route provided that connects the railway bridge to Hyde Way is delivered within the detailed application boundary.

This is the first time a concern about the safety of the cycle route to the south side of the civic square has been raised.

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Architects**

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Should WHBC/HCC/WHBC Landscape advisor wish to develop an approach which more clearly defines a dedicated surfaces and clear signage for cyclists to aid pedestrians by way of a condition or through the submission of reserved matters the design team would welcome design conversations to address any concerns or further safety development.

With regard to the safety of pedestrian routes it is considered that they are well defined by a clear urban structure with strong active frontages along the majority of elevations. It has already been identified that these pedestrian routes are within a strong grid layout which includes some very significant landmarks, linked public spaces and very defined edges, all of which aid orientation and way finding.

The elevation of the supermarket facing Broadwater Road has elsewhere been identified as lacking active frontage. However, following the June 2009 CABE review this point has been addressed to the satisfaction of both CABE and English Heritage and the design incorporates active elements and high level windows where light spilling from the building will animate the route. The active corner on the junction provided by the staff area, an entrance and the courtyard garden will engage the visitor.

The Listed Building consent report recommends the scheme for approval and page 168, item 8.29 notes:

discussion of the whether the buildings are appropriate in accordance with PPS5 'Planning for the historic environment' and District Plan Policy R27' states

"the approach that has been taken successfully creates a rhythm along this elevation and provides depth and articulation to this frontage. Furthermore, the proposed materials should relate well to the industrial heritage "

With regard to site safety prior to the application we met with the CTSA advisor, the Architect liaison officer and crime prevention officers at Hatfield Police Station. The meeting ran through the proposed scheme and gathered their thoughts on various Safer by Design issues.

With regards to the building structures and counter terrorism measures for the development, our proposals for the buildings consist of robust, tied, framed structures which will have the integrity to withstand a terrorist attack without any major enhancements. The buildings will all conform to the current building Codes of Practice and the Building Regulations Approved Documents (Part A3) dealing with disproportionate collapse.

We also believe that the issues such as hostile vehicle mitigation whereas, piazza design, security barriers, access to basements out of hours and other issues have been properly

dealt with.

The footbridge is being dealt with as a separate planning application and has been recommended for approval. We therefore consider that there are no outstanding safety issues to be dealt with here.

3. There are three distinct key public spaces, the recreation ground, the civic square and the park. Our existing documents clearly describe each as having a specific character and function as follows:

Recreation ground – the introduction of this space, supported by CABI, provides an informal recreation area for residents and visitors, including a play area for older children. It also has an important role in providing an important landscape context for the listed buildings;

Civic Square – this is a clearly urban space framed by a range of civic and commercial uses and suitable for a wide range of activities and events. An illustrative programme of events was submitted for this space to demonstrate the range of activities which could be expected to happen through the year. This space is also expected to benefit from very high footfall both from internal traffic but also increased numbers of people moving through the area to access the station and the town centre; and

Linear Park – this is a quieter linear park which runs through the residential area, establishing a strong visual connection to the silos and the Roche Factory and echoing the nature of the formal landscape spaces in the heart of Welwyn. The routes provided by this space are designed to promote walking as a pleasant alternative for short journeys. It also includes an enclosed LEAP play area.

All of these spaces are defined by active frontages to create a safe environment. Both the civic square and the recreation ground are overlooked by a mix of different uses to enhance passive surveillance throughout the day.

4. The comments relating to the landscape character of the design do not provide specific guidance which explains why they are regarded as unacceptable. However, we understand that the issue may relate to the informal character shown and some perceptions that this does not reflect the more manicured parts of the garden city.

The landscape scheme created for this area shows a contemporary response to the original garden city ethos. We feel this embodies the SPD vision for the area to *"integrate the spirit of the garden city with the very best high quality 21st century design"*. The scheme establishes a formal structure for the new square and the boulevard leading into spaces which have a less structured planting scheme. This approach reflects similar conditions in the centre of the existing town where the informality of the green spaces at the Campus and at Wigmore North provide a counterpoint to the structure of Parkway

and Howard's Gate.

We would be willing to review whether a more obviously structured landscape scheme would aid perceptions of the proposed character of the green spaces. This can be secured by an appropriately worded condition in relation to the detailed element scheme and through the reserved matters application for the landscaping.

5. The landscape architects produced a separate Design and Access statement for the proposals which includes details of all the spaces, materials, trees and plants. These incorporate evergreen, deciduous and herbaceous planting consistent with the high quality environment maintained by Welwyn Garden City.

The design of the hard and soft landscape will be of the highest quality in line with other projects of this nature. The design of the planting will be developed to complement the character of the spaces and also to reflect the planting within Welwyn Garden City so that it will be responsive to its locality. Areas of structural planting will ensure that the forms of the spaces can be identifiable throughout the year, the herbaceous planting will provide an opportunity to inject more seasonal colours, forms and flowers.

The tree planting sizes, locations and species form an integral part of the structure and form of the landscape. The trees have been characterised into 4 categories-

- Boundary trees: creating an attractive highway around the perimeter of the site.



- Key trees: those in strategic positions, helping with legibility by being seen from a distance.
- Groups of trees: these will be positioned to enclose spaces and subspaces and will be located around a numbers of the key trees. They will help to create a lush structure within the environment.
- Supporting tree planting: It is important that the development appears to be vegetated which will be achieved by the inclusion of further tree planting along

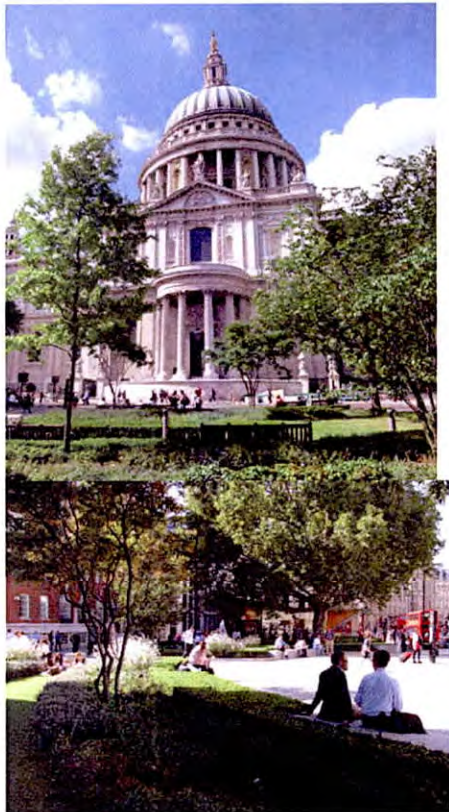
**Allies and Morrison
Architects**

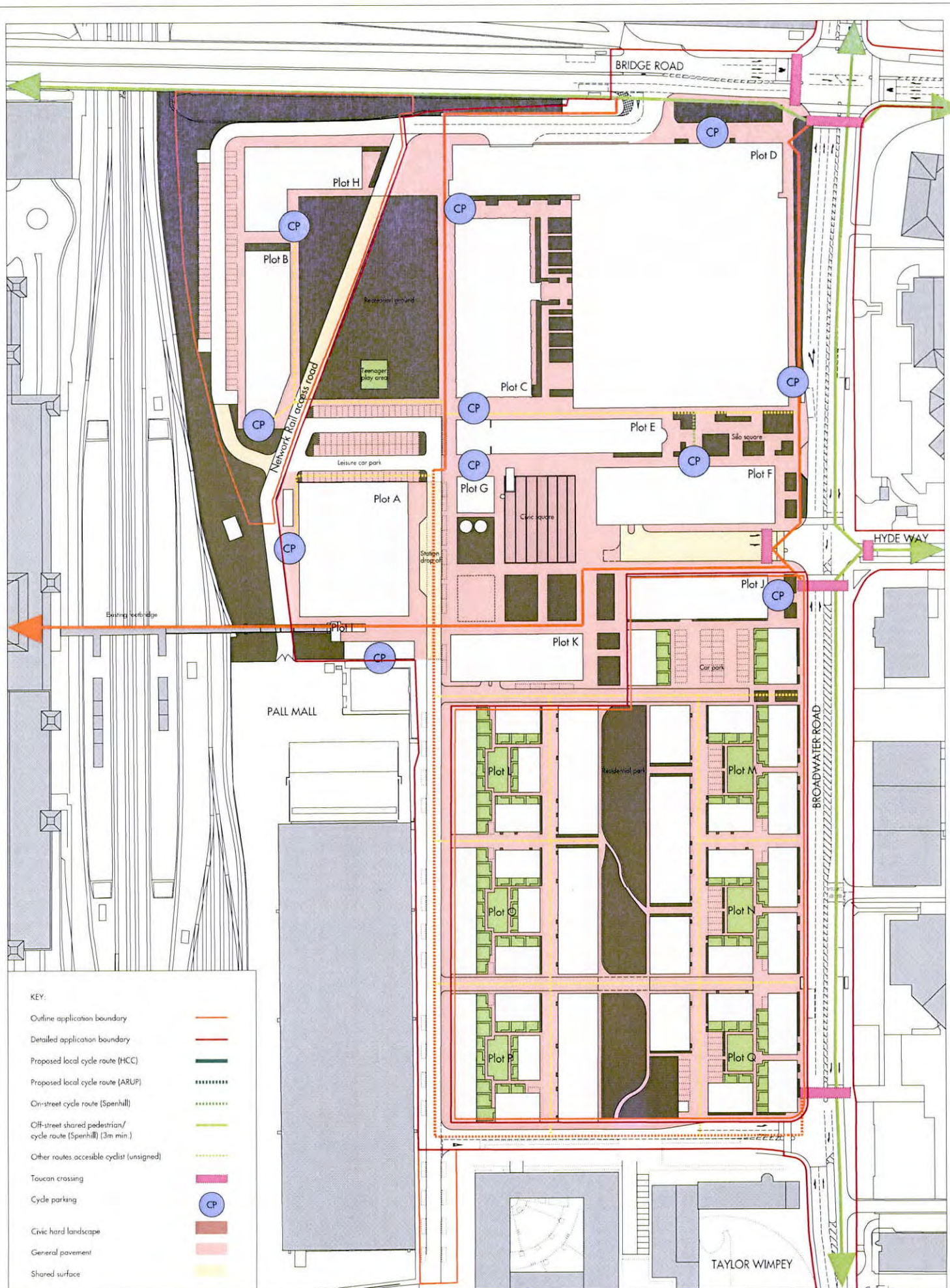
page 13/13

roads and within courtyards.

The landscape architects have delivered a number of high quality projects within listed settings; they have an understanding of the ethos of the Garden City Movement and understand the rigour that is required throughout the design process.

An example scheme is Carter Lane Gardens to the south of St Paul's Cathedral in central London. Here, the planting has been structured in semi circular bands in an array around the central dome. Evergreen planting is interspersed with bands of herbaceous planting which provides additional seasonal colours.





- KEY:
- Outline application boundary —
 - Detailed application boundary —
 - Proposed local cycle route (HCC) —
 - Proposed local cycle route (ARUP) - - - - -
 - On-street cycle route (Spenhill)
 - Off-street shared pedestrian/cycle route (Spenhill) (3m min.) —
 - Other routes accessible cyclist (unsigned) —
 - Toucan crossing █
 - Cycle parking CP
 - Civic hard landscape
 - General pavement
 - Shared surface

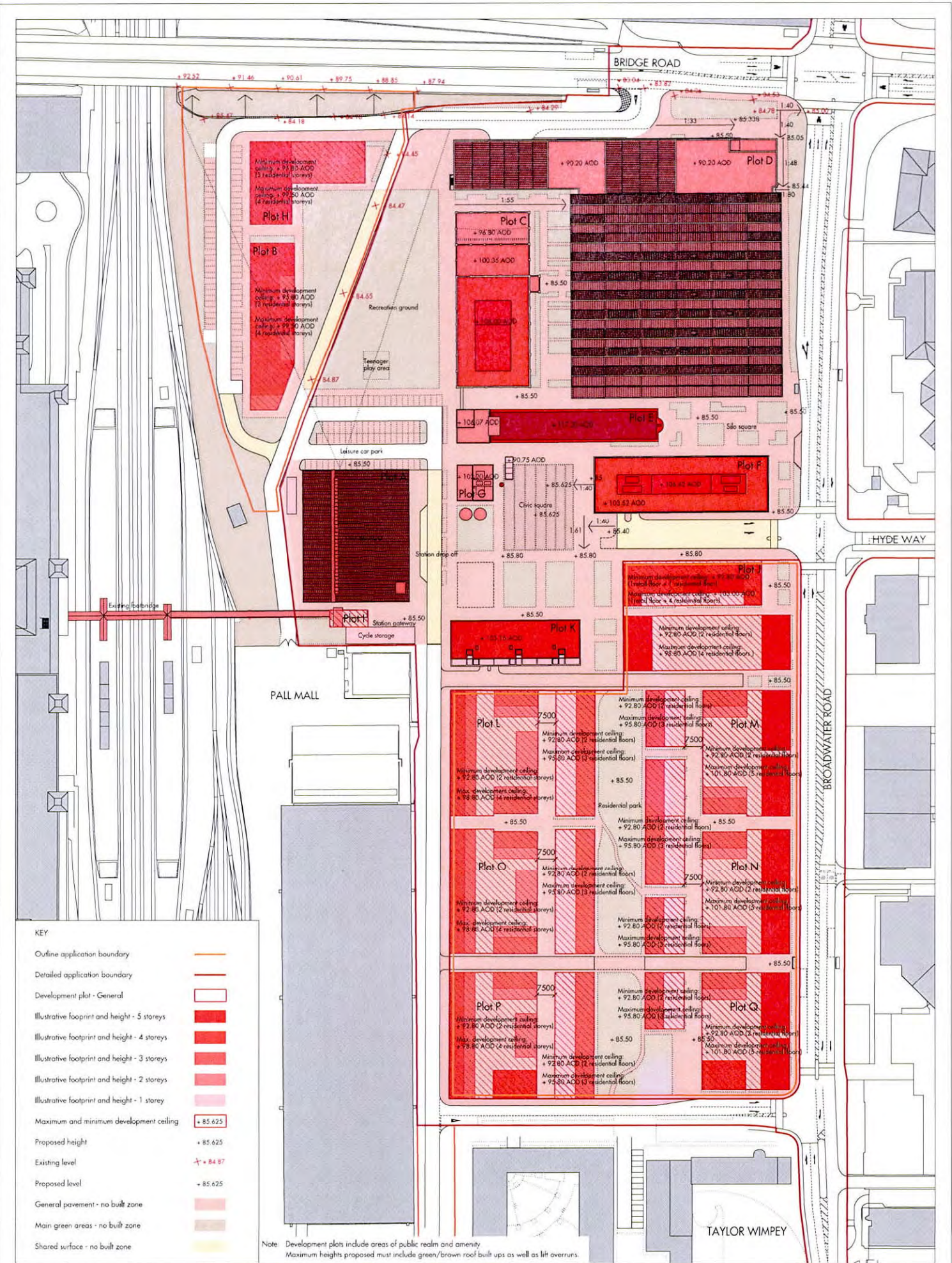
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2	15/11/2018	Revised	[Signature]	[Signature]
3	22/11/2018	Final	[Signature]	[Signature]
4	29/11/2018	Final	[Signature]	[Signature]
5	06/12/2018	Final	[Signature]	[Signature]
6	13/12/2018	Final	[Signature]	[Signature]
7	20/12/2018	Final	[Signature]	[Signature]
8	27/12/2018	Final	[Signature]	[Signature]
9	03/01/2019	Final	[Signature]	[Signature]
10	10/01/2019	Final	[Signature]	[Signature]

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 020 7741 9101
 020 7741 9102
 www.allenandmorrison.co.uk

BROADWATER ROAD WEST, WELWYN GARDEN CITY
 OUTLINE PROPOSAL
 PARAMETER PLAN - PEDESTRIAN AND CYCLE ROUTES
 588_PP_07_008
 SCALE: 1:500 @A4 11000 8242

JOB NO: 568



BRIDGE ROAD

HYDE WAY

BROADWATER ROAD

PALL MALL

TAYLOR WIMPEY



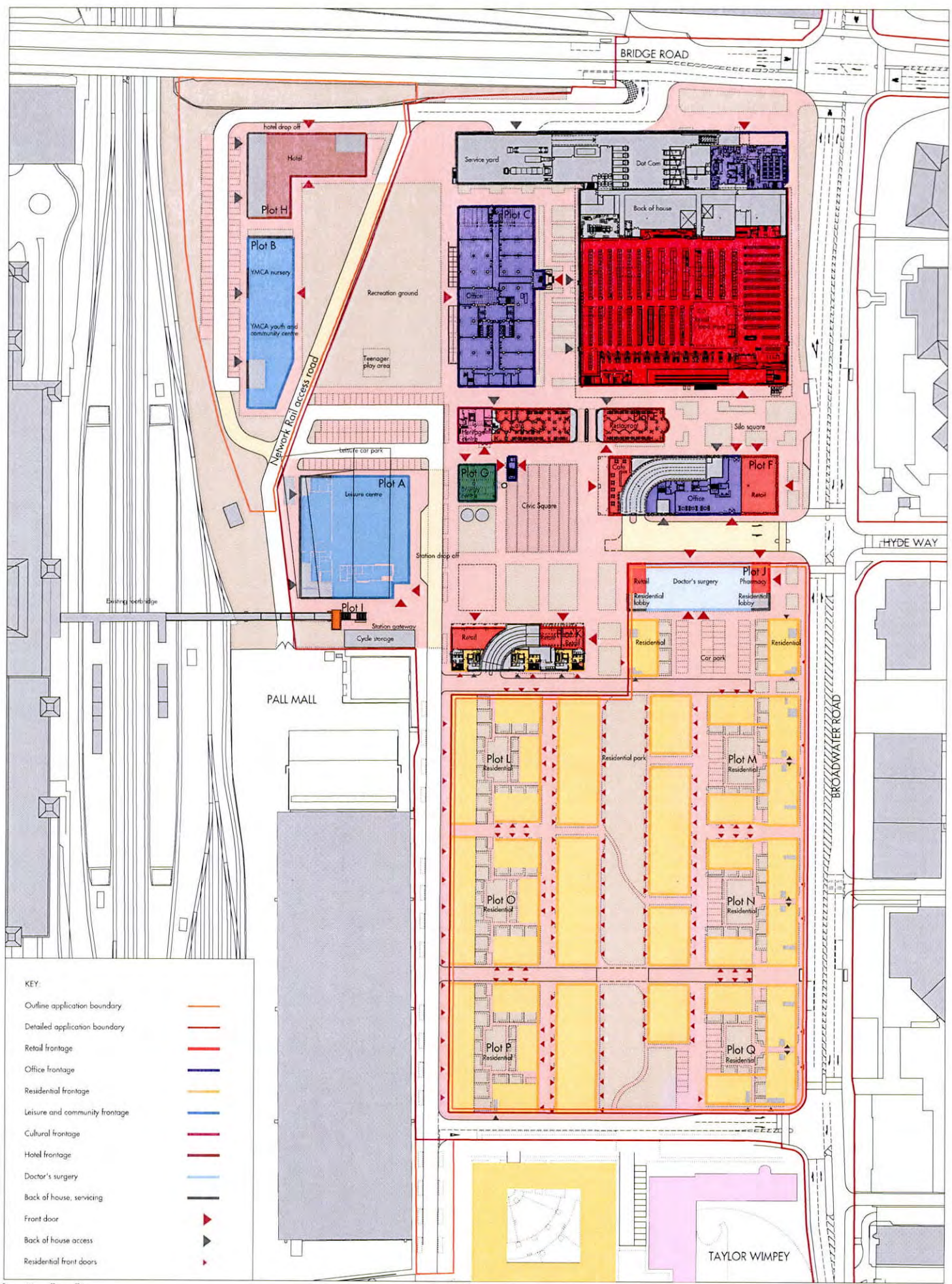
For planning purposes only

NO.	DATE	REVISION	BY	CHECKED	APP. NO.
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2	01/01/2024	Issue for planning	JOB	MS	568
3	01/01/2024	Issue for planning	JOB	MS	568
4	01/01/2024	Issue for planning	JOB	MS	568
5	01/01/2024	Issue for planning	JOB	MS	568

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BROADWATER ROAD WEST, WELWYN GARDEN CITY
OUTLINE PROPOSAL
PARAMETER PLAN - MAXIMUM AND MINIMUM HEIGHTS
568_PP_07_011
SCALE: 1:500 @ A0: 1:1000 @ A2

F



- KEY:**
- Outline application boundary
 - Detailed application boundary
 - Retail frontage
 - Office frontage
 - Residential frontage
 - Leisure and community frontage
 - Cultural frontage
 - Hotel frontage
 - Doctor's surgery
 - Back of house, servicing
 - Front door
 - Back of house access
 - Residential front doors



0 10 20 30m

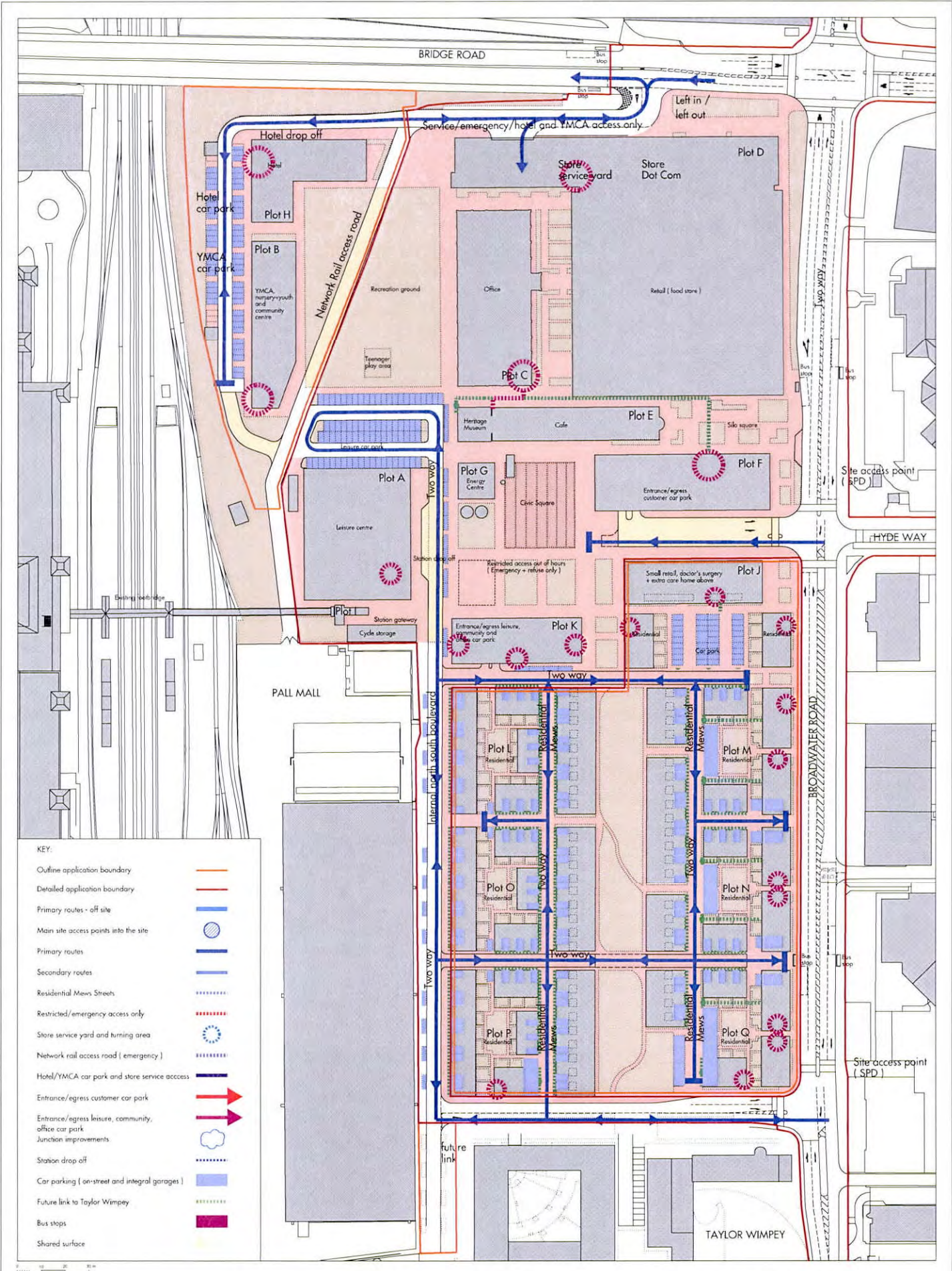


NO.	DATE	BY	CHKD BY	DESCRIPTION
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2
3
4
5

Atlas and Morrison
 81 Southway Street
 London W1 3DF
 Tel: 020 7471 2100
 Fax: 020 7471 2101
 www.atlasandmorrison.co.uk
 JOB NO: 558

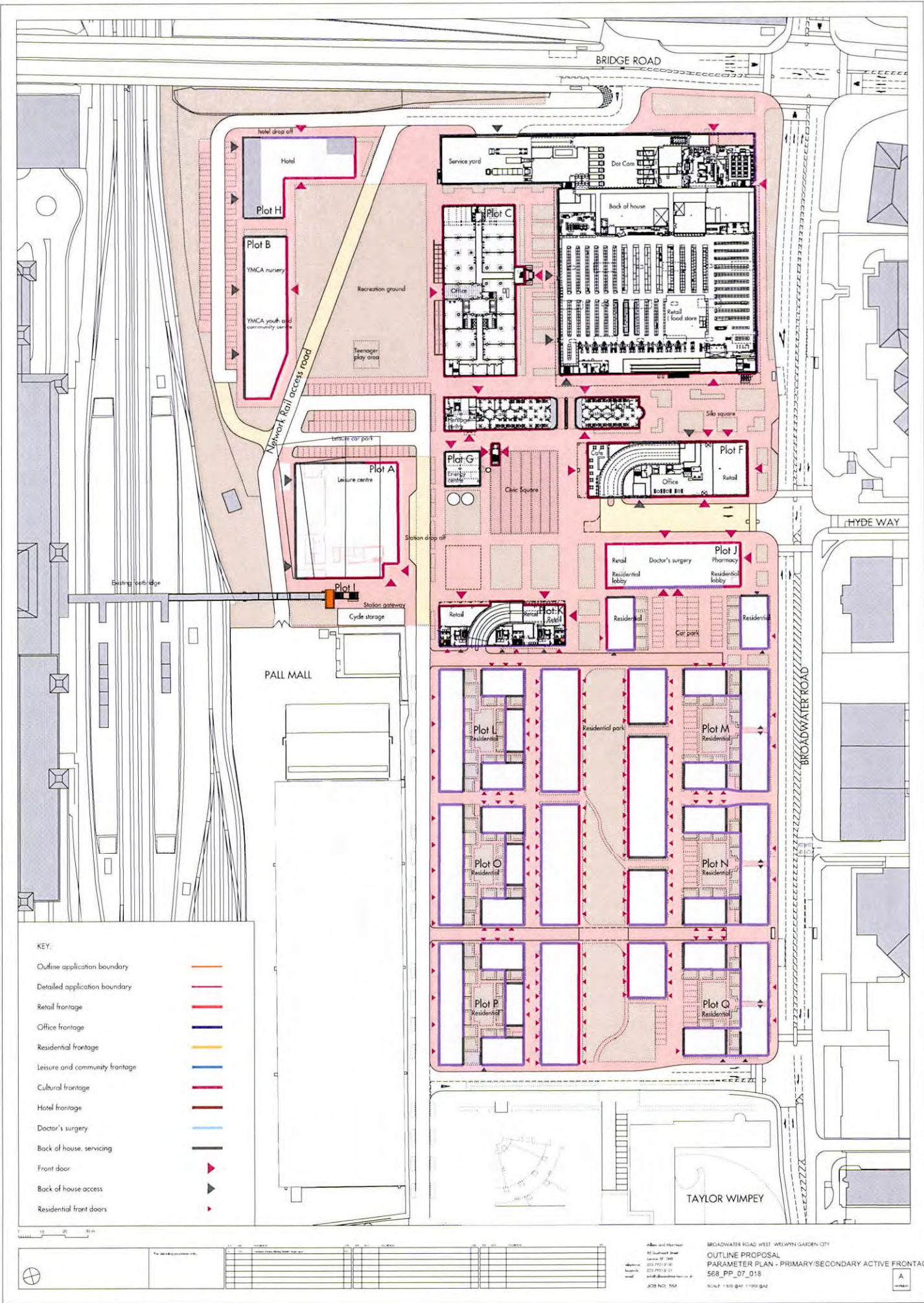
BROADWATER ROAD WEST, WEALYN GARDEN CITY
 OUTLINE PROPOSAL
 PARAMETER PLAN - GROUND FLOOR USES + FRONTAGES
 568_PP_07_012
 SCALE: 1:500 (SHEET 1 OF 2)

C

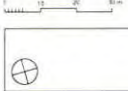


- KEY:**
- Outline application boundary
 - Detailed application boundary
 - Primary routes - off site
 - Main site access points into the site
 - Primary routes
 - Secondary routes
 - Residential Mews Streets
 - Restricted/emergency access only
 - Store service yard and turning area
 - Network rail access road (emergency)
 - Hotel/YMCA car park and store service access
 - Entrance/egress customer car park
 - Entrance/egress leisure, community, office car park
 - Junction improvements
 - Station drop off
 - Car parking (on-street and integral garages)
 - Future link to Taylor Wimpey
 - Bus stops
 - Shared surface

NO.	DATE	DESCRIPTION
1		Issue for approval
2		Issue for approval
3		Issue for approval
4		Issue for approval
5		Issue for approval
6		Issue for approval
7		Issue for approval
8		Issue for approval
9		Issue for approval
10		Issue for approval



- KEY:
- Outline application boundary
 - Detailed application boundary
 - Retail frontage
 - Office frontage
 - Residential frontage
 - Leisure and community frontage
 - Cultural frontage
 - Hotel frontage
 - Doctor's surgery
 - Back of house, servicing
 - Front door
 - Back of house access
 - Residential front doors



NO.	DESCRIPTION	DATE	BY	CHECKED

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 Southport, Merseyside
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BROADWATER ROAD WEST, WELWYN GARDEN CITY
 OUTLINE PROPOSAL
 PARAMETER PLAN - PRIMARY/SECONDARY ACTIVE FRONTAGES
 568_PP_07_018
 SCALE: 1:500 (A4) 1:1000 (A3)

BROADWATER ROAD WEST WELWYN GARDEN CITY

PLANNING APPLICATION REF N6/2010/2055/MA

Draft S106 Heads of Terms

Parties

1. Tesco Stores Limited (the Developer)
2. Welwyn Hatfield Borough Council (the Council)
3. Hertfordshire County Council (the County Council)

Purpose of S106 Agreement

To address impacts arising from the development which cannot be dealt with by way of planning condition and to ensure that the financial contributions, community services, public realm improvements, infrastructure and restoration of buildings proposed by the developer are delivered within a timescale and to a standard to the Council's satisfaction.

1. Developer's Obligations

The following are to be delivered prior to the opening of the proposed foodstore:

Leisure Centre

- 1.1 The provision of a Leisure Centre (including a swimming pool and gymnasium) for public use. The Leisure Centre would be constructed to a specification approved by the Council. There will also be an accompanying management plan to ensure that the Leisure Centre is made available for use by the public for a minimum prescribed period of time. [As an alternative, if the Council is of the view that there is already sufficient provision of leisure service or leisure facilities within the area it could, of its own volition, request that the developer make a financial contribution of X, in lieu of provision of the Leisure Centre, to be used towards enhancing existing leisure facilities within the area].

Heritage Centre

- 1.2 The provision of a Heritage Centre to shell and core to an agreed specification and offered at a peppercorn rent to an appropriate organisation/body for use as a museum or other community facility as agree by the Council.

Energy Centre

- 1.3 The provision of an Energy Centre to serve the proposed development to be operated and maintained either by the Developer or an appropriate agent.

Listed Building and Silos

- 1.4 Refurbishment of listed former Shredded Wheat Factory Production Hall to an agreed specification.
- 1.5 Refurbishment of the Silos including the Roof Building and Ground Floor Café to an agreed specification.

Open Space

- 1.6 The provision of a new public square, recreational facilities and play areas. These facilities will be made available to the public but managed and maintained by the developer.

Highway Works

- 1.7 Highway Works and infrastructure associated with the proposed development including the construction of a spine road to adoptable standard
- 1.8 A £500,000 financial contribution towards the costs associated with delivering the highway mitigation works described in the Addendum to the Transport Assessment dated September 2011 and summarised below:
 - (a) signalisation of three approaches to The Campus (Digswell, Bridge Road (east) and Bridge Road (west)) to help regulate the flow of traffic and distribute available capacity more evenly;
 - (b) extended flare length on the Digswell Road southbound approach to increase the junction capacity on this arm;
 - (c) widening to provide flares on the southbound A1000 Broadwater Road and northbound A1000 Chequers approaches to increase the junction capacity on these arms of the Chequers Roundabout;
 - (d) widening to provide two lanes on the southbound Osborn Way and eastbound Stanborough Road entry arms to increase the junction capacity on these arms of the Osborn Way Roundabout;
 - (e) widening on the southbound Parkway entry arm to increase the junction capacity on this arm of the Gosling Roundabout;
 - (f) removal of lengths of on-street parking along Parkway totalling approximately 288m to provide additional highway capacity and prevent blocking back at the turning loops

- 1.8 The costs associated with any Road Traffic Orders that may be required to implement the above Highway Works, Highway Mitigation Works and the parking management strategy

Public Transport

- 1.9 An £80,000 financial contribution towards the cost of providing two new bus stops with shelters (with real time information) on Broadwater Road and upgrading two existing bus stops on Bridge Road with new shelters (with real time information), including a recessed shelter on the south side of Bridge Road
- 1.10 A £200,000 financial contribution towards the cost of enhancing bus service 403 to provide evening and weekend services
- 1.11 A £250,000 financial contribution towards the cost of general public transport service improvements to take the form of a 5-year contribution (£50,000 p.a.) from the time of the supermarket opening for trade. Hertfordshire County Council will be responsible for determining where the funds are most needed

Travel Plan

- 1.12 The provision and operation of a site-wide Framework Travel Plan and the provision and operation of separate travel plans for individual uses where required, to be submitted to and approved by Welwyn Hatfield Borough Council prior to occupation of the Site
- 1.13 (a) A £40,000 financial contribution towards the cost of monitoring parking levels and illegal parking in Peartree Ward in those areas that are within 10 minutes walking time of the Site boundary;
- (b) the monitoring programme under (a) above shall consist of a survey on the first, second, fourth and sixth anniversaries of the date on which the [Site] is first occupied;
- (c) if the conclusion of the four surveys under (b) above is that a controlled parking zone (CPZ) is required, a further £50,000 financial contribution towards the cost of implementing such CPZ shall be paid
- 1.14 The provision of a Construction Management Plan, to be submitted to and approved by Welwyn Hatfield Borough Council prior to commencement of construction on the Site.
- 1.15 A commitment to provide on-site parking management to be operational as soon as the supermarket is trading and to include a parking enforcement team of Civil Enforcement Officers (CEOs). A Resident Parking Permit Scheme (RPPS) shall be operational prior to occupation of the first residential unit.
- 1.16 A commitment to appoint a travel plan co-ordinator from the construction phase onwards.

- 1.17 A commitment to promote and market the Framework Travel Plan initiatives across the Site, including in welcome packs and on a Broadwater Road Travel Plan website.
- 1.18 A commitment to undertake traffic surveys (automatic, manual and spot counts) and full travel surveys (including staff travel to work surveys) for all uses within the Site as part of a monitoring programme to be agreed with Welwyn Hatfield Borough Council and Hertfordshire County Council
- 1.19 A commitment to offer and provide to new residents complimentary bus passes for free travel by bus for a period of one month

Public Right of Way

- 1.20 A commitment to maintain a public Right of Way for pedestrians and cyclists between Broadwater Road and the railway footbridge via Hyde Way and the civic square

Cycle Parking

- 1.21 A commitment to maintain Hertfordshire County Council access to the cycle parking racks adjacent to the eastern end of the railway footbridge in order that they may operate and maintain them. The Developer shall also monitor the use of the bicycle parking and provide additional parking facilities should demand warrant it.

Basement structure beneath footway

- 1.22 A commitment to provide a right of access along the section of the shared footway/cycleway on the west side of Broadwater Road that is located above the car park basement structure and which will remain privately owned. The Developer will be responsible for maintaining the basement structure beneath the footway/cycleway.

Planting on Broadwater Road

- 1.23 A commitment to maintain the planting along the west side of Broadwater Road and to ensure the species planted are acceptable for use on the highway and above a basement structure.

Replacement Footbridge

- 1.24 The provision of a replacement footbridge, cycle storage and lift building, as detailed in application reference: N6/2011/611/FP or any such revision as agreed by the Council. The delivery and maintenance of these facilities will be agreed with Network Rail.

Affordable Housing

- 1.25 Construction of ● units of affordable housing or payment of a commuted sum of [] in lieu of on-site provision of affordable housing, such sum to be used by the Council to facilitate the provision and/or improvement of social housing within the district.

- 2. Obligations of more general applicability for remaining Phases of the development**
- 2.1 Provision of a Doctor's Surgery to an agreed shell and core specification.
- 2.2 A commitment to facilitate access to the Pall Mall site along the new access road, as part of any redevelopment of the Pall Mall site in accordance with the aspirations of the SPD.
- 2.3 [Provision of affordable housing.]

AG/njk/IDP2607

28 July 2011

Richard Aston
Principal Development Control Officer
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Your ref: N6/2010/2055/MA

Dear Richard

**N6/2010/2055/MA and N6/2010/2060/LB – Former Shredded Wheat factory,
Broadwater Road, Welwyn Garden City**

Thank you for your letter dated 22 July updating on the progress of matters and inviting us to clarify the position in connection with the heads of terms for the proposed Section 106 Agreement. I note that RPS's audit of the Addendum to the EIA is expected by the end of this month and that the revised TIA is under consideration by the Highway Authority and that it is also expecting it to be in a position to respond to you by the end of this month.

Turning to the heads of terms for the Section 106 Agreement. I refer to my email of 29 June which sets out our summary of the matters which we think should be included in the Section 106 Agreement. The purpose for sending the draft to you was to commence the process of engaging with you on the matters which need to be covered by a Section 106 Agreement with the intent that we work with you, over the coming weeks, to flesh out the details which can then, ultimately, be converted into an Agreement.

Responding to the specific matters raised:

1. **Management of the leisure centre and access to the public**

We have had preliminary discussions with potential operators to ascertain how the leisure centre can be run on a commercial basis. These discussions will inform any final decisions on the size and depth of pool (it is currently envisaged that this will be a 25m pool with a maximum depth of 6 feet) and the specification and equipment to be contained within the gymnasium.



Our client intends to provide a facility which is of benefit to the public. It will therefore be essential that the rates charged for using the facilities are affordable – we anticipate that they will be in line with the rates charged for other leisure facilities within the borough, such as those operated by Finesse. The specific mechanism of how access to the general public will be managed will be a key factor in any management agreement entered into with the operator.

Our client is agreeable to the inclusion in the Section 106 Agreement of a requirement for the public access element [and charging] to be agreed with the Council. We are aware that the Council have adopted similar management agreements with other leisure operators in the borough and would welcome your views on the level of accessibility and charging regime which the Council would wish to be in operation at this facility.

We are happy to provide you with headings for a management plan but are of the view that it would be more productive for us to discuss matters with yourselves when we meet next week and hopefully obtain a clearer steer about the Council's requirements. We will then produce a draft management plan for your consideration.

Turning to your specific question concerning perpetuity, it is our client's intention for the leisure facility to be in existence and available for use for as long as there is sufficient demand to justify its retention. Our client will be investing a considerable amount of money in constructing the facility and will wish to ensure that it is a commercial success. This will only be possible if there is a good take up and usage by the local community. The same principle applies in respect of the other items referred to at points 1.3, 1.4 and 1.7 of our draft heads of terms. I enclose a plan which shows the new public square, recreational facilities and play areas.

2. **Management of the public square, linear park and recreation areas and how public access will be secured**

The delivery of the proposed public square and recreation ground/teenage play area adjacent to the leisure centre will form part of phase one of the development. The completion and management of these elements will be an integral part of the trading of the store and the lettable of the other commercial elements which are proposed such as the offices and cafes/restaurants. The ongoing upkeep and maintenance of these areas will form part of the comprehensive estate management/service charge strategy.

The linear park forms part of the outline element of the scheme. Once again, its delivery is a key element to the success of the proposed residential development. Its upkeep and maintenance will be secured through the estate management, funded through the service charge to be paid by residents.

Ownership of the public square, play area, linear park and public realm within the estate will remain with our client. The intention is for the Section 106 Agreement to contain a management plan which will require the areas to be laid out to an agreed specification and thereafter maintained and managed throughout the lifetime of the



development. This is a standard approach and we can provide you with the necessary wording to be incorporated into the Section 106 Agreement.

3. **How can we guarantee the bridge (including future maintenance) and how will the bridge application be linked to the main application**

The delivery of the bridge improvements, as set out in planning application reference N6/2011/0611, will be linked to the opening of the store. In other words, there will be a restriction on the actual opening of the store for trade until such time as the works are completed. The obligation will be drafted along the following lines:

"not to permit the Store to open for trade until such time as the works required to be undertaken pursuant to planning permission reference N6/2011/0611/FP which comprising the erection of replacement pedestrian bridge and construction of a bridge link building, including the installation of a ticket machine, have been completed to the reasonable satisfaction of the Council".

Our consultant team has been in discussions with Network Rail to review the works in detail. It is currently envisaged that Network Rail will undertake the works themselves and there will be a separate agreement between our client and Network Rail concerning the cost and timing for carrying out and completing the works.

In terms of future maintenance, our client will commit to an obligation to ensure that the bridge works are maintained. It is likely that responsibility for actually undertaking the maintenance will be transferred to Network Rail in return for payment of an annual fee.

4. **The level of affordable housing to be delivered, tenure and location**

We will seek to maximise the proportion of affordable housing up to a policy compliant level, in accordance with the local authority's priorities and taking account of the overall financial viability of the scheme.

We propose to undertake a financial viability assessment to establish a baseline proportion of affordable housing for the site. This will enable the substantial planning obligations and abnormal costs included within phase one of the development - primarily the new railway footbridge, leisure centre and site wide infrastructure - to be reflected in a comprehensive assessment of the development as a whole.

The Council has established, in conjunction with five other authorities in the West London commuter belt, a bespoke Toolkit viability assessment process based on the "Three Dragons" model originally commissioned by the Greater London Authority and the Housing Corporation. We will work with the Council to agree a site-wide proportion of affordable housing that is viable on current day costs and values.

We propose that this will be based on a policy compliant mix of tenures, currently 70% social/affordable rent and 30% intermediate and with a mix of unit types that



will address the Council's priority housing needs (which currently includes a target of rented homes to be three bedrooms or larger).

As the great majority of the accommodation within the scheme will be in phase two of the development, we would anticipate that the overall viability assessment would be reviewed in due course and on a consistent basis, as part of the consideration of a reserved matters application for this part of the site.

If the financial viability of the scheme has improved by that date – for example by net growth in residential values or by grant funding becoming available, the proportion of affordable housing would be increased accordingly, up to a fully policy compliant level.

On this basis our client will be prepared to offer at least 30% of the residential element in phase one as affordable housing. This will consist of 12 apartments in Building K, comprising 4 one bedroom and 8 two bedroom units.

In view of the lack of Social Grant Housing in the near future and the fact that these apartments are small units that are part of a building that is otherwise for market sale, we propose that these 12 apartments will be appropriate for intermediate housing and for shared ownership.

The Strategic Housing Market Assessment in 2010 and the April 2011 draft Local Investment Plan both highlight the shortage of intermediate housing that is available for purchase in Welwyn Hatfield, particularly for households with an income in the range of £20,000 to £35,000. We will work with a Registered Provider of affordable housing approved by the LA to ensure that these 12 homes can be made genuinely affordable to shared ownership purchasers in housing need and within this income range. This will inevitably require a greater level of subsidy from our client than if these apartments were offered to purchasers on higher incomes.

As an alternative, we will contribute the level of this subsidy as a commuted sum, on a financially neutral basis, if the Council has a higher priority use for this funding to provide affordable housing elsewhere within the borough.

5. **Clarification on highway works secured under the Section 106 Agreement**

We are of the view that it would be preferable to await the Highway Authority's response to the TIA before working up a detailed schedule of the highway works. We can however confirm that Hertfordshire County Council will be a party to the Section 106 Agreement. It is our intention to ensure that the construction of the highway works is completed prior to the opening of the store for trade to the public.



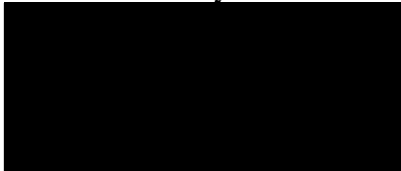
6. **Items not included in the draft heads of terms**

We have considered the Council's SPD and have been quite specific as to the items which we think should be covered in the Section 106 Agreement. The retention and restoration of the listed buildings should, in our view, constitute delivery of public art.

The TIA envisages the provision of a residents' parking scheme or car club. We will amend the heads of terms to make provision for this and would welcome your comments on other matters which you think should be included in the heads of terms.

As you will see from this response, there does not appear to be much between us in terms of general principles. Can I suggest that we use our meeting next week to discuss matters in further detail with the intent that we will then provide you with a revised set of draft heads of terms which will be supported by plans and schedules detailing the works to be undertaken. We can also use the meeting to discuss outstanding matters and timing for reporting the application to committee.

Yours sincerely



ADAM GOSTLING