

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2018/0825/MAJ  
**Location:** 37 Broadwater Road Welwyn Garden City AL7 3AX  
**Proposal:** Construction of new build of 22 x 2 bedroom and 2 x 3 bedroom residential apartments with balconies and roof garden, layout of 26 car parking spaces, cycle parking, refuse store, internal access routes, landscaping and supporting infrastructure  
**Officer:** Mr Michael Robinson

**Recommendation:** Refused

6/2018/0825/MAJ

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located on the eastern side of Broadwater Road and comprises a vacant two storey office building and its associated car park. Broadwater Road is located within an employment area whereby a number of commercial premises can be seen, however it should be noted that the area is changing by virtue of residential developments seen in close to the application site with new homes to the west and south of the site.</p> <p>The application property currently benefits from a large car parking area with limited soft landscaping.</p> <p>Immediately to the south lies a pedestrian footpath providing access from Broadwater Road to Peartree Lane.</p> <p>The proposal would provide a total of 22 x 2 bedroom and 2 x 3 bedroom flats built on the same footprint as the existing vacant office building presently located on the site. The flats would be built over four floors and the scale, bulk and mass of the proposed building together with the access and parking arrangements are designed to appear very similar to previously permitted schemes on the site.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>LBC - LISTED BUILDING 1938-40 by Otto R Salvisberg of Zurich Distance: 28.73</p> <p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0</p> <p>Wards - Peartree - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2712958) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2763729) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7569731) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7660626) - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) -</p>

	<p>Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>tpos - 780 (2018) G2 - Distance: 5.59</p> <p>tpos - 780 (2018) G3 - Distance: 0</p> <p>tpos - TPO151 G2 - Distance: 7.51</p> <p>tpos - TPO151 G3 - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Planning</p> <p>Application Number: N/2016/N020/PA      Decision:      Decision Date:</p> <p>Proposal: Change of use from office to residential, construction of extensions, plus re-arrangement of car park and erection of roof gardens</p> <p>Application Number: N6/2015/0615/OR      Decision: Granted Decision Date: 14 May 2015</p> <p>Proposal: Prior approval for the change of use from use class B1(a) (offices) to use class C3 (dwellinghouses) creating no.3 three bedroom flats, no.5 two bedroom flats, and no.4 one bedroom flats</p> <p>Application Number: N6/2015/0981/DUC      Decision: Part Discharged Decision Date: 29 May 2015</p> <p>Proposal: Confirmation of compliance of unilateral undertakings of S106 agreements on planning permission N6/2010/1776/MA</p> <p>Application Number: 6/2016/1318/PN11      Decision: Prior Approval Required and Granted      Decision Date: 05 September 2016</p> <p>Proposal: Prior approval for the proposed change of use from office (class B1) to residential (class C3)</p> <p>Application Number: 6/2016/2497/MAJ      Decision: Granted Decision Date: 16 May 2017</p> <p>Proposal: Change of use of an office building to form 24 x 2 bedroom residential apartments with balconies, the construction of an additional two storeys and a four storey side and rear extension with roof garden, layout of 26 car parking spaces and cycle parking, internal access routes, landscaping and supporting infrastructure.</p> <p>Application Number: 6/2018/0254/COND      Decision: Part Discharged Decision Date: 22 March 2018</p> <p>Proposal: Submission of details pursuant to condition 1 (material samples), 2 (hard and soft landscape), 3 (details regarding sedum roof), 4 (surface water drainage), 5 (construction management plan), 6 (bin storage), 7 (cycle storage) and 8 (noise levels) on planning permission 6/2016/2497/MAJ, dated 16/05/2017</p>

	<p>Application Number: 6/2018/0642/VAR      Decision: Refused Decision Date: 13 June 2018</p> <p>Proposal: Variation of condition 16 (approved plans) on planning permission 6/2016/2497/MAJ</p> <p>Application Number: 6/2018/1082/COND      Decision: Part Approved / Part Refused Decision Date: 12 July 2018</p> <p>Proposal: Submission of details pursuant to condition 2 (hard and soft landscaping), condition 5 (construction management plan), condition 6 (bin store details) and 8 (noise levels) on planning permission 6/2016/2497/MAJ</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 2
<b>Publicity</b>	<p>Site Notice Display Date: 8 May 2018</p> <p>Site Notice Expiry Date: 29 May 2018</p> <p>Press Advert Display Date: 2 May 2018</p> <p>Press Advert Expiry Date: 16 May 2018</p>		
<b>Summary of neighbour responses</b>	<ul style="list-style-type: none"> <li>• Two responses have been received from residents of the area</li> <li>• Comment: I believe that this development would fit in to this road but I am very conscious as a Welwyn Hatfield resident that this development would suit commuters and people spilling out from London only and NOT support any young people from this area that are looking to buy their first home.</li> <li>• Its an ideal location near the train station and I also feel that we do not consider access requirements for disabled people. .</li> <li>• On another note, I notice this area has some TPOs behind the site and I would not want to see these ignored. We are a Garden city and the more housing and urbanised look really takes away from the garden aspect of our great city.</li> <li>• Comment: As a new build development of 24 dwellings it's seemingly seeking to avoid the 30% affordable requirements for development over 25 units</li> <li>• The demand for affordable housing is high in Welwyn Garden City and a section 106 requirement should be imposed as a condition of the development</li> </ul>		
<b>Consultees and responses</b>	<p>1.      <b>WHBC - Public Health and Protection</b></p> <p>No comments received.</p> <p>2.      <b>Hertfordshire County Council - Historic Environment Advisor</b></p> <p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p>		

3. Welwyn Hatfield Borough Council - Councillor Malcolm Cowan
4. Welwyn Hatfield Borough Council - Councillor Steve Roberts
5. Welwyn Hatfield Borough Council - Landscapes Department
6. Welwyn Hatfield Borough Council - Councillor Helen Beckett

7. **Lead Local Flood Authority**

Following a review of the Flood Risk Assessment and surface water strategy prepared by Innervision Design Ltd, dated April 2018, we can confirm that we Hertfordshire County Council as the Lead Local Flood Authority are now in a position to recommend approval on flood risk grounds.

The drainage strategy is based upon permeable paving, raised rainwater planters, bio-retention storage and discharge into Thames Water surface water sewer. We note surface water calculations have been provided and ensure that the drainage strategy provides 2.67 l/s discharge for the 1 in 1 year peak run-off rate from the roof to surface water sewer.

We therefore recommend the following conditions to the LPA should planning permission be granted.

**Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Innervision Design Ltd, dated April 2018:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.67 l/s during the 1 in 1 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes providing a minimum of 12.5 m<sup>3</sup> (or such storage volume agreed with the LLFA) of storage volume in rain gardens planters and additional storage in permeable paving.
3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and

future occupants.

Informative to the LPA

Please note if the LPA decide to discharge the conditions, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

8. WHBC - Client Services - Lorraine Davis

9. Environment Agency - Natasha Smith

We have **no objection** to the proposed development, we recommend that the applicant considers risks to groundwater by following the advice outlined below.

We recommend however that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.

- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

10. **Welwyn Hatfield Borough Council - Landscapes Department**

No comments received.

11. **Affinity Water Ltd**

No comments received.

12. **Thames Water, Development Control**

Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

"We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

#### 13. Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy

The Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 Prior to the first occupation of the development hereby permitted the

proposed access /on-site car and cycle parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

2 Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; e Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: In order to protect highway safety and the amenity of other users of the public highway.

#### Informatives

I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) 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.

AN2) 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.

AN3) 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.

AN4) The applicant is advised that all new roads / the routes marked on the plan / the routes described below\* [delete as appropriate]

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 [www.hertfordshire.gov.uk./services/transtreets/highways/](http://www.hertfordshire.gov.uk/services/transtreets/highways/) or by telephoning 0300 1234047.

Comments:

The site has previously been subject to a Change of Use application to enable the vacant office accommodation to be turned into residential use, with consent to provide 24 x 2 bedroom units (district reference 6/2016/2497/MAJ) served by 26 car parking spaces. I have no information on the decision status of this application (the LPAs planning website does not feature the decision notice) however understand that the Highway Authority has been consulted on variation to condition 16 (approved plans) (district reference 6/2016/0642/VAR) to this application, and therefore reasonable to accept that it was acceptable to the LPA

HCC observe that the current proposed plan for this application (Drawing 1583 203 rev A) appears materially unchanged to that considered as part of the above Variation.

The site is located on Broadwater Road, WGC. Broadwater Road is a Principle A road (A1000) and provides a Main distributor function within the Hertfordshire road hierarchy. Urban main distributors are the main roads that distribute traffic within towns, around town centres and link town centres and the main industrial areas to the Principle Road Network, and are – as a consequence – important and busy roads within the overall road network. Broadwater Road is subject to 30mph speed limits past the site.

The Highway Authority has previously accepted that the impacts of vehicle trips associated with the change from employment to residential at a density of 4 units. The scheme now considered is for 2 fewer units (22 x 2 bedroom) and therefore the Highway Authorities acceptance is unchanged. The Highway Authority accepted that typically a residential development of the scale proposed would lead to a lower number of vehicular trips (particularly in the peak hour) than a similar sized office use, and consequently presented no objection to the change of use on the basis it was unlikely to result in a material increase or change in character of traffic in the vicinity of the site.

The applicant confirms that no new or amended vehicle access be provided for the development, and instead uses the existing double width crossover to Broadwater Road. Whilst the site has been vacant for sometime, a review of the previous five years data for collision data identifies no record of the access being unsafe. Visibility from the access is suitable for posted speeds.

The current application does not provide details in respect of servicing / emergency vehicle access. However, noting that the layout is materially unchanged to previous schemes, I am minded that tracking has been submitted as part of the 2016 application (6/2016/2497/MAJ) and found acceptable to the HA. The turning head enables vehicles (including larger vehicles) to enter and leave in forward gear and ensures the development is appropriate in terms of access from a Principle A road.



Areas for car parking are shown with adequate clear depth behind all parking spaces to ensure that they may be accessed without undue difficulty. 1 space is provided in accordance with the recommendations of BS8300 : Design of buildings and their approaches to meet the needs of disabled persons : Code of Practice, and therefore accessible for persons in a wheelchair and it is noted that the scheme includes provision for charging of Electric Vehicles (EV). This ensures that the development provides for future technology for transport, however from plan 1583 203 rev A, there is a discrepancy between the described 4 off bays providing charging, and the 2 shown. I note that the Fire Authority have not presented (to earlier applications) concerns or a requirement for addition space.

Internal routes provide 5m carriageway width, and enable vehicles to pass clear of each other. Separate pedestrian access is provided.

The LPA shall wish to satisfy themselves with the overall level of parking within the site by specific regard to their parking standards, however HCC observe that Broadwater Road features loading and waiting restrictions, preventing waiting between 8am and 6pm Monday to Saturday, and loading restrictions during peak hours. Such measures would actively restrict inappropriate parking on the main distributor. Noting that the density of the scheme reduces, but overall level of parking remains unchanged to earlier consented schemes, it is anticipated that the scheme retains appropriate levels of parking.

Earlier applications identified no need for planning obligations in respect of highway matters, and therefore this position shall remain unchanged.

Applicant provides secure cycle parking in two locations (totalling provision for 40 bicycles) which is welcomed as it will promote and enable such modes of travel.

The site is reasonably close in proximity to Welwyn Garden City Town Centre (1km) and main line services from Welwyn Garden City Railway station. The site is closely bounded by bus stops, featuring Kassel kerbing (high kerbs) served by routes including the 601 providing 2 services per hour

#### **14. Hertfordshire County Council Development Services –**

I am writing in respect of planning obligations sought towards education, childcare and the library service to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information to date for the development of 24 dwellings (22x2bedroom apartments-2x3bedroom apartments) we would seek the following financial contributions towards the following projects:

- Nursery Education towards the expansion of Ludwick Nursery School (Partnership development with Squirrels Day Nursery) (£4,830)
- Childcare Service towards the expansion of Squirrels Day Nursery (Partnership development with Ludwick Nursery School) (£1,432)
- Library Service towards the enhancement of the ICT provision at Welwyn Garden City Library (£3,166)

#### **15. Herts Biological Records Centre**

I note we previously commented on planning application

	<p>6/2016/2497/MAJ at this site, which was granted in 2017. These proposals are similar and relate to a new build structure and I have the following, similar, comments to make now:</p> <p>The Hertfordshire Environmental Records Centre has no habitat or species data for the application site, which is a modern office building with negligible ecological value. There may be potential for common breeding birds to use the roof structure for nesting and a precautionary approach should be taken to avoid harming or disturbing birds, their eggs or any active nests. I recommend the following Informative is added to any permission granted;</p> <p>"Any works to the external roof structure should be avoided during the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of works and if active nests are found, the area should be cordoned off (buffer 4m) and/or works should stop until the birds have left the nest."</p> <p><b>16. Cadent Gas Limited –</b>  Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.  The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.  If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.  If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.  All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.</p> <p><b>17. WHBC - Parking Services</b>  No comments received</p>
<b>Relevant Policies</b>	
<ul style="list-style-type: none"> <li>• National Planning Policy Framework 2012</li> <li>• Welwyn Hatfield District Plan 2005</li> <li>• Draft Local Plan Proposed Submission 2016</li> <li>• Supplementary Design Guidance, February 2005 (SDG)</li> <li>• Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)</li> <li>• Interim Policy for Car Parking Standards and Garage Sizes, August 2014</li> <li>• Planning Obligations 2012</li> </ul>	

<p>Planning application reference 6/2016/2497/MAJ was assessed against Draft Local Plan Proposed Submission 2016. This document is currently going through the examination process with the Planning Inspector and is at advanced stage holding significant weight.</p>	
<p><b>Main Issues</b></p>	
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>An earlier planning permission for 24 flats to be provided within the existing building on site was granted. That permission showed a building of near identical size and shape and occupying the same footprint on the site. The design and appearance was considered acceptable and that planning permission remains extant and can be implemented (ref 6/2016/2497/MAJ).</p> <p>The current proposal is for an entirely new building but built to appear very similar to the existing building that it would replace. The justification for the differing approach is that the resultant development would be built entirely to current standards rather than be adapted to meet current standards. It allow for certain efficiencies to be achieved.</p> <p>The development would however appear very similar to the approved scheme so that its planning impacts would be equally similar. In principle therefore the proposed new/alternative scheme is acceptable. If permitted a range of conditions could be imposed to ensure sufficient control over the final materials choice, landscaping and boundary screening details.</p>
<p><b>Impact on neighbours</b></p>	<p>Once again the proposal is designed to very closely reflect the appearance of the approved scheme and so its impacts upon new and older neighbouring homes is very nearly identical and acceptable. If permitted conditions could secure appropriate mitigation where necessary.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>The scheme proposes to utilise the same access and parking arrangements as previously permitted and so is acceptable in highway safety and parking terms subject to the imposition of appropriate conditions.</p>
<p><b>Landscaping Issues</b></p>	<p>The landscaping scheme around the site would closely reflect that of previously approved schemes and can be secured by planning condition which would include tree protection measures to ensure the protection of established and protected trees and replacement planting if trees and shrubs were to fail within five years of planting. It would also be necessary to require planting on the building roof and terrace to achieve a suitable high standard of landscape appearance on the development. This can be secured by planning condition also.</p>
<p><b>Other Material considerations</b></p>	
<p><b>Contaminated Land</b></p>	<p>The environment agency advises that the site might have a degree of contamination associated with its former uses and that an additional risk assessment is necessary. The submission of a risk assessment can be required by planning condition before works on site commence and a condition requiring the reporting of unexpected areas of contamination is also possible.</p>
<p><b>Waste Management</b></p>	<p>The proposals show provision for waste storage and collection within the development site which can be adequately controlled by suitable</p>

	planning condition.
<b>Planning Obligations</b>	<p>The previous planning permission for 24 flats achieved by converting the building on site was subject to a S106 obligation that secured community benefits/contributions relating to Green Space (WHBC), Play facilities (WHBC), Waste and Recycling (WHBC), Education (HCC) Nursery, Libraries (HCC) and Monitoring and Administration Fee.</p> <p>The previous S106 did not however include any affordable housing contribution because in April 2017 when it was resolved to grant planning permission the Council had not yet published its Draft Local Plan Submission Version August 2016, as a consequence its policies at the time carried relatively little weight. Since then however, the council has submitted it for examination (May 2017) and the examination is now at an advanced stage. As a consequence its policies now carry significant weight.</p> <p>In 2016/17 the Adopted Welwyn Hatfield District Plan 2005 Policy H7 required sites of 25 or more dwellings to include the provision of affordable housing (30%) whereas the emerging Local Plan Policy SP7 requires the same proportion of affordable homes but on sites of 11 or more dwellings. In view of this significant change in policy and the advanced stage of the emerging Local Plan Examination significant weight must now be given to Policy SP7.</p> <p>The current planning application makes no provision for affordable housing and is not accompanied by a viability assessment that might justify any diversion from the councils emerging policy position.</p> <p>This deficiency was brought to the attention of the applicant's agent in writing on 15<sup>th</sup> May 2018 and at the time of writing this report no statement justifying the provision of zero affordable housing on the site has been received. The council has not received a viability assessment that might justify a reduction in affordable housing provision, it has not received confirmation that the applicant will fund other S106 contributions of the type and scale secured in connection with the previous planning permission nor an agreement to pay the council's legal costs involved in instructing solicitor's for work on any resulting S106 obligation or agreeing to pay the council's reasonable costs in securing a consultant to advise upon viability matters.</p> <p>The application is therefore in conflict with the council's emerging policy SP7 as it makes no provision of any kind for affordable housing on the site, or for any contribution towards affordable housing of an equivalent level of provision off site. The proposal would not therefore help create a sustainable, inclusive and mixed community as required by the policy does not represent a sustainable form of development.</p>
<b>Conclusion</b>	
<p>The application makes no provision of any kind for affordable housing on the site, or for any contribution towards affordable housing of an equivalent level of provision off site. The proposal would not therefore help create a sustainable, inclusive and mixed community as required by the National Planning Policy Framework and does not represent a sustainable</p>	

form of development and it would conflict with Policy SP7 of the Draft Local Plan Proposed Submission 2016 which now, because of its advanced status carries significant weight in the determination of applications.

**Reasons for Refusal:**

1. The application makes no provision of any kind for affordable housing on the site, or for any contribution towards affordable housing of an equivalent level of provision off site. The proposal would not therefore help create a sustainable, inclusive and mixed community as required by the National Planning Policy Framework and does not represent a sustainable form of development and it would conflict with Policy SP7 of the Draft Local Plan Proposed Submission 2016 which now, because of its advanced status carries significant weight in the determination of applications.

**REFUSED DRAWING NUMBERS**

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
203	A	Proposed Site Plan	20 April 2018
202	A	Proposed Elevations	20 April 2018
201	A	Proposed Plans, Second & Third Floor	20 April 2018
200	A	Proposed Plans, Ground & First Floor	20 April 2018
204		Proposed Location Plan	28 March 2018
205		Proposed Bike Shed	3 April 2018
206		Proposed Bin Shed	3 April 2018
312.AS.02		Existing Elevations	4 April 2018
312.AS.03		Existing Site Plan	4 April 2018
312.AS.01		Existing Ground & First Floor Plans	4 April 2018

1. **POSITIVE AND PROACTIVE STATEMENT**

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 viewed on the Council's website or inspected at these offices).

**Determined By:**

Mr Chris Carter  
17 July 2018