

Part I

Main author: Michael Robinson

Executive Member: Councillor S. Boulton
(Peartree)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 16 JULY 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2019/3024/MAJ

29 BROADWATER ROAD WELWYN GARDEN CITY AL7 3BQ

DEMOLITION OF OFFICE BUILDING AND ERECTION OF 128 FLATS WITH
ASSOCIATED CAR PARKING, LANDSCAPING, AMENITY SPACE, BIN AND CYCLE
STORAGE, WITH ALTERATIONS TO EXISTING AND FORMATION OF NEW ACCESS
ON BROADWATER ROAD AND ALTERATIONS TO THE EXISTING ACCESS ON
BROAD COURT.

APPLICANT: HIGHTOWN HOUSING ASSOCIATION

1 Site Description

- 1.1 The application site is located on the east side of Broadwater Road, Welwyn Garden City and comprises an office building with extensive areas of car parking beneath it and to the rear. It is a level site with a large office building located on the north-west corner of the site with attractive landscaping bordering the road.
- 1.2 Its neighbours include the former Shredded Wheat factory site opposite, now cleared in anticipation of its future redevelopment for housing, south of which is the former Roche Office building which has recently been converted to residential flats and a significant number of homes around it on Otto Road and Penn Way.
- 1.3 North of the site, on the opposite side of Broadwater Court is a vehicle repair centre and MOT facility, a vehicle hire parking area and beyond this a range of small business premises. Broadwater Court is a private road.
- 1.4 East of the site and beyond the large rear car park and the eastern boundary lined with trees is a further larger area of open car park.
- 1.5 To the south of the site is another car park area and further south former office sites with permission for residential development and an elderly persons' residential scheme.

2 The Proposal

- 2.1 The application proposes to demolish the existing office building on site and construct a 4-storey flatted block above a basement car park to provide 128 affordable 1 and 2 bedroom flats. The majority of units on the ground floor level comprising 20% of the 128 units, have been designed as accessible and adaptable dwellings following Building Regulations Part M4(2) standards.

- 2.2 The scheme also incorporates 136 parking spaces (including 10 disabled and 10 electric car charging spaces), 14 motorcycle spaces and 128 bicycle spaces beneath the building. Associated amenity space around the perimeter of the site will be retained and enhanced and there will also be a central raised landscaped courtyard (above the car park level). There will be alterations to the existing access onto Broadwater Road with the formation of a new access on Broadwater Road slightly further north to access the semi-sunken car park beneath the building and there will also be alterations to the existing access on Broad Court which forms the northern boundary of the site.
- 2.3 The proposed building is a horseshoe shape with its open end facing south. Flats on both external and internal elevations will face either into or out of the site. Two lifts are to be provided between basement level and ground floor level in the northern corners of the building facilitating access to the accessible flats at ground floor, upper floors are to be accessed by stair.
- 2.4 The basement area is to be used primarily for car parking and will provide facilities such as refuse storage areas, cycle and buggy stores and for meters and plant serving the building.
- 2.5 Above basement level will be the first level of flats and the central flats will face onto a central landscaped courtyard (above the basement level). Some of these flats facing will have access to small private garden areas beyond which and in the centre of the landscaped open space will be communal landscaped open space.
- 2.6 A further three floors of flats are to be built above the lowest flats and the central facing flats will have small balcony areas. Balconies on the outward facing flats are more limited in number.
- 2.7 The roof of the building will have extensive areas of photo voltaic cells to generate solar electricity for use within the building.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the proposal is in conflict with the development plan and has been advertised as a departure.

4 Relevant Planning History

- 4.1 Application Number: N6/1974/0780
Decision: Granted
Decision Date: 05 March 1975
Proposal: Four storey office building with car park
- 4.2 C6/1983/0732
Granted
19 January 1984
Site for offices and laboratories
- 4.3 N6/1990/0356/FP
Granted
25 June 1990

Single storey side and front extension

- 4.4 6/2018/1139/PA
Refused
08 June 2018
Pre application advice for erection of 5x four storey apartment blocks (133 apartments) with associated car and cycle parking following demolition of existing building and structures
- 4.5 6/2018/2309/PA
Refused
20 November 2018
Pre application advice for conversion or redevelopment of offices for residential use
- 4.6 6/2019/0108/PN11
Prior Approval Required and Granted
29 April 2019
Prior approval for change of use from Offices (B1) to residential (C3) 72 Self Contained Flats

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the Welwyn Garden City Employment Area EA1 as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notice. In total one representation has been received, comprising an objection. All representations received are published in full on the Council's website and are summarised below:

Objections

- Another major employment site in Welwyn Garden City has been lost, resulting in those businesses largely relocating outside of Welwyn Garden and causing

employees longer commutes to their place of employment or having to seek alternative employment.

- The loss of the building is disappointing but the main issue I have with the development is car parking.
- Whilst the site would seem to be in a sustainable location it has to be recognised that occupants of 2 bed apartments (60% Of the apartments) are likely to have more than 1 vehicle and therefore this is likely to put pressure on the local streets for overnight and weekend car parking where there is already substantial pressure. The evidence of car ownership comes from the nearby development of Times Square, off Bessemer Road where 600 apartments are planned and where one space is allocated per apartment. Even though the development is only 60 % occupied there are nightly and weekend issues of where residents can park because a lot of the residents in 2 bedroomed apartments have 2 vehicles, even though the census of car ownership shows that the average occupier has only 1 vehicle. The issue has become so extreme that a car parking management company now aggressively patrols issuing fines like confetti to anyone not parking in their allocated space and meaning that residents with 2 cars are having to find alternative car parking such as in the town centre and having to walk to their property.
- There is also no visitor parking planned at Broadwater Road. At the larger Times Square development there is currently no visitor parking at all, although 11 spaces will be made available once the development has been completed. The lack of visitor parking is causing residents numerous problems as it is almost impossible to have visitors on site which is causing huge amounts of resentment by residents. The location of the Broadwater Road development will allow off street parking for visitor in nearby residential streets but this will to be the detriment of other local residents or they will be able to park in the town centre but this discriminates against the elderly and those with disabilities.
- The parking proposed at the development needs to be rethought

8 Consultations Received

- 8.1 Lead Local Flood Authority are agreeable in principle to the development and are preparing conditions to be imposed on any planning permission resulting. These are to be reported at the meeting.
- 8.2 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:
- HCC Historic Environment Advisor
 - HCC - Spatial Planning & Economy Team
 - HCC Growth Team
 - HCC Transport Programmes and Strategy
 - HCC Fire and Rescue Service
 - WHBC Public Health and Protection
 - WHBC Client Services
 - WHBC Parking Services
 - Place Services – Heritage Consultant
 - Thames Water Development Control

- Hertfordshire Constabulary
- WHBC Landscape and Ecology

8.3 Hertfordshire Garden Trust - We are unaware of a WHBC overall design statement for the redevelopments along Broadwater Road which would ensure a high-quality appearance referencing the original buildings. The choice of materials - orange and buff bricks, for this development, would seem to be out of keeping with the original finishes on the Shredded Wheat factory, Roche buildings and others. Although the commercial and residential areas of Welwyn Garden City do have such guidance, the industrial areas to the east of the railway line are in danger of losing their visual coherence and thus any link with the Garden City Concepts of the early town.

8.4 No response was received from the following consultees:

- Environment Agency
- Affinity Water

9 Analysis

9.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Renewable Energy**
 - iv) Landscaping**
 - v) Contaminated land**
 - vi) Refuse and recycling**
 - vii) Fire safety**
 - viii) Safer Places**
 - ix) Waste Management**
 - x) Environmental Impact Assessment**
- 6. Planning obligations**
- 7. The planning balance**

1. Principle of the development

Employment

9.2 The site is located within Welwyn Garden City 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. Emerging Local Plan Policy SADM 10 has the similar objective of protecting employment areas from changes of use from employment to other

uses unless a marketing period of three years demonstrates there is a lack of demand in that area.

- 9.3 In April 2019 however prior approval was granted for the conversion and change of use of the building from Offices (B1) to residential (C3) with a scheme for 72 Self Contained Flats within the building present on site (reference 6/2019/0108/PN11). Whilst the prior approval permission has not yet been implemented it is considered to be a viable fall-back position for the applicants and like other similar sites in the immediate area the use of the land for residential purposes has therefore already been accepted.
- 9.4 Coupled with this the character of this stretch of Broadwater Road is changing with residential development and permissions for residential development along a significant length of the road.
- 9.5 In addition to the above, District Plan Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122). The site is a previously developed site in the settlement of Welwyn Garden City, complying with the above policies.
- 9.6 The site is not allocated as a Housing Site in the District Plan or the emerging Local Plan. It therefore must be considered as a windfall site. Policy H2 of the District Plan and Policy SADM1 of the Emerging Local Plan refer to windfall development and permit applications for such development subject to a number of criteria. The proposed development is considered to comply with the criteria in that it is accessible by means of transport other than the private car as there a bus route past the site. The site is within walking distance of the facilities in Welwyn Garden City, the capacity of existing infrastructure is sufficient to be able to accommodate the development, the development would not undermine the delivery of allocated sites as a consequence of its limited nature and there are no known physical or environmental constraints on the site.
- 9.7 Despite the site's position within the Employment Area therefore the principle of residential development on the land has therefore been established by previous permissions and approvals and no objections are raised with regard to policy H2 and SADM1.

Residential

- 9.8 Turning now to the proposed residential element of the development, the application proposes a total of 128 flats, of which 30% would be affordable and secured by S106 obligation.
- 9.9 Policy H6 of the adopted District Plan states that 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 have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan. A similar approach is continued by Policy SP 9 of the emerging Local Plan.

- 9.10 The proposed development would result in a density of 82 dwellings per hectare, which would therefore exceed the 50 dwellings per hectare figure specified in the policies. The sustainable location of the site is such that higher density development would be acceptable in principle in this location, and the provision of flats will also generally result in a higher density of development than when compared to houses. Furthermore an increased density will be required to ensure a variety and mix of uses and the viability of the development. However, the main consideration in determining the acceptability of the density of the proposed development, will be in relation to the size, scale and design of the proposed development, and this will be considered later in this report.
- 9.11 Policy SP 7 of the emerging Local Plan states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council’s latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

1 bed	2 bed	3 bed	4+ bed
14%	23%	41%	22%

This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.

- 9.12 All the units proposed are flats (51 x 1 bed (40%), 77 x 2 bed (60%) and would therefore not meet the requirements of the latest evidence of housing need and market demand. It is noted however that the size of the site and its location near to the town centre will impact upon the type and mix of development proposed, and development of this nature is unlikely to be able to fully meet the latest housing need. The NPPF states that decisions should promote effective use of land in meeting the needs for homes and other uses, and should encourage multiple benefits from land, including through mixed use schemes. The benefits associated with the proposed development therefore need to be balanced against the mix of dwellings proposed.

2. Quality of design and impact on the character of the area

- 9.13 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council’s Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council’s Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

- 9.14 Where development affects the setting of heritage assets such as a listed building Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 9.15 The flats will occupy a large building which will fill much of the site and it will play a prominent role in the street scene. It has however been designed in the style and with the bulk and mass of other buildings present in Welwyn Garden City town centre and its design also utilises features present in other buildings, albeit mostly located in the town centre rather than the employment area. The building will have a reconstituted stone facing at lower levels, orange/red and buff bricks and pan-tiled mansard roof similar to a number of established buildings in the town. The scale of the building, at 4 floors plus basement is also not dissimilar to other buildings in the town and the immediate area and if built the flats on the opposite side of Broadwater Road on the former Shredded Wheat site are of substantially greater height. The building will also be set back from the road, and will retain areas of landscaping and so the size and the appearance of the building would therefore be mitigated to some extent and overall is not therefore considered likely to appear out of place in this changing setting and it is not considered that it will harm the setting of the nearby grade II listed former Roche Office building (now flats) or the grade II listed former Shredded Wheat silos approximately 200m north of the site, meeting the requirements of S66 of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 9.16 The introduction of basement parking entirely covered by the flats and central open space means the 128 parking spaces will be largely hidden from view, reducing the dominance of the motor car. This is considered a positive feature in design terms and is an initiative already found in the vicinity with a similar parking arrangement beneath a similarly scaled building of flats on Penn Way and Otto Road approximately 50m west of the site. This parking design means that the established landscaping around the perimeter of the site and fronting onto the road will largely remain with poorer specimen trees being replaced with new planting. The raised communal gardens (above the car park) are also designed to incorporate formal landscaping to create gardens in the centre of the flats. The landscaped spaces are considered to be of a high standard that will provide an attractive setting for the flats and an outlook for the residents. The Council’s Landscape Officer considers the landscape proposals to be a high quality scheme.
- 9.17 The building is therefore considered to be of a suitable design which deals positively with the issue of car parking, by providing secure car parking spaces out of general view. Despite the scale of the building proposed it is considered the combination of existing and new planting will create a suitable setting for the building and enhanced/improved landscaping for the site and its residents.

3. Residential amenity

- 9.18 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 9.19 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 9.20 Presently the site has few immediate residential neighbours. It is largely surrounded by car parking and commercial premises but as explained above the nature of the area is changing to one where flats will be more prevalent. It is the case however that the proposed flats will have limited impact on existing residents and that adequate distances are maintained even between possible future development sites such as those on the opposite side of Broadwater Road.
- 9.21 As explained above in paragraphs 2.5 and 2.6 the new flats will have a mix of balconies, some will have small gardens and there is a shared communal garden space within the centre of the site. External amenity space will be limited but is considered adequate for a flatted scheme as proposed and not dissimilar to other flatted developments in the immediate area.
- 9.22 Internally the proposed flats are designed to achieve the National Internal Space Standards for one and two bedroom flats.
- 9.23 Overall it is considered that the development would provide a suitable standard of residential amenity for intended occupants and would not cause harm to the living conditions of existing residents of the area.

4. Highways and parking considerations

- 9.24 The development proposes the repositioning of the main means of access from the southern corner of the site to a more central position on Broadwater Road. The new access would serve the basement parking area and its position and specification meets the County Highway Authority's standards. This proposal would be acceptable in the highway terms. The existing access would be altered to serve only pedestrians and cyclists.
- 9.25 Broad Court forms the northern boundary of the site and is a private road often heavily occupied by on street parking. This on street parking could have a significant impact on refuse and service vehicle movements. To address this potential problem the Highway Authority recommend measures are put in place to minimise the parking onto Broad Court. A planning condition is recommended to ensure that refuse vehicle's movement are facilitated and pedestrians are safe.
- 9.26 Further conditions are recommended to make the proposed scheme acceptable in highway terms and the Highway Authority also recommends a Section 106 Agreement between the applicants, Welwyn Hatfield Borough Council and Hertfordshire County Council to secure the following: providing two real time display boards at the existing bus stops on Broadwater Road; travel Plan monitoring fee of £6,000; implementation of Travel Plan; sustainable transport contribution of £68,000 for improvement of the Bridgewater Road/ Broadwater Road junction and promotion of sustainable travels such as walking, cycling etc in the vicinity.
- 9.27 The transport assessment accompanying the application provides information with regards to vehicle movements and is clear that the 128 flats will have a positive impact on the highway network with some 45 fewer vehicular movements in the morning peak hour and 15 less movements in the evening peak hour than the

existing offices on the site. There will be 156 fewer daily traffic movements too, which is extremely positive.

- 9.28 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. In this instance the provision of parking spaces meets the Council's parking standards.
- 9.29 The Council's parking guidance SPG recommends that in this area a total of 121 spaces are provided for the proposed development. A total of 136 parking spaces (including 10 disabled and 10 electric car charging spaces), 14 motorcycle spaces and 128 bicycle spaces beneath the building would therefore meet/exceed the guideline parking standards contained with the SPG for all of the proposed development.
- 9.30 Further to this the location of the site is also very accessible. It is within a few hundred metres of the town centre and the bus and rail stations. Broadwater Road has bus services upon it. The site is close to schools and to a range of community facilities.
- 9.31 In summary, the site is in an accessible location with easy access to public transport and with many facilities accessible on foot and cycle. The development would also provide an acceptable level of on-site car parking and cycle parking and will include facilities for motorcycles and charging points for electric cars. Therefore there are no objections raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 9.32 Paragraph 170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Paragraph 175 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*".
- 9.33 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 9.34 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that the proposed development site only supports a restricted range of features of low ecological importance and although some benefitted from protection

in law the proposed development would not have a significant impact. The Hertfordshire Wildlife Trust confirms the PEA was thorough.

- 9.35 To achieve a positive outcome a series of avoidance, mitigation and enhancement measures are necessary to be achieved through the imposition of planning conditions. As such, there would be no conflict with the NPPF, Policies R11 of the District Plan and relevant emerging policy SADM16.

ii) Flood risk and sustainable drainage

- 9.36 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. This site is located within Flood zone 1 i.e. a low probability of flooding and after providing clarification on a number of key issues the Local Lead Flood Authority is satisfied that there is no flood risk from surface water flooding.
- 9.37 Water quality improvements are achieved by techniques including the use of a green roof above the car park which will further enhance water quality before discharge into the wider storm water network.
- 9.38 Policy R10 of the adopted District Plan requires new development to incorporate water conservation measures wherever applicable, and para. 165 of the NPPF states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Lead Local Flood Authority initially objected to the application, but discussions have been continuing during the application and additional information (in relation to the drainage strategy layout, pollution treatment and clarification on modelling) has been submitted. This information is currently being considered by the LLFA and it is anticipated that the LLFA will now be more satisfied with the drainage scheme and Suds measures proposed.
- 9.39 Whilst final approval is awaited from the LLFA, it is anticipated that a response will be received before the committee meeting and it will be reported at the meeting. It is likely therefore that there will be conditions requiring the development to be undertaken in accordance with the principles of the submitted/approved drainage strategy, the submission of a detailed surface water drainage scheme and the submission of verification details that the drainage scheme has been constructed in accordance with the approved details, together with a management and maintenance plan for the SuDS features and drainage network and measures to secure the operation of the scheme throughout its lifetime will be recommended. Such conditions are considered to be reasonable and necessary in this case and will be reported upon at the committee meeting.

iii) Renewable Energy

- 9.40 Policy R3 of the District Plan states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...' Policy SD1 of the District Plan states that 'development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.

9.41 The proposed development will include a well-insulated built fabric, and the combination of high-efficiency A-rated gas boilers, supplemented by rooftop photo voltaic electricity generation which will feed into the landlord's supply and/or be exported to the grid. The proposal is therefore considered to accord with the objectives of District Plan Policy R3.

iv) Landscaping

9.42 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the wider area and this is achieved by retaining key trees around the periphery of the site, supplementing them with new tree planting and by the creation of a central garden area which will provide both an attractive setting for the development and an outlook for its residents. The Council's Tree and Landscape Officer supports the application.

v) Contaminated land

9.43 District Plan Policy R2 states that the Council will encourage proposals for the development and reuse of land which is or may be contaminated. On such sites, applications must be accompanied by a full survey of the level of contamination and proposals for remediation measures.

9.44 A Phase 1 ground condition report accompanies the application and recommends that a further Phase 2 intrusive investigation is carried out and the Council's Public Health Team recommends that a contaminated land condition is imposed if permission is granted.

9.45 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.

vi) Refuse facilities

9.46 Client Services have confirmed that the bin stores are sufficient to provide for the required number and size of bins but have said that 1 of the 3 bin stores within the building (south east corner) is more than the recommended maximum pull distance for refuse operatives. Either a planning condition requiring the provision of adequate refuse and recycling bins be provided within the development is imposed or a financial contribution towards the provision of the bins is required to be secured by S106 obligation.

vii) Fire safety

9.47 The application incorporates plans for a sprinkler system within the basement car park and for new fire hydrants and dry risers to serve the building so that all flats will be within the recommended minimum distance of fire hydrants. The Fire Hydrants will be secured by a S106 obligation.

viii) Safer Places

- 9.48 Policy D7 of the adopted District Plan requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. The Architectural Liaison Officer of Hertfordshire Constabulary supports the application. In light of these comments it is considered that the proposal would not result in any conflict with the requirements of Policy D7.

ix) Waste Management Plan

- 9.49 Policy 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 (Waste Local Plan) requires the submission of a Site Waste Management Plan (SWMP) to assist in reducing the amount of waste produced on site. Having regard to the requirements of Policy 12 of the Waste Local Plan a SWMP should be required as a condition of any permission granted, and such a condition is reasonable and necessary in this case.

x) Environmental Impact Assessment

- 9.50 A request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) to ask whether the development constituted development requiring environmental impact assessment was not submitted however it is considered that the scale of works proposed at 128 dwellings does not exceed the Schedule 2 EIA thresholds and the development is not likely to have significant environmental impacts on the area.

6. Planning obligations

- 9.51 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

- 9.52 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

- 9.53 Below are the S106 heads of terms sought by the Council and other relevant bodies. The applicant has been made aware of the requested contributions and discussions on final figures are ongoing.

Affordable Housing

- 9.54 The application proposes that 38 dwellings (30%) be secured as affordable homes to meet the Council's affordable housing requirement specified in Policy H7 of the Welwyn Hatfield District Plan 2005 and Policy SP 7 of the emerging Local Plan. Of these 19 units will be social rent and 19 shared ownership (50/50 split). In addition

to this as the applicant is a housing association all remaining dwellings will also meet the definition of affordable homes with 50 at affordable rent and 40 shared ownership. In total 128 affordable homes.

Hertfordshire County Council Contributions

9.55 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:

- Primary Education (Watchlytes Primary School) - £71,746
- Secondary Education (Ridgeway Academy) - £33,942
- Library Services (Welwyn Garden City Library) - £12,937
- Youth Services (Welwyn Garden City Young People's Centre) - £1,047
- Fire hydrants
- Two real time display boards at the existing bus stops on Broadwater Road
- Implementation of Travel Plan
- Travel Plan monitoring fee of £6,000
- Sustainable transport Contribution of £68,000 for improvement of the Bridgewater Road/ Broadwater Road junction and promotion of sustainable travels such as walking, cycling etc in the vicinity

WHBC Contributions:

9.56 Welwyn and Hatfield Council request that financial contributions are required to fund various Council projects in order to mitigate the impacts of the development including

- Open Space £12935.66
- Play space contribution £33929.60

NHS Contributions:

9.57 NHS contribution

- GP services £90,598.81

9.58 The NHS did also request contributions towards Mental Health costs £25,824 (Hatfield), Community healthcare costs £23,230 (Hatfield) and Acute Healthcare costs £283,451 (Lister Hospital). However it was considered that the requested contributions and works would not meet the test identified above, and therefore this contribution cannot be included in the S106 agreement.

9.59 In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5000 will also be required and payment will be required to be made prior to commencement of the development.

9.60 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

- 9.61 The applicant has challenged some of the sums referred to above and is seeking clarification from both Welwyn and Hatfield Council and Hertfordshire County Council on precise project and spending plans for the sums involved, it maintains however that it is committed to meeting and funding the reasonable and proportionate costs of community needs arising from the development in terms of financial commitments. It is on this basis the applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement and heads of terms has been agreed in principle.
- 9.62 If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed in accordance with the specified heads of terms and in accordance with sums yet to be finalised. Subject to the completion of a Section 106 Agreement, it is considered that the proposal would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010 (as amended).

7. The planning balancing

- 9.63 The site is located within an employment area where saved Policy EMP2 seeks to resist the loss of employment land and buildings to other uses. The proposed residential use therefore is in conflict with this policy. The character of the area is however changing and the building on site could be converted to 72 residential units under current prior approval rules. This 'fall-back' position is a material consideration in the determination of this application.
- 9.64 Whilst not overcoming the conflict with Policy EMP2 it is the case that the character of the immediate area is changing to one that is more residential. This too is a material consideration in the determination of the application.
- 9.65 Also the provision of 128 1 and 2 bed flats fails to reflect the identified mix of new homes required to meet the boroughs needs and so the proposal conflicts with the requirements of the eLP Policy SP7 which in general terms expects larger sites to have a greater opportunity to deliver a broader mix of sizes.
- 9.66 The council is also currently unable to demonstrate a 5 year supply of deliverable housing. Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.67 The presumption in favour of sustainable development does not change the statutory status of the development plan which continues to be the starting point for consideration, however it is also necessary therefore to consider whether the proposal represents sustainable development and whether any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.
- 9.68 Sited just a few hundred metres from the town centre and close to the towns many facilities the location of the development is considered to be accessible and sustainable.
- 9.69 In terms of the developments social benefits it will result in the provision of 128 new homes which is a significant social benefit and will weigh heavily in favour of the

development. Of these 128 dwellings all will qualify as affordable homes in part meeting the needs of the qualifying persons on the Council' waiting list. This is a very significant benefit of the development and will weigh heavily in favour of the proposal.

- 9.70 In terms of economic effects the loss of the office space and its potential to provide employment for the town and maintaining the towns' role as an employment centre will weigh against the proposal. Employment space within an established employment area will be lost, however the building could be converted to 72 flats under current prior approval rules, resulting in fewer new homes and potentially no affordable housing at all. The impact upon the towns' employment area would therefore be considered only moderately harmful.
- 9.71 The proposed new development would however be a very substantial investment in the town, it would create a significant number of construction jobs in the short term, construction spend in the town and area and ultimately will result in longer term benefits from increased occupier spend and council tax receipts.
- 9.72 Overall the economic impacts of the proposal may be considered to be neutral and not significantly nor demonstrably harmful.
- 9.73 The third strand of sustainable development relates to environmental impacts. Whilst the proposed building is large in scale and mass it will be comparable to other approved development in the vicinity. It is considered to be of a suitable high standard of design with the potential to become an attractive place in which to live with a pleasing effect upon the street scene. These features however are required for all developments and so are not considered as benefits and so the design impacts of the development can be assessed as neutral.
- 9.74 It will provide adequate car/cycle and motorcycle parking in accordance with the councils' standards and despite some concern about traffic generation the accompanying traffic impact assessment confirms the development is actually likely to result in fewer vehicle movements than a full office building could generate. The traffic impacts of the development are therefore considered to be moderately beneficial.
- 9.75 In addition to this the development is to provide proportionate community benefits in accordance with the District and County Council's planning obligations requirements that are expressed in more detail in the previous section of this report on Planning Obligations. These proportionate community benefits are required for all qualifying developments and so in terms of balancing the benefits against the disbenefits are considered to be neutral.
- 9.76 Overall it is considered that in the case of this development the benefits of the scheme are not significantly and demonstrably outweighed by the disbenefits and the presumption in favour of the development as expressed in paragraph 11(d) of the NPPF (the tilted balance) should apply despite the policy conflict in terms of loss of employment land (Saved Policy EMP2 of the Welwyn Hatfield District Plan 2005).

10 Conclusion

Despite the acknowledged conflict with EMP2 and eLP Policy SP7 the proposed development of 128 flats with associated car parking, landscaping, amenity space and associated works and alterations are considered to be acceptable and subject to the imposition of conditions and a planning obligation the proposal is recommended for approval.

11 **Recommendation**

11.1 It is recommended that planning permission be granted subject to:

1. Conclusion and agreement on reasonable and necessary financial contributions being reached to mitigate the impacts of the development and the completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement for contributions broadly in line with the following heads of terms:

- i. Provision of 30% affordable housing in accordance with the Council's preferred tenure mix.
- ii Primary Education (Watchlytes Primary School) - £ £71,746
- iii Secondary Education (Ridgeway Academy) - £33,942
- iv Library Services (Welwyn Garden City Library) - (£12,937
- v Youth Services (Welwyn Garden City Young People's Centre) - £1,047
- vi Fire hydrants
- vii. Sustainable Transport: Green Travel Plan
- ix. Monitoring of the Green Travel Plan £6,000
- x Two real time display boards at the existing bus stops on Broadwater Road
- xi Sustainable transport Contribution of £68,000
- xii Open Space £12935.66
- xiii Play space contribution £33929.60
- ix A S106 monitoring fee of £5000
- x GP services £90,598.81

2. and the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Management Plan.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan 2018.

2. Contaminated Land

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include

all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

(e) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. Prior to commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan as approved shall be implemented throughout the construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012 and Policy R5 of the Welwyn Hatfield District Plan 2005.

4. Before any development on site is begun a scheme of physical tree protection measures to be installed shall have been submitted to and approved in writing by the Local Planning Authority. Once approved the tree protection measures shall be erected/installed before any demolition or construction works on site are begun and shall be retained in their positions for the duration of demolition/construction activity on site.

REASON: In order to protect trees and vegetation to be retained on site from construction activity/damage for the duration of works on the site in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the Policy SP12 of the emerging Welwyn and Hatfield Local Plan.

PRIOR TO ABOVE GROUND DEVELOPMENT

5. Prior to any above ground development a scheme of parking enforcement measures/management for Broad Court (a Broad Court Parking Enforcement Strategy) shall have been submitted to and approved in writing by the local planning authority. The Strategy shall identify a management company/contact responsible for enforcing the parking strategy on Broad Court which shall include managing the risks of obstructive parking on the private road and clear maintenance of pedestrian access routes; the details of the enforcement regime and details of its implementation at all times to ensure clear access by vehicles including those used for weekly refuse collections and emergency vehicles such as fire tenders.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

6. Prior to any above ground development, details identifying the location of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric car charging points shall be installed as approved prior to first occupation of the development and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM 12 of the Draft Local Plan Proposed Submission August 2012.

7. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. These details shall include bricks, mortar, stone detailing, roof tiles, windows and door finishes (including the car park access door) and balconies,. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

8. Prior to any above ground development a scheme of external lighting shall be submitted to the Local Planning Authority for its written approval. The external lighting scheme shall include vertical lux diagrams which show potential light trespass into windows of nearby residential properties. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with the objectives of Policies D1, D2 and R20 of the Welwyn Hatfield District Plan.

9. Prior to any above ground development a scheme of noise protection measures to protect the proposed occupiers of the development from noise due to traffic and the existing and proposed commercial/industrial businesses in the vicinity, shall be submitted to the Local Planning Authority for its written approval. The approved Noise protection measures scheme shall be implemented before any part of the accommodation hereby approved is occupied.

For traffic noise the scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS8233:2014.

For commercial/industrial noise the scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms are 10dB below the standards within BS 8233:2014 and LAmax levels are not to exceed 40dB internally with windows closed.

If opening windows raises the noise levels above those listed above, then mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975.

Alternative methods and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed and the ventilation rate for the system being substituted for those within Appendix P.

Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

10. Prior to any above ground development a scheme for the provision of refuse and recycling bins and including mini recycling centres to be provided in accordance with the standards specified in Welwyn and Hatfields' Recycling and Refuse Separation and Storage Planning Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate details of the number, volume and specification of each bin and all shall be installed and ready for use prior to the first occupation of any flat.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policy D1 of the Welwyn Hatfield District Plan 2005.

11. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of

local underground sewerage utility infrastructure contrary to the objectives of Policy R7 of the Welwyn Hatfield District Plan 2005.

12. Prior to any above ground development a scheme of ecological/habitat/bio-diversity enhancement measures including but not limited to, bat and bird boxes incorporated into the building structure shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be incorporated into the development and installed before the first occupation of the site or in accordance with a timetable agreed with the Local Planning Authority.

REASON: In order to achieve net improvements in the ecological/biodiversity value of the site in accordance with the objectives of Policy R11 of the District Plan and emerging Local Plan Policy SADM16.

PRIOR TO OCCUPATION

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Ref- Figure1.2 1:500@A3 , Rev- A) in accordance with the highway specification as Set out in Roads in Hertfordshire. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and to avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the first occupation of the development hereby permitted the existing vehicular access to Broadwater Road currently serving the site shall be permanently closed to vehicular traffic with vehicular, pedestrian and cyclist access to and egress from the adjoining highway limited to the access shown on drawing number (Ref- Figure1.2 1:500@A3, Rev- A) only. Any other vehicular accesses or egresses shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be submitted to and agreed in writing by the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan 2018 and Policy D1 of the Welwyn Hatfield District Plan 2005.

15. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m in each direction shall be provided in accordance with the details indicated on Figure-1.2 attached to the transport assessment produced by Yes Engineering Group and dated October 2019. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and Policy D1 of the Welwyn Hatfield District Plan 2005.

16. Prior to the first occupation of the development hereby permitted cycle parking shall be provided as shown on the drawing, Ref- BR01-MCB-XX-B1-DR-A-0303 D5 Rev-P1.

REASON: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to the first occupation of the development hereby permitted the proposed parking and turning areas as shown on the drawing Ref- BR01-MCB-XX-B1-DR-A-0303 D5 Rev-P1 shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and Policy D1 of the Welwyn Hatfield District Plan 2005

18. Prior to the first use/occupation of the development hereby approved, a car parking plan showing the position of disabled car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: To provide accessible parking bays and a high standard of design of the development in line with Policy D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted the photovoltaic installations shown on approved roof plan McBains Dwg no 0304 D5 rev P1 and dated September 2019 shall have been installed and shall be operational.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with Policy SD1 of the Welwyn Hatfield District Plan.

20. Prior to the first use/occupation of the development hereby approved, waste bins/bin storage facilities shall be provided as shown on the application plans, including the provision of a coded lock on the doors of the storage facility, and thereafter retained in accordance with the approved details.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

21. The approved landscaping of the site shown on Alban Landscape Planting Plan Dwg 19512.200 Rev A dated Dec 2019 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

22. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

REASON: To protect the amenity of residents in the locality, in accordance with the Supplementary Design Guidance 2005.

DRAWING NUMBERS

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

BRW01 DA 0011 SUSTAINABLE DESIGN STATEMENT P1
BRW01 DR 0200 Site plan P1
BRW01 DR 0201 site location plan P1
BRW01 DR A 0300 Ground floor GA plan P1
BRW01 DR A 0301 First & second floor GA plan P1
BRW01 DR A 0302 Third floor GA plan P1
BRW01 DR A 0303 Basement plan P1.
BRW01 DR A 0304 Roof plan P1.
BRW01 DR A 0305 Fire safety - Ground floor plan P1.
BRW01 DR A 0306 Fire safety - First & second floor plan P1.
BRW01 DR A 0307 Fire safety - Third floor plan P1.
BRW01 DR A 0308 Fire safety - Basement plan P1.
BRW01 DR A 0309 Refuse strategy plan P1.
BRW01 DR A 0310 Fire access - Ground floor plan P1.
BRW01 DR A 0311 Fire access - Upper floors plan P1
BRW01 DR A 0312 Fire access - Basement plan P1.
BRW01 DR A 0400 Sections AA & BB P1.
BRW01 DR A 0401 Sections CC & DD P1.
BRW01 DR A 0500 West elevations P1.
BRW01 DR A 0501 North elevation P1.
BRW01 DR A 0502 East elevations P1.
BRW01 DR A 0503 South elevation P1.
BRW01 DR A 0504 External materials elevations P1.
BRW01 DR A 0505 External materials elevations P1.
BRW01 DR A 0600 Flat types P1.
BRW01 DR A 0601 Flat types P1.
BRW01 DR A 0602 Standard window detail P1.
BRW01 DR A 0603 Patio door detail P1.
BRW01 DR A 0604 Main entrance door detail P1.
19512 004 rev C landscape proposals
19512.200 rev A Planting Plan

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

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

1. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be found on Thames Water's website using the following link:
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-andpay-for-services/Wastewater-services>
2. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588
3. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
4. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
5. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
6. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
7. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
8. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
9. All pile driving shall be carried out by a recognised noise reducing system.
10. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

11. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
12. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
13. Any emergency deviation from these conditions shall be notified to the Council without delay.
14. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
15. Permissible noise levels are not specified at this stage.
16. All efforts shall be made to reduce dust generation to a minimum.
17. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
18. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
19. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
20. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
21. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
22. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take a watching brief during construction for any chalk

mines. Should evidence be found, expert advice from properly qualified experts should be sought, to ensure that the historic chalk mining activities in the area will not adversely affect the development. Details should be submitted to the Local Planning Authority for approval.

OR


It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed S106 agreement for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 29 Broadwater Road Welwyn Garden		Scale: DNS
	Project: Development Management Committee		Date: 03-07-2020
Drawing Number: 6/2019/3024/MAJ		Drawn: Emma Small	
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