

Please note that by law this meeting can be filmed, audio-recorded, photographed or reported electronically by the use of social media by anyone attending. This does not apply to any part of the meeting that is held in private session. The Council will webcast the meeting.

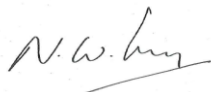
Please ask for:  
Alison Marston

31 August 2021

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 9 September 2021 at 7.30 pm in the The Theatre (Screen 3) Campus West AL8 6BX

Yours faithfully



Corporate Director  
Public Protection, Planning and Governance

## **A G E N D A P A R T 1**

1. SUBSTITUTIONS

To note any substitution of Committee Members made in accordance with Council Procedure Rules.

2. APOLOGIES

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 12<sup>th</sup> August 2021 (previously circulated).

4. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 7 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

5. DECLARATIONS OF INTEREST BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

6. BIOPARK BROADWATER ROAD WELWYN GARDEN CITY AL7 3AX - 6/2020/3420/MAJ - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 289 RESIDENTIAL UNITS (USE CLASS C3) AND COMMUNITY HUB (USE CLASS E/F.2), WITH PUBLIC REALM AND OPEN SPACE, LANDSCAPING, ACCESS, ASSOCIATED CAR AND CYCLE PARKING, REFUSE AND RECYCLING STORAGE AND SUPPORTING INFRASTRUCTURE (Pages 3 - 64)

Report of the Corporate Director (Public Protection, Planning and Governance).

7. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

8. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 9 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **PART II**

9. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	J.Boulton (Chairman)	J.Skoczylas
		B.Fitzsimon (Vice-Chairman)	P.Shah
		S.Elam	T.Travell
		C Juggins	R.Trigg
		N.Pace	S.Tunstall
		J.Ranshaw	J.Weston
		D.Richardson	

Corporate Management Team  
Press and Public (except Part II Items)

**If you require any further information about this Agenda please contact Alison Marston, Governance Service on 07824 126620 or email – [democracy@welhat.gov.uk](mailto:democracy@welhat.gov.uk)**

# Agenda Item 6

## Part I

Main author: David Elmore

Executive Member: Councillor S. Boulton  
Peartree

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 09 SEPTEMBER 2021  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2020/3420/MAJ

BIOPARK BROADWATER ROAD WELWYN GARDEN CITY AL7 3AX

DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 289  
RESIDENTIAL UNITS (USE CLASS C3) AND COMMUNITY HUB (USE CLASS E/F.2),  
WITH PUBLIC REALM AND OPEN SPACE, LANDSCAPING, ACCESS, ASSOCIATED  
CAR AND CYCLE PARKING, REFUSE AND RECYCLING STORAGE AND  
SUPPORTING INFRASTRUCTURE.

APPLICANT: HG Group

## **1 Site Description**

- 1.1 The site is approximately 1.24 hectares in size and is located to the south east of Welwyn Garden City town centre and train station. The irregular shaped parcel of land comprises a large building and other ancillary buildings and was in use as a Research and Development complex (Class B1b).
- 1.2 The existing buildings on site include laboratories with 5 industrial storeys and 2 levels of basement. The 5 industrial storeys are combined with a 2 storey plant space on the roof, this gives a total building height of approximately 30.51 metres to the stair core roof on the roof top and 34.75 metres to the top of the chimney flues. Along the eastern boundary there are ancillary buildings such as outhouses and plant rooms. Vehicular access to the site is provided via BioPark Drive, a private road which joins Broadwater Road.

## **2 The Proposal**

- 2.1 Planning permission is sought to demolish the former BioPark buildings and erect 6 apartment blocks (Blocks A&B, C&D, E and F) and 8 townhouses.
- 2.2 The scheme consists of 289 residential units and 112.4 square metres of community use in Class E/F2. 29 residential units (10%) will meet Part M4(3) standards for wheelchair users and all others will meet Part M4(2).
- 2.3 The proposed unit mix is 129 x 1-bed (44%); 126 x 2-bed (44%); 26 x 3-bed (9%); and 8 x 4-bed (3%). 29 units (10%) are proposed as affordable housing, with the tenure being 100% (29 units) shared ownership.
- 2.4 Blocks A and B are 6 to 9 storeys; Blocks C and D are 5 to 8 storeys; Block E is 4 to 7 storeys; and Block F is 2 to 4 storeys. The townhouses are 2 to 3 storeys and located at the most southern part of the site.

- 2.5 The proposed massing steps from 2 storeys to 9 storeys, from the south to the north of the site. The massing is focused towards the western edge of the site adjacent the railway line. The tallest element is located to the north of the site and is approximately 29.45 metres at the top of the roof parapet. This is approximately 1.06 metres below the existing main building's stair core roof and 5.3 metres below the maximum height of the chimney flues.
- 2.6 There is only one vehicular entrance to the site which is via the existing access road (BioPark Drive). The proposal includes improvements to BioPark Drive, including a 4.8m carriageway and 3.1m wide footpath/cycleway.
- 2.7 The proposal utilises and extends the existing basement for car parking provision for the flats. Each townhouse would have car parking provision within their respective curtilage. There would be a total of 197 parking spaces for the residential properties (168 standard and 29 disabled) and 22 visitor spaces. The community hub would have 6 associated parking spaces (5 standard and 1 disabled). Over 20% of spaces would have electric vehicle charging provision and there would be 1 car club bay with active electric vehicle charging.
- 2.8 Outdoor amenity space is provided in a number of different locations across the site. This includes a community lawn area, orchard hideaway, outdoor dining area with edible planting, amphitheatre feature with dual attenuation drainage basin use; three doorstep play spaces, communal roof terraces, formal play areas and green and brown roofs. In total 3,023sqm of public open space is proposed. Each residential unit also has access to public amenity space.

### **3 Reason for Committee Consideration**

- 3.1 This application was called-in by Councillor Malcolm Cowan in January 2021 for the following reasons:
- The application appears to conflict with council policies and the Broadwater Road West SPD;
  - Erratic selection of neighbouring residents to notify;
  - Unfortunate precedents that might be set for nearby applications were this approved.
- 3.2 It is noted that while Malcom Cowan is no longer a Councillor, the current Councillors for this Ward have confirmed this call-in.
- 3.3 This application is also referred to Committee given the strategic importance of the development proposal.

### **4 Relevant Planning History**

- 4.1 Secretary of State Screening Direction  
Secretary of State case reference: PCU/EIASCRC1950/3263775  
Decision: An Environmental Statement is not required.  
Decision Date: 4/02/2021
- 4.2 Application Number: 6/2020/2354/EIA  
Decision: EIA Required  
Decision Date: 18/11/2020

Proposal: Request for a Screening Opinion to determine whether an Environmental Statement is required for a proposed redevelopment of BioPark, Broadwater Road, Welwyn Garden City, AL7 3AX

- 4.3 Pre-Application Number: 6/2020/2805/PA  
Decision: Refused  
Decision Date: 19/11/2020  
Proposal: Erection of 289 residential units with associated private and communal amenity space, public open space, car and cycle parking and landscaping
- 4.4 Pre-Application Number: 6/2020/2378/PA  
Decision: Refused  
Decision Date: 16/09/2020  
Proposal: Design workshop for the erection of 340 residential units with associated private and communal amenity space, public open space, car and cycle parking and landscaping
- 4.5 Pre-Application Number: 6/2020/1932/PA  
Decision: Refused  
Decision Date: 10/09/2020  
Proposal: Erection of 297 residential units with associated private and communal amenity space, public open space, car and cycle parking and landscaping
- 4.6 Pre-Application Number: 6/2020/0804/PA  
Decision: Refused  
Decision Date: 01/07/2020  
Proposal: Erection of 340 residential units with associated private and communal amenity space, public open space, car and cycle parking and landscaping
- 4.7 Application Number: 6/2017/1243/FULL  
Decision: Granted  
Decision Date: 11/08/2017  
Proposal: Retention of 3 and erection of 1 further antenna on lift shaft roof of BioPark.
- 4.8 Application Number: N6/2010/0263/MA  
Decision: Granted  
Decision Date: 17/05/2010  
Proposal: Erection of two storey building for employment (B1) use.
- 4.9 Application Number: N6/1995/0349/FP  
Decision: Granted  
Decision Date: 10/07/1995  
Proposal: Extension above fourth floor level of building 30 to provide laboratories, services/plant room.

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2021 (NPPF)
- 5.2 The Saved 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)
- 5.7 Broadwater Road West Supplementary Planning Document 2008 (Broadwater Road West SPD)
- 5.8 National Design Guide

## **6 Site Designation**

- 6.1 The site lies within the settlement Welwyn Garden City 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 notices. In total 674 objections were received, 27 comments and 5 letter of support. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- Pressure on local infrastructure capacity (including schools, medical etc.)
- Pressure on existing transport infrastructure
- Insufficient parking and existing parking pressures on nearby streets
- Not consistent with Broadwater Road West SPD – namely in terms of height
- Not in keeping with Garden City ethos/vision
- Out of character with area
- Heritage harm
- Insufficient affordable housing and lack of social housing
- Obtrusive impact on nearby dwellings, loss of natural light, overlooking and loss of privacy
- Development will exacerbate traffic issues
- Future residents would be subject to excessive noise
- Air pollution danger
- Size of houses not appropriate
- Market already saturated with flats
- Overdevelopment of plot
- Eyesore
- Too tall and dense
- Lack of green space
- Unacceptable housing mix
- Drainage and flood risk
- Fear of crime
- Loss of property values

## *Support*

- Looks great and improvement relative to existing building on site
- Good location
- Uses brownfield land

## **8 Consultations Received**

8.1 The Gardens Trust and Heritage Garden Trust – Objection summarised as follows:

- Height and massing would cause harm to the setting of the designated heritage assets;
- Redevelopment of the area will adversely affect the relatively low rise residential properties in the immediate vicinity;
- No objection to a modest residential scheme though regret that the industrial heritage of the town has not been valued as much as the residential heritage, both now and in the past.

8.2 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:

- Place Services Urban Design Officer
- WHBC Landscape Officer
- WHBC Public Health and Protection
- WHBC Parking Services
- HCC Growth Infrastructure
- HCC Minerals and Waste Team
- HCC Historic Environment Advisor
- HCC Public Health Department
- Natural England
- Herts & Middlesex Wildlife Trust
- National Health Service
- Network Rail Thames Water
- Affinity Water
- HCC Rights of Way
- Environment Agency
- Sport England
- Hertfordshire Constabulary
- Highways England
- Cadent Gas
- HFRS Fire Protection
- HCC Ecology

8.3 No response was received from the following consultees:

- Hertfordshire Building Control Limited
- HCC Adult Care Services
- Welwyn Garden City Chamber of Trade
- Joint Committee of the National Amenity Societies
- The Ramblers Association
- Govia Thameslinks Railway
- Welwyn Hatfield Access Group
- Herts Sports Partnership

## **9 Analysis**

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

- 1. Background**
- 2. Principle of development**
- 3. Heritage**
- 4. Quality of design and impact on the character of the area**
- 5. Residential amenity**
- 6. Highways and parking**
- 7. Other considerations**
  - i) Housing mix**
  - ii) Ecology**
  - iii) Flood risk and sustainable drainage**
  - iv) Sustainability and renewable energy**
  - v) Contaminated land**
  - vi) Waste management**
  - vii) Archaeology**
  - viii) Environmental Impact Assessment**
  - ix) Permitted development rights**
- 8. Planning obligations**
- 9. The planning balance**

### **1. Background**

9.2 Part of the application site is defined on the District Plan Proposals Map as part of the Mixed Use Development Site at Broadwater Road West, which is subject to Policy EMP3 of the District Plan. This is part of Welwyn Garden City Industrial Area (EA1) and, as such, is subject to the provision of Policy EMP2 of the District Plan.

9.3 Policy EMP2 of the District Plan 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. The site is also defined under Policy EMP3 of the District Plan to fall within the mixed use development site Broadwater Road West, which states development shall also comply with a Development Brief to be approved by the Council as a supplementary planning document.

9.4 To guide the future development of the site, a Development Brief titled Broadwater Road West Supplementary Planning Document 2008 was prepared. The Broadwater Road West SPD outlines the Council's vision for the future development of the area and sets out a masterplan to guide and promote the comprehensive redevelopment of the site.

9.5 With regard to this application site, the Broadwater Road West SPD says:

*“The BioPark buildings located in the south western corner of the site are occupied by the University of Hertfordshire and provide a unique facility for bioscience and health technologies. The SPD does not therefore propose the redevelopment of this part of the site as it recognises the economic development*



*potential of the facility for the town, which should be supported through the redevelopment of the rest of the land.*

- 9.6 The plan period of the District Plan ended in 2011 but the District Plan remains the adopted Development Plan for the borough.
- 9.7 The Council has prepared a Draft Local Plan Proposed Submission 2016 (emerging Local Plan) to replace the District Plan. The emerging Local Plan was initially submitted to the Secretary of State in May 2017. Within this, the site falls under Policy SP 17 (Mixed use development site at Broadwater Road West), which states:

*“The BioPark site will be retained in Class B1b use unless it can be demonstrated that it is no longer suitable for use as a research facility or it is reprovided elsewhere in Welwyn Hatfield.”*

- 9.8 Despite this draft policy, in the Local Plan Proposed Alterations - Additional Sites document (January 2020), WHBC Officers’ recommended to Councillors that:

*“The University of Hertfordshire has confirmed its intention to close the facility and the site has been marketed for sale... The building is understood to need modernisation at considerable costs to attract life science occupants. Marketing evidence submitted indicates limited interest in the site for specialist B class users.*

*On balance, it is considered that the specialist nature of the buildings and the investment requirement could make the site difficult to sell or let and the contribution the site could make to housing land supply outweighs the loss of employment land.”* (Local Plan Proposed Alterations - Additional Sites, p.64)

- 9.9 The BioPark facility is now closed and the reasoning for that is discussed in paragraphs 9.26-9.30 of this report.
- 9.10 The application site (Pea102) was presented to full Council on the 23rd of November 2020, where Councillors voted for a 13,800 dwelling (690 per annum) Objectively Assessed Need figure and agreed to take forward the site selection strategy, including the allocation of 250 dwellings at the site.
- 9.11 The emerging Local Plan is currently the subject of examination by an independent Planning Inspector. As part of the process of producing the new Local Plan the Council assessed the housing need in the borough. Having regard to this, the Council determined that the site is required to help meet future growth needs and accordingly it is now included as a proposed housing allocation in the emerging Local Plan. The Council does not currently have a five year supply of deliverable housing sites, a position which the Local Plan seeks to remedy.
- 9.12 Whilst the new Local Plan has yet to be adopted and does not therefore form part of the development plan, it is appropriate that weight is given to it in the decision making process. Paragraph 48 of the NPPF sets out that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.13 The emerging Local Plan is currently subject to examination and is therefore at an advanced stage of the plan making process. It is noted that the Inspector has indicated that he has soundness concerns about the plan in its present form. The Council has proposed additional housing sites, including this site, to meet the Council's Full Objectively Assessed Need (FOAN) which were under Examination in March 2021.

9.14 In July 2021, following the Stage 9 hearing sessions, the examining Inspector provided several reports, including reports on the FOAN and conclusions on the soundness of the sites he has examined. The Inspector identified that the housing requirement figures for the plan period 2016-36, should be increased to 15,200 dwellings (an average of 760 dwellings per annum). He also stated that the allocation of Pea102 was sound.

#### *Housing Land Supply*

9.15 The NPPF sets out in paragraph 74 that planning authorities should at all times be able to identify sites sufficient to provide a five year supply of housing land against their housing target. The National Planning Practice Guidance (NPPG) states that the 'number of homes required' for the calculation of the five year housing land supply is the housing requirement in Local Plans.

9.16 In January 2021, the Council produced the Annual Monitoring Report (AMR). Within this it stated that:

*'...as the borough's new Local Plan is still under examination and the most recent adopted housing requirement figure is more than five years old, the minimum annual local housing need figure should be used. This is calculated using the Standard Methodology, which takes national household growth projections over a ten-year period as a baseline, then applies an affordability adjustment using the median workplace-based affordability ratio. Any increase is capped at 40% of the projected household growth.'*

*Policy guidance, released in February 2019, states that the 2014-based household projections should be used as the baseline for the standard method. Under this methodology the minimum local housing need figure for Welwyn Hatfield is 875 dwellings per annum.*

*Against the standard methodology the borough has a housing land supply of 2.58 years. Whilst the housing supply is below the national 5-year requirement, until the Draft Local Plan is adopted, the borough is unlikely to be able to meet this requirement.'*

9.17 As the council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development, as set out in Paragraph 11 of the NPPF, is engaged. Paragraph 11(d) states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *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.*

9.18 The Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284. This equates to 63%. Because supply has fallen below 75%, the Council needs to apply the presumption in favour of sustainable development when determining planning applications, which means granting planning permission unless there are clear reasons for refusal.

9.19 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 planning permission should be granted applying paragraph 11(d).

## **2. Principle of Development**

9.20 The site lies within the settlement of Welwyn Garden City, where in accordance with Policy GBSP2 of the District Plan there is no objection in principle to development. Furthermore, Policy R1 of the District Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan.

9.21 These objectives are consistent with the NPPF which promotes and supports the development of under-utilised land and buildings (para.120) and the efficient use of land (para.124).

### *Employment*

9.22 This area of land is defined on the District Plan Map as part of the Mixed Use Development Site at Broadwater Road West and as such, is subject to the provisions of Policy EMP3 of the District Plan. The site is located within Employment Area EA1 – Welwyn Garden City Industrial Area. It is identified as an opportunity area of planned regeneration for mixed use development comprising primarily employment, housing, leisure and rail-related uses. Development of the site shall be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed. Development shall also comply with the Broadwater Road West SPD.

9.23 Policy EMP2 of the District Plan 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.

9.24 Within the emerging Local Plan, Policy SP 17 states that the BioPark site will be retained in Class B1b use unless it can be demonstrated that it is no longer suitable for use as a research facility or it is re-provided elsewhere in Welwyn Hatfield. As the Examination of the emerging Local Plan has progressed, and in

recognition of the need to allocate additional housing development, the use for the site has shifted from employment uses towards residential (site Pea102).

- 9.25 Until the emerging Local Plan is adopted, limited weight can be afforded to Policy SP 17 and the allocation of this site for residential development. More weight should therefore be afforded to Policies EMP2 and EMP3 of the District Plan. These policies seek to retain the site as a Research and Development site (class B1b) unless it can be demonstrated that the site is not required to meet future employment requirements and business needs. All such proposals will also be required to satisfy criteria (i) to (v) of Policy EMP2 and other relevant policies of the Plan relating to the use proposed. In all cases, the proposed development must comply with the design policies contained in the Plan.
- 9.26 As the proposal would not be for a Class B1, B2 and B8 use, a Marketing Report undertaken by Savills has been submitted in support of the application. The same report was also submitted as part of the additional sites in the Local Plan Proposed Alterations - Additional Sites document (January 2020). Having reviewed the submitted Marketing Report and documentation submitted alongside the site's promotion in the emerging Local Plan, it is considered that the fundamental problem in letting the BioPark is its geographical location (due to the site's isolated location away from the University and other large scale life-sciences) and also the poor condition of the building. These factors have resulted in a continued lack of demand.
- 9.27 The BioPark facility is a specialist building of mixed laboratories, offices and ancillary space. It was secured from Roche Products Ltd by the University of Hertfordshire (UoH) in 2006 and in the same year the UoH injected substantial investment into the building. However, despite this initial outlay, the space no longer aligns with market expectations and the laboratory facilities are no longer in demand. Notwithstanding the investment made and continued active marketing in the life sciences sector and in the local market by the UoH, the facility has never been at full occupancy. The BioPark suffered a major setback in November 2018 when the largest tenant, Heptares, relocated to Granta Park near Cambridge. At that time, the building was only 44% occupied. Also, the remaining tenants had minimal relationship or dialogue with the academic community in Hatfield.
- 9.28 A marketing agent for BioPark has identified that life science companies require modern, fit-for purpose facilities which the BioPark does not provide. However, it is not a matter of upgrading the building as such an option is not viable financially and, even if it was, there is no guarantee that it would generate significant new demand due to the site's inappropriate location. It was commented that trying to let BioPark was a difficult task, likely to become more difficult in future.
- 9.29 Marketing evidence therefore submitted indicates limited interest in the site for specialist B class users. Due to operational issues in terms of the facility not being viable as a centre for innovation and employment in the bioscience sector or indeed for general employment, the UoH recently took the decision to close the facility.
- 9.30 Taking account of the above, it is considered that it has been clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs.

- 9.31 The majority of the proposal would be in residential use, with an ancillary community use space for a gym/café (Class E/F.2) of up to 112.4 square metres. Criteria (v) of Policy EMP2 of the District Plan is therefore not relevant. The scale of employment from the proposal would not result in an unacceptable impact on the housing in the travel to work area, thus satisfying criteria (i) of Policy EMP2. With regard to the outstanding criteria under Policy EMP2, it is considered that these would be satisfied and have been assessed in this report under the relevant headings (highways and parking; and residential amenity). Subject to the proposed development complying with the design policies contained in the Plan, the proposal satisfies Policy EMP2 of the District Plan.

### *Residential Development*

- 9.32 The proposal is mainly for residential development. As the site is not part of an allocated housing site within the District Plan, the development would be considered as windfall housing and therefore Policy H2 of the District Plan is relevant. As previously mentioned, the site is allocated in the emerging Local Plan for housing and at this stage limited weight is afforded to this.
- 9.33 The proposed development is considered to comply with the criteria of Policy H2 of the District Plan as it is a previously developed site, with various sustainable modes of transport (bus and rail) within walking distance from the site, along with town centre services and amenities. Planning obligations have been sought to offset the demand from this proposal upon existing infrastructure, thus ensuring that the infrastructure can accommodate the development. The development would also not undermine the delivery of allocated sites and there are no known physical or environmental constraints on the site. For these reasons the proposal is considered to satisfy Policy H2 of the District Plan.

### **3. Heritage**

- 9.34 As required under Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard shall be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.35 Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.36 Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 9.37 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.38 Policy R28 (Historic Parks and Gardens) states that development will not be permitted if it would lead to the loss of, or cause harm to, the historic character, appearance or setting of any part of a registered historic park or garden.

- 9.39 Policy SADM15 (Heritage) of the emerging Local Plan sets out that proposals should respect the setting of heritage assets in terms of design, scale, materials and impact on key views. It continues by stating that proposals that result in less than substantial harm to the significance of a designated heritage asset will also be refused unless the need for, and benefits of, the development in that location significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented.
- 9.40 Policy SP15 (The Historic Environment of Welwyn Garden City) echoes this policy objective and says that development proposals should respond to the key historic character and significance of the Garden City.
- 9.41 Policy SP 9 (Place Making and High Quality Design) of the emerging Local Plan outlines that proposals for taller buildings should positively respond to matters within their design solutions, including the impact on historic assets.
- 9.42 The site is located to the east of the Welwyn Garden City Conservation Area (WGCA), to the west of the Grade II listed former Roche office building (list entry no: 1348142) and to the south east of the Grade II listed former Shredded Wheat factory (list entry no: 1101084).
- 9.43 Approximately 4km to the south of the site are Hatfield House (Grade I listed) and its associated parkland (Hatfield Park Registered Park and Garden, registered at Grade I) which also includes the Old Palace (Grade I listed) and, immediately to the west of Hatfield Park, St Etheldreda's Church (Grade I listed). Whilst these assets are at a distance from the site, due to the low rise buildings within Welwyn Garden City, tall buildings are likely to impact on views north from these assets.
- 9.44 The heritage assets affected by the proposal and identified within the Heritage Townscape Visual Impact Assessment (HTVIA) are the:
- Welwyn Garden City Conservation Area (WGCA);
  - Grade II listed former Roche office building (list entry no: 1348142);
  - Grade II listed former Shredded Wheat factory (list entry no: 1101084);
  - and
  - Grade I listed Hatfield House and its associated parkland (Hatfield Park Registered Park and Garden, registered at Grade I) which are located approximately 4km to the south of the site.

*Grade I Hatfield House and its associated Registered Park and Garden*

- 9.45 The proposal seeks to demolish the existing building and redevelop the site with six apartment blocks of varying heights (up to a maximum of nine storeys) and a row of two and three storey townhouses.
- 9.46 Following an initial consultation with Historic England and Place Services Historic Building Officer, a Heritage, Townscape and Visual Impact assessment Addendum was submitted. This document assessed the views from Hatfield House and the southern approach to the house from the grade I registered park and garden. The existing and proposed mass has been drawn on the photographs which assists in understanding the impact of the scheme upon the significance of these highly graded heritage assets. Both consultees were subsequently consulted to comment on the Addendum.

9.47 Historic England commented the following,

*'The existing and proposed mass lines show that the proposed development would be slightly shorter in height but would be wider. Although it is appreciated that a wire diagram cannot show articulation within the mass, it is clear that the footprint of the development is larger.'*

*The existing development, with its white cladding is visible within the setting of Hatfield House and within the wider setting of the registered park and garden, indeed the avenue of trees leading from the north front of the house appears to lead the eye directly towards the site. The increased wider mass of the proposed development would creep taller built form towards this sightline and further erode the generally open character of the view along the avenue. This is noticeable from Figure 1 which is taken from the roof of the building. Although the document notes that this is not a currently accessible view for the public, it would have once been a view that was accessible to guests and formed a historic viewing point over the parkland. Impacts upon this view are therefore important to significance of the building.*

*Figure 3 shows the impact of the existing and proposed masses upon the designed views from the southern approach to the house, where the land gently rises and views over Hatfield House towards the industrial zone and Welwyn Garden City are possible. The wider building mass is appreciable from this angle and while individual buildings may not be possible to discern from this distance, the increased size of built form is visible and would have a direct impact upon longer range views from the Grade I listed building. The site sits between the central clock tower and the slightly raised end extension blocks where the roof is at its lowest. The protrusion over the historic roofline of the current Biopark building still allows a degree of open space to be appreciated on either side of it however, the proposed increase in mass of the new development would entirely fill this gap in the architectural form of the historic building with modern built environment thus having the effect of enclosing the historic building form and loss of a through view.*

*Historic England consider that the LVIA addendum has shown the increased building mass to be of concern to the setting and significance of the grade I listed building and, the designed views and vistas from the grade I registered park and garden at Hatfield Park. Figures 1 and 3 indicate that the site is within an important vista and to increase the visibility of it by increasing its size would make modern built form more dominant within the historic environment and detract from the significance of Hatfield House and park and garden. The proposal would not therefore be in accordance with paragraphs 193, 194 and 200 of the NPPF.*

*Historic England comment that careful consideration of the massing and materials could reduce the visibility of the site and therefore reduce the impact upon the heritage assets. Whilst the proposed massing would not be reduced, a condition is proposed to agree the materials. In doing so, this would improve the materiality of the mitigating some of the harm upon the heritage assets.*

*Historic England do not object in principle to the redevelopment of this Biopark site however, at present we still have concerns relating to the scheme and consider that the development would cause less than substantial harm, low in scale to the highly graded heritage assets. We therefore consider that it is for your local authority to carry out the planning balance as required by paragraph 196 of the NPPF.'*

- 9.48 The Council also consulted Place Services, Senior Built Heritage Consultant. With regard to Hatfield House and Park, the Senior Built Heritage Consultant commented the following,

*'Figures 1 to 4 within the HTVIA Addendum now support the written assessment included in the HTVIA. The wireline diagrams show that the existing and proposed buildings are visible in these viewpoints. The existing and proposed buildings form part of the wider views across the landscape towards and including the built form of the Garden City. The proposed buildings do not break the horizon line and are partially filtered by existing trees and vegetation. The amount of built form on the site will increase, however, the proposed buildings will be of a more appropriate colour (rather than bright white) and will not be higher than the existing building. Places Services Senior Built Heritage Consultant concluded that the HTVIA Addendum of a neutral impact is agreed.'*

- 9.49 Having considered the experts advice above, there is disagreement between them that there would be harm to the heritage assets. One expert identifies less than significant harm and the other identifies a neutral impact.
- 9.50 In line with paragraph 202 of the NPPF and Policy SADM15 of the emerging Local Plan, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is discussed at the end of this report, once all heritage assets and planning matters have been assessed.

#### *Grade II listed Former Roche Office*

- 9.51 In regards to the impact upon the Roche building, Place Services Senior Built Heritage Consultant commented that the viewpoints, in particular figure 5, shows that the new development will not be an intrusive feature in the backdrop to the former Roche office building, preserving its prominence on the corner of Broadwater Road and Otto Road. It is therefore agreed that there will not be a harmful impact on the setting of the former Roche Building.

#### *Grade II Former Shredded Wheat Silos*

- 9.52 Place Services Senior Built Heritage Consultant commented that at nine storeys maximum height, and considering the scale of the existing building, the proposal is also considered acceptable in regard to maintaining the landmark qualities of the former Shredded Wheat factory and particularly its silos. The prominence of the silos at the heart of the Garden City's original industrial area would still be appreciated.

#### *Welwyn Garden City Conservation Area (WGCA)*

- 9.53 In terms of the impact upon the Welwyn Garden City CA, as advised by Place Services Senior Built Heritage Consultant, the CGI viewpoints (albeit with solid trees) and the two verified views demonstrate that the proposal will have a minimal impact on views towards the site from within the WGCA. The domestic scale, planned layout and unifying architectural style of the WGCA will be preserved and there is not considered to be a detrimental impact on its character or appearance. Where there are glimpsed views of the proposed buildings from the CA, the proposed design and materials are considered to be sympathetic as they reflect architectural elements of the Garden City.



### *Conclusion on heritage assets*

- 9.54 To conclude, Historic England has identified that any harm would be from the impact of the development on the significance of the Grade 1 listed Hatfield House and registered Parks and Garden. On account of impact on the setting, the harm is 'less than substantial.

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

- 9.55 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 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.
- 9.56 These objectives are broadly consistent with the 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.
- 9.57 The Broadwater Road West SPD considered that the site should be retained in its current use and, therefore, did not propose to redevelop the site. The masterplan in the SPD sought to enhance the setting and considered it to form a part of the employment offer for the wider strategic site. The design principles were therefore not necessarily applied directly to the application site. It is however noted that the site falls within the strategic development. Therefore, in order to ensure a cohesive development is achieved, the principles will be considered as part of this application.

### *Density*

- 9.58 In terms of density, Policy H6 of the 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. The Broadwater Road West SPD states that density within the area shall be approximately 75 dwellings per hectare.
- 9.59 Policy SP9 of the emerging Local Plan recognises that proposals should be of an appropriate density and combine the efficient use of land with high quality design whilst respecting character and context. It continues by stating that higher densities are encouraged in accessible locations near transport hubs or town centres.
- 9.60 In this instance, the proposal is approximately 233dph and consequently the high density will only be acceptable subject to it not having an adverse impact on the character of the surrounding area and satisfying the design policies of the plan.
- 9.61 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. Indeed, the site has been allocated in the emerging Local Plan for 250 dwellings. This figure will inevitably involve a significant proportion of flats.

Furthermore an increased density will be required to ensure a variety and mix of uses and also 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.

### *Height*

9.62 The proposal includes heights ranging from 2 to 9 storeys. The tallest proposed building would be a maximum height of approximately 29.45m (9 residential storeys). The existing building on site is a maximum height of approximately 30.51m in height (approximately 10 residential storeys). The maximum height on the site would therefore be reduced through this proposal.

9.63 Paragraph 6.17 of the Broadwater Road West SPD states:

*“Given the context of the listed buildings, it is generally considered that buildings on the site should not be more than 5 storeys in height. Furthermore, where new build development on the site is proposing development of 5 storeys (or more) the resulting scheme will be assessed with regards to both the contribution that such height could bring and any adverse impacts. In reviewing schemes that include development of 5 storeys (or more) the Council will consider the following criteria –*

- *Relationship to context of the site and the wider area*
- *Effect on historic context of the site and the wider area*
- *Relationship to transport infrastructure*
- *Architectural quality of the building*
- *Design credibility of the building*
- *Sustainable design and construction*
- *Contribution to public space and facilities*
- *Effect on the local environment and amenity of those in the vicinity of the building*
- *Contribution to permeability*
- *Provision of a well designed environment including fitness for purpose.”*

9.64 It should also be noted that as the application site was not considered as part of the redevelopment of the wider strategic site and was intended to be retained in its current form, the Broadwater Road West SPD therefore anticipated that the existing building on the site, which has a maximum height of approximately 30.51m would be retained.

9.65 On behalf of the Local Planning Authority, a Principal Urban Designer from Place Services was appointed to review the proposal. With regard to height they commented that the proposal represents a positive approach to height, with the tallest element at 9 storeys (akin to Wheat Quarter) being located at the northern edge of the site furthest away from the more sensitive low density residential development to the south. Locating the height along the western boundary

closest to the railway line reduces its impact on the existing 4 storey residential blocks on the opposite side of the access road, and height has generally been stepped down from west to east to help ensure this. The most sensitive part of the site, currently shown as 2/3 storey townhouses, represents an appropriate transition to the suburban form of Welwyn Garden City to the south both in terms of height and density/typology of housing. The height of the buildings proposed therefore decreases towards the south of the wider Broadwater Road West Strategic site.

- 9.66 Further to the Principal Urban Designer's comments, it should be noted that consideration is given towards the extant permission of the Former Shredded Wheat site (6/2018/0181/MAJ). Within this permission the tallest building was 9 storeys to the north of the site and the most southern building block, closest to the BioPark site, was a maximum of 5 storeys and is currently being built out. The consented Shredded Wheat scheme therefore has a gradual stepping down in building heights to the buildings surrounding the Roche building. Whilst this scheme proposes 9 storeys, the current scenario includes a taller building on site. This proposal would not therefore introduce tall buildings on the site, but rather replace an existing taller building. Notwithstanding this, as advised by the Principal Urban Designer, the proposal introduces a gradual decline on this site to respond to existing surrounding properties, as required in the Broadwater Road West SPD.
- 9.67 The Principal Urban Designer also outlines that the proposal would alter what is currently a large, monolithic block on the skyline to one which is considerably more interesting through a series of heights with regular breaks between. The use of the mansard roofs with their angled roof forms will also help to reduce the perception of bulk and height through creating more of a slim-lined approach to the tops of the buildings.
- 9.68 The Principal Urban Designer concluded that the scheme now sits comfortably within its context, particularly in light of the extant planning permission for the Wheat Quarter to the immediate north. It is also their view that whilst being taller than the stated heights within the Broadwater Road West SPD, the development would conform with the overarching principles of this design guide.
- 9.69 At pre-application stage there was concern with regard to 9 storeys and the applicant was advised to demonstrate through the use of CGIs how the views of the existing building and proposed development differ. This was requested to demonstrate the impact upon the character and appearance of Welwyn Garden City.
- 9.70 The applicant has submitted indicative images within the Planning Statement (Figure 9; Figure 10; Figure 11) and page 67 of the Design and Access Statement, demonstrate the massing and height of the proposal in contrast with the existing building and wider context, including the approved Shredded Wheat scheme (6/2019/0171/MAJ). In addition to this, a table has also been included within the Planning Statement on page 45 and 46 to demonstrate how the scheme responds to the Broadwater Road West SPD Design Principles.
- 9.71 The indicative images show the existing massing in red with the proposed massing overlaid. The further information, from a design perspective, demonstrates that the proposal would be approximately 1 metre less than the existing building. The taller elements of the proposal are also set to the north-west of the site adjacent the railway line. The buildings reduce in height, towards

the south of the site, where townhouses are proposed adjacent existing 2/3 storey properties. The indicative images also demonstrate that, in contrast to the existing buildings on site, the built form would be broken up.

#### *Design Quality and Materials*

- 9.72 The Principal Urban Designer commented that the elevational treatment are of high quality and include distinctive elevations. The material palette for the apartment block and townhouse elevations are considered to be a positive response to the traditional materials used in Welwyn Garden City. The proposed mansard roofs (as a dominant architectural feature in the Garden City) are also positive and well-articulated, and it remains the view that this treatment will offer something unique and represents a high level of design aspiration and intent.
- 9.73 The use of terracotta tiles with a textured/riven finish are considered to be an appropriate detail, and provide a way of 'softening' the roofs whilst also being in-keeping with the existing mansard roof materials. These materials, amongst others, will be secured by planning condition to ensure a high quality design is achieved.
- 9.74 A rainwater good strategy was also provided with the application. The rainwater goods are proposed in colours to match the external openings, in order to accent and compliment the building form. A neat bronze box gutter trims the edge of the tiled mansard. These will be secured by planning condition.
- 9.75 The Principal Urban Designer did seek a variation of the mansard to Block E as it was considered the full height mansard may appear slightly contrived. Following further work by the applicant other examples were presented, however the Principal Urban Designer was happy with their original option.
- 9.76 As for the materials proposed for hard landscaping, it is considered that such materials contribute to defining key public and private spaces and provide articulation to the shared access routes. The materials selected have been informed by the function of each space providing longevity and quality to the hard landscapes and contributing to their character. For further details on location, refer to General Arrangement Plans BMD.20.044.DR.P101-P104.

#### *Landscape, Amenity and Public Realm*

- 9.77 Policy D4 of the District plan expects new development where appropriate to either create or enhance public areas and the public realm. Design of the public realm should also meet the requirements of Policy D8 on landscaping. Policy R17 of the District Plan seeks to protect existing trees, whilst Policy D8 of the District Plan requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 of the District Plan would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 9.78 Welwyn Garden City was designed with buildings set within an 'Arcadian' landscape context with accessible open space, mature trees, hedgerows and boulevards. The "Garden City" was seen as a combination of living in the country yet at the same time having industry close by.

- 9.79 Landscaping within the existing site is limited to trees along the boundaries. A survey of the trees on the site has been undertaken in accordance with BS:5837:2012 and is considered to be a fair appraisal of the trees. According to the report the proposal would retain most of the trees with the loss of one high quality tree and several lower quality trees. The loss of these trees would be mitigated through the proposed landscaping of the site. The tree protection methods set in the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) are considered sufficient to retain the trees successfully through the development. A condition is recommended to ensure the AMS and TPP are adhered to fully.
- 9.80 The proposal includes the provision of sedum/green roofs, including PV panels, of all flat roof areas which are not accessible by residents. This is welcomed in the interest of environmental sustainability. The PV panels will be screened from views from pedestrian level as a result of enhanced height parapets to the mansard roofs, thus ensuring a high level of design is retained. The PV panels and sedum/green roofs will be secured via condition. Additional sustainable design features are detailed in section 7(iv) of this report.
- 9.81 The proposals also presents the opportunity to enhance connectivity within the Garden City and Broadwater Road West Opportunity Area by providing pedestrian and cycle routes to the north to the Wheat Quarter and to adjacent residential development to the east and south. While agreement would be required to provide such linked access through the Wheat Quarter, the layout of the scheme has been designed to facilitate this.
- 9.82 As for the proposed landscaping scheme, it seeks to replicate the Garden City ethos by creating a public realm that: Creates a strong sense of place; increases biodiversity and sustainability; provides connected and integrated routes; and provides social, recreational and edible spaces for the community. In order to achieve this, the entrance to the site will be improved, with the introduction of hedgerows and climbers, which would create a greener entrance and better sense of arrival. The scheme also proposes raised planters, edible landscapes surrounding outdoor seating, and an area for an orchard and communal roof gardens on the site.
- 9.83 Due to the existing site featuring little landscaping, there is stated to be an over 700% biodiversity net gain beyond the existing situation. The Principal Urban Design Officer considers this to be a triumph of the landscaping strategy of the site. The proposed landscaping scheme is therefore considered to enhance the soft landscaping on the site and create a more attractive and pleasing residential environment for future occupiers.
- 9.84 The proposal also includes a series of inter-connected communal gardens focused around landscaped areas. The communal gardens to the north and south of the site will introduce doorstep play, and a landscaped area in the centre of the site is identified for outdoor dining, which includes seating and edible planting and an attenuation basin with sculpted sides creating a small informal amphitheatre and communal lawn area. These areas of open space will be accessible for future occupiers and existing residents. The amount and use of the open space on the site is positive and is considered to create a public realm with a strong sense of place, which creates social, recreational and edible spaces for the future and existing community, which is supported.

- 9.85 In addition to the public open space, the proposal includes communal rooftop gardens, which will have seating and planting. Further to this, the scheme includes private amenity space (via balconies) for each residential unit. The Principal Urban Design advised that the approach to private amenity is strong, with a good use of private and communal terraces, full and semi recessed balconies and projecting balconies which help to add variety and rhythm to elevations and are appropriately located to deal with the prevailing conditions depending on which orientation the elevation is facing.
- 9.86 The Principal Urban Designer commented that the communal amenity is 27.4sqm per unit, which is above and beyond what would be considered reasonable when combined with each unit having private amenity in excess of 5sqm (in many cases considerably more). The Principal Urban Designer commented that in the conditions of working from home which is likely to be a continued theme into the future, where communal and private amenity spaces will need to work harder and then previously before, this is another triumph of the scheme. The approach to communal and private amenity, along with the treatment of the public realm is therefore considered to be a very strong element of this scheme.
- 9.87 Boundary treatments are used to define the public and private spaces. Where private ground floor terraces front on to public realm, railings with hedgerows are proposed creating a secure and semi-private space. Within the wider streetscene, ornamental and hedge planting provide a buffer between housing facades and shared surfaces. A 2.1m high timber fence with native hedge is also proposed along the allotment boundary for security and privacy to the rear of the proposed townhouses.
- 9.88 The proposal also includes street furniture such as freestanding benches, wall mounted benches, seating with tables, timber cube seating, sun beds, bins and cycle stands. The street furniture will complement the overall character and design of each space with a focus on contemporary design and a unified material palette. Subtle variations in form also enhance the character definition of the public realm and support the functions of individual areas (as shown on General Arrangement Plans BMD.20.044.DR.P101-P104). These will be secured via planning condition.
- 9.89 In conclusion it is considered that the proposed landscaping, amenity and public realm is of a high standard. If approved, additional detail, as outlined above, will be required for approval. This view is shared with WHBC Landscape Officer and Place Services Principal Urban Design Officer. The proposal therefore satisfies policies D1, D4, D8 and R17 of the District Plan.

#### *Design Summary*

- 9.90 Given the accessible nature of the site in relation to local bus services on Broadwater Road, the proximity of the mainline rail station and the Town Centre, it is considered that this site wholly appropriate for a mid-rise, higher density scheme. Therefore, the proposed density is not objected to.
- 9.91 The Principle Urban Designer states that this development achieves the high bar of expected design quality and will help to set the tone for future developments coming forward within this rapidly changing area of Welwyn Garden City, presenting a positive and truly distinctive uplift in design quality for the area.

9.92 The massing of the development is appropriate and would respect the evolving character of the area. The height of the proposal would also not be objected to subject to the amenity of those in the vicinity of the building being protected and effect on historic context of the wider area being deemed acceptable when applying paragraph 202 of the NPPF and the planning balance.

### **5. Residential amenity**

9.93 The NPPF highlights in chapter 12 'achieving well-designed places' that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

9.94 The Council's SDG outlines that development should not cause loss of light or be unduly dominant from adjoining properties. New units should also minimise overlooking and communal amenity area should be functional and useable. A similar approach to amenity and design is outlined in Policy SADM 11 of the emerging Local Plan.

9.95 Policies R19 of the District Plan explains that proposals will be refused if it is likely to be affected by unacceptable noise or vibration from other land uses. Conditions are supported to mitigate such impact. This approach is consistent with Policy SADM 18 of the emerging Local Plan and the NPPF.

#### Impact on living conditions of existing residents

9.96 The nearest residential properties to the proposed flats are those within Penn Way to the east of the site. Many of the properties within Penn Way are orientated so their flank wall and side gardens face toward the site. Separation distances vary between the proposed development and built form in Penn Way. There is an approximate separation distance of 21.5 metres between Block E and the nearest property in Penn Way. This distance increases to approximately 22.8 metres from Block A and approximately 29.5 metres from Block B. The spacing distance becomes much greater from the other proposed Blocks.

9.97 To the south of the site are three storey flatted blocks within Broadwater Crescent and two storey single dwellings. The nearest separation distance is approximately 10.5 metres and views between windows are oblique rather than direct.

9.98 To the west of the site, on the opposite side of the railway lines, are single dwellings within Longcroft Gardens and Longcroft Lane. The nearest separation distance is over 120 metres.

9.99 A Technical Note on Daylight and Sunlight has been undertaken by Antsey Horne. This includes an assessment of the potential changes to daylight and sunlight levels in the neighbouring properties. It also includes an assessment of the daylight and sunlight levels likely to be achieved in the proposed units and amenity spaces. Greengage Consultancy were instructed by the Local Planning Authority to assess the Daylight and Sunlight assessment submitted by the applicant.

9.100 Greengage Consultancy confirmed that overall the report and the calculations have been carried out in accordance with industry best practice, the modelling appears to be accurate and overall compliance with the criteria is very high. The proposal will therefore not give rise to a detrimental impact upon the amenity,

both indoor and outdoor, of existing or future neighbours by way of loss of daylight and sunlight.

- 9.101 Having regard to the layout and positioning of the proposed built form relative to existing properties, separation distances, location of windows and balconies, and soften landscaping, it is considered that the proposed development would not result in unacceptable levels of overlooking or loss of privacy. It is also considered that all nearby residential properties would receive acceptable levels of outlook.
- 9.102 To protect the amenity of existing residential properties in the near vicinity of the development and future occupiers from light spillage a condition is recommended requiring the installation of external lighting to be submitted and agreed with by the Local Planning Authority. This view is shared with by WHBC Public Protection and Health Officer.

#### Living conditions of future occupiers

- 9.103 All proposed units would meet the Nationally Described Space Standards as set by Government. It is evidenced that each property would receive acceptable levels of sunlight and daylight. It is also considered that each property would have satisfactory outlook. In terms of privacy, there is concern regarding loss of privacy from the public open space into the bedroom of Plot A008 and Plot B006. A planning condition can however secure fencing of an appropriate height with planting behind to mitigate any harmful impacts.
- 9.104 In terms of private external amenity space, the SDG requires that all residential development should incorporate private open space for the use of residents. The Council have no specific standards for the provision of garden sizes as it is considered that the design and layout of the garden in relation to the built environment should ensure that the garden is functional and usable in terms of its orientation, width, depth and shape.
- 9.105 Each unit would have access to private amenity in the form of either a balcony or terrace in excess of 5sqm. In addition to this, communal gardens with seating and planting are proposed for the apartment residents only. The scheme is considered to provide a sufficient amount of private and communal amenity space for the residential units.
- 9.106 Turning to air pollution, whilst the application is no longer considered EIA development, HCC Public Health confirmed that the submitted Air Quality chapter of Environmental Statement (ES) was carried out as per industry standard guidelines and practice, with the National Air Quality Objectives (NAQOS) and their Limit Values forming the basis of the air quality assessment of the proposed development. Within the ES, assessments were undertaken of the residual effect (dust; NOx and PM emissions from construction traffic and from NRMM) upon existing and proposed residential properties. Within the construction environment management plan (CEMP) a package of mitigation measures are proposed, it is recommended these are secured by planning condition. Subject to the CEMP mitigation measures being conditioned, the assessment concluded that in both the construction and operational phase the development would not have a significant residual effect upon existing or future occupiers close to the site. WHBC Public Health and Protection Officer raised no objection in this regard.



- 9.107 The applicant also submitted a Health and Wellbeing Statement. This includes demonstrating how the proposal responds to the NHS Healthy Urban Planning Checklist criteria and meets the relevant planning policies and Garden City principles. The proposal is a mixed use development with active frontages, a community hub, outdoor seating and play spaces, therefore promoting social interaction. In addition to this, the proposal would enable a healthy and safe community through the provision of edible planting, the encouragement of walking and cycling and intention to incorporate the ideas, standards and apply for accreditation of Safety by Design as demonstrated in page 115 of the Design and Access Statement. On this basis, Hertfordshire Constabulary support the application from a crime prevention and safety aspect. The proposal is therefore considered to promote healthy and safe communities in line with the Garden City principle and Chapter 8 of the NPPF.
- 9.108 With regard to noise, the site is located close to the railway line and has the potential to be affected by noise from the railway, road, and commercial noise sources. Having consulted WHBC Public Health and Protection they have advised that the noise assessment submitted demonstrates that there are elevated noise levels across the site and this is especially relevant closer to the railway. A specific area of concern are the high LAMax levels that were monitored. To mitigate this specific noise conditions are recommended.
- 9.109 The noise impact assessment also states that outside amenity areas can be mitigated to comply with the 55dB upper limit level. This can be demonstrated by the submission of a noise model when demonstrating compliance with the conditions and highlighting specific mitigation. A condition is also recommended for the submission of a full and comprehensive BS4142 assessment to show compliance with the commercial noise condition. Following advice from WHBC Public Health and Protection it is considered through the use of planning conditions mitigation measures shall be implemented to ensure there is an adequate level of protection against noise in accordance with Policy R19 of the District Plan.
- 9.110 Accordingly, it is considered that subject to compliance with both of these reports and conditions, the proposed development would not impact unduly on future residents of these properties or existing neighbouring occupants, in line with the above policies.

## **6. Highways and parking considerations**

- 9.111 The existing floor area of the site is 13,972 sqm with some 160 associated car parking spaces (in a mixture of surface level parking in the vicinity of Broadwater Crescent and a two storey basement beneath the main building). The only access to the site is provided via BioPark Drive, a 9.0m wide private road (consisting of 7.6m wide carriageway, 0.2m wide service strip, and 1.8m wide footway). BioPark Drive joins the A1000 Broadwater Road to the east via a simple crossover.

### *Impact on Highways Network*

- 9.112 The existing site trip generation has been based on 'Employment Office' category within TRICs. It is noted that a sensitivity test of Business Park land use which contained more elements of B1(b) has also been undertaken. The Highway Authority have reviewed the trip generation and are satisfied with the outputs. The existing site trip generation has been based on 'Flats Privately Owned'

category within TRICs. The Highway Authority are satisfied that the resulting trip rates are representative.

- 9.113 The predicted number of trips suggest that overall the number of vehicles will be reduced in the peak hours following the proposed development, however the change of land use (B1 to C3) will mean that different arms of junctions will result in an increase and decrease in traffic – in the AM peak for a residential site vehicles will predominantly be departing, whereas for a business site vehicles would be arriving. Therefore, these changes may affect the operation of local junctions and increase (or decrease) queues and delays on certain arms. The Highways Authority commented that the impact of this development on the local highway network has been assessed and is shown to be acceptable with improvement to the public transport. This is to be secured via s106 contributions and Travel Plan.
- 9.114 In addition to this, the Highways Authority advised that if the application is granted planning permission, the access works to the public highway must be secured via a s278 agreement. This includes the site access junction on to the A1000 Broadwater Road, other possible connections and off-site works. The internal highways must remain private ownership and a maintenance plan must be submitted.
- 9.115 In order to secure the pedestrian and cycle route to the north of the site to connect with the Shredded Wheat development a condition is recommended. Reason being is this would provide future residents and visitors a more direct and convenient route towards the town centre.
- 9.116 In addition to this, the applicant has submitted a draft Construction Transport Management Plan (CTMP) (HG Construction – Draft CMP). The Highway Authority welcomed the draft submission and noted that many of the measures will be necessary to mitigate the construction impact of the proposed development. In order to cover the full requirements of a CTMP, it is recommended by way of condition that a final CTMP is submitted.

#### *Car Parking Design*

- 9.117 Whilst the Council is keen to ensure that design is not dominated by roads and provision for the car user, it must be remembered that it is unrealistic to design out the car and therefore parking provision should be incorporated as an integral part of design.
- 9.118 In this proposal, the majority of apartment car parking is located within the existing basement car park, which will be extended and would be accessible via a vehicle ramp. Within the basement car parking will be resident, visitor and wheelchair spaces. The layout of the level 1 and 2 basement car parking is considered acceptable. Block F will have 4 garage car parking spaces and the townhouses will have garages. It is also noted that there is an area at street level designated for community car parking and visitor parking. Whilst the car parking in this area would be visible within the streetscene, the proposal seeks to soften this area by installing climbers to the boundary fencing to the rear of the site. In addition to this, these spaces will be broken up due to the location of cycle parking and a refuse store. Car parking would therefore not appear dominant within the streetscene.

- 9.119 A Parking Management Strategy is set out at Section 7 of the Transport Assessment and appendix C of the same assessment shows the associated parking plans. Parking permits will be available to all flats via a 'first come, first served' basis with a maximum of one car parking permit being issued to each unit. Residents with an allocated basement space will be provided with a fob/ electronic key to permit vehicular access. Residents without an allocated space will not be provided a fob for vehicular entry. The spaces within the basement will also be numbered and allocated to specific residents.
- 9.120 The parking provision includes a 10% visitor parking allocation in the basement, a car club space at surface level near to the community hub, and over 20% of spaces are equipped with Electric Vehicle Charging Points. Residential blue badge parking provision is allocated in the basement close to the respective building core for each of the M4(3) dwellings. A visitor blue badge space is provided at surface level.
- 9.121 The proposal also includes the provision of Electric Vehicle charging at 10% active (22 spaces) and a further 10% (22 spaces) of passive provision. As such, EV charging will be secured by planning condition.

#### *Car Parking Provision*

- 9.122 In terms of car parking provision, paragraph 107 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 maximums which is not consistent with the NPPF and are therefore afforded less weight.
- 9.123 In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 9.124 The Parking SPG (2004) requirements in Zone 2 (which covers the northern part of the site) are 0.75 per 1-bed dwelling, 1 space per 2-bed dwelling, 1.5 space per 3-bed dwelling, 2 spaces per 4-bed dwelling, and 1 long term cycle space per unit (if no storage is provided). Block F and the townhouses are within Zone 3, where the SPG requirements are 1.25 for a 1-bed dwelling, 1.5 for a 2-bed dwelling, 2.25 for a 3-bed dwelling and 3 spaces for a 4-bed dwelling.
- 9.125 The proposal also include 112.4 square metres of community use for a gym/cafe (E/F2 use). When referring to the Car Parking Provision SPD, if the space was used as a café it would require 1 space per 5m<sup>2</sup> floorspace of dining area plus 3 spaces per 4 employees. As the community space would be non-residential development the zonal approach is applied. As the site falls within Zone 2 a further reduction of 25-50% of the overall maximum car parking provision applies. In that case, if the community space was used as a café the maximum car parking provision for the café would be between 5.5-11 spaces.

- 9.126 If the community space was used as a gym it would require 1 space per 15sqm gross floor area. When applying the zonal approach, if the space was used as a gym the maximum car parking provision would be 2–4 car parking spaces.
- 9.127 In this instance, due to the café requiring more car parking spaces this will be used when calculating the overall car parking provision on the site, as shown in the table below.

**Table 1: Car Parking Provision**

<b>Zone</b>	<b>Number of bedrooms</b>	<b>Council's SPG</b>	<b>Frequency of Dwellings</b>	<b>Council's Guidance</b>	<b>Proposed Car Parking</b>
<b>2</b>	1 bed	0.75	129	96.75	
	2 bed	1	123	123	
	3 bed	1.5	24	34.5	
	4 bed	2	0	0	
<b>3</b>	1 bed	1.25	0	0	
	2 bed	1.5	3	4.5	
	3 bed	2.25	2	4.5	
	4 bed	3	8	24	
	Total Residential		289	287.25	197
	Employment	1 space per 5sqm	112 sqm	22* 5.5-11	6 (including 1 disabled)
	Visitor Car Parking	n/a	0	0	22
	Car Club	n/a	n/a	0	1
	Motorcycle	n/a	n/a	0	15
	<b>Total</b>	n/a		309.25	226

\*as it falls within Zone 2 the zonal approach applies of 25-50% of the maximum demand-based standard.

- 9.128 The Council's parking guidance SPG recommends that in this area a maximum of 287.25 spaces are provided for residents and 5.5 - 11 spaces for cafes. The SPG therefore recommends a maximum of 298.25 car parking spaces are provided onsite.
- 9.129 In this instance, the proposal includes 197 car parking spaces for residents (inclusive of standard and disabled spaces) and 6 spaces for employment uses. In addition to this, the proposal includes 22 visitor car parking spaces, 1 car club and 15 motorcycle spaces. The amount of car parking proposed is 86 car parking space less than the maximum car parking provision.
- 9.130 As previously noted, the Council's parking guidance SPG is only a guidance and parking provision will be assessed on a case by case basis. Therefore, whilst the car parking provision proposed for residents is lower than those set out in the

SPD this is not objected to. Rather, the onus is on developers to demonstrate through transport information submitted alongside their planning applications that a greater or lesser level of car parking provision is appropriate.

- 9.131 Within the Transport Statement the applicant has submitted justification for the car parking provision, including expressing that the site is within a sustainable location. There are bus stops located outside the site access on Broadwater Road (northbound and southbound circa 50m). These bus stops are served by 601 Alban Way bus route with a route between Welwyn Garden City and Borehamwood via Hatfield and St Albans, and there are two services per hour across the weekday. Additional bus stops are located approximately 405m from the site on Peartree Lane which are served by the 403 and 404 services. Beyond this there are also bus stops on Bridge Road approximately 750m from the site (10 minute walk). In addition to bus services, the site is approximately 900m (11 minutes) from Welwyn Garden City railway station. There are train journeys southbound to London every 2 hours and train journeys northbound to Royston every 2 hours and Cambridge every hour. This demonstrates there are public transport services highly accessible to the site, thus encouraging sustainable travel. This view is shared with by Hertfordshire County Council (HCC) Highways Authority.
- 9.132 With regard to the existing bus services HCC Highways Authority commented that the number 601 is a contracted service and due to lack of financial fund there is no evening or Sat/Sun bus service at the present time. A planning contribution has been sought towards the bus service to enable the provision of an extra 4 hours evening service and 12 hours Saturday/Sunday service for the number 601. It is considered that this is vital to support a residential development for this scale. If permission is granted, a bus service contribution (approx. £100k for 2 years) is recommended to be secured via S106 agreement. This has been agreed with by the applicant.
- 9.133 The justification also refers to the 2011 Census data. The application site falls within the Middle Super Output Area (MSOA) 'Welwyn and Hatfield 007', and adjacent the boundary of the MSOA 006 (to the west of the railway line). Due to the proximity of the site to the latter area the average of both MSOA's are referred to. The Census data reveals that 57% of existing residents travel to work by car 57%, with a further 19% walking or cycling and 17% by public transport. The data also demonstrates the average car ownership level is 1.11, however the average car ownership of residents living in flats reduces to 0.62 car units. When considering the number of car parking spaces (181 car parking spaces) per residential apartments (281 apartments) proposed in this scheme it would equate to 0.64 spaces per unit, thus marginally exceeding the average car parking occupancy.
- 9.134 The proposal also includes 1 car club, which according to CoMo (a charity supporting the introduction of sustainable transport modes) have calculated that for every car club vehicle, it leads to a removal of 10.5 private cars from the road network as a result of member selling/not replacing private vehicles. Under the extant permission (6/2018/0171/MAJ) Shredded Wheat development it was concluded that a car club would equate to the equivalent of 6 car parking spaces on site. As part of the Travel Plan measures, and during the sales processes of the units, future residents will be provided with information regarding the car clubs, membership, and benefits.

- 9.135 The proposal equates to an overall parking ratio of 0.76 spaces per dwelling. In contrast, the consented Shredded Wheat scheme was approved with a car parking ratio of 0.7 spaces. The approved car parking on the south side of the Shredded Wheat scheme is arguably more relevant for this scheme given the close proximity to the site and also as it was for residential use only. Under the extant permission a total of 472 car parking spaces were approved, resulting in a ratio of 0.73 spaces per dwelling on the South Side, when including visitor spaces and car clubs. This proposal therefore exceeds that approved on the Shredded Wheat scheme.
- 9.136 Further to this, when disregarding visitor and car club spaces within the south side on the Shredded Wheat development, residential permit spaces equated to 0.57 spaces per unit. As for this proposal, when removing commercial and visitor spaces and car clubs the scheme would provide 0.68 spaces per residential unit. Again, this proposal would exceed the car parking provision provided on the consented Shredded Wheat scheme within the south side.
- 9.137 Based on the above justification, it is considered the level of car parking proposed is satisfactory given the sustainable location and mitigation measures. This view is shared with by the Highways Authority who commented "*the provision is appropriate on the basis that it is coupled with the improvements to the active travel and sustainable transport networks that will encourage a mode share shift from private vehicle use*".

#### *Cycle Parking*

- 9.138 The proposal also includes cycle parking provision for each individual flat and each of the town houses will have a private store in their gardens which accords with the Parking SPG. In addition to this, the proposal includes an additional 10 cycle parking spaces within a secure bike shelter for visitors.
- 9.139 As for the community hub, one cycle parking space will be provided within the unit for long-stay (employees) and a further eight cycle parking spaces will be located adjacent to the community hub within a covered area for visitors. The overall cycle parking provision would exceed that required by policy (2 cycle parking spaces for a café or 6 cycle parking spaces for a gym). A planning condition is recommended to ensure the cycle parking is provided prior to any occupation.
- 9.140 The HCC Highways Authority noted that the Transport Assessment has stated the proposal will also safeguard a potential pedestrian and cycle route to the north of the site to connect with the emerging Wheat Quarter development. This would provide future residents and visitors a more direct route towards Welwyn Garden City railway station and Welwyn town centre for access for additional services and facilities. The safeguarding of this route is welcomed and if permission is granted recommend that it is secured by planning condition. This view is shared by the Highways Authority.
- 9.141 In summary, the proposal would provide an acceptable level of on-site car parking and therefore no objections are 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.

## 7. Other considerations

### *i) Housing Mix*

9.142 As for the housing mix, 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:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
14%	23%	41%	22%

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

9.144 The proposal includes 8 x 4-bed (3%) houses and 281 flats comprising of 129 x 1-bed (44%); 126 x 2-bed (44%); and 26 x 3-bed (9%). The proposal would not therefore meet the requirements of the latest evidence of housing need and market demand. The benefits associated with the proposed development therefore need to be balanced against the mix of dwellings proposed.

9.145 Policy H10 of the District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards. Policy SP 7 of the emerging Local Plan requires that at least 20% of all new dwellings on sites involving 5 or more dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. In accordance with WHBC guidance, 10% of the residential dwellings have been designed as wheelchair adaptable units based on Building Regulations Part M. There are also 29 blue badge parking spaces provided, which are distributed around each basement core, along with one at ground level for access to the Community Hub. To ensure the requirements of these policies are met, it is recommended that a condition is attached to any grant of permission that requires a scheme for the delivery of accessible and adaptable homes is submitted and approved.

### *ii) Ecology*

9.146 Paragraph 174 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 180 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of the NPPF that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

- 9.147 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. Policy SADM 16 of the emerging Local Plan echoes the adopted policy.
- 9.148 Policy R16 of the District Plan refers to Protection of Species and outlines that planning permission will not be granted for and development of use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.
- 9.149 The existing site is considered to have a very low ecological value, with biodiversity features limited to boundary vegetation along the southern edge.
- 9.150 The applicant is supported by an Ecological Impact Assessment and Biodiversity Net Gain report that outlines wildlife initiatives including, new tree planting, biodiverse green and brown roofs, fruiting trees and shrub planting, RHS approved pollinator ornamental planting, flowering meadow grassland and native hedgerows. Alongside these elements, bird and bat boxes will be integrated into the facades of buildings where appropriate, along with hibernacula and hedgehog friendly fences to allow their movement across the site, as well as including hedgehog hibernation/nesting boxes along the commuting corridors, an orchard and insect boxes. All of the above contributes towards a biodiversity net gain of over 700% and introduces wildlife into the development. It is recommended that the ecological enhancements are secured by way of condition. In addition to this, a condition is recommended to be applied to protect breeding birds during the nesting season.
- 9.151 As such, there would be no conflict with the NPPF, Policies R11 and R16 of the District Plan and Policy SADM 16 of the emerging Local Plan. This view is shared with Natural England, Herts & Middlesex Wildlife Trust and Hertfordshire Ecology.

*iii) Flood risk and sustainable drainage*

- 9.152 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. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.
- 9.153 Following a review of the Flood Risk Assessment and Drainage Strategy report prepared by Curtins Consulting Ltd, reference 077090-CUR-00-XX-RP-D-92001, revision P02, dated 5 February 2021, the LLFA Response Letter prepared by Curtins Consulting Ltd, reference 077090/LT/1, dated 2nd February 2021 and the additional information submitted to the LPA, we can confirm that we Hertfordshire County Council as the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

*iv) Sustainability and Renewable Energy*

- 9.154 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'.



- 9.155 Policy SP10 of the emerging Local Plan sets out the strategic approach to promoting more environmentally sustainable development within the borough, supported by more detailed criteria set out in SADM 13 and SADM 14. Policy SP 10 states that proposals that adopt sustainable design and construction principles, as set out below, within an integrated design solution will be supported. This should be demonstrated via a Sustainable Design Statement and associated plans.
- 9.156 Section 7 of the Broadwater Road West SPD states that development within the Opportunity Area is required to achieve a site target of at least 10% energy use to come from renewable or low carbon sources.
- 9.157 A Sustainability Statement was submitted highlighting the key opportunities to the design and construction teams to enhance the sustainability credentials of the scheme.
- 9.158 An Energy Strategy report has been submitted by Stroma BE Ltd. (report ref EST10-20-84957). The report details a fabric first approach to limit the total energy demand for the scheme, throughout its operational life. The net result is that the scheme is predicted to save 12.86% from the residential element and 13.86% from the commercial unit, of the predicted carbon emissions with reference to the current building regulations. The proposal would therefore exceed the requirements defined within the current and future planning policies, including the 10% emissions saving target within the Broadwater Road SPD (2008).
- 9.159 Affinity Water have been consulted for this application and outline that the application site is located within a Government designated 'water stressed area'. A condition is recommended to improve water efficiency. Having regard to both Policy SADM 13 of the emerging Local Plan and the NPPF in terms of sustainable development, this measure is both necessary and reasonable and can be secured through a grant of planning permission.
- 9.160 In addition to a fabric first approach, the scheme includes promotion of sustainable transport, water saving design, landscape and ecology enhancements, materials, waste management, noise and light pollution measures and renewable energy sources. All these can be secured by condition. The proposal is therefore considered to satisfy Policies SD1 and R3 of the District Plan, Policies SP 10 and SADM 13 of the emerging Local Plan and the Broadwater Road West SPD.

*v) Contaminated land*

- 9.161 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. Investigations have determined that the land at the proposed development site is not contaminated. However, there is a possibility that such a discovery could be made during the construction process. Therefore an unexpected finds condition is recommended for this application. This view is shared with WHBC Public Protection and Health Officer.
- 9.162 The Environment Agency have also advised that surface water must not be disposed of via direct infiltration into the ground via a soakaway and that piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution. Preventative measures can be secured through a planning condition.

9.163 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2 or R7 of the District or the NPPF.

*vi) Waste Management*

9.164 Policy R5 of the District Plan states that the Council will require applications for larger schemes to include details of the measures to be taken in the design, construction, operation, occupation and demolition of existing buildings on site to:

- Minimise the amount of waste generated;
- Re-use or re-cycle suitable waste materials generated
- Minimise the pollution potential of unavoidable waste
- Treat and dispose of the remaining waste in an environmentally acceptable manner; and
- To maximise utilisation of appropriate secondary construction materials, including recycled aggregates

9.165 The NPPF seeks to minimise waste and pollution as part of the environmental objective of sustainable development.

9.166 Site Waste Management Plan (SWMP) has been submitted alongside the planning application and provides details of waste minimisation opportunities, forecast of resource usage and duty of care compliance checks. It also provides space for the recording of actual waste arisings against the forecasted arisings.

9.167 Hertfordshire County Council's Minerals and Waste Team have been consulted for this application and are satisfied with its content. A planning condition can ensure compliance with this plan.

*vii) Archaeology*

9.168 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential. This approach is broadly consistent with the NPPF.

9.169 HCC's Historic Environment Advisor has been consulted for this application and highlights that while the site is circa 250m to the southeast of an Area of Archaeological Significance, which contains late prehistoric and Roman remains, it is strongly unlikely that any archaeological remains could have survived the construction of the existing building which includes two levels of basement.

9.170 The proposal would be largely within the footprint of the existing building, with the exception of the two southernmost blocks. These two southern blocks (Blocks F and G) are furthest away from the known archaeology and alone are not particularly large in size. This area was historically a playground and a car park.

9.171 It is therefore considered that the development is unlikely to have an impact on heritage assets of archaeological interest and there would be no conflict with Policy R29 or the NPPF in this respect.

### *viii) Environmental Impact Assessment*

- 9.172 The application was submitted supported with an Environmental Statement. As stated within the applicant's Environment Statement, a Screening Direction was made to the Secretary of State on the 20th November 2020 (see ES Appendix 2.3). The Secretary of State responded on the 4th February 2021 concluding that in exercise of the powers conferred on him by regulation 7(5) of the 2017 Regulations the Secretary of State hereby directs that the proposed development described in your request and the documents submitted with it, is not 'EIA development' within the meaning of the 2017 Regulations.
- 9.173 As the Secretary of State's letter has been received during the determination of this planning application it forms part of the assessment. As a result of the direction it is considered that the proposed development is no longer considered to constitute EIA development.

### *ix) Permitted development rights*

- 9.174 The 8 townhouses would benefit from permitted development rights. Paragraph 54 of the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.
- 9.175 The proposed townhouses have been very carefully designed, in terms of their size, scale, height, form and appearance, to respect and relate to the character of the immediate suburban form to the east and south-east of their location. The built form to plot ratio is also considered to be adequately proportionate.
- 9.176 It is considered that development under Class A could result in overdevelopment of each plot and excessively small private rear gardens. The same could apply to outbuildings under Class E. It is also unclear from the submitted drawings whether the undercroft parking areas for each townhouse have open access a garage door like opening. In any case, removal of Class A permitted development rights would prevent this opening from being closed off thereby eliminating on-site car parking provision.
- 9.177 Enlargements under Class AA would be contrary to one of the key design intentions of the overall scheme which is to lower the height of the built form toward the most sensitive southern location of the site and ensure that the development assimilates with the mixed character of the context. In terms of Class B, the erection of dormers on the side roof slopes of the townhouses could significantly detract from the design of the townhouses and would be out of character with the area. The same would apply for hip-to-gable enlargements.
- 9.178 It is therefore considered reasonable and necessary to remove permitted development rights for: development under Class A, AA, B, and E for new dwellings. This can be secured through a planning condition.

## **8. Planning obligations**

- 9.179 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.

9.180 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.

#### Affordable Housing

9.181 Policy H7 of the District Plan requires that a minimum of 30% subsidised housing should be provided on suitable sites. This is echoed within Policy SP 7 of the emerging Local Plan, which states that subject to viability, 30% of affordable housing will be sought on development sites in Welwyn Garden City.

9.182 As set out in the Council's Planning Obligations SPD, the Council recognises that in certain market conditions, the overall level of contribution attributed to a scheme can affect the financial viability of a development proposal. In these circumstances an applicant would be expected to submit a viability appraisal and to pay for the Council to have this appraisal independently checked and verified.

9.183 In the context of this advice and the policy position that it creates, the Council was informed by the applicant that the scheme designed is not able to deliver any affordable housing and remain viable. A Financial Viability Statement was submitted and this was assessed by an independent advisor Aspinall Verdi on behalf of the Council. Aspinall Verdi reviewed the Financial Viability Statement and concluded that the proposed development would not be viable with affordable housing. On this basis, whilst the scheme would not provide affordable housing, it would satisfy Policy H7 of the District Plan and Policy SP 7 of the emerging Local Plan.

9.184 Whilst the proposal is unviable, the applicant has agreed to provide 10% affordable housing (through shared ownership tenure only) equating to 29 units. The Council's Housing Development Team have been consulted and welcome this provision.

#### Hertfordshire County Council Contributions

9.185 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. These include:

- Primary Education - £872,102 toward new 3FE Peartree Primary School
- Secondary Education - £138,694 toward the expansion of Ridgeway Academy Secondary School, from 7FE to 8FE
- Childcare Services - £12,200 toward new 3FE Peartree Primary School
- Library Services - £31,952 toward enhancement and improvement of Welwyn Garden City Library
- Youth Services - £3,668 toward increasing the capacity at Welwyn Garden City Young People's Centre (or its re-provision)
- Waste Services - £35,902 toward the development of the Tewin Road Recycling Centre

- Sustainable Travel - £192,772 toward bus service improvement for two years and packages PK14 of the South Central Growth and Transport Plan

Fire hydrant provision is also requested by Hertfordshire County Council through a planning obligation. However, it is considered that it would be more appropriate to secure this by condition.

#### WHBC Contributions:

9.186 WHBC request that financial contributions are required toward indoor and outdoor sports facilities and waste and recycling provision in order to mitigate the impacts of the development. Financial contributions and projects as follows:

- Indoor Sports Facilities - £210,429 toward a club-led indoor bowls facility at King George V Playing Fields in Welwyn Garden City
- Outdoor Sports Facilities - £194,417 toward one of the following three projects:
  - a) the development and building of a pump track which is now part of the British Cycling development pathway in BMX;
  - b) Development and improvement works of the Cycling Velodrom at Gosling Sports park; or
  - c) Development and improvement work of the athletics track at Gosling Sports.
- Waste and Recycling - £22,336.64 toward the provision of household waste bins and mini recycling centres

#### NHS Contributions

9.187 The NHS request financial contributions are required toward a number of services to avoid placing an additional burden on the existing community. This includes:

- Community Healthcare - £52,607 toward towards a project to increase the clinical capacity at Queensway Health Centre in Hatfield (including but not limited to the reconfiguration of the facility and the installation of a lift)
- General Medical Services - £204,612 toward three existing practices within the Peartree Group by way of expanding and/or reconfiguring and/or creating an additional practice
- Mental Health Services - £58,306 toward the evolving expansion, re-configuration and refurbishment of Rosanne House, Welwyn Garden City to increase capacity

9.188 Other obligations include:

- Review mechanism for affordable housing
- Management Scheme for open spaces

- Management Scheme for SUDS
- Car parking management strategy
- Travel Plan

9.189 In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5000.00 will also be required and payment will be required on completion of the S106 Agreement. There would also be a £6,000 monitoring charge for the Travel Plan.

9.190 All S106 financial obligations are subject to indexation.

9.191 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.

9.192 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.

9.193 The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.

## **9. The planning balancing**

9.194 The proposed development has been considered by Historic England to result in less than substantial harm to the setting of Hatfield House and the Registered Parks and Gardens. There would also be a degree of conflict with the development plan in terms of design (by virtue of the heritage harm) and non-policy compliant dwelling mix.

9.195 Under Paragraph 199-200 of the NPPF, great weight should be given to the conservation of designated heritage assets even where the harm would be less than substantial, and any harm should require a clear and convincing justification. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

9.196 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.197 The PPG provides clear guidance in paragraph 020 on the meaning of 'public benefits', particularly in relation to historic environment policy in the NPPF. The PPG makes clear that public benefits should be measured according to the delivery of the three key drivers of sustainable development: economic, social and environmental outcomes, all of which are reflected in the objectives of the planning system, as per Paragraph 8 of the NPPF. Public benefits do not always

have to be visible or accessible to the public in order to be genuine public benefits.

9.198 The public benefits of the scheme are considered to consist of the following:

*Provision of market housing*

9.199 The Council cannot demonstrate a five year supply of deliverable homes. The shortfall is considerable and significant. The proposal would therefore boost the supply within the area.

9.200 The conflict with the development plan in terms of housing mix does reduce the degree of weight afforded to this benefit. Notwithstanding this, the provision of market housing is afforded significant weight in favour of the proposal.

*Provision of affordable housing*

9.201 There are serious shortcomings in terms of affordable housing delivery in the Borough. While the proposed affordable housing provision would not accord with the Council's latest evidence of need, viability evidence has rendered the development unviable in the absence of affordable housing. The 10% (29 unit) shared ownership provision has been offered by the applicant.

9.202 Taking the above into account, substantial weight is attached to the delivery of 29 affordable homes in this location in favour of the proposal.

*Ecological enhancements*

9.203 The provision of extensive soft landscaping and green roofs will result in an on-site biodiversity net gain of over 700%. Given the likely increased provision over and above that normally required, moderate weight is attached to this factor in favour of the proposal.

*Vitality and employment generation*

9.204 The population increase arising from the development will contribute toward the vitality of Welwyn Garden City town centre and support business growth.

9.205 There would also be employment generation in the short to medium term through construction works; long term employment at the community hub and management of the buildings and open spaces; and potential need for additional employment in nearby shops and commercial premises through additional demand and spending.

9.206 In terms of employment generation relative the existing building and current employment land designation, it is noted that the existing building is vacant and the marketing evidence indicates that there is no realistic prospect of the BioPark reopening for research/development purposes or another commercial led use. As such, it is considered that the proposal would likely result in a net employment benefit. Moderate weight is attached to this economic benefit in favour of the proposal.

9.207 Additional public benefits are considered to include: the provision of public open space on-site; use of renewable energy sources; and improvement to the quality of the townscape as a result of the development. Moderate weight is attached to each of these factors in favour of the proposal.

9.208 Taking account of the above, it is considered that the public benefits would outweigh the less than substantial harm to the setting of Hatfield House and the Registered Parks and Gardens.

#### The presumption in favour of sustainable development

9.209 Paragraph 11 of the NPPF begins by stating that decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) then goes on to explain that for decision-taking this means: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

9.210 Assets of particular importance include designated heritage assets (Footnote 7). Footnote 8 of paragraph 11 states that for applications involving the provision of housing, out-of-date policies include situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

9.211 The Council cannot demonstrate a 5 year supply of deliverable housing sites and, as such, the presumption in favour of sustainable development is relevant.

9.212 It has been identified that the public benefits of the proposal would outweigh the harm to the subject designated heritage assets. Having regard to this, the application of such policies in the NPPF would not provide a clear reason for refusing the development proposed.

9.213 What now remains are the other harms, comprising a degree of conflict with the development plan in terms of the dwelling mix and degree of design harm by virtue of the identified less than substantial harm to the setting of a designated heritage asset. It is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits (as highlighted above), when assessed against the policies in the NPPF taken as a whole.

## **10 Conclusion**

10.1 The proposed development comprising 281 flats, 8 townhouses and community gym/café with associated car parking, landscaping and amenity space is considered to be acceptable subject to the imposition of conditions and a planning obligation. Accordingly, for the reasons given, the proposal is recommended for approval.

## **11 Recommendation**

11.1 It is recommended that planning permission be approved subject to: the completion of a satisfactory S106 planning agreement; the agreement of any necessary extensions to the statutory determination period to complete this agreement for the planning obligations set out in section 8 above; and the following conditions:



## PRE-COMMENCEMENT CONDITIONS

1. Development must not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
  - a) Hours of construction works;
  - b) Construction vehicle numbers, type, routing;
  - c) Traffic management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) Provision of hoarding around the site;
  - l) Noise control measures to minimise noise and vibration; and
  - m) Dust control measures

The construction of the development shall not be carried out otherwise than in accordance with the approved CMP.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way and the amenity and living conditions of the wider public in line with the mitigation measures set out in the Environmental Statement and in accordance with the National Planning Policy Framework.

2. Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters from mobilised contaminants, in accordance with Policies R2 and R7 of the

Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

3. No development above ground (other than works of demolition) and no drainage works shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- a) Full, detailed modelling for the surface water drainage network to demonstrate how the system operates during up to and including the 1 in 1 year, the 1 in 30 year and the 1 in 100 year rainfall event including a 40% allowance for climate change. Half drain down times for all storage features should be included;
- b) Full, detailed, engineering drawings of any SuDS, surface water storage or conveyance features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing any SuDS and pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes. Total storage volumes provided within each storage feature should be identified;
- c) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- d) Demonstrate an appropriate SuDS management and treatment train;
- e) Details of final exceedance routes, including those for an event which exceeds the 1 in 100 year rainfall event including climate change event;
- f) Detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- g) Details showing how surface water on the site is to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway

The approved scheme must be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To prevent the increased risk of flooding, both on and off site, and, in respect of (g), to avoid the carriage of extraneous material or surface water onto the highway in the interest of highway safety, in accordance with Policies SADM 2 and SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

4. The development permitted shall be carried out in accordance with the sustainable urban drainage principles and the following mitigation measures:
- a) Limiting the surface water runoff generated by the critical storm events so that it should not exceed the surface water runoff rate of 1.6 l/s (or a rate agreed with the LPA) during the 1 in 100 year event plus a 40% allowance for climate change. If an increased discharge rate is required to ensure effective drain down times, this must not be greater than 5.3 l/s for up to and including the 1 in 100 year event plus a 40% allowance for climate change;
  - b) Providing storage to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event plus a 40% allowance for climate change, providing a minimum of around 840 m<sup>3</sup> (or such storage volume as agreed with the LPA) of storage volume in features including; permeable paving with sub-base storage, an attenuation basin, green roofs, bioretention areas and an underground attenuation tank;
  - c) Discharge of surface water from the private drainage network to be directed into the existing Thames Water surface water sewer network on Broadwater Road; and
  - d) Surface water must not be disposed of via direct infiltration into the ground via a soakaway.

The mitigation measures shall be fully implemented prior to first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site; and to reduce the risk of flooding to the proposed development and future occupants: and to ensure that direct infiltration via soakaways will not be used due to the potential presence of contaminated land and the risk of groundwater pollution, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan, Policies SADM 14 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

5. Development must not commence (other than works of demolition) until a surface water management plan for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

The approved surface water management plan must be fully adhered to from start to completion of the development.

REASON: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents during the construction phases of the development, in accordance with Policy R7 and R11 of the Welwyn Hatfield District Plan, Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

6. The submitted Site Resource Management Plan (by HG Construction, 17 December 2020) must be adhered to from start to completion of the development.

REASON: To minimise waste and pollution from the development, in accordance with Policy R5 of the Welwyn Hatfield District Plan 2005, Policy SP 10 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework'.

7. The Arboricultural Method Statement contained within the submitted Arboricultural Report (by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, December 2020) and associated Tree Protection Plan (drawing no. TPP/BBRWGCH/010 A) must be adhered to in full.

REASON: To protect retained trees and in the interest of the visual amenity of the site and area, in accordance with Policies D2, D8 and R17 of the Welwyn Hatfield District Plan; Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### PRIOR TO ABOVE GROUND DEVELOPMENT

8. Part A - Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number ITL16195-GA-005 Rev B (contained within the submitted Technical Note by i-Transport, 19 February 2021) have been submitted to and approved in writing by the Local Planning Authority.

Part B - Prior to the first occupation of the development, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

9. No development above ground level (excluding works of demolition) shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. No part of the development (including any dwelling) shall be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties, in accordance with the National Planning Policy Framework.

10. No development above ground level (other than works of demolition) shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. 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, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

11. Notwithstanding drawing no. BMD.20.044.DR.P101 Revision C, no development above ground level of Block A or Block B shall take place until an amended front hard boundary treatment for Plot A008 and Plot B006 has been submitted to and approved in writing by the local planning authority. The approved details must be implemented prior to first occupation of Plot A008 and Plot B006

REASON: The current hard boundary treatments, by virtue of its design and height would fail to protect the living conditions of future occupiers. Amended details are required to ensure that the living conditions of the future occupier are protected, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

12. No development above ground level of Block A, B, C, D, E and F shall take place until details of the photovoltaic (PV) cells on the roof those Blocks have been submitted and to and approved in writing by the local planning authority. The details must be metrically scaled and include:

- Elevations of PV cells;
- Elevations of each block inclusive of PV cells; and
- Roof plan of each block showing final layout of PV cells

Prior to first occupation of the development, the PV cells must be installed in accordance with the approved details and subsequently, must be permanently retained in operational use.

REASON: In the interest of environmental sustainability and high quality design, in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan; Policies SP 1, SP 10 and SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

13. No development above the uppermost floor slab level of Block A, B, C, D, E and F shall take place until details of the green roof for those Blocks have been submitted and to and approved in writing by the local planning authority. The details must include:

- The type and specification of the green roof; and
- Management and maintenance plan.

The approved green roof must be carried out in the first planting and seeding seasons following first occupation of the development, and any plant 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.

The approved management and maintenance plan must be fully adhered to in perpetuity with the development.

REASON: In the interest of environmental sustainability and high quality design, in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan; Policies SP 1, SP 10 and SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework

14. No development above ground level (other than works of demolition) shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details must include:

- Metrically scaled elevations of the types of external lighting;
- A site plan showing the location of the external lighting; and
- Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: To protect the living conditions of future occupiers and neighbouring properties in terms of light spill, in accordance with Policy R20 of the Welwyn Hatfield District Plan 2005; Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

15. No development above ground level (other than works of demolition) shall take place until a scheme to protect future occupiers from noise due to transport sources has been submitted to and approved in writing by the Local Planning Authority, in accordance with the following requirements:

- a) Indoor ambient noise levels in living rooms and bedrooms should meet the standards within BS 8233:2014;
- b) Internal LA<sub>max</sub> levels should not exceed 45dB more than ten times a night in bedrooms;
- c) Detailed façade noise levels should be provided for all areas of the development (This can be presented in the form of a noise model);
- d) If opening windows raise the internal noise levels above those within BS8233, mechanical ventilation will need to be installed. Indoor ambient noise levels in living rooms and bedrooms must then meet the

standards within BS 8233:2014 (with the mechanical ventilation system off, on and on maximum boost setting). Also, ventilation rates are required to meet those found within The Noise Insulation Regulations 1975; and

- e) Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level. If outdoor amenity areas cannot comply, then it must be shown through measurements that a suitable place is available within 5 minute walk from the development that complies with the amenity noise level.

In terms of requirements (c) and ventilation, alternative methods (such as passive systems) 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, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment.

The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

16. No development above ground level (other than works of demolition) shall take place until a scheme to protect future occupiers from noise due to new plant and equipment has been submitted to and approved in writing by the local planning authority, in accordance with the following requirements:
  - a) The impact of new plant and equipment should be assessed in accordance with BS4142:2014;
  - b) If noise sources show signs of tonality, noise levels need to be 10dB below background noise level at the nearest receptor location; and
  - c) In instances where the noise source presents no tonality, the noise level need to be 5dB below the background noise level at the nearest receptor location.

The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to plant and equipment, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. No development above ground level (other than works of demolition) shall take place until a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment, to ensure that there will be no adverse impact to future residents, has been submitted to and approved in writing by the local planning authority. The scheme must be in accordance with the following requirements:
- a) Assessment for noise from commercial operations must be in accordance with BS4142;
  - b) If mitigation measures are required, they must ensure that indoor ambient noise levels in living rooms and bedrooms from commercial noise sources are 10dB below the standards within BS 8233:2014 and LAmax levels do not exceed 40dB internally with windows closed; and
  - c) Consideration to commercial operating hours and likelihood of commercial expansion.

The approved scheme must be implemented prior to first occupation of the development and must be fully adhered to in perpetuity with the development.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise from commercial premises, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

18. No development above ground level (excluding demolition) shall take place until a scheme for the biodiversity enhancements in the submitted Ecological Impact Assessment & Biodiversity Net Gain report (by Green Environmental Consultants, report number: 1434/2, August 2020 – updated December 2020) including: bat roost boxes; swift nesting boxes; hedgehog hibernation/nesting boxes and commuting corridors; and insect boxes, has been submitted to and approved in writing by the local planning authority. The scheme must include:
- a) A site plan(s) and elevations identifying the location of the biodiversity enhancement features; and
  - b) Images of the type of biodiversity features to be installed.

Prior to first occupation of the development, the approved details must be implemented and retained in perpetuity.

REASON: To contribute positively to and provide net gains for biodiversity, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

19. The development hereby permitted must be constructed in accordance with the water saving design measures of Section 3.3 of the Sustainability Statement (by Stroma Built Environment Ltd, ref. SUT10-20-84957, 18 Dec 2020) to achieve compliance with the target of 110/litres/person/day.



REASON: To improve the sustainability of dwellings, with particular regard to the efficient use of water, in accordance with Policy SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

20. The approved soft landscaping, as shown on approved drawing numbers: BMD.20.044.DR.P302 Revision A; BMD.20.044.DR.P303 Revision A; BMD.20.044.DR.P304 Revision A; BMD.20.044.DR.P101 Revision C; BMD.20.044.DR.P102 Revision B; BMD.20.044.DR.P103 Revision B; BMD.20.044.DR.P104 Revision B; and BMD.20.044.DR.P301 Revision A, must be carried out in the first planting and seeding seasons following first occupation 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 high quality design, in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

21. The approved hard landscaping, structures and street furniture, and boundary treatments (excluding the frontage metal railing and gate enclosure of Plot A008 and Plot B006), as shown on approved drawing numbers: BMD.20.044.DR.P101 Revision C; BMD.20.044.DR.P102 Revision B; BMD.20.044.DR.P103 Revision B; and BMD.20.044.DR.P104 Revision B, must be implemented prior to first occupation of the development and be retained permanently thereafter.

REASON: To ensure proper implementation of the agreed landscape details in the interest of high quality design, in accordance with Policies D1, D2 and D4 of the Welwyn Hatfield District Plan 2005, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

22. The communal roof gardens must be made available for use upon first occupation of each respective Block and be retained permanently thereafter for no other purpose.

REASON: To ensure that the communal amenity space is implemented for use by future occupiers in the interest of high quality design, in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

23. Prior to the first occupation the development, vehicular access to and egress from the adjoining highway shall be limited to the access position shown on approved drawing no. ITL16195-GA-005 Rev B only which is contained in a Technical Note (by i-Transport, ref: NM/MD/ITL16195-007, 19 February 2021).

The footway / highway verge shall be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority, prior to bringing into use the new access.

REASON: In the interest of highway safety, in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

24. Prior to the first occupation of the development, full details of arrangements for future management and maintenance of the proposed streets must be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved details.

REASON: To ensure roads are managed and maintained thereafter to a suitable and safe standard, in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

25. Prior to first occupation of the development, a metrically scaled plan showing a pedestrian and cyclist access on the northern boundary of the application site connecting with the emerging Wheat Quarter development must be submitted to and approved in writing by the local planning authority.

The approved connection must be brought into use prior to first occupation of the development and retained permanently thereafter.

REASON: To improve connectivity from the site to services and facilities in Welwyn Garden City town centre in the interest of sustainable movement, in accordance with Policies M5 and M6 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

26. Prior to first occupation of the development hereby permitted, the car parking spaces must be designated in accordance with the Parking Plans in Appendix C of the submitted Transport Assessment (by i-Transport, ref: NM/MD/AT/ITL16195-004C, 17 December 2020). The development shall include provision for at least 10% (22 spaces) of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV active charging points and at least 10% (22 spaces) of the car parking spaces to be designated for passive charging. The active and passive electric vehicle charging points must be installed and made operational at the corresponding spaces.

All car parking spaces must then be retained permanently for their specific purpose in the said Parking Plans.

REASON: To promote sustainable transport in accordance with Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

27. Prior to first occupation of the development, all cycle stores (within each block) the basement level cycle stores must be implemented in accordance with drawing numbers: AB-GA-P-B01-01 rev. PL 1, AB-GA-P-B01-02 rev. PL

1, CD-GA-P-L00 rev. PL 2; AB-GA-P-L00 rev. PL 2; E-GA-P-L00 rev. PL 2; F-GA-P-L00-L01 rev. PL 2. The type of cycle rack under drawing numbers CD-GA-P-L00 rev. PL 2 and F-GA-P-L00-L01 rev. PL 2 must be either Sheffield or Josta spaces. Thereafter, the cycle stores must be made available for use and retained permanently.

REASON: To ensure that the development is served by sufficient cycle provision and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

28. Prior to first occupation of the development, details of the secure cycle shelter for up to 10 bikes on drawing no. BMD.20.044.DR.P101 Revision C, must be submitted to and approved in writing by the local planning authority. The details must include:
- a) Metrically scaled elevations and roof plan of the cycle shelter; and
  - b) Confirmation of the type of cycle rack.

The approved cycle shelter must be implemented prior to first occupation of the development, be made available for use and retained permanently thereafter.

The cycle stands within the public realm on the aforementioned drawing number, must be Sheffield stands.

REASON: To ensure that sufficient visitor cycle provision is provided and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

29. Prior to first occupation of the development, a final Completion and Verification Report to a specification agreed and defined by the local planning authority, and signed off by an appropriate qualified person or body, which demonstrates that the sustainable urban drainage measures have been implemented as per the details approved; shall be submitted to and approved in writing by the Local Planning Authority.

It shall include the following:

- a) Provision of a Completion and Verification Report appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure, during construction and final make up, and the control mechanism.
- b) Provision of a complete set of as built drawings for site drainage.

- c) Post-construction surveys including a CCTV survey for any underground features and piped networks.
- d) A management, maintenance and adoption plan for the SuDS features and drainage network.

REASON: To prevent the increased risk of surface water flooding, to improve and protect water quality, protect natural habitats and the amenity of residents, and ensure the future maintenance of the Sustainable Urban Drainage System in perpetuity, in accordance with Policy R7 and R11 of the Welwyn Hatfield District Plan, Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### OTHER

- 30. Prior to the construction of the approved site access at the junction of BioPark Drive and Broadwater Road, the results of Stage 2 (Detail Design) Road Safety Audit must be submitted to an approved in writing by the local planning authority.

The site access must be constructed as approved following the approved Stage 2 (Detail Design) Road Safety Audit and be retained permanently thereafter.

REASON: To ensure satisfactory and safe access into the site, in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

- 31. The units marked 'WCH' in the 'type' column of the submitted Accommodation Schedule (drawing no: SC-AS rev. PL 1) must comply with Part M4(3) 'wheelchair user dwellings' of the Building Regulations 2010. All other units in this Accommodation Schedule must comply with Part M4(2) 'accessible and adaptable dwellings' of the Buildings Regulations 2010.

Written verification of compliance must be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To comply with the level of accessible and adaptable housing which was applied for and to ensure that suitable housing is provided for households in need of accessible and wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; Policy SP 7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

- 32. The undercroft parking areas for the eight townhouses (Block G) must be provided and retained in accordance with their use as annotated on drawing number: G-GA-P-L00-L01 rev. PL 1.

REASON: To ensure that sufficient car and cycle provision is provided for the occupiers of each townhouse, in accordance with in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005, Policy SADM 12 of the

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, B and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP 9 and SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework'.

34. 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 and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Investigation and risk assessment

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- a) a survey of the extent, scale and nature of contamination;
- b) 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;
  - archeological sites and ancient monuments.
- c) an appraisal of remedial options, and proposal of the preferred option(s).

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

## Remediation Scheme

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

REASON: 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, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
CD-GA-E-03	PL 1	Blocks C & D Courtyard Elevations	21 December 2020
CD-GA-P-L00	PL 2	Blocks C & D Ground Floor Plan	16 February 2021
CD-GA-P-L01-L04	PL 1	Blocks C & D First to Fourth Floor Plan	21 December 2020
CD-GA-P-L05	PL 1	Blocks C & D Fifth Floor Plan	21 December 2020
CD-GA-P-L06	PL 1	Blocks C & D Sixth Floor Plan	21 December 2020
CD-GA-P-L07	PL 1	Blocks C & D Seventh Floor Plan	21 December 2020
CD-GA-P-R08	PL 1	Blocks C & D Roof Plan	21 December 2020
CD-GA-S-01	PL 1	Blocks C & D Sections	21 December 2020
CD-GA-S-02	PL 1	Blocks C & D Sections	21 December 2020
AB-GA-E-01	PL 1	Blocks A & B Elevations	21 December 2020
AB-GA-E-02	PL 1	Blocks A & B Elevations	21 December 2020

AB-GA-E-03	PL 1	Blocks A & B Courtyard Elevations	21 December 2020
AB-GA-P-B01-01	PL 1	Blocks A & B Basement L01 Plan 01	21 December 2020
AB-GA-P-B01-02	PL 1	Blocks A & B Basement L01 Plan 02	21 December 2020
AB-GA-P-B02	PL 1	Blocks A & B Basement L02 Plan	21 December 2020
AB-GA-P-L00	PL 2	Blocks A & B, Ground Floor Plan	16 February 2020
AB-GA-P-L01-L05	PL 1	Blocks A & B First to Fifth Floor Plan	21 December 2020
AB-GA-P-L06	PL 1	Blocks A & B Sixth Floor Plan	21 December 2020
AB-GA-P-L07	PL 1	Blocks A & B, Seventh Floor Plan	21 December 2020
AB-GA-P-L08	PL 1	Blocks A & B Eighth Floor Plan	21 December 2020
AB-GA-P-R09	PL 1	Blocks A & B Roof Plan	21 December 2020
AB-GA-S-01	PL 1	Blocks A & B - Section Sheet 01	21 December 2020
AB-GA-S-02	PL 1	Blocks A & B - Section Sheet 02	21 December 2020
CD-GA-E-01	PL 1	Blocks C & D Elevations Sheet 01	21 December 2020
CD-GA-E-02	PL 1	Blocks C & D Elevations Sheet 02	21 December 2020
S-GA-E-01	PL 1	Proposed North Site Elevation	21 December 2020
S-GA-E-02	PL 1	Proposed East Site Elevation	21 December 2020
S-GA-E-03	PL 1	Proposed South Site Elevation	21 December 2020
S-GA-E-04	PL 1	Proposed West Site Elevation	21 December 2020
E-GA-E-01	PL 1	Block E Elevations Sheet 01	21 December 2020
E-GA-P-L00	PL 2	Block E Ground Floor Plan	16 February 2021

E-GA-P-L01	PL 1	Block E First Floor Plan	21 December 2020
E-GA-P-L02-L04	PL 1	Block E, Second to Fourth Floor Plan	21 December 2020
E-GA-P-L05	PL 1	Block E Fifth Floor Plan	21 December 2020
E-GA-P-L06	PL 1	Block E Sixth Floor Plan	21 December 2020
E-GA-P-R07	P 1	Block E Roof Plan	21 December 2020
E-GA-S-01	P 1	Block E, Sections, Sheet 01	21 December 2020
E-GA-S-02	P 1	Block E Sections Sheet 02	21 December 2020
F-GA-E-01	PL 1	Block F Elevations Sheet 01	21 December 2020
F-GA-P-L00-L01	PL 2	Block F Ground and First Floor Plan	16 February 2021
F-GA-P-L02-L03	PL 1	Block F Second and Third Floor Plans	21 December 2020
F-GA-P-R04	PL 1	Block F Roof Plan	21 December 2020
F-GA-S-01	PL 1	Block F Sections Sheet 01	21 December 2020
GA-EX-L00-OS	PL 1	Location Plan	21 December 2020
GA-LS-01	PL 1	Proposed Long Section 01	21 December 2020
GA-LS-02	PL 1	Proposed Long Section 02	21 December 2020
GA-SP-B01	PL 1	Proposed Site Plan Basement Level 01	21 December 2020
GA-SP-B02	PL 1	Proposed Site Plan Basement Level 02	21 December 2020
GA-SP-L00	PL 2	Proposed Site Plan Ground Floor	16 February 2021
GA-SP-L01	PL 2	Proposed Site Plan First Floor	16 February 2021
GA-SP-L02	PL 1	Proposed Site Plan Second Floor	21 December 2021
GA-SP-L03	PL 1	Proposed Site Plan Third Floor	21 December 2021
GA-SP-L04	PL 1	Proposed Site Plan Fourth Floor	21 December 2020
GA-SP-L05	PL 1	Proposed Site Plan Fifth Floor	21 December 2020



GA-SP-L06	PL 1	Proposed Site Plan Sixth Floor	21 December 2020
GA-SP-L07	PL 1	Proposed Site Plan Seventh Floor	21 December 2020
GA-SP-L08	PL 1	Proposed Site Plan Eighth Floor	21 December 2020
GA-SP-L09	PL 1	Proposed Site Plan Roof Level	21 December 2020
GA-SP-M	PL 1	Site Plan Masterplan	21 December 2020
GA-SP-N	PL 1	Proposed Site Location Plan	21 December 2020
G-GA-E-01	PL 1	Block G, Elevations, Section 01	21 December 2020
G-GA-P-L00-L01	PL 1	Block G Ground and First Floor Plans	21 December 2020
G-GA-P-L02-R03	PL 1	Block G Second Floor and Roof Plans	21 December 2020
G-GA-S-01	PL 1	Block G, Sections, Sheet 01	21 December 2020
BG-EX-L09		Building 33 Existing Fourth Floor Plan	21 December 2020
BG-EX-L07		Building 33 Existing Second Floor Plan	21 December 2020
BG-EX-L08		Building 33 Existing Third Floor Plan	21 December 2020
BG-EX-L05		Buildings 33, 34 & 35 Existing Ground Floor Plans	21 December 2020
BG-EX-L06		Buildings 33 & 35 Existing First Floor Plans	21 December 2020
BG-EX-B01		Building 30 Existing Basement Plan	21 December 2020
BG-EX-L01		Building 30 Existing First Floor Plan	21 December 2020
BG-EX-L04		Building 30 Existing Fourth Floor Plan	21 December 2020
BG-EX-L00		Building 30 Existing Lower Ground and Ground Floor Plans	21 December 2020
BG-EX-L02		Building 30 Existing	21 December 2020

## Second Floor Plan

BG-EX-L03		Building 30 Existing Third Floor Plan	21 December 2020
BMD.20.044 .DR.P302	A	Planting Plan – Ground Floor (Sheet 2 of 2)	21 December 2020
BMD.20.044 .DR.P303	A	Planting Plans – Roof Gardens (Sheet 1 of 2)	21 December 2020
BMD.20.044 .DR.P304	A	Planting Plans – Roof Gardens (Sheet 2 of 2)	21 December 2020
BMD.20.044 .DR.P401	A	Landscape Sections (Sheet 1 of 3)	21 December 2020
BMD.20.044 .DR.P402	A	Landscape Sections (Sheet 2 of 3)	21 December 2020
BMD.20.044 .DR.P403	A	Landscape Sections (Sheet 3 of 3)	21 December 2020
BMD.20.044 .DR.P101	C	Detailed General Arrangement – Ground Floor (Sheet 1 of 2)	02 July 2021
BMD.20.044 .DR.P102	B	Detailed General Arrangement – Ground Floor (Sheet 2 of 2)	02 July 2021
BMD.20.044 .DR.P103	B	Detailed General Arrangement – Roof Gardens (Sheet 1 of 2)	02 July 2021
BMD.20.044 .DR.P104	B	Detailed General Arrangement – Roof Gardens (Sheet 2 of 2)	02 July 2021
BMD.20.044 .DR.P301	A	Planting Plans – Ground Floor (Sheet 1 of 2)	21 December 2020
41949-01-1	A	Topographical Survey	21 December 2020
41949-01-2	A	Topographical Survey	21 December 2020
41949-01-3	A	Topographical Survey	21 December 2020
41949F-01	A	Sub Basement Floor Plan	21 December 2020
41949F-02	A	Basement Floor Plan	21 December 2020
L 9989/1-6	0	Existing Elevations 6	21 December 2020
L 9989/1-7	0	Existing Elevations 7	21 December 2020
L9989/1-8	0	Existing Elevations 8	21 December 2020
L9989/1-9	0	Existing Elevations 9	21 December 2020

L9989/1-10	0	Existing Elevations 10	21 December 2020
L9989/1-1	0	Existing Elevations 1	21 December 2020
L9989/1-2	0	Existing Elevations 2	21 December 2020
L9989/1-3	0	Existing Elevations 3	21 December 2020
L9989/1-4	0	Existing Elevations 4	21 December 2020
L9989/1-5	0	Existing Elevations 5	21 December 2020
104		Existing Sections	21 December 2020
BMD.20.044 .DR.P001	C	Overall General Arrangement Plan	21 December 2020
BMD.20.044 .DR.P002		Landscape Masterplan	21 December 2020

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.

#### INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

3. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. Cadent Gas have identified that a low or medium pressure (below 2 bar) gas pipes and associated equipment are located in the vicinity of the proposed development. Please contact Cadent Gas on [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or +44 (0)800 688588 to discuss your requirements before carrying out any work.
5. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges will apply. It is advised that this is done as soon as possible to avoid delays in servicing the new development.

6. In relation to the protection of the railway, the developer must liaise with Network Rail's Asset Protection Team prior to the construction phase to discuss the scheme, to ensure that it can be delivered safely, and without detrimental impact on the safety of the adjacent railway environment. Issues to be discussed and agreed will include (but not necessarily be limited to) construction methodology, use of scaffolding, use of crane and plant, boundary treatments (including landscaping and anti-trespass provision where appropriate) and drainage. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, and where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to a development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition and/or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Given the scale of the development it is likely use of a crane will be required. The developer must bear in mind that crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

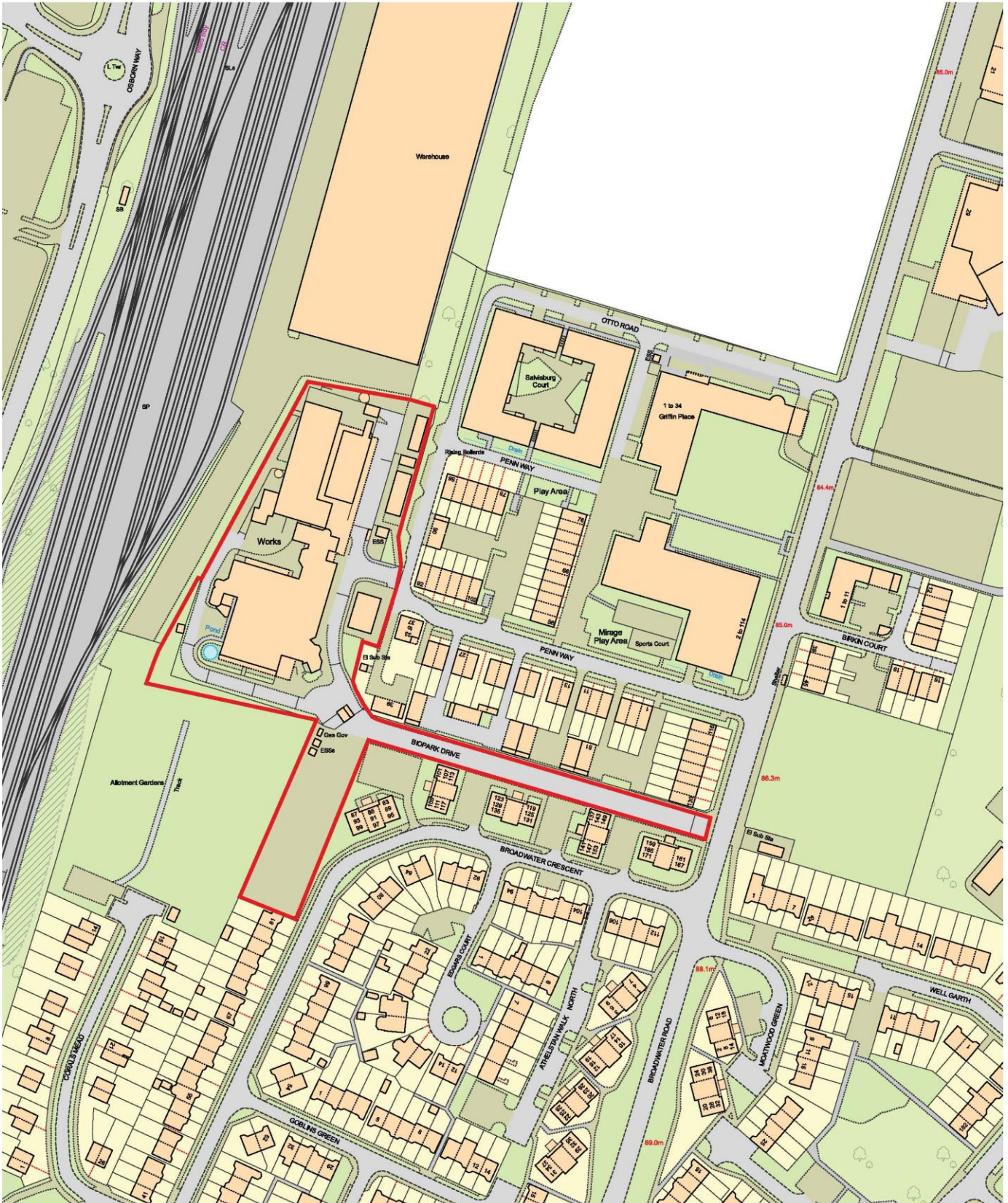
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.


7. Storage of materials: 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Obstruction of public highway land: 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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
  
9. Road Deposits: 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
  
10. Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

David Elmore (Development Management)  
Date: 27/08/2021



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	BIOPARK BROADWATER ROAD WELWYN GARDEN CITY AL7 3AX		Scale: DNS
			Date: 02-08-2021
Development Management Committee	6/2020/3420/MAJ	Drawn: C Gooding-Williams	
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2021			

This page is intentionally left blank