



PLANNING STATEMENT

Redevelopment for
Affordable Flatted Accommodation

Site: 29 Broadwater Road
Welwyn Garden City
Herts
AL7 3BQ

For: Hightown Housing Association Ltd

Project Ref: 18066_PSII

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1.0 **INTRODUCTION AND BACKGROUND**

1.1 We are instructed by Hightown Housing Association Limited (Hightown) to prepare a Planning Statement to accompany its planning application proposing the redevelopment of 29 Broadwater Road to provide 128 affordable dwellings. The application is submitted on behalf of Hightown by its architects, McBains Limited, and the details are set out in the accompanying forms and drawings.

1.2 In brief, the proposal is a 4-storey flatted block above an enclosed basement car park providing 128 1 and 2 bedroom flats all of which it is intended will be made available to people unable to access ordinary market housing. The scheme also incorporates 136 parking spaces, 128 bicycle spaces and landscaping to include a landscaped courtyard.

1.3 The principal purpose of this statement is to set out the planning background, including relevant policies, and demonstrate how the proposal has had regard to policy. In so doing, reference will be made to a series of related professional input and the genesis of the application including pre-application engagement, the prior approval process and community involvement thus far.

Background

1.4 We have been engaged on this project with the architects since August 2018, at which time Hightown was negotiating with the vendors of the site. It had also been in discussion with the Council's Housing and Community Services Department. Prior to exchanging contracts Hightown wished to seek pre-application planning feedback.

- 1.5 The pre-app was submitted by ourselves on its behalf on 7 September 2018 (6/2018/23039/PA). Initial feedback was received on 11 October followed by a meeting on 23 October and a formal response on 20 November 2018.
- 1.6 This usefully established areas where more justification and explanation was required, whilst also identifying further matters for attention. One such matter was confirmation that, as the building in question was in office use and within an employment area, a pre-requisite for residential re-development was to seek to establish the principle of residential use via the provisions of the General Development Permitted Order.
- 1.7 Prior to doing this on 10 January, Hightown responded to the Council's 'call' for residential sites and supplied details of the pre-app scheme to indicate that the site was capable of accommodating between 115 to 145 1 and 2 bedroom flats, was available (by this time Hightown had completed its purchase) and also deliverable early in the emerging Local Plan time period.
- 1.8 On 18 January 2019 we submitted, on behalf of Hightown, an application for the Council's determination in respect of prior approval for change of use from the existing (B1a office) use of No.29 to C3 residential (6/2019/0108/PN11). On 29 April, the Council confirmed that its approval was required and given for 72 self-contained flats, thereby establishing the principle of residential use.
- 1.9 Subsequent upon the initial pre-app submission, meeting and response, Hightown continued to refine its proposals and a reworked scheme (Pre-App II) was submitted by the architect in readiness for a further meeting with the Council on 7 May. This usefully built on the outcome of the October meeting and the Case Officer was content that the revised and refined proposal should now form the basis for a full application. A copy of the Pre-App II written follow up is included in **Appendix1** to this statement.

1.10 It was suggested at the meeting that it would be prudent to submit a request for a screening opinion. This was done on 31 May (6/2019/1405/EIA) and on 25 June the Council's considered response, based on the May 2019 (above) pre-app submission, was that the proposal would not constitute 'EIA development'.

1.11 Over the summer months, there has been further refinement of the Pre-App II scheme and addressing of officers' residual concerns. In parallel, Hightown has begun stakeholder engagement including with the Ward Councillors (Cowan, Jackson-Mynott and Ranshaw) and the local businesses occupying premises adjacent to the site in Broad Court. These potentially interested parties were supplied with copies of the Pre-App II package with ongoing refinements and modifications.

1.12 As is hopefully clear from the foregoing, the application now before you, has been preceded by at least 12 months' engagement and consultation and has taken full cognisance of recommended "*front-loading*" prior to a formal submission. Reference will be made again to this process in the succeeding sections of this statement, which are set out as in the preceding Contents section.

2.0 **DESCRIPTION OF THE SITE AND SURROUNDINGS**

2.1 Broadwater Road lies on the edge of the original planned industrial area of the Garden City. It is typified by a mixture of commercial buildings, mostly not reflecting the garden city vernacular. Historically, there was considerable light manufacturing premises which in turn had become more office orientated but with a focus on pharmaceuticals; Roche in particular having had a presence in the town.

- 2.2 The Google Earth aerial image (May 2018) below is centred on the application site (blue dot). The scale bar is useful indicating how close the site is to the train station, bus station and town centre all of which are to the left of the image.



- 2.3 There has been considerable redevelopment and many sites remain cleared. Of the newer development, non-residential uses and users have increasingly been replaced by residential development. Examples of the changes are evinced by the subject site and other addresses as follows:

- **Former Shredded Wheat Factory** (yellow dot on aerial image)

One of the original manufacturing businesses in the town, the factory lies at the heart of the residential-led Broadwater Road West comprehensive redevelopment area. In November 2017 the Council approved an outline mixed use scheme including up to 852 dwellings (N6/2015/0249/PP).

Late last year it resolved to approve a much denser scheme of 1,454 units and mixed uses (6/2018/0171/MAJ).

- **Office Block (Buildings 1-4) at 1-27 Broadwater Road, Roche Products Factory** (green dot)

This late 1930's building (opposite 37 Broadwater Road) is listed Grade II and with surrounding former Roche buildings, form a major residential re-use/redevelopment. In all Taylor Wimpey has built 209 new dwellings (N6/2010/1776 MFA) and the planning and listing building consent for the office building conversion (34 homes) is now being implemented by Oakbridge Homes.

- **1 Broadwater Road**

Mercury House is a relatively recent building. Prior Approval was required and granted for its conversion from offices to 31 flats (N6/2016/2160/PN11) and subsequently a planning application was approved for change of use, extensions and alterations to create 43 apartments (with 43 parking spaces) and work is now well underway.

- **37 Broadwater Road**

This building was originally erected in 1983 with further extensions in 1998. In September 2016 Prior Approval was given for change of use to 12 dwellings (6/2016/1318/PN11). Subsequently, applications were submitted to change the use to residential, add extensions (upwards and rearwards) and create 24 dwellings and 26 parking spaces (6/2016/2497/MAJ).

- **41-45 Broadwater Road**

This was formerly a County Council Highways office and car park. The whole site was the subject of a prior approval prior notification to change use of the offices to 40 1-bedroom flats (N6/2013/0231/OR) and this was approved. Subsequently the site of the office building was the subject of an approval to demolish it and replace it with an 83

resident care home (N6/2014/2715/MA). An application is currently pending (6/2018/3292/MAJ) for a 104 room care home. The adjacent site of the former car park was granted permission for 12 houses and 11 flats (N6/2015/0034/MA) and these are all built and sold.

2.4 Slightly further afield (top right of aerial image), but still within EA1, are the following changes from the historic employment uses:

- **28 Bridge Road East**

This site was vacant prior to an application being made in 2017 for prior approval (6/2017/0525/PN11) to convert the property into 17 self-contained flats. Prior approval was deemed to not be required. A subsequent planning application was made (6/2018/2472/MAJ) and approved for three additional floors to house twenty-five more dwellings.

- **51 Bridge Road East**

This site was previously in use as Council offices but gained prior approval (6/2017/1301/PN11) for the change of use to provide 38 self-contained flats. A subsequent application for full planning permission (6/2017/2104/MAJ) was granted for the demolition of the existing office building and the erection of new buildings to provide fifty-four self-contained flats.

- **61 Bridge Road East**

Prior approval was granted on 28th February 2019 for the change of use of the first, second and third floors of the Norton Building from office to residential (6/2019/0018/PN11).

- **18 Martinfield Business Centre**

Following a 5 year temporary approval, the use of this formerly B1(c) Industrial Unit as a Church (D1) was made permanent in October 2019 (6/2019/1962/FULL).

- 2.5 The application site and its surroundings are described in more detail by others. Its recent planning history is set out in the preceding section of this statement, but it was built in the mid 1970's as another part of the Roche complex. Formerly the site of 25-31 Broadwater Road it was approved in 1975 (N6/780/74) for Roche Products Ltd as "*Building 40 Phase I*", a four floor office building with substantial surface and undercroft parking.
- 2.6 Other land formerly part of the ownership of 29 and lying to the south and east, now belongs to Hertfordshire County Council. It is either vacant or in temporary parking use presently, but is understood to be identified for the expansion of the Peartree Primary School which lies to the south east. In 2007 this land was given planning approval for 20 B1 Business Units (N6/2007/412/MA), but it was not implemented and has lapsed.
- 2.7 The commercial buildings to the north of 29 (the far side of Broad Court) have featured in the pre-app process. They are in retail (wine, ceramic tiles) and also Sui Generis uses, namely; a car rental compound at 23 and a tyre/exhaust fitter and MOT test centre (23a). The latter use was approved "contrary to policy" in 2012 (N6/2011/2505/FP).
- 2.8 The above gives a small snapshot of the loss of employment uses within this part of the Welwyn Garden City employment area (EA1). As well as residential uses, other non 'B' uses have been granted permission within this designated area, including: a part change of use to A1/A3 at 83 Bridge Road East; a ladies' gym (use class D2) and taxi office (Sui Generis) at 62

Bridge Road East and a gym (use class D2) at the Norton Building, Bridge Road East. All of these authorised changes has resulted in a dilution of the employment area.

3.0 **REVIEW OF PLANNING POLICY**

The Development Plan

- 3.1 The Development Plan comprises (other than the County Council's Waste and Minerals Plan, which is of no relevance in this instance) the Welwyn Hatfield District Plan 2005 and the saved policies therein. The Council submitted a replacement Local Plan for Examination in May 2017. There have been several Hearing Sessions, but progress stalled this year and the current situation is explained in recent exchanges of correspondence between the Examination Inspector and the Council, attached as **Appendix 2**.
- 3.2 As can be seen, there remain unresolved strategic matters, including Green Belt releases and meeting the objectively assessed need for housing, which must be addressed for the Plan to be found sound. Policies in the Plan were listed in the initial (November 2018) pre-app feedback and referred to in the text, possibly on the then understanding that the Plan would be adopted in 2019. It is now clear that it will not be and the Council is not currently relying on its content for development management purposes.
- 3.3 The policy situation is that the adopted plan is only part saved and is dated. Its content must be tempered by the provisions of both the NPPF and complementary PPG but the evidence base of the replacement plan, which has been informed by more recent national policy and statistics, is a material consideration. It is proposed to refer to both Plans insofar as they help inform an assessment of the application.

Welwyn Hatfield District Plan 2005

3.4 Policies listed as relevant in the original pre-app response, with our comments (*in italics*) where relevant, were as follows:

- SD1 Sustainable Development – The Plan is permissive of sustainable development.
- GBSP2 Towns and Specified Settlements – Welwyn Garden City, along with Hatfield is identified as a town wherein development will be mainly concentrated.
- R1 Maximising the use of previously Developed Land – This is encouraged and “Green Field” Land should only be used where no suitable opportunities exist on previously developed land.
- R2 Contaminated Land – *A desk top survey is included with this application.*
- R3 Energy Efficiency – All development is expected via design, layout and landscaping to maximise energy conservation and incorporate the best practical environmental option for energy supply. *These matters are addressed by the Sustainable Design Statement and related documents.*
- R7 Protection of Ground and Surface Water – *A Flood Risk Assessment and SUDS scheme has been prepared and is a part of the application.*

- R10 Water Conservation Measures – *Again considered in the Sustainable Design Statement.*
- R11 Biodiversity and Development – *A Phase I Ecological Report is attached to the submission.*
- R17 Trees, Woodland and Hedgerows – *A Tree Survey and Arboricultural Impact Report forms part of the submission.*
- R19 Noise and Vibration Pollution – *A Noise Report was a pre-requisite of the Prior Approval process and an updated report is attached for this application.*
- R20 Light Pollution.
- R29 Archaeology – *Not raised as a consideration in this part of the urban area; see Local Plan Proposals Map below.*
- M1 Integrating Transport and Land Use.
- M2 Transport Assessments – *Not actually listed, but a Transport Assessment and Green Travel Plan has informed the application and is included in the submission.*
- M3 Green Travel Plan – *see above.*
- M6 Cycle Routes and Facilities – *see above.*
- M14 Parking Standards for New Development – *to be cross-referenced to Supplementary Guidance, Parking Standards (January*

2004) and Interim Policy for Car Parking Standards and Garage Sizes (November 2014).

- D1 Quality of Design – *see Architect's submissions.*
- D2 Character and Context – *as above.*
- D3 Continuity and Enclosure – *as above.*
- D6 Legibility – *as above.*
- D7 Safety by Design – *as above.*
- D8 Landscaping – *Emphasised throughout the pre-app process and a specialist is appointed and has made separate submissions.*
- D9 Access and Design for People with Disabilities – *see Architect's submissions.*
- D11 Design Statements – *see Architect's submissions.*
- IM1 Non-Land Use Strategies – Addresses the role of the Council as an enabler.
- IM2 Planning Obligations – *Hightown has assisted in the preparation of Heads of Terms for a S106 Agreement and this is attached at **Appendix 3.***
- IM3 Monitoring and Review.

- H2 Location of Windfall Residential Development – *Quoted in full below with our emphasis (underlining)*

“All applications for windfall residential development will be assessed for potential and suitability against the following criteria:

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

The development of sites for over 10 units or 0.25ha that are not listed in Policy H1 will not be permitted if they would result in a significant oversupply of housing in the district. Exceptions will be made in any of the following instances:

- (i) The development provides for local affordable housing needs or other clearly identified local housing needs;*
- (ii) The development would contribute to regeneration or the town centre strategies;*

- (iii) *The development comprises the conversion of an existing building;*
 - (iv) *The development would achieve a clear environmental gain;*
 - (v) *The development would assist in the construction or provision of improved community facilities over and above those that would be required to support the development itself.*
- H6 Densities – *“In central areas and areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not file or adverse impact on the character of the surrounding area and easily satisfy the design polices of the Plan”*
- H7 Affordable Housing – *A still saved, but dated, policy albeit academic as the proposal is for wholly non-market housing.*
- H10 Accessible Housing – *see Architect’s submissions.*
- OS1 Urban Open Land – *not obvious why listed.*
- OS2 Playing Pitch Provision – *The proposal results in no loss of such facilities but, is of a scale where it should reasonably provide developer funding and this is accommodated in the S106 Heads (Appendix 3).*
- OS3 Play Space and Informal Open Space Provision in New Residential Development – *The proposal makes provision for safe informal play within the central landscaped courtyard.*

3.6 As can be seen, the site is close to the designated town centre (black line *"Inset 2"*), bus station and train station. It is opposite EMP3, within a large area (crosshatched) of EA1 (EMP1) and close to UOL72 (Urban Open Land OS1) being part of the grounds of Pear Tree Primary School.

- 3.7 The employment land policies of the 2005 Local Plan stem from the final (1998) Structure Plan and are based on evidence and policies from 20 years ago. Although 'saved', EMP1, EMP2 and EMP3 by their nature are dated and the policy and guidance found in the much more recent NPPF, PPG and the evidence base and policies from the emerging Local Plan are material considerations against which this application must be judged.
- 3.8 The adopted plan rests on the premise that there was no need to allocate additional employment land, but that there was pressure to release further existing employment land for either housing or other uses. The Plan identifies one significant release, but in other respects presumes against the loss of employment land.
- 3.9 Policy EMP1 identifies nine employment areas in the district and EA1, the Welwyn Garden City Industrial Area within which the application property is located, is by far the largest at 149 hectares. Acceptable uses in the area are traditional employment uses, as set out in the Use Class B category and other employment generating uses, such as car showrooms.
- 3.10 The allocated 'release' from EA1 is land at Broadwater Road West (see Proposals Map above), which is identified under Policy EMP3 for mixed use redevelopment comprising primarily employment, housing, leisure and rail related uses. This is the site in various stages of redevelopment opposite 29 Broadwater Road and as established above (Site Description), it is primarily a residential led scheme.

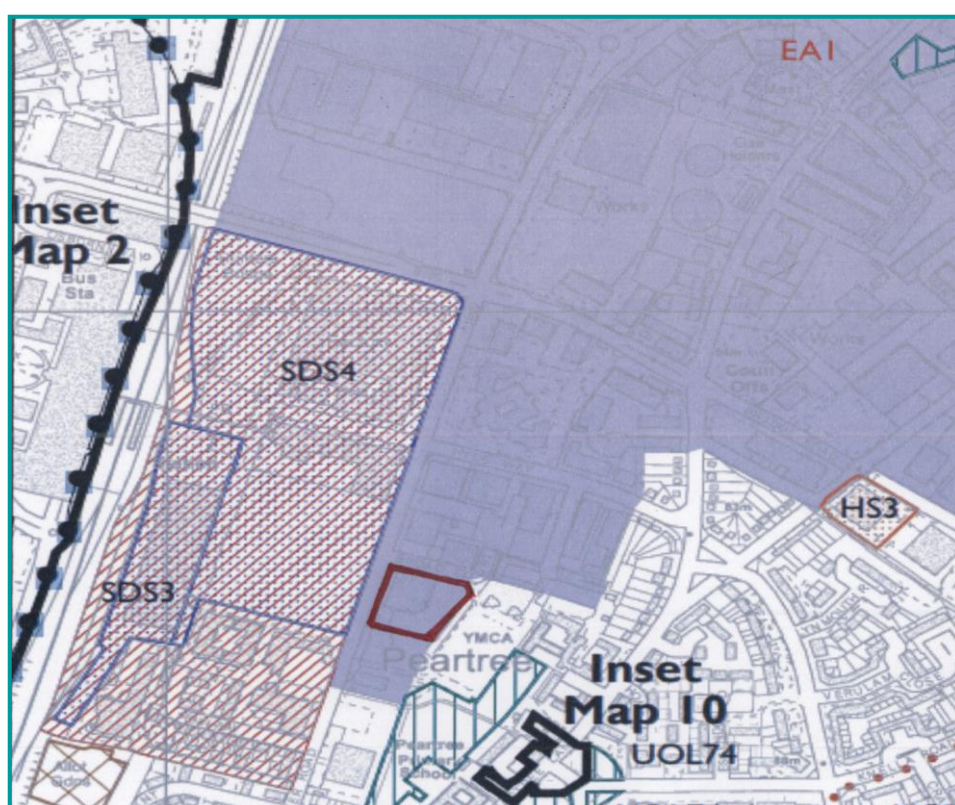
The Emerging Local Plan

- 3.11 Notwithstanding the hiatus with the preparation of the Local Plan and its need, amongst others, to find additional housing, the submitted Plan is

predicated on growth in terms of housing, employment land and retail provision.

3.12 The housing figure as submitted is for around 12,000 dwellings in the period 2013-2032 or an implied annual rate of 632 dwellings. For comparison, the same figure for the current Local Plan (1991-2011) was 280dpa (5,600 over 20 years). This increase is a step change and likely to increase further to satisfy the Objectively Assessed Need (OAN) figure.

3.13 Again, in contrast to the existing Plan, the submitted Plan is proposing for at least 116,400m² of new floor space for industry, offices and warehousing. Policy SADM10 now lists 11 EAs and EA1 remains the largest, albeit reduced in extent at 130.8h. An extract from Policies Map 3 which accompanied the 2016 submission plan is scanned in below. It may usefully be compared with the current plan at 3.5 above and again, the application site is edged in red.



- 3.14 The exclusions include Broadwater Road West, 41-45 Broadwater Road and the land to the rear of 29 Broadwater Road, formerly in its ownership, and now intended as an extension to the nearby school. In other respects, EA1 is as in the adopted Plan and 29 Broadwater Road remains within it albeit now at the edge. Strangely the vacant site to the immediate south of 29, also intended for the expanded school, is not excluded. Deleting this, as seems logical would leave 29 at the edge.
- 3.15 Furthermore, other more recent 'losses', in the form of prior approvals for residential development (including No.29) and or related planning approvals for extensions or redevelopment as itemised in Section 2 above, are not reflected on this 2016 Plan base, but may, in due course, be confirmed on any subsequent update when the Local Plan situation is clarified. Presently, the exception to employment uses in the EAs and the tests for alternative uses remain similar to the adopted Plan policies reviewed above.
- 3.16 The Broadwater Road West site now features in the policies and proposals map as two sites (SDS3 (Pea02b) and SDS4 (Pea 02c)) as residential led/mixed uses sites with a combined capacity in excess of 1,000 dwellings. Again, this script is now 3 years old and overtaken by subsequent decisions, as set out above, with over 1,400 units approved on Pea02c alone.
- 3.17 These two sites are amongst 4 Strategic and 9 Key Sites featured in Policy SADM21 (Housing allocations in Welwyn Garden City) which collectively have listed capacities of 3,813 to be delivered in the 2013 – 2032 plan period.

National Policy

- 3.18 National Policy is set out in the National Planning Policy Framework (NPPF) and its complimentary digital companion the Planning Policy Guidance (PPG).

The NPPF

- 3.19 First published in 2012, republished in 2018 and revised in 2019 this document is to be read as a whole. Insofar as it relates to policy making and decision taking it is particularly pertinent where, as in the case of Welwyn Hatfield Council, a local planning authority has a dated adopted plan and as yet unadopted (and in this case 'stalled') emerging plan. This is more so the case where matters of soundness to be resolved include housing numbers and Green Belt releases.

- 3.20 In this context sections or paragraphs of the NPPF of particular relevance are as follows:

2-3, 7-9, 11c) d), 39-43, 47-48, 59-65, 117-118, 122-123, 124, 127, 128, 134e), 181.

The PPG

- 3.21 First published on-line in 2014 and continually revised and updated since, the PPG provides greater detail than the NPPF. Mindful of the above review and the references to Section 11 of the NPPF (Effective Use of Land) recent revisions (22.07.2019) to the PPG reinstate some of the content of paragraph 22 of the original NPPF insofar as it concerns alternative uses for allocated land.

3.22 Paragraph 001 is concerned with helping to determine *“whether land should be reallocated for a more deliverable use”*. Criteria for consideration are the age of the allocation and the planning history.

3.23 Paragraph 006 (06.03.14) is relevant insofar as it provides a checklist for where air quality could be relevant to a planning decision.

4.0 **PLANNING ANALYSIS**

The Proposal

4.1 There is a whole plethora of reports and documents supporting this application, but it is useful to describe the proposal in sufficient detail, and suitable for use on all application documents, as follows.

“Demolition of office building and the erection of a building with 128 flats with associated car parking, landscaping, amenity space, bin and cycle storage, along with alterations to existing and a new access on Broadwater Road and alterations to the existing access on Broad Court”.

4.2 It is also useful at this point to set out the proposed mix and type of tenure within the building. This is as follows:

19 social rent affordable 19 shared ownership affordable	to be secured as part of the S106 Agreement
50 affordable rent 40 shared ownership	Subject to the availability of a grant and to scheme viability
Total 128	(69 for rent, 59 for shared ownership).

Introduction

- 4.3 An assessment of this application falls neatly into a consideration of the principle and the details and their fit with planning policy. The relevant policy context for the details was identified in the initial pre-app response and in reviewing those policies in Section 3 of this Statement, the relevant professional input has been highlighted.
- 4.4 On matters of design in all its manifestations, the architects' submissions address the relevant policy and guidance. This Statement will focus on the matter of land use policy and the context for assessing the loss of an employment use and its replacement with housing. Whilst interrelated it is proposed to deal with the latter first.

Housing

- 4.5 In locational terms Broadwater Road is a prime site for any housing development but higher density living in particular. It has easy and ready access to a range of services and facilities within Welwyn Garden City as well as further afield via the adjacent rail and bus stations. It is particularly suitable for people either not wishing to own a private motor vehicle or those with either limited or no access to one.
- 4.6 It is also in an area of rapidly increasing housing numbers so there is a critical mass of appropriate adjoining land uses. In this regard the principle of the residential reuse of 29 Broadwater Road is now established and 72 dwellings could be created at the site; albeit none need be affordable and over which the local planning authority has little if any control regarding design, appearance, space standards (internal/external) or landscaping.

- 4.7 There is a step change in housing need proposed by the submitted plan the content of which is now shown not to meet the Council's OAN. This is evinced by the Council's own Housing Need Delivery Test Action Plan (August 2019) as required by the provisions of the NPPF where a local planning authority's housing delivery has fallen below their housing requirement (it has a 12% short fall).
- 4.8 Further, the Council's projected results for 2018-2019 estimate a 72% figure which in turn means that another action plan will need to apply a 20% buffer (as apposed to 5% as now) in its next iteration. This, compounded by the delays with the Local Plan, means that there is an urgent need to facilitate housing delivery on appropriate sites.
- 4.9 This planning application seeking the redevelopment of 29 Broadwater Road and the approved 72 dwellings therein, would provide 128 new dwellings in a purpose-built block. Furthermore 38 affordable dwellings would be guaranteed via a Legal Agreement along with 90 more subject to grant availability and viability. This betterment over and above the prior approval is considerable and should carry significant weight in the land use planning balance. Furthermore, if approved and a decision is issued in the third quarter of 2020, then allowing for discharge of conditions, a start should be possible in late 2020/early 2021 and occupation by late 2021/early 2022. This would be much needed delivery early in the plan period of the emerging Local Plan.

Employment

- 4.10 As the policy review confirms the now dated adopted Local Plan, with the exception of Broadwater Road West, seeks to preserve all existing designated employment areas. It also did not allocate any new employment areas.

- 4.11 Something not anticipated when the current Local Plan was proposed and adopted was the 2013 legislation change facilitating a shift in use from B1(a) offices to residential. These and consequent full planning applications have further eroded EA1.
- 4.12 A host of examples is set out in Section 2 of this statement. Those that had been approved by the time the Local Plan (and its Proposals Map) were published for submission (2016) have been excluded from EA1. Logically other sites in Broadwater Road and elsewhere within the designation, should also be now excluded including 29 Broadwater Road and the land to its immediate south being part of the site for the planned school extension. Oddly the area to the east of 29 also earmarked for the new expanded school is excluded on the submission plan.
- 4.13 Even if 29 remains with the EA1 notation, and despite that being illogical, then the prior approval sanctions loss from employment uses and the Plan itself recognised that these losses were likely. This is no doubt part of the reason, along with proposed urban extensions and the shift of balance in the urban areas, why the current plan expressly plans for new employment areas. In these areas the permitted development rights would not of course operate because the office uses created would not have existed on the prescribed date to facilitate consideration of alternative uses.
- 4.14 Finally, the recently revised PPG reinstates much of the original 2012 NPPF insofar as advising on how to consider employment land use allocations. Whilst EA1 is more a designation than an “allocation” it is long established and therefore aged and the planning history within it shows it to be one that is slipping from traditional employment use by both reallocation (Broadwater Road West) and the effects of the 2013 permitted development regime.

- 4.15 It is clear, therefore, that the 'loss' of 29 from employment use is more perceived than real and if the Council is to be consistent then 29, and indeed several other sites in the immediate vicinity either will, or should, be removed from EA1 on the finally approved Proposals Map.
- 4.16 Mindful of the above summary and the thrust of national policy, it is contended that the provision of up to 128 affordable dwellings in a sustainable location outweighs the current/emerging designation of the site. If the Council is to be consistent, then the existence of the Prior Approval should ensure an adjustment of EA1 and that being the case, there is no conflict of policy. Were the designation to remain, then as the site could be converted to 72 (non-affordable) dwellings, the planning balance must tip firmly in favour of a planned residential re-development.
- 4.17 On that premise, it is then necessary to ensure that all other relevant and more detailed provisions of the Development Plan and guidance are met. These are highlighted in the review of policy above and taken in order, with cross referencing to the other professional and technical reports, are set out below.

Contamination/Geophysical Matters

- 4.18 Contamination was considered as part of the Prior Approval process. The Combined Site Solutions document from Argyll Environmental (July 2018) is reattached and it covers a broad range of not unrelated issues including flood risk, pollution, contamination and groundwater. It has already been considered by the Council's Environmental Health Officers (where relevant) and presented no obstacles that cannot be covered by the use of appropriately worded conditions. Also attached is Lister Geo's Phase 1 Investigation Report (December 2019) which also informed the Prior

Approval process as well as the input from the technical consultants (eg surface water drainage).

Energy Efficiency/Sunlight and Daylight Considerations

- 4.19 Relevant aspects of energy efficiency are contained within the architect's Sustainable Design Statement. This includes consideration of the need for artificial light which the first pre-application response letter identified as something requiring assessment in respect of the north facing elevation of the block which at that time contained a few single aspect units. The consultants (Herrington) have liaised with the architects and the finally evolved design achieves the necessary compliance. Herrington's report forms part of the application documentation.

FRA/SuDS/Water Conservation

- 4.20 Thomasons have prepared a drainage strategy and accompanying plan. This deals with both foul and surface water drainage. The former will be in the form of improved on site infrastructure and new connections to existing Thames Water manholes and foul sewers. The surface water generated at the site will be attenuated in situ (underground tanks beneath the semi-basement car park) and discharged at a controlled rate via a new connection, also into existing Thames Water manholes and drains in Broadwater Road. The system of drainage from the landscaped podium of the proposal has been devised by Marks Heeley in conjunction with Thomasons. All the drainage from the podium and the roof surfaces of the building itself will feed an underground tank for rainwater recycling.

Ecology

- 4.21 A Preliminary Ecological Appraisal, including an extended Phase 1 Habitat and Bat Scoping Assessment accompanies the application. It considers the likely impact of the proposal upon both the site and the wider area, makes recommendations for the construction phase and advises on on-site mitigation and enhancement measures to accompany the proposal which are shown on the submitted material.

Arboriculture

- 4.22 The application is accompanied by a Part 1 BS5837 tree survey, Part 2 impact assessment and a Method Statement prepared by Elizabeth Greenwood. It is proposed that two purple leaved plums (T13/T14 and both classified as C2) on the northern boundary of the site (the Broad Court frontage) and two trees (T4 Sycamore and T7 Willow both also C2) within the TPO along the eastern will be removed. The landscaping proposals (see below) show what may be achieved with the proposed redevelopment.

Noise

- 4.23 Noise was also a matter raised and addressed as part of the Prior Approval process in respect of which AIRO prepared submissions for the Council's Environmental Health officers. That material has been embodied in an Acoustic Design Statement to accompany this planning application and the detailed plans and drawings.
- 4.24 The report identifies the attenuation required for each elevation and the measures needed to achieve this, which are all feasible with specially designed glazing and ventilation. It concludes that:

"The initial site risk assessment shows the site to be generally low to medium risk but high risk along the frontage to Broadwater Road.

Overall in relation to the environmental noise exposure of the site, it is considered that noise should not be a reason for refusal of permission, subject to appropriate noise conditions to secure the measures described in this report".

Transport Assessment and Green Travel Plan

- 4.25 The Yes Engineering Group has been involved and advising from the outset. Its comprehensive Transport Assessment accompanies the planning submission. It concludes amongst others, that the proposed residential reuse would generate fewer peak vehicle movements than the historic office use. It also concludes that the parking for motor vehicles and cycles accords with relevant policy and guidance. Yes has also, as requested, prepared a complimentary Travel Plan. Amongst others its summary and conclusions observe that the design seeks to 'demote' the car and that the location is accessible by modes of transport other than the private car.
- 4.26 The matter of access and parking for emergency services vehicles was also raised during the pre-app process. The applicants commissioned the M10 Fire Consultancy Ltd to advise. It has liaised with the Hertfordshire Fire and Rescue Service and its requirements are incorporated in the submitted architectural (and landscape) submissions.

Design (All Aspects)

- 4.27 The project architects and agents for the planning application have prepared a comprehensive Sustainable Design Statement included in the suite of application documents. Section 2.3 onwards deals with an

Appraisal and Context Analysis and Section 3.1 onwards with the design evolution which has led to the proposal being a refinement of the scheme which evolved into the pre-app II submission of this May. Having scrutinised that proposal officers were content that with further attention to details it was appropriate to advance to submission of a full application.

4.28 Earlier notions of individual or linked multi-storey blocks akin to the evolving and now approved scheme across Broadwater Road and the 'listed' shredded wheat complex were eschewed. Hightown does not favour schemes of more than four storeys and, with this in mind, preferred to take its design cues from the traditional Welwyn Garden City neo-Georgian vernacular found in and around the town centre along with the early to mid-20th Century housing areas. In addition, it has reflected both some of the remaining original buildings in Broadwater Road and the new replacement residential schemes.

4.29 This analysis and the evolution is all set out in great detail by the architects and the resultant scheme is a U shaped building, clad in brick on a stone plinth with indents, set backs and a part mansard roof intended to successfully blend the old with the new but uniquely provide a large, car free, south facing semi-private landscaped open courtyard. Great attention has been paid to the quality of landscaping which will be achievable and sustainable and this is discussed further below.

Landscaping

4.30 The Alban Landscape Partnership has prepared a Landscape Design Reference and Strategy which sets out proposals for hard landscaping, planting for the podium courtyard and the boundaries. It references input from both the ecologists and arboriculturist and sets a template for the proposed principles for the landscaping of the site. Feedback from the

formal consultation is welcomed and it is anticipated that the details can be covered by the imposition of a suitably worded planning condition.

Planning Obligations

4.31 See **Appendix 3** – for Heads of Terms.

Air Quality

4.32 This matter arose as part of the Pre-App II negotiations and there were direct exchanges between the applicants and the case officer wherein an approach was agreed. Clean air is rightly regarded as part of our quality of life, and essential to health and wellbeing.

4.33 The National Planning Policy Framework (3.20 above) therefore requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan. However, in Welwyn Hatfield, air quality across the district is good, such that the Council has found no need to designate a statutory Air Quality Management Area or Action Plan under the relevant legislation.

4.34 Planning Practice Guidance, (3.23 above) also sets out five circumstances where issues of air quality may be relevant to a planning application. It can be demonstrated that none of these apply in this case:

- The proposed development would not significantly affect traffic. Indeed, the number of cars that would access the site as housing would be lower than the current office use, and the proposal also makes provision for electric vehicle charging for the first time. Other than for a few months during construction, the development would

not generate traffic with any commercial or HGV element. A full-scale air quality assessment on the nearby site (Shredded Wheat – see para 2.3 above) concluded that a substantial housing and commercial development - approximately ten times larger than the proposal for 29 Broadwater Rd - would have minimal impact on air quality.

- The proposed use for housing is benign, and does not introduce any sources of air pollution, least of all any that would require approval under pollution control legislation.
- The nearby land uses - commercial units and vacant development sites - are not sensitive to any dust or fumes created by construction traffic.
- The land is of very limited ecological value and its development would not affect any designated wildlife site.
- Development for housing would not expose people to existing sources of air pollutants, as WHBC has very good air quality, and there is no evidence that nearby businesses are a source of air pollution. This is confirmed by the Site Solutions report from Argyll Environmental submitted with this application.

5.0 **SUMMARY AND CONCLUSIONS**

- 5.1 This statement is one of a suite of documents, prepared in support of a planning application to redevelop 29 Broadwater Road to provide 128 dwellings. It focusses on matters of land use planning and policy insofar as it relates to the provision of housing and employment opportunities, but also addresses various other development management concerns, many of which are the subject of input from other consultants.

- 5.2 On the matter of employment land, the existing adopted Local Plan proposed the redevelopment of Broadwater Road West as a residentially led mixed use scheme. Elsewhere in the Welwyn Garden City employment area, losses from traditional employment generating uses have occurred via both the permitted development legislation and/or conventional planning approvals. This is very evident on Broadwater Road East and indeed the application site has prior approval for 72 dwellings.
- 5.3 This establishes the principle of the loss and of course, should it be implemented, none of the benefits accruing to a full planning approval in terms of affordable provision, S106 contributions and a bettering of the built environment and associated landscaping would occur. In this latter regard, the applicants have been progressing their plans and negotiating with both the local planning authority and other stakeholders to progress their redevelopment proposal.
- 5.4 The scheme provides 128 1- and 2-bedroom flatted dwellings. Of these, 19 social rent affordable and 19 share ownership affordable will be secured as part of the S106 Legal Agreement. In addition, a further 50 affordable rent and 40 shared ownership dwellings will be provided subject to the availability of grant and to scheme viability. In all, there should be 69 rented and 59 share ownership dwellings provided. Should an approval be forthcoming, then a start on site should be possible by late 2020 and occupation late 2021; early in the plan period of the new Local Plan.
- 5.5 In terms of other considerations, the scheme incorporates a semi-basement car park which provides parking for 136 parking spaces, 128 bicycle spaces and state of the art SuDS storage. The podium above the parking area provides a large, semi-private, south facing landscaped courtyard which, whilst not unique, is a feature of which Hightown and their architects are

justifiably pleased because of the visual and social benefits it should afford to the residents.

- 5.6 Matters of landscaping, emergency access, sunlight/daylight, drainage, noise, contamination, transport etc have all been noted and addressed as part of both the pre-app and prior approval process. All the relevant supporting documents are attached to the application and have informed the final detailed design.
- 5.7 The application has evolved over 12 months and has had due cognisance to relevant national and local policy provisions and the characteristics of the site and its surroundings. Mindful of the premise of the NPPF it is sustainable in an economic, social and environmental sense and it is commended for approval.

APPENDIX 1

PRE-APP II RESPONSE LETTER – 30 JULY 2019



Colin Haigh
Head of Planning

Mr S Barker
Barker Parry Town Planning
33 Bancroft
Hitchin Herts
SG5 1LA

Reply To: address as below
Direct Tel: 01707357000
Email: planning@welhat.gov.uk

30 July 2019

Dear Mr Barker,

Application Reference: 6/2018/2309/PA

Proposal: Pre application advice for conversion or redevelopment of offices for residential use

Location: 29 Broadwater Road Welwyn Garden City AL7 3BQ

Advice: Follow up advice

Further to our meeting at the Council's offices 7th May please find below the Council's response to your latest proposals.

Planning Constraints:

EA1 Welwyn Garden City Industrial Area

Site Description

29 Broadwater Road is a five storey commercial/office building with associated car parking, located on the eastern side of Broadwater Road. The site is bounded by commercial buildings to the north, land to be used as part of a major new school extension to the east, empty former employment land to the south, and Broadwater Road to the west.

The site falls within the designated employment area of Broadwater Road, whereby a number of commercial premises can be seen. It is noted, however, that the area is changing by virtue of business buildings being converted to residential use as well as the development of several new residential developments being planned and erected in the immediate area.

In April 2019 prior approval for change of use of the offices to 72 residential self-contained flats was given – application 6/2019/0108/PN11. You have indicated that the prior approval will be treated as a fall-back position which will enable your client to convert the building and its curtilage to residential use.

The Proposal

The proposal the subject of your enquiry involves the demolition of this existing building and associated structures and the erection of a 4-storey U shaped block of flats above a semi-basement parking level to now provide a total of 128 flats with 139 parking spaces beneath them. The site would therefore be considered as previously developed land.

The development would have a single, central vehicular access onto Broadwater Road. Level access from the north-east, north-west and south-west corners of the site would make it possible to collect refuse from three corners of the building with refuse vehicles able to stop on Broadwater Road and Broadwater Court.

Cycle storage rooms will also be located at the same corner positions within the building. These three corners would also each have a stair core rising up to all floors from the parking level and the fourth corner (south-east) would have a stair between the four levels of flats, but will not extend to the car parking level.

The indicative plans within your document dated April 2019 also show the perimeter of the site as landscaped space with new tree planting to supplement existing trees. The landscaped space around the perimeter of the building is intended to create an attractive landscaped setting that will not be cluttered by car parking.

The southern side of the site is shown to rise from the level of Broadwater Road (above the car park level) to create a shallow gradient approach to the communal amenity area that is located in the centre of the 'U'. This communal garden will be created on the deck above the car park beneath and will provide level access to a number of the flats on all sides of the building.

I note that the building does not appear to include a lift access to each of the floors.

Relevant Planning Policies:

The National Planning Policy Framework 2018 applies to all developments. Relevant local plan policies are listed below;

Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development

D1 Design – requires high quality design in new developments

D2 Character and Context – requires development to respect and relate to the character and context of the area

D3 Continuity and Enclosure

D6 Legibility

D7 Safety by Design

D8: Landscaping

D9: Access and Design for people with disabilities

D11 Design Statements

M14 (Requires developments increasing or changing parking requirements to meet the Council's standards.

Note: Interim Policy for Car Parking Standards and Garage Sizes, November 2014 provides details of space sizes and provides for a case-by-case assessment

GBSP2 Towns and Specified Settlements

R1 Maximising the Use of Previously Developed Land

R2 Contaminated Land

R3 Energy Efficiency

R7 Protection of Ground and Surface Water

R10 Water Conservation Measures

R11 Biodiversity and Development

R17 Trees, Woodland and Hedgerows

R19 Noise and Vibration Pollution

R20 Light Pollution

R29: Archaeology

M1 Integrating Transport and Land Use

M5 Pedestrian Facilities

M6 Cycle Routes and Facilities

H2 Location of Windfall Residential Development

H7 Affordable Housing

H6 Densities – applicable to 5 or more dwellings

H10 Accessible Housing

IM1 non-Land Use Strategies

IM2 Planning Obligations

IM3 Monitoring and Review

S2 Playing Pitch Provision
OS3 Play Space and Informal Open Space Provision in New Residential Development
OS4 Allotments

Supplementary Design Guidance, February 2005

Supplementary Planning Guidance, Parking Standards, January 2004

Interim Policy for Car Parking Standards and Garage Sizes, November 2014

Planning Obligations 2012
HCC Obligations Guidance Toolkit for Hertfordshire 2008

You will also be aware that the Council has submitted the draft Local Plan Proposed Submission for examination to the Secretary of State with the examination currently being held and public examination hearing dates on going. Those emerging policies may therefore be material considerations in any future application and the policies listed below are likely to become more relevant as time passes and Local Plan progresses.

Draft Local Plan Proposed Submission August 2016

SP1 Delivering Sustainable Development
SADM1 Windfall Development
SP4 Transport and Travel
SADM2 Highway Network and Safety
SP7 Type and Mix of Housing
SP9 Place Making and High Quality Design
SADM11 Amenity and Layout
SADM12 Parking, Servicing and Refuse
SADM13 Sustainability requirements
SP10 Sustainable Design and Construction
SADM14 Flood Risk and Surface Water Management
SP11 Protection and enhancement of critical environmental assets
SADM15 Heritage
SADM16 Ecology and Landscape
SADM18 Environmental Pollution

Please note that the advice contained in this letter and at the meeting in May is made without prejudice to any alternative view that might be expressed by the planning authority and is based only upon the information so far available.

Whether the site is required to meet future employment requirements and business and community needs

The site is located in the designated employment area EA1 – Welwyn Garden City Industrial Area. Saved Policy EMP2: Acceptable Uses In Employment Areas states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs.

It is therefore considered that the development would be contrary to Policy EMP2 however I accept that the recent prior approval for conversion to 72 flats will be treated as a material consideration in the Council's decision making process when balancing the benefits and disbenefits of any new planning application.

Employment and Economy

The 2016 Draft Local Plan Proposed Submission (Emerging Local Plan) was submitted for examination to the Secretary of State in May 2017 with the examination currently being held and public examination hearing dates on-going.

The emerging Plan's policies on Employment and Economy are Policies SADM10 and SP8, and these were considered by the examination in February 2018. The council is currently awaiting formal response from the Inspector following this session. There were no areas of this policy which the Council were asked to undertake further work on during this session, and no indication at the time that the Inspector regarded the policy approach and criteria as being unsound, so there was no indication that there would be a need to amend Policy SADM10. Policy SADM10 of the Council's Draft Local Plan was prepared to accord with guidance in the National Planning Policy Framework and has the same approach to the loss of employment land to other uses, seeking to protect the supply of land for industrial office and warehousing uses. This approach reflects the strong emphasis on sustainable economic development in the National Planning Policy Framework (NPPF).

The provisions of Policy SADM10 may carry some weight in the determination of a new application and again I accept that the recent prior approval for conversion to 72 flats will be treated as a material consideration in the Council's decision making process when balancing the benefits and disbenefits of any new planning application.

5 Year Housing Supply

The Council's most recent reports on the supply of deliverable housing sites shows that currently the Council cannot demonstrate a 5 year supply and therefore Paragraph 11 d) of the National Planning Policy Framework will be relevant.

The Design of the Development

You will know that the new NPPF continues to place design at the forefront of the planning system. At our most recent meeting you presented revised plans showing a building that takes design hints from Welwyn Garden City's civic buildings in the neo-georgian style. I do think that this approach is appropriate and is likely to be well received but as is always the case it is the fine detailing that will make the scheme and so any application should contain extensive detail of proposed materials, door and window detail, clear plans of entrances and lobby areas, and given the extensive number of flats it would be helpful if you explain and show the treatment of boiler flues, overflow pipes and extract vents. It would be a great shame to have an attractive building marred by a multitude of fittings and a mass of water pipes.

Also integral to the design is the treatment of the landscape around the building and the creation of communal space, and potential play areas to serve the new flats. Given the communal area is to be created on a raised deck I expect a very comprehensive explanation of how the landscape is designed and selected for this specialised area and also how it is to be maintained in the future.

Discussions with the council's landscape team have confirmed that in principle poor condition trees may be removed from perimeter areas if a high quality scheme of replacement planting takes its place. An application should be accompanied by a tree survey in accordance with relevant British Standards, trees to remain and those to be removed should be clearly identified and incorporated into a new planting scheme.

I continue to have concerns about the dwellings on the northern elevation. These will be on the darkest side of the development and they are also the ones closest to the noisier commercial activities. Any application lodged will therefore need to be accompanied by a daylight assessment to demonstrate that all flats have a reasonable light environment and an air quality survey is required to demonstrate that future occupants are not adversely affected.

I note also that the flats do not appear to include lifts to all floors. Such an omission will have a very practical impact upon the living conditions of occupiers which are very likely to include young families with push chairs, and potentially older or less mobile occupiers who may need level access for wheelchairs. I would remind you that the council's District Plan contains Policy D9: Access and Design for People with Disabilities which requires all new development to be designed to allow access by the disabled, young children in prams and pushchairs etc... and Policy H10 - Accessible Housing which applies to all residential developments involving 5 or more dwellings where the Council will seek to secure a proportion of dwellings to be built to lifetime homes standard. In each instance dwelling type, site location and topography will be taken into account.

Also, given that the flats will rely upon basement car parking I expect that a planning application will clearly detail the gradient of the access to the car park and the clearance height for vehicles intended to access the car park. My perception at present is that it will not allow larger vehicles (delivery lorries for example) to access the car park. The plans showing the car park should include tracking plans showing manoeuvrability within the car park and the size of individual car spaces including those identified for disabled users.

Given unfortunate recent events involving fires in multi-storey buildings and the potential difficulty of large vehicles accessing the car park area any application should also consider how emergency services will access the site. I would recommend that you undertake discussions with the relevant organisations and with the County Council Highways team. The County Council has its own pre-application service for which it will charge. At our meeting I gave you the name of Nick Goff who is the Manager responsible for this part of the County.

I would expect all of these issues to be addressed in detail through the plans and in your Design and Access Statement.

Highways Impacts

The development is of a scale where an application should be accompanied by a transport assessment. You may wish to discuss this matter with Hertfordshire County Council.

Surface Water Drainage

The development is of a scale where a Flood Risk Assessment is required. Given the subterranean car parking I consider that a surface water drainage scheme be included with an application also.

Ground conditions

It is possible that there may be contamination present in the ground resulting from former uses. I would recommend that a phase 1 desk top ground condition/contamination report accompanies any planning application, identifying any potential risk source and mitigation/remediation options.

Heritage issues

There are listed buildings within the vicinity of the site whose settings might be affected by the proposed development. An appraisal of the heritage impacts, proportionate to the development proposed should be included with any application explaining how the heritage assets are affected, how they have influenced the design of the development and considering the level of harm (if any) that might result from the development.

S106 Heads of Terms

The scale of the development is such that a S106 obligation will be required if permission is to be granted. At this stage I anticipate that this should cover issues such as the provision of affordable housing in accordance with the Council's policies, possible education contributions, possible open space and sports contributions,

possible highways and transport related contributions, possible off-site highway improvements. I would recommend that you consult with the county Council obligations toolkit.

Application requirements

An application of this scale will require the following accompanying reports: -

- Heritage and Design and Access Statement
- Planning Statement
- Transport Statement
- Topographical survey
- Ground conditions desk top survey
- Suds Scheme
- Arboricultural impact report – the trees on the eastern boundary are within a group TPO area.
- Phase 1 ecological report
- Sunlight and Daylight Assessment
- Air quality assessment
- S106 Heads of Terms
- An explanation of the applicants affordable housing provision including tenure and percentage mix
- Please also check the council's list of local validation requirements that appears on the council's web-site.

Is the development likely to be approved or refused?

Based upon the information currently available there remain a number of issues that would need to be overcome and clarified however the changes made to date show that a positive recommendation is likely. There are a number of Development Plan Policy issues that currently would presume against the development of housing in the Employment Area but I am mindful of the prior approval decision and the council's current 5 year supply.

There are issues of design and density which require further justification and explanation. In the absence of all of the reports and supporting information requested above it is possible that there may still be issues of design, car parking, tree and heritage impacts that may form the basis of reasons for refusal. Each of these issues need to be addressed in any application and I suggest that you continue to develop plans for the site in consultation with the LPA and with other key consultees such as the highways authority, ecologists and drainage engineers etc.

Other consent required e.g. Building Control

Notwithstanding the above advice, if you wish to pursue these proposals, I would suggest that you discuss the proposal with neighbours before submitting the application as we will consult once the application is received. You may also like to refer to the Council's Statement of Community Involvement when considering your pre-application consultations.

Please note that Hertfordshire County Council, Transport Programmes and Strategy, Environment Agency and the Lead Local Flood Authority provide their own pre-application advice service, subject to a fee. Certain information may be obtained without a fee from these parties. Their contact details are detailed at the end of this letter under 'Useful Information', together with other useful contacts.

This advice represents my personal professional opinion and is given without prejudice to the decision of the Local Planning Authority in respect of this enquiry or any future application which may be submitted. Please note that there may be other issues which come to light when a planning application is submitted and consultations carried out.

Should you have any questions, please contact me.

Please read this advice with the associated pre-application guidance leaflet.

Yours sincerely,



Michael Robinson
Principal Development Management Officer

Useful Information:

Statement of Community Involvement - <http://www.welhat.gov.uk/index.aspx?articleid=459>

Planning Application Forms - <http://www.welhat.gov.uk/planningapplication>

Hertfordshire County Council, Transport Programmes and Strategy -
<http://www.hertfordshire.gov.uk/services/envplan/plan/planningapps/preapplicationadvice/>

Planning obligations guidance – toolkit for Hertfordshire. Hertfordshire County Council's requirements (January 2008) - <http://www.hertsdirect.org/infobase/docs/pdfstore/planobsjan8.pdf>

WHBC Supplementary Planning Guidance including 'Planning Obligations', 'Design Guidance' and 'Parking Standards' - www.welhat.gov.uk/index.aspx?articleid=467

Sustainable Drainage Systems - www.hertsdirect.org/services/envplan/floodwatermgt/sab/



Welwyn Hatfield Borough Council Validation Requirements for Planning Applications

Section 1: National Requirements

Note: one copy only for **all** applications whether submitted electronically or on paper

1a. Application Form

Required for all applications, with the exception of prior approvals, discharge of conditions, works to trees

Guidance on how to fill out these forms can be found at the Planning Portal web site:

www.planningportal.gov.uk

1b. Site Location Plan

Required for all applications, except non material amendments and discharge of conditions when it clear from the application which development the proposal relates to

A site location plan at a scale of either 1:1250 or 1:2500 which identifies the site and the surrounding area and shows at least two roads and the north point. In exceptional circumstances plans of other scales may also be required. The site should be outlined in red and any other land owned by the applicant in blue. It should include land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, car parking and open areas around buildings).

Applications which have been submitted with unlicensed Ordnance Survey mapping will be accepted, but a request will be made to the agent/applicant for an appropriate plan to be provided. .

Site location (1:1250 and 1:2500) and block plans (1:500) may be obtained from the Planning Portal <http://www.planningportal.gov.uk/planning/applications/plans> or from Land Registry by calling 0844 8921111.

Policy Driver and where to get more advice:

- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Planning Practice Guidance – www.planningguidance.planningportal.gov.uk/

1c. Site Plan/Block Plan

Required for all applications, except non material amendments and discharge of conditions when it clear from the application which development the proposal relates to

The site plan should be drawn at an identified standard metric scale (1:500 or 1:200). It should accurately show: the direction of North; the proposed development in relation to the site boundaries and other existing buildings on site, with written dimensions including those to the boundaries or and include a bar scale, drawn both horizontally and vertically.

The following may be required, unless these would **not** influence or be affected by the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements
- All public rights of way crossing or adjoining the site
- The position of all trees on the site, and those on adjacent
- The extent and type of any hard surfacing
- Boundary treatment including walls or fencing where this is proposed

Policy Driver and where to get more advice:

- Planning Practice Guidance – www.planningguidance.planningportal.gov.uk/

1d. Ownership Certificate (A,B,C or D as applicable)

Required for all applications except for approval of reserved matters, discharge or variation of conditions, tree works, prior approval, lawful development certificates and express consent to display an advertisement must include the appropriate certificate of ownership

If part of your proposal overhangs or forms a party wall on your neighbours land you are required to submit certificate B and serve notice on the landowner. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Policy Driver and where to get more advice:

- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Planning Practice Guidance – www.planningguidance.planningportal.gov.uk/

Guidance on how to fill out these forms can be found at the Planning Portal web site:

www.planningportal.gov.uk

1e. Appropriate Fee

Required for all applications (exemptions)

Most applications attract a fee, set by Central Government. Your application must be accompanied by the correct fee; it will not be considered valid if a fee is not submitted with the forms and plans. Please refer to the planning portal website for details: www.planningportal.gov.uk/pins/FeeCalculatorStandalone

Please make any cheques payable to 'Welwyn Hatfield Borough Council' and ensure the site address is written on the back of the cheque, or alternatively payment may be accepted by credit or debit card or through the Planning Portal when the application is submitted electronically.

There are exemptions when no fee is required, such as, applications to provide access or facilities for disabled persons; or the re-submission of applications received within a year of the decision date, or withdrawal date, where the applicant has not previously benefited from a free go for that site. The proposal description needs to be similar in nature to the previous application.

If you wish to clarify the fee please contact Development Management before submitting your application.

1f. Design and Access Statement

Required for all major developments and applications within conservation areas which comprise:

- Provision of one or more dwellinghouse
- Building or buildings where the floorspace to be created is 100m² or more

These are required to explain the design concepts and principles which have informed the proposed development, and to demonstrate how context has informed their scheme. An explanation of the approach taken to access and how any consultation on access issues has been taken into account is to be stated.

Policy Driver and where to get more advice:

Town and Country Planning (Development Management Procedure) (England) Order 2015

1g. Personal and Sensitive Information

Requested for all application types

It is requested that any personal or sensitive information is removed / redacted from applications/reports etc. prior to their submission. Such information includes signatures, personal phone numbers, personal email addresses and photographs containing images of children and vulnerable adults and vehicle registration numbers.

Applications will not be invalidated if they have such information, however it might lead to a slight delay in its registration.

1h. Format of Submissions

Requested for those not submitted in full through the Planning Portal

It is requested, when an application and associated plans and documents are not submitted through the Planning Portal that the application should be submitted in the form of 1 hard copy of all plans and documents and 1 electronic copy on CD. Information on the CD shall be divided into 3 folders of information/documentation as follows:

- A. Application form, covering letter, design & access statement and planning statement
- B. All plans
- C. All other relevant documents
 - No bigger than 10Mb (applies to each and all documents/files),
 - No signatures on any document (or if they do have to be included only on one page). Initials are acceptable.
 - No vehicle registration plates and no children in the images. If either is included, they should be redacted.

1i. Do Not Scale

Requested for all applications with plans submitted

It is necessary to determine the size of developments proposed as part of planning applications. We are therefore unable to accept any drawing(s) with 'Do Not Scale' or similar on drawings and plans. Drawings and plans with such a disclaimer will not be accepted.

1j. Drawing Numbers

Requested for all applications with plans submitted

Any drawing submitted is required to have a drawing number on the plan. Plans without a drawing number will not be accepted. Please also consider drawing numbers when providing any revisions. The amended plan should always be identifiable with a new number. This is normally provided with an 'A' for the first amendment, 'B' for the second, 'C' for the third and so forth.

Where information is submitted both in paper and on CD, please ensure that the information on both correspond with one another. Please ensure that files are not security locked. Please label each document with a clear description as to its contents.

APPENDIX 2

WEYWYN HATFIELD LOCAL PLAN EXAMINATION LETTERS 8 AUGUST 2019 TO 15 NOVEMBER 2019

Examination of the Welwyn Hatfield Local Plan 2013-2032

Inspector: Melvyn Middleton BA(Econ) DipTP DipMgmt MRTPI

Programme Officer: Mrs Louise St John Howe

louise@poservices.co.uk Mobile: 07789 486419

8 August, 2019

Mr. Colin Haigh, MRTPI
Head of Planning
Welwyn Hatfield Borough Council

BY email only

Dear Mr Haigh

Welwyn Hatfield Local Plan Examination

I refer to Ms Tiley's letter of 14 December 2018, the subsequent conversations between herself and Mrs St John-Howe, about the examination's future timetable and culminating in your letters of 11 and 27 March 2019 with attached timetables to conclude this examination. You will recall that in agreeing the necessary work to take this examination forward to its final stages, I asked for such a timetable at the close of the Hearings into your stage 3 Green Belt Analysis on 7 November 2018. However, it took until the following March for one to be finalised.

Unfortunately, only four months later, I am told by the Programme Officer that you will be unable to discuss any proposed further sites, to accommodate the significant under provision of housing allocations to meet the housing need established at the outset of the Examination, at the Hearings programmed in November. In consequence, that aspect of these Hearings will inevitably have to be delayed until the New Year. In such circumstances and given the need for consultation on main modifications, there is no likelihood that this examination will be concluded at the beginning of April 2020 or indeed in May of that year as originally suggested in your letter of 11 March 2019.

Furthermore, a comparison of your previously agreed timescales, with actual events, also reveals that although consultants were appointed as planned to undertake landscape sensitivity work in February 2019, the stage one report that was due in June has still not been published and similarly the Stage 2 Green Corridor work due in July has also not been published. The inference from this is that there is likely to be yet further delay.

This has already been a long examination and such circumstances, where changes are made over a long period, can be difficult for representors and communities to engage with. There has already been significant criticism from a number of participants in this respect. In addition, a protracted examination can be a very costly use of public resources, not least from the perspective of the Local Planning Authority.

Examination of the Welwyn Hatfield Local Plan 2013-2032

You will recall that at the Hearings into the plan's strategy in October 2017 a number of participants urged me to find the submitted plan unsound and end the Examination at that point. I came to the conclusion that the fundamental soundness problem was an inadequate set of housing land proposals to meet the Objective Assessed Housing Need then advanced by the Council. I considered this to be mainly caused by the lack of an in-depth assessment of the contributions various sites adjacent to the urban areas make to the purposes and openness of the Green Belt. In consequence, if that could be established, then either exceptional circumstances to take additional land out of the Green Belt, to meet the housing shortfall, could be justified or if not, there could be a justification for a housing requirement and supply which is lower than need.

At the time that seemed to be a relatively straightforward process and indeed in verbal discussions at those hearings your officers seemed confident that the Examination could be concluded by the spring of 2019. As things have turned out that estimate is a considerable underestimate and could be seen to bring into question the appropriateness of the pragmatic approach that I took at that time.

In addition, we are still awaiting reports on the implications of noise and air pollution from the A414 for potential residential development in the southern part of the Birchall Garden Suburb proposal. These reports, along with further information about the safety aspects of the former landfill site, at the heart of this proposed development area, were requested at the close of the Hearings in January 2018, now some eighteen months ago. The latest agreed programme suggests that this should have been published along with all the other supplementary information relating to this proposed development by May 2019, with any necessary consultation being undertaken in June. None of this has yet happened.

I asked for an objective assessment of the ramifications of traffic noise and air pollution for living conditions in locations close to the A414. The Programme Officer tells me that the report's delay has been caused by a failure to agree the report content with the site developer. However, as the site developer will have every opportunity to make its views on the study known at the forthcoming hearing, I do not consider this to justify the lengthy delay that has occurred.

Furthermore, I understand that a peer review of the reports on the chalk dissolution features, originally submitted by Save Symondshyde and the response by Wardell Armstrong, on behalf of Gascoyne Cecil, appears to have been shared with the landowner some time ago whilst only very recently being sent to the representor. Again, this is another example of an action that is not conducive to a speedy resolution of this issue.

It seems to me that regardless of the slippage that will affect the timing of Hearings into the additional sites, there is no justifiable reason why Hearings to conclude matters at Birchall Garden Suburb and any other non-Green Belt Site

Programme Officer: Mrs Louise St John Howe, PO Services, PO Box 10965, Sudbury, Suffolk, CO10 3BF

Examination of the Welwyn Hatfield Local Plan 2013-2032

matters should not go forward as programmed in November. I would therefore ask you to publish all outstanding non-Green Belt site material immediately so that consultation can take place in a timely fashion and allow any necessary Hearings on those outstanding matters to take place in November.

In conclusion I would also ask you to revise the agreed timetable immediately, putting forward realistic time periods and milestones for the conclusion of all of the outstanding tasks, including the Hearings. In assessing this I would urge you to re-examine the nature and extent of the work being undertaken so that only that which is genuinely necessary is undertaken and the timetable can be brought back on track as much as is possible and the delays beyond April 2020 brought to a minimum. If that is not possible or serious slippage continues to occur, then I think we should consider the option of you withdrawing the plan with a view to re-submitting it for Examination when the work is finally completed and there are no obvious soundness issues accompanying it.

Yours Sincerely

Mel Middleton

Melvyn Middleton

INSPECTOR

9 October, 2019

Mr. C. Haigh,
Head of Planning,
Welwyn Hatfield Borough Council,
The Campus,
Welwyn Garden City AL8 6AE

By email only

Dear Mr Haigh,

Welwyn-Hatfield Local Plan Examination

Birchall Garden Suburb

You will recall that following the joint Hearing session with East Hertfordshire, in January 2018, I issued a note that set out a way forward on a variety of matters, concerning Birchall Garden Suburb (BGS), that were either in dispute or about which the evidence base was unsatisfactory. In the note and at the Hearing, I particularly expressed concerns as to the soundness of the proposed development between the A414 and the copses to its north, partly because of this site's prominence within this part of the Green Belt but also because of other considerations, including heritage and wildlife considerations. I requested that various independent assessments be carried out with regard to the suitability of this area for development as well as in relation to other parts of BGS.

I had hoped to hold a comprehensive hearing session before the end of this year in an effort to resolve the outstanding issues at BGS and to be able to arrive at an understanding as to which parts of this site could accommodate development that would be found sound and consequently what the dwelling capacity for this site could be going forward. Given its size and original suggested dwelling capacity, such an outcome would, I am sure, be particularly helpful in assessing how much other Green Belt land would need to be released in order to enable the plan to meet its overall dwelling requirement.

Although it is now some twenty months since I held the Hearing and wrote the note, during which time the Programme Officer has made numerous requests for the receipt of all of the required information at an early date, I note that there are still gaps in the evidence base and some of that which has been submitted does not appear to be fit for purpose.

With regard to the southern part of the site, I specifically requested a comprehensive assessment of the suitability of this area for residential and educational development in the context of noise, atmospheric pollution and seepage/leaching from the landfill site. I specifically pointed out that occupiers of properties in a location such as this should be able to enjoy their gardens on summer evenings, without recourse to excessively high acoustic fences and their living accommodation with open windows at these times. I also asked for an appropriate detailed plan of this area demonstrating the area necessary to provide adequate appropriate mitigation in the above context. This should facilitate an accurate assessment of the actual potential within this area for housing development, assuming there is any. I should add that in this context I do not consider contrived housing layouts to be appropriate in this area or indeed to meet the principles of the Garden City concept.

I have still to receive any information on atmospheric pollution or a plan showing the necessary mitigation. I also note that the landfill and noise documents have been prepared on behalf of the site promoter. Such a course of action is hardly likely to be seen as objective by some of the representors. A subsequent independent review of only the pollution report appears to have been prepared on behalf of yourselves but to date there is nothing independent before the Examination concerning noise and atmospheric pollution.

There is now unlikely to be time for such documents to be posted and consulted upon before the deadlines for evidence at a December Hearing. In my note I asked you to separate out the southern part of the site and to undertake a separate Green Belt assessment for this area. In the circumstances, I now consider the most appropriate course of action is to treat the whole of the southern area as a separate new site that is subject to a separate sustainability assessment. Would you now please do this and bring this separate site back to the Examination next spring along with all of the new Green Belt sites. I expect all of the information pertaining to this site requested in February 2018 to have been appropriately produced by then and for the site's sustainability and suitability for release from the Green Belt to have been considered in comparison with all of the other potential new Green Belt sites.

I propose to hold a Hearing in December to consider all of the outstanding issues remaining on the northern part of BGS. In this context I note that you were to re-examine the general location of the Green Corridor across BGS in consultation with the appropriate stakeholders (para 4 of note). Nothing concerning this has yet appeared on the website but I presume that you have had discussions with the relevant parties. If you have not already done so would you, undertake this work as a matter of urgency and include the consideration of the appropriateness of the land immediately to the north of the A414 as the location for the main element of the Green Corridor but supplemented by linkages between the areas of high importance for nature to the north across the reclaimed refuse tip area in your discussions.

If you are unable to agree a strategy with the wildlife stakeholders, then I would be grateful if you could prepare an agreed table for the hearing identifying the specific points of agreement and disagreement between the parties for consideration and discussion at the Hearing. Once the consultation period for the land quality assessment is over, I would also be grateful if you would conduct a similar exercise with the stakeholders who make representations on this aspect and prepare a similar table for consideration and discussion at the Hearing if there is not agreement.

Yours Sincerely

Mel Middleton

Melvyn Middleton

INSPECTOR

31 October 2019

Mr. Colin Haigh,
Head of Planning,
Welwyn Hatfield Borough Council
The Campus,
Welwyn Garden City
AL8 6AE

BY EMAIL ONLY

Dear Mr Haigh

Welwyn Hatfield Local Plan Examination

I refer to your letter of 9 October outlining a revised timetable. With the exception of the need for a further Hearing into the issues relating to that part of Birchall Garden Suburb away from the A414, about which the Programme Officer has already written to you, I will accept your revised proposals in principle. The Birchall Garden Suburb Hearing is likely to be held on December 11 2019.

However, having thought about the processes discussed in your letter and the extent of the additional material that you will be submitting to the Examination, particularly that which relates to new sites, I have doubts as to whether it is appropriate to just post the additional information on the Examination website. Some people will inevitably want to make representations. Without a round of formal consultation, in which anyone concerned about a new proposal can make representations and if necessary, appear at a subsequent Hearing session, then the examination process could, in my view, be flawed and open to challenge. There could be persons, who have not been involved in the process to date and who are directly affected by a new proposal. If that is the case, then they ought to be given the opportunity to make representations unless you consider that they have already had that opportunity.

I note that you consulted on the "call for sites" but am not clear as to whether this is sufficient to meet the principle of "fairness". Did it potentially catch everyone who might be concerned about the allocation of a particular site for example and does it enable the Programme Officer to easily identify who wants to appear at a Hearing session into each new site, including persons not previously involved in the examination?

Additionally, I am presuming that there will be significant changes to the Sustainability Appraisal and perhaps some to the Habitats Regulations Assessment as well? Will people have had sufficient opportunity to comment on these?

I would therefore ask you to consider the appropriateness of a further round of consultation restricted to the revised sustainability appraisal, the habitats regulation assessment (if appropriate) and any new sites or major policy changes that you bring forward. If the public is made aware of your draft changes in early December, and they are accompanied by a note about your Council's timetable, the potential for changes and the intention to follow that with a formal consultation period, then a four-week period should be sufficient. If this commenced on or about 8 January, then the responses should be back in sufficient time to enable any additional participants wishing to appear at a Hearing to do so in the week of 16 March. Further Hearings could be held to consider as yet unconsidered sites that remain in the plan, including Symondshyde and the part of Birchall Garden Suburb that is adjacent to the A414, in the week of 24 February.

Would you please consider the above and let me have your thoughts?

Yours Sincerely

Mel Middleton

Melvyn Middleton

INSPECTOR

15 November 2019

Mr. Colin Haigh,
Head of Planning,
Welwyn Hatfield Borough Council,
The Campus,
Welwyn Garden City AL8 6AE

Dear Mr Haigh

Examination into the Welwyn Hatfield Local Plan:- progress

Thank you for your letter of 15 November, 2019. I would suggest that we move the postponed hearings from the week of December 9 into the early part of the next week (16 December 2019).

Having had an opportunity to discuss the nature of your call for sites consultation, with the Programme Officer, I am of the opinion that we could avoid the need for a full six week consultation period by contacting directly all of the representors who responded to the call for sites consultation on the new sites that are to be taken forward for examination.

They should be asked if they wish to participate in any hearing session and given an opportunity to submit supplementary evidence, if they so wish. There would then be no need for a further lengthy formal consultation. In these circumstances, assuming that the Council meets in January to approve the revisions then, the Hearings could be held in late February or early March before the local election's purdah begins.

Yours Sincerely

M Middleton

Melvyn Middleton
INSPECTOR



Colin Haigh
Head of Planning

Reply to: address as below
Date: 15 November 2019

Melvyn Middleton
Planning Inspectorate
c/o Programme Officer
louise@poservices.co.uk

Dear Sir

Welwyn Hatfield Local Plan Examination

I write in respect of on-going correspondence about the timescale for our Local Plan examination.

You will recall that I wrote to you on 9 October 2019 setting out a timescale which included committee meetings to consider additional sites in December 2019 and January 2020 and hearing sessions on outstanding matters in early December 2019 and new sites in February/March 2020.

Your response letter dated 31 October 2019 states, in summary, that you accept the revised proposals in principle but questions just posting additional material onto the examination website and asks the Council to consider the appropriateness of a further round of consultation. It then goes on to identify a possible timetable, should that be necessary, which includes four weeks of consultation and hearing sessions in February and March 2020.

In addition to these events, the Government has called a general election on 12 December 2019 which creates a period of purdah from 11 November 2019.

All of these issues were highlighted to councillors at our Cabinet Planning and Parking Panel on 31 October 2019 and it was agreed that the Head of Planning would engage with the Planning Portfolio Holder and the Returning Officer in order to draft this letter.

The Returning Officer has decided that it is inappropriate to publish officer recommendations in respect of possible new sites in early December during purdah. This position is further informed by the fact that an elected borough councillor will be standing in the general election. As a result, this needs to be delayed until after 12 December 2019.

For the same reason the Returning Officer has decided that it is inappropriate to host hearing sessions on housing evidence, employment evidence, the plan period and the northern part of Birchall Garden Suburb on 11 December 2019 during purdah. As a result this also needs to be delayed until after 12 December 2019. We confirm that it is possible to host these sessions on 16, 17 and 18 December 2019.

Officers are in the process of revising the municipal calendar to reschedule many of the political meetings due to take place during purdah and this will include the CPPP meetings scheduled for 12 December 2019 and 17 December 2019, Cabinet meeting scheduled for 6 January 2020 and Council meeting scheduled for 7 January 2020. I will re-write to you as soon as new dates have been confirmed.

The Leader, Planning Portfolio Holder and Chief Executive also consider that if any period of consultation is to be included in the timetable then it should be hosted by the Council, for six weeks in accordance with the Statement of Community Involvement and that results should be reported to councillors before being submitted to the examination, so that they fully understand the views of residents and others before a final decision is made.

As a caveat I would highlight that the decision to consult on sites submitted as part of the call-for-sites was felt to be necessary by councillors, so that they could understand the views of residents before making any final decisions on new sites. They understood that you were keen to see the timetable progress on a critical path and felt that this was more important than scheduling consultation after they had selected new sites. The Council did not ask whether respondents would want to participate in subsequent hearing sessions as part of the consultation questionnaire, as at that time we did not know whether it would be possible.

Subject to the revised municipal calendar we anticipate that it will be possible to arrange CPPP and Cabinet meetings in January 2020. If six weeks of public consultation is deemed to be necessary, then it would have to take place and conclude in early 2020, before local election purdah starts in late March 2020. However, it would no longer be possible to schedule hearing sessions during this period and these will instead have to be rescheduled for summer 2020.

I would strongly assert however that the circumstances referred to above are not being taken as an opportunity to delay important decisions. The Council and its councillors fully appreciate the importance of the Local Plan to deliver housing, maintain prosperity and protect the borough's important natural and historic place. You will appreciate following the receipt of over 10,000 responses to the call-for-sites consultation that it is no easy task to decide which sites to select for development. Councillors wish to ensure that whatever decisions they take are fully democratic, fully justified and fully defensible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Haigh', written in a cursive style.

Colin Haigh
Head of Planning

APPENDIX 3

HEADS OF TERMS FOR A S106 AGREEMENT

29 Broadwater Rd WGC Heads of Terms for the s106 Agreement

Property	29 Broadwater Rd Welwyn Garden City AL7 3BQ
Title Number	HD327341
Document Model	HCC standard precedent
Parties	Hightown Housing Association
	Welwyn Hatfield Borough Council
	Hertfordshire County Council
	[No mortgagee]
Solicitors	To be advised
Planning Obligations	<p>Affordable housing</p> <p>30% of the total flats to be affordable, ie 38 flats, of which 19 to be Social Rent 19 to be Shared Ownership</p> <p>A mortgagee clause satisfactory to Hightown's future chargee is essential</p>
	Travel plan, as agreed with HCC - draft submitted with the application
	Travel Plan Coordinator to be appointed prior to handover
	Fire mains and infrastructure, as agreed with HF&R - draft design submitted with the application.
Financial Contributions to Mitigate Impact of Project	<p>Herts CC</p> <p>Toolkit Contributions as requested in email of 13/11/19 from HCC Growth and Infrastructure Officer, Primary Education, Secondary Education, Youth Services Libraries, and subject to confirmation Sustainable Transport,</p>
	<p>Welwyn Hatfield BC</p> <p>As WHBC Planning Obligations SPD Play Space, Allotments, Sport and Waste & Recycling all subject to evidence of need.</p>