

Part I

Executive Member: Councillor S. Boulton

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 14 NOVEMBER 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/1330/FULL

FORMER SHREDDERED WHEAT FACTORY WELWYN GARDEN CITY AL8 6UN

ALTERATIONS AND AMENDMENTS TO PLANNING PERMISSION 6/2018/0171/MAJ,  
FOR THE ERECTION OF A FIVE-STOREY COMMUNITY BRIDGE BUILDING  
(1,257M<sup>2</sup>) FOR FLEXIBLE USE (B1/D1/D2 USE CLASSES) INCORPORATING A  
MINIMUM OF 338 SQUARE METRES OF D2 USE CLASS FLOOR SPACE AND THE  
REMOVAL OF THE SKATE PARK.

APPLICANT: MR A MCPHEAT

(Peartree)

**1 Background**

- 1.1 Members will recall that this planning application was presented at last month's Development Management Committee (14 November). The application was deferred and it was agreed to be brought back to this month's committee.
- 1.2 There are no alterations to the report, except at paragraph 10.15, which alters the incorrect reference of condition 47 to condition 52 and paragraph 10.36 which substitutes the western elevation for the eastern elevation. Condition 4 is also altered to reflect the western elevation of the building. Additionally the table at paragraph 3.3 is altered to incorporate the minimum of 338sqm D2 use class and a maximum flexible use of 937sq m.

**2 Site Description**

- 2.1 The site lies within the Wheat Quarter redevelopment site, in Welwyn Garden City. The strategic site occupies a central position, to the east of the main railway line bounded by Broadwater Road, Bridge Road and Hyde Way and land adjoining the railway.
- 2.2 The site is adjacent to the raised pedestrian footbridge which provides access to Welwyn Garden City train station, beyond to Howard Centre shopping mall and then serving as a gateway to the town centre.
- 2.3 The site is currently accessed from Bridge Road, or via a pedestrian access off of Hydeway.
- 2.4 The area of land, which the proposed development would be located, has planning permission (6/2018/0171/MAJ) for the erection of a two storey building

for the use of a train operating company (TOC) and the development of a skate park.

- 2.5 The TOC building would deliver 360m<sup>2</sup> of B1 use floor space, designed to align with the quantum of space required by Network Rail. The skate park would deliver 338m<sup>2</sup> of informal play provision, which falls under a class D2 use.

### **3 The Proposal**

- 3.1 The applicant seeks planning permission for the erection of a 5-storey Community Bridge Building (1,257m<sup>2</sup>) for flexible use (B1/D1/D2) Use Classes incorporating a minimum of 338 square metres of D2 Use Class Floor space and the removal of the skate park.
- 3.2 The floor area of the building comprises of a ground floor that is 168m<sup>2</sup> (Gross Internal Area [GIA]). At first, second and third floor levels the units are 224m<sup>2</sup> (GIA) and are accessible via stairs/lift from the ground floor. The fourth floor allows for 79m<sup>2</sup> (GIA) and there is also access to a roof terrace, with access via the main stair/lift core.
- 3.3 The table below provides a comparison between the approved building, with the skate park, and the proposed community bridge building:

| <b>Component</b>            | <b>Approved Scheme (GEA)</b>     | <b>Proposed Scheme with a minimum 338sq m of D2 use (GEA)</b> |
|-----------------------------|----------------------------------|---|
| B1(a) Use Class Floor space | 360m <sup>2</sup> (TOC building) | 937 sqm (max)   |
| D1 Use Class Floor space    | N/A                              | 937 sqm (max)   |
| D2 Use Class Floor space    | 338m <sup>2</sup> (Skate Park)   | 1257 sqm (max)  |

- 3.4 This application has been submitted, as Network Rail have informed the applicant that they no longer require the building. The approved building is a bespoke product, one that was designed with a specific user and operator in mind, it is no longer considered to be an appropriate market product.
- 3.5 The applicant therefore proposes that the Local Planning Authority reconsider the use and potential of this building and ensure that it maximises the potential for regeneration and provides the necessary commercial and community floor space to serve the town.

### **4 Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee (DMC) as it was deferred at DMC last month. The scheme was originally called in by Councillor Cowan on the grounds that the skate park was promised to the public from the inception of the project, indeed was a part of the Spenhill application, and to remove it at this late stage would be a major breach of faith

with the public who have long looked forward to a purpose-built skate park in the town.

## **5 Relevant Planning History**

- 5.1 Application Number: 6/2018/0171/MAJ  
Decision: Granted  
Decision Date: 15 February 2019  
Proposal: Creation of a mixed-use quarter comprising the erection of up to 1,340 residential dwellings including 414 (31%) affordable dwellings (Use Class C3); 114 extra care homes (Use Class C2); the erection of a civic building comprising 497 m<sup>2</sup> of health (Use Class D1), 497 m<sup>2</sup> of community use (Use Class D1), 883 m<sup>2</sup> of office (Use Class B1) and 590 m<sup>2</sup> of retail (Class A1/A2/A3/A4/A5); alterations, additions and change of use of Grade II Listed Building and retained Silos to provide 5,279 m<sup>2</sup> of flexible business floor space (Use Class B1), 270 m<sup>2</sup> Combined Heat and Power (Sui Generis), 2,057 m<sup>2</sup> International Art Centre (Use Class D1), 1,235 m<sup>2</sup> Gymnasium (Use Class D2), 1,683 m<sup>2</sup> of restaurant/coffee shop/bar (Use Class A1/A3/A4/A5), Creche/Day Nursery (Use Class D1) of 671 m<sup>2</sup> as well as a Network Rail TOC Building (Use Class B1) of 360 m<sup>2</sup>; plus associated car parking, access, landscaping, public art and other supporting infrastructure.
- 5.2 Application Number: 6/2019/0826/LB  
Decision: Granted  
Decision Date: 02 July 2019  
Proposal: Extensions and improvements to retained original 1920s Silos, Production Hall, Grain Store and Boiler House to enable the creation of an International Art Centre, including enhanced connectivity and access.
- 5.3 Application Number: 6/2019/1299/VAR  
Decision: Pending  
Decision Date: Not applicable  
Proposal: Variation of Condition 52 (provision of open space and play space) on planning permission 6/2018/0171/MAJ to remove the skate park, in association with planning application 6/2019/1330/FULL.
- 5.4 Application Number: 6/2019/1346/VAR  
Decision: Pending  
Decision Date: Not applicable  
Proposal: Variation of Condition 55 (childcare facilities within Block 4) to accommodate a crèche/nursery facility D1 Use Class in any non-residential building within the development, and Condition 56 (approved plans) to enable land use flexibility across the non-residential areas, incorporating the amendment to the description of the planning permission 6/2018/0171/MAJ, dated 15th February 2019.
- 5.5 Application Number: 6/2019/1347/FULL  
Decision: Pending  
Decision Date: Not applicable  
Proposal: Extensions and improvements (398m<sup>2</sup>) to retained original 1920s Silos, Production Hall, Grain Store and Boiler House to enable the creation of an

International Art Centre, including enhanced connectivity and access for flexible use (B1/D1/D2 Use Classes).

## **6 Relevant Planning Policy**

- 6.1 National Planning Policy Framework 2019 (Framework)
- 6.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 6.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.6 Broadwater Road West Supplementary Planning Document 2008
- 6.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **7 Site Designation**

- 7.1 As designated within Welwyn Hatfield District Plan 2005, the site lies within Welwyn Garden City Industrial Area (EA1) and Broadwater Road West Opportunity Area. The site also occupies a former factory, which is grade II listed.

## **8 Representations Received**

- 8.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. One representation has been received, commenting upon the proposal. The comment is summarised below:
  - The skate park provides a meeting point;
  - The position is excellent, as it is not located out to the edge town and is overlooked;
  - Welwyn Garden City needs something casual for teenagers.

## **9 Consultations Received**

- 9.1 The following have responded commenting that they have no objections to the proposal:
  - Hertfordshire County Council Growth Team;
  - Sport England;
  - Welwyn Hatfield Borough Council (WHBC) Parking Services;
  - WHBC Client Services;
  - Historic Building Consultants Place Services;
  - Hertfordshire Constabulary.
- 9.2 WHBC Public Health and Protection Officer raises no objection to the scheme subject to conditions being applied regarding noise.

- 9.3 WHBC Community Partnerships commented that there is a need to provide a focal point for young people to gather and be with friends whilst being in a safe environment.
- 9.4 Network Rail have no objection in principle, subject to the retention of a 3m corridor around our own bridge structure for maintenance purposes.

## **10 Analysis**

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. Principle of development**
  - 2. Quality of design and impact on the character and appearance of the area**
  - 3. Impact of development upon the setting of the Listed Building**
  - 4. Amenity and living conditions of future occupiers**
  - 5. Highways and parking considerations**
  - 6. Other considerations**
- 1. Principle of Development**
- 10.2 The application site falls within Broadwater Road West Opportunity Area and Welwyn Garden City Industrial Area (EA1), therefore Policies EMP2 and EMP3 of the District Plan are relevant.
- 10.3 Policy EMP3 of the District Plan identifies the site as an opportunity area of planned regeneration for mixed use development comprising primarily employment, housing, leisure and rail related uses. Policy EMP3 continues stating that development of the site shall also be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed and the Broadwater Road West SPD and include the minimum quantum of Class B floor space. Policy EMP2 states that development in the designated employment areas, proposed for development within use classes B1, B2 and B8 will be permitted subject to satisfying the criteria within this policy.
- 10.4 These policies are echoed within the emerging Local Plan (eLP) under Policies SP 8, SP 17 and SADM 10 of the eLP which allocate this site for mixed use development and requires development on this site to conform to the Strategy Diagram as shown in Figure 10 of the policy, as well as, satisfy the principles under this policy.
- 10.5 The principle of development on the strategic site has already been established through the extant permission 6/2018/0171/MAJ. This application solely relates to the area of land, whereby permission has been granted for a 2-storey TOC building and skate park, which fall in use Classes B1 (office) and D2 (Assembly and leisure). The principle of development is assessed in three parts. Firstly, the erection of a building, followed by the loss of the TOC building and the skate park, and then the principle of a flexible use building.

### *Principle of the Erection of a Building*

- 10.6 The principle of development on this site has already been established within the extant planning permission 6/2018/0171/MAJ. The erection of a building within this location would facilitate an efficient utilisation of previously-developed land, within the existing settlement of Welwyn Garden City. Thus, satisfying Policies R1 and GBSP2 of the District Plan and paragraph 118 and 122 of the National Planning Policy Framework (Framework) which support the development of under-utilised land and buildings and the efficient use of land.

*Principle of the Loss of TOC Building and Skate Park*

- 10.7 The TOC building was specifically designed to satisfy the needs of Network Rail, as shown on the approved drawing numbered P1(N-TOC)-100 Rev P3 of permission 6/2018/0171/MAJ. This building would have resulted in a total of 360m<sup>2</sup> of floor space in a B1 use.
- 10.8 The development seeks to retain a B1 use, albeit in a flexible capacity along with D1 and D2 uses. Policy SP 8 of the eLP recognises the important role played by non-Class B land uses to support economic prosperity, encourage inward investment and creation of a range of jobs. Policy EMP3 of the District Plan and Policy SADM 10 of the eLP identify the site as a mixed use area which shall also incorporate land for Class B employment uses. On this basis, the loss of the specifically designed building for the needs of Network Rail is not objected to and the proposal to incorporate a B1 use along with a D1 and D2 is considered acceptable.
- 10.9 As for the skate park, this was approved previously to ensure adequate supporting facilities were available for future occupants of the development. The skate park provided a total of 338m<sup>2</sup> of floor space in a D2 use.
- 10.10 Policy EMP3 of the District Plan identifies the *'site as an opportunity area of planned regeneration for mixed uses.'* It continues stating the *'development shall also comply with a Development Brief,'* which is Broadwater Road West SPD.
- 10.11 Within the Broadwater Road West SPD it states that *'Open space provision on this site should be in accordance with the requirements set out in Policy OS3 of the District Plan.'* Policy OS3 of the District Plan states that *"Substantial new residential development (of 0.4 hectares or above) will be expected to make a contribution to the provision of children's play space and informal open space, where the increased demands generated by the new households cannot be met by current levels of provision."*
- 10.12 The SPD continues stating that the *'Council expect provision of children's play space to meet the NPFA's minimum requirement of 0.8 hectares per 1,000 people, with particular emphasis on provision for children's play in the form of Local Areas for Play (LAP) and Local Equipped Areas for Play (LEAP). It is anticipated that a LEAP and LAP will be required to be provided across the site. Also incorporated within this standard, and reflecting the findings of the Leisure and Community Review should be provision of an area for older children and teenagers to "hang out". Such an area could be developed alongside the provision of dedicated youth facilities (as discussed at paragraph 5.34).'*
- 10.13 The strategic site area, which the application site falls within, totals 85,027m<sup>2</sup>. Within the extant permission (6/2018/0171/MAJ) approximately 44,303m<sup>2</sup> of

open space was granted, which comprised of both formal and informal open space provisions in the form of areas of green space and the urban realm.

- 10.14 The public areas of green open spaces within the extant permission included provisions which could be utilised by all ages, including teenagers, such as the informal play areas and 'The Weave' which is the central open space. In addition, urban realm spaces such as 'Goodman Square' which is a public square and 'Reiss Walk' which has seating, would provide the opportunity for social and seating spaces for social gathering and 'hanging out'. On site play facilities are also provided such as LAPs and LEAPs and doorstep play facilities. A sensory garden is also approved increasing the inclusivity of open space within the site. There are also semi-private open spaces which include podium level play areas, gardens and communal roof terraces which are designed to be managed as communal gardens for residents facing on to each garden.
- 10.15 In terms of this proposal it would result in the loss of the skate park. The reason of condition 52 of the extant permission states that the skate park was sought to ensure adequate supporting facilities were available for the occupants of the development. The skate park was therefore not approved on the sole purpose that it provided on site youth provision. Instead, to offset the increased demand for youth provision generated from this development a financial contribution was secured towards the cost of provision of information technology and associated refurbishment at the Monks Walk Youth Wing at Monks Walk School. In addition to this, a financial contribution was also provided towards outdoor sport provision, towards the local rugby and cricket club within Welwyn Garden City which would also benefit teenagers of this development. The scheme therefore satisfies Policy OS3 of the District Plan.
- 10.16 Notwithstanding this the description of this proposal includes a mixed use community bridge building including a minimum floor space of 338m<sup>2</sup> of D2 use. This would also be secured via condition, as it is appropriate and necessary to ensure adequate leisure and community facilities for occupants are provided within the community bridge building. As such, this development would provide the same, if not more, floor space in a D2 use than the skate park previously approved. This proposed scheme would provide adequate supporting facilities for the occupants of this development, and would therefore ensure the reason for the approval of the skate park, as stated within the reason for condition 52338sqm D2 use (min) and 937 sqm (max) of the extant permission, remains satisfied.
- 10.17 Furthermore, a D2 use within a community bridge building would incorporate facilities utilised by teenagers, and would be more likely to benefit the wider community. In addition to this, it would be located within a building and would therefore be weather proof making it accessible all year round.
- 10.18 Subject to conditions requiring a minimum floor area of 338 square metres of D2 use to be implemented and retained, the loss of the TOC building (B1 use) and skate park (D2 use) would therefore not undermine the mixed use development of the site and would ensure adequate supporting facilities are available for future occupants of the development.

*Principle of a Flexible Use for B1, D1 and D2*

- 10.19 This development includes a flexible use of B1 (business) D1 (non residential institutions) and D2 (assembly and leisure) uses across 1,257m<sup>2</sup> GEA, including a minimum of 338m<sup>2</sup> of D2 use floor space. This flexible application would enable the building to be used for any of the proposed uses within the next 10 years.
- 10.20 The previous planning permission (6/2018/0171/MAJ) considered a B1 and D2 use within this location to be acceptable. Since the determination of that application, there has not been any change in national or local policy. As such, there is no objection in principle to a building being erected with a B1 and D2 use within the locality.
- 10.21 With regard to a B1 use, this has already been granted at this site. In addition to this, the Council's Annual Monitoring Report (2017/18) recognised that there is a need for additional employment floor space in the Borough. In terms of employment floor space, in the AMR the Borough seeks to make provision for at least 116,400m<sup>2</sup> of new employment floor space over the Plan period to 2032. Indicator EC1 highlights how there has been a net loss of 3,581m<sup>2</sup> this year, contributing to a net loss of 13,235m<sup>2</sup> for the Plan period to date.
- 10.22 The latest AMR forecasts supply for the plan period to be 81,512sqm, below the figure sought in the submitted Local Plan. Policy SP 8 of the eLP recognises the importance of non-class B uses, in providing employment and contributing to the local economy. This scheme therefore presents itself as an opportunity to secure employment on previously-developed land to meet the Authority's objectively-assessed needs, subject to satisfying other relevant policies.
- 10.23 As for a D1 use, this includes non-residential institutions such as clinics, health centres, crèches, day nurseries, day centres, schools, places of worship, art galleries (other than for sale or hire), museums and libraries.
- 10.24 A D1 use within this locality, would make a productive community use of a brownfield site centrally located adjacent to the town centre. Whilst the proposed use would have a greater scale of activity than that currently approved, given the site's close proximity to the town centre location, public transport and other facilities it is expected that a more intensive use of the site is acceptable. The inclusion of a D1 use would therefore not impact detrimentally upon the town centre.
- 10.25 As mentioned previously, there is no objection to a D2 use and the proposal would ensure the same amount of space as previously agreed was for a D2 use.
- 10.26 In terms of the proposal of a flexible use, this can be achieved via Schedule 2, Part 3, Class V of the General Permitted Development Order (2015) which refers to changes of use permitted under a permission granted on an application. Under these provisions, B1, D1 and D2 uses can be implemented within the building without further planning permission. If permission were granted this would permit the use of the building for a flexible B1, D1, and D2 use, with the requirement of providing a minimum of 338m<sup>2</sup> of D2 use floor space, as required within the description of this application.

- 10.27 A flexible use building is considered to be reasonable in this instance as the change between the uses within this locality and building would be practical to undertake.
- 10.28 This planning application also meets the tests of Schedule 2, Part 3, Class V. As this application for planning permission would be made after 5th December 1988 and should this application be approved, the building would be able to change between uses applied for without a further planning permission. However, the use 10 years after the date of the planning permission will become the authorised use, in accordance with these provisions.
- 10.29 The proposal of a flexible use within close proximity to the town centre would promote long term vitality and viability, by allowing the building to diversify in a way that can respond to rapid changes in the retail and leisure industries. As the application site is well connected and accessible from the town centre the flexibility of the building would utilise suitable town centre uses. A flexible use would therefore accord with paragraph 87 of the Framework.
- 10.30 For the above reasons, the proposed development would make an effective use of a brownfield site which is centrally located and simultaneously contribute towards the employment needs of the Borough and provide economic benefits to the town centres vitality and the Borough. The scheme would therefore accord with Policies SD1, R2 and EMP3 of the District Plan, SP 8, SP 17, SADM 10 of the eLP, Broadwater Road West SPD and the Framework.

## **2. Quality of design and impact on the character and appearance of the area**

- 10.31 The Framework places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 10.32 District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's SDG and are consistent with Policy SP 9 of the eLP and the National Design Guide 2019.
- 10.33 The layout of the proposed building has been orientated to ensure it provides an active frontage both at ground floor and upper levels to the footbridge, whilst also terminating the vista. The layout has achieved a street design, which reduces the dominance of vehicles, thus creating an accessible and friendly environment. The carefully designed layout also ensures that the building integrates with the formal and symmetrical patterns that reflect the character of the Wheat Quarter, and the Garden City.
- 10.34 With regard to height and scale, currently the site is fairly isolated. The existing built form closest to the site, includes The Howard Centre to the west, the Shredded Wheat factory to the north east, and the PDW Gates Distribution

warehouse to the south. There is no uniform design, height or scale shared amongst the existing buildings surrounding the site.

- 10.35 Notwithstanding this, the permission granted for the Wheat Quarter redevelopment, includes the erection of buildings up to 8 storeys in height. The buildings approved within the immediate context of this development were 5 to 7 storeys respectively. For this reason, a five storey building within this locality, would correspond to the wider redevelopment of the site, thus ensuring it does not appear incongruous within the strategic site.
- 10.36 The proposed building provides a contemporary design complementing the former Shredded Wheat factory's unique design and architectural styles approved on the extant permission. In this instance, the building would be finished in an architectural style which pays homage to the industrial buildings and design of the footbridge. Furthermore, the variation in tone and texture of materials proposed creates a desired degree of variety and context. In addition to this a mural is proposed on the western elevation, which would provide a sense of arrival and place when views are gained from the railway line. Subject to conditions being applied relating to the proposed materials and a scheme for the delivery of a mural on the western elevation, it is considered that the scheme would contribute to the architectural interest of the building and the strategic site.
- 10.37 Due to the architectural design, scale and massing, the development would be sympathetic and complement the layout of the wider strategic site, ensuring it would respect and relate to the character and context of the approved scheme (6/2018/0171/MAJ). As a consequence, the proposed design ensures the new building does not visually compete with the existing historic building on the site, but provides a nodal point within the scheme, which creates a sense of place when entering the Wheat Quarter.
- 10.38 Overall, subject to condition the height, layout, design and appearance of the proposed development, is considered to be of an appropriate quality and would adequately respect and relate to the overall character of the area. Accordingly no objections are raised with regard to Policies D1, and D2 of the District Plan, SP9 of the eLP, the SDG or the Framework.

### **3. Impact of development upon the setting of the Listed Building**

- 10.39 Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that the local planning authority shall have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The specific historic environment policies within the Framework are contained within para.184-202. paragraph 192 of the Framework states:

*In determining planning applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) The desirability of new development making a positive contribution to local character and distinctiveness.*

- 10.40 Paragraph 193 of the Framework outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given. Paragraph 195 states that where the harm is considered less than substantial paragraph 196 states that this should be weighed against the public benefits of the proposal. The Framework therefore does allow for a degree of harm to a heritage asset in particular circumstances.
- 10.41 Development within the listed buildings setting causes some degree of '*less than substantial harm*' although this harm would be mitigated further due to the erection of residential blocks between the Shredded Wheat factory and the community bridge building proposed.
- 10.42 Views from the south-west over the site towards the former factory building are limited or non-existent because of the lower level of Osbourne Way as it passes through the Howard Centre and the intervening railway line. The approved two storey building may have afforded very limited views towards the former factory building due to its low height, however, these views were likely to have only been when travelling by train. Whilst the proposed building would be prominent, thus detracting views of the former factory building and footbridge these concerns in themselves are unlikely to have a harmful adverse impact on the setting of the listed building.
- 10.43 For the above reasons, the development would result in some degree of less than substantial harm upon the setting of the Listed Building in line with Paragraph 196 of the Framework. The harm should be weighed against the public benefit. In regards to this site, it is acknowledged by its designation within the District Plan and eLP to fall within the redevelopment of the Broadwater West Road site. Its future economic prosperity is in the interests of the local community. Moreover, the development would facilitate an effective use of brownfield land in a way that is sustainable and of benefit to the community, whilst enhancing job opportunities. The benefits of the scheme would therefore outweigh any less than substantial harm upon the setting of the listed building in accordance with the aims of the Framework.

#### **4. Amenity and living conditions for future occupiers**

- 10.44 Paragraph 127 of the Framework seeks high quality design and good standards of amenity for all future occupiers of land and buildings. Policy D1 of the District Plan also requires new development to incorporate the design principles and policies of the SDG.
- 10.45 The proposed development would be taller in height than the TOC building previously approved within this location. The scheme has been designed with a layout and orientation to ensure that the building does not result in adverse harm by way of overshadowing, daylight and sunlight and overlooking upon neighbouring occupiers.

- 10.46 The extant permission is for an office building and skate park within this location. Some noise would be expected from the skate park, however the office would be fairly quiet.
- 10.47 In this instance the use classes proposed, are broad in terms of what final activities may take place within the building. In terms of a B1 use these are considered to be appropriate within residential areas without causing detrimental harm to the amenity of neighbour occupiers. Likewise D1 and D2 uses would not result in noise disturbance, given that they would be within the building. Noise from deliveries at unsociable hours is a concern, however due to the uses proposed and the proximity of this site to the railway line, it is considered that the noise created would not result in detrimental harm upon future occupiers of the site.
- 10.48 To ensure the scheme does not result in adverse harm by way of noise disturbance a condition shall be applied stating that noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present). If the noise level exceeded 10dB (LAeq) of the background noise level at the nearest residential properties a noise impact assessment will be required to be submitted and approved by the Local Planning Authority. This would therefore ensure the development is in accordance with Policies D1 and R19 of the District Plan.
- 10.49 Accordingly, it is considered that subject to compliance with the conditions, the proposed development would not impact unduly on future residents of these properties or existing neighbouring occupants, in line with the Framework and Policies D1 and R19 of the District Plan and the SDG.

## **5. Highways and parking considerations**

- 10.50 With regard to car parking, Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the Framework and are therefore afforded less weight.
- 10.51 In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal its size context and its wider surroundings as well as the Framework guidance.
- 10.52 The Council's parking standards requires:
- 1 space per 35 square metres for B1;
  - 1 space per 9 square metres for D1; and
  - 1 space per 15 square metres for D2.
- 10.53 The site is located within zone 2 and therefore 25-50% of the maximum requirement applies. In this instance, the building would have a floor space of 1,257m<sup>2</sup>, and the worst case scenario would be for the whole of the site to be

within Use D1, a total of 69 car parking spaces would be required. The scheme does not propose any car parking spaces.

- 10.54 Paragraph 105 of the Framework states that parking standards should take into account various matters including the accessibility of the development, the type, mix and use of the development, and the availability of and opportunities for public transport'.
- 10.55 The site has access to a range of sustainable modes of transport such as the bus station on Osborn Way, which is 0.3m from the site and provides 23 services, as well as the bus station on Broadwater Road, which is 0.2 miles from the site. A rail station is 130 yards to the site which provides access to approximately 10 trains per hour, providing services to London Kings Cross, Cambridge and Moorgate. The site is also within 400m (5mins walking time) of the town centre, where pedestrian routes are well integrated from residential areas within the town.
- 10.56 Therefore, due to the proximity and access to good public transport links, and pedestrian routes from the site, those accessing the development would not need to be car dependent. Therefore, whilst the development does not have allocated parking it is considered to be, on balance, acceptable, given the sustainable location of the development in regards to public transport, services and amenities.
- 10.57 The Council's Parking Standards Document also states that the worst case scenario for this site in terms of cycle provision would in a D2 use. Within this use 1 short term cycle space is required per 25m<sup>2</sup> of floor space and 1 space per 10 full time staff. In this instance no cycle spaces are provided. It is considered that it would be reasonable and appropriate that a condition be imposed to require appropriate provision is provided.

## **11 Conclusion**

- 11.1 Taking the above into account, this development is considered to present an efficient use of the previously developed land within the borough. The proposed development constitutes sustainable development and there are no compelling objections to the use of this site for a community building, nor to the design and appearance of the development. The impacts of the proposed would also result in a positive contribution towards meeting the Borough's employment and community needs. The proposed development is therefore acceptable and accords with the relevant policies of the Framework, District Plan, eLP, and the adopted SPD.

## **11. Recommendation**

- 11.1 It is recommended that planning permission be approved subject to:
1. Prior to the occupation of the building hereby approved for any of the allowed uses, a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved scheme of cycle parking within 3 months of the first occupation of the building entirely in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

2. No development above slab level shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

3. No occupation of the development hereby permitted shall be undertaken until a floor plan identifying the location of a minimum of 338m<sup>2</sup> of Use Class D2 floor space has been submitted to and approved in writing by the Local Planning Authority. Those agreed details shall subsequently be implemented in accordance with the approved details before the development is completed and retained in that form and D2 use thereafter.

REASON: To ensure the scheme does not prejudice the mixed use development of this scheme, within the wider strategic site, in accordance with Policy EMP3 of the Welwyn Hatfield District Plan 2005 and the Broadwater Road West SPD and National Planning Policy Framework.

4. No occupation of the development hereby permitted shall be undertaken until full details of an art mural, including a delivery programme, on the western elevation of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and within 3 months of the first occupation of that building and retained in that form thereafter.

REASON: To ensure a high quality design and standard of development in the interests of visual amenity and public art in accordance with Policies D1, D2 and D10 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

5. Prior to installation of any external lighting the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties). This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

REASON: To protect the amenity of residential properties in the area in accordance with Policies R20 and D1 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

6. A minimum of 338m<sup>2</sup> of Use Class D2 floorspace shall be delivered within the community bridge building hereby permitted, within area defined on site plan drawing number E0 001 Rev P1 [04 June 2019].

REASON: To ensure the scheme does not prejudice the mixed use development of this scheme, within the wider strategic site, in accordance with Policy EMP3 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

- Noise associated with any part of the development hereby permitted shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present). If the noise level exceeds 10dB (LAeq) of the background noise level at the nearest residential properties (or 5dB below the background noise level if evidence is provided which shows that no tonality is present) a noise impact assessment which assesses the expected noise from the businesses at the nearest residential properties shall be submitted to and approved in writing by the Local Planning Authority. The noise impact assessment must include details of the noise monitoring exercise and internal noise levels for the premises and details of the façade noise levels at residential properties. Noise measurement results in terms of day time and night-time LAeqs, LA90s and LAm<sub>ax</sub> (f) will be required along with a BS4142 assessment. This report must include a scheme of sound insulation and ventilation for the building. Mitigation measures outlined in the noise impact assessment shall then be implemented within 1 month from the date the Local Planning Authority agrees this condition is satisfied.

REASON: To protect the amenity of residential properties in the area in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework.

- The development/works shall not be started and completed other than in accordance with the approved plans and details:

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>                      | <b>Received Date</b> |
|--------------------|------------------------|-------------------------------------|----------------------|
| P2-100             | P1                     | Sections                            | 04 June 2019         |
| P3-100             | P1                     | Elevations                          | 04 June 2019         |
| P4 100             | P1                     | Typical Facade Details              | 04 June 2019         |
| P1 002             | P1                     | Second Third And Fourth Floor Plans | 04 June 2019         |
| P1 001             | P1                     | Ground First Floor Plans            | 04 June 2019         |
| E0 001             | P1                     | Location Plan                       | 04 June 2019         |

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

## **POSITIVE AND PROACTIVE STATEMENT**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

## **INFORMATIVES**

1. Part 3, Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.

You are advised that the flexible uses hereby permitted are authorised at any time up to 10 years from the date of the commencement of the permission, subject to Conditions of this permission that restrict the use.

At any given time during the 10 year flexible period the use can change to another use within the flexible categories, but can only have one flexible use at any time.

Once the 10 year period ends no further flexible uses can occupy the site and the last known use will become the lawful use of the site.

2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
3. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
4. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
5. No machinery shall be operated, no process shall be carried out (except for office work) outside the hours of 08:00 – 18:00 Mondays to Fridays, 08:00 – 17:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.
6. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :  
8.00am and 6.00pm on Mondays to  
Fridays 8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays
7. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
8. All plant and machinery in use shall be properly silenced and maintained

in accordance with the manufacturers' instructions.

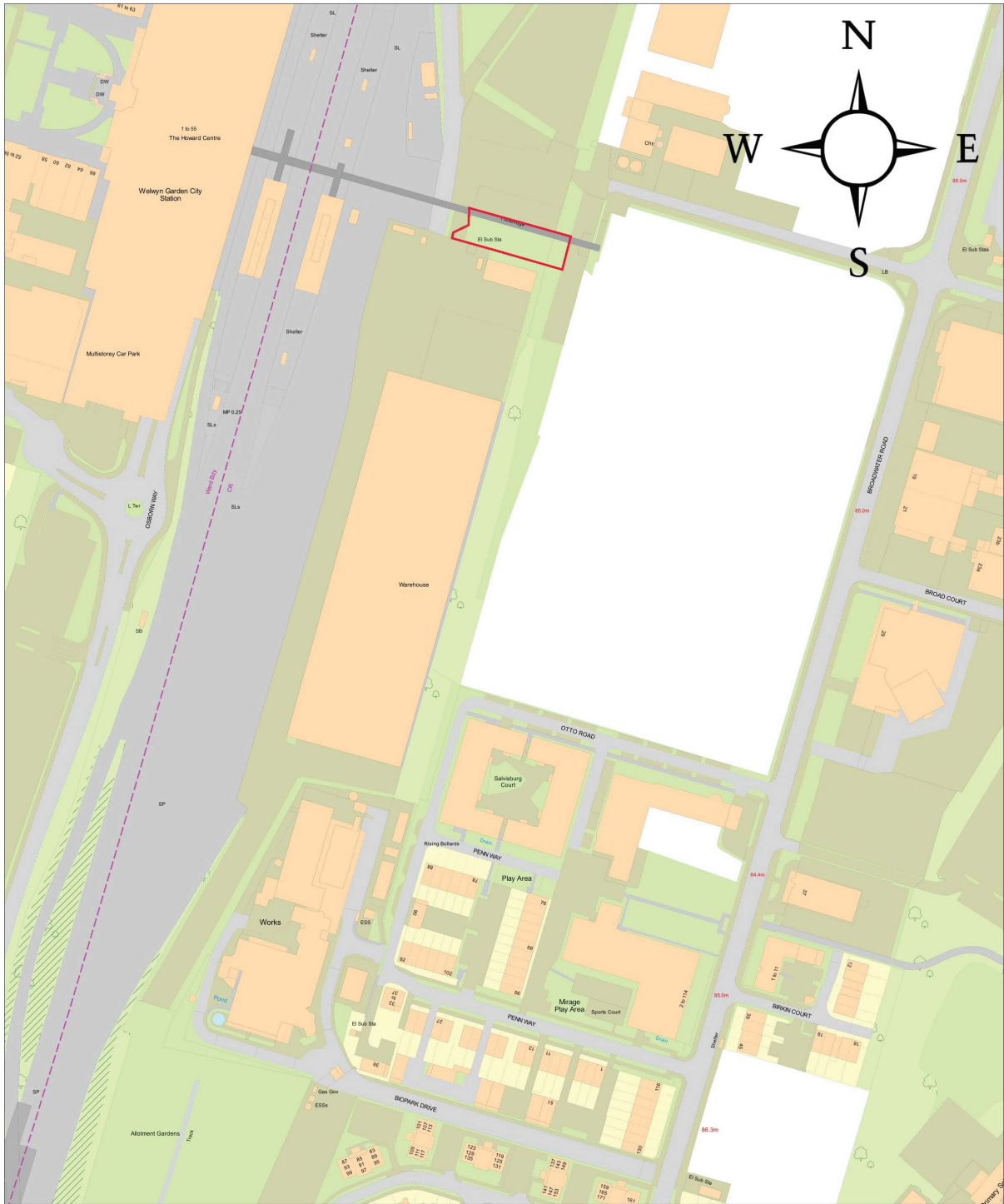
9. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
10. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
11. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
12. All pile driving shall be carried out by a recognised noise reducing system.
13. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
14. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
15. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
16. Any emergency deviation from these conditions shall be notified to the Council without delay.
17. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
18. Permissible noise levels are not specified at this stage.


### **POSITIVE AND PROACTIVE STATEMENT**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

Clare Howe (Development Management)

Date: 24 October 2019



|   |   |                                     |                      |
|---|---|-------------------------------------|----------------------|
|  <p><b>WELWYN<br/>HATFIELD</b></p> <p>Council Offices, The Campus<br/>Welwyn Garden City, Herts, AL8 6AE</p> | Title:<br>Former Shredded Wheat Factory |                                     | Scale:<br>DNS        |
|   |   |                                     | Date:<br>2019        |
|   | Project:<br>DMC Committee               | Drawing Number:<br>6/2019/1330/FULL | Drawn:<br>Emma Small |
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