

Proof of Evidence

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On behalf of Rule 6 Party

Keep the G in WGC

and the

Welwyn Garden City Heritage Trust

Appeal reference: APP/C1950/W/22/3294860

BioPark, Broadwater Road, Welwyn Garden City

June 2022



1. Qualifications and experience

- 1.1 I graduated from the University of the West of England with a first class honours degree in Town and Country Planning in 2006, and I have been a Chartered Member of the Royal Town Planning Institute since 2011.
- 1.2 I have extensive experience of working in both planning policy and development management roles for local planning authorities and county councils in the UK and abroad. I have experience in managing planning policy teams, the production of local plans and associated infrastructure delivery plans, undertaking research and evidence base documents, and managing the production and progression of major planning applications.
- 1.3 I worked in the Planning Policy Team at Essex County Council between 2009 and 2012 where I assisted in providing strategic advice to support local plan making and managed the production of the Greater Essex Integrated County Strategy. I then worked for Maldon District Council between 2012 and 2016, starting in the Planning Policy Team, moving to the Major Applications Team in 2014, and later being promoted to Spatial Planning Team Leader in 2015. In these roles I managed the Spatial Planning Team and the production of a number of key evidence base documents, supported the production and progression of the Maldon District Council Local Development Plan, Community Infrastructure Levy, strategic masterplan frameworks, and community led plans (including Neighbourhood Plans), and supported the determination of major applications associated with strategic development sites across the District.
- 1.4 I joined DAC Planning as an Associate in 2018, and was promoted to Associate Director in 2021. In my role at DAC Planning, I have been providing local plan support and promoting best practice in local plan production to authorities nationally on behalf of the Planning Advisory Service, including most recently providing project management support on the production of local plans for Slough, Central Lancashire, Lewes, Eastbourne, and the Black Country. I have recently produced Infrastructure Delivery Plans (IDPs) for Basildon Borough Council, Castle Point Borough Council, and Maldon District Council. I have also recently been providing direct local plan production advice and support to Wirral Council, Castle Point Borough Council, Basildon Borough Council, and the Cambridge Shared Planning Service. I have also been providing planning support to community groups in reviewing and responding to planning applications, and to support the production of neighbourhood plans and associated supporting documents.

2. Introduction

- 2.1 I am representing the approved Rule 6 parties Keep the G in WGC and the Welwyn Garden City Heritage Trust (referred to collectively throughout as 'the parties'), in relation to appeal reference APP/C1950/W/22/3294860 at BioPark, Broadwater Road, Welwyn Garden City.
- 2.2 Keep the G in WGC is a community group focussed on working with residents, developers and the local authority to ensure that new developments offer sustainable and tangible benefits to Welwyn Garden City, and that they complement, enhance and reflect Garden City principles, values and heritage. The group currently has over 2000 members on Facebook, and has gained increased support through community events relating to their objections to the proposed development at BioPark (see Appendix 8).

- 2.3 The Welwyn Garden City Heritage Trust record and celebrate the history and role of Welwyn Garden City in the evolution of town planning worldwide within the town, nationally and internationally. It aims to promote high standards of planning, architecture and conservation in Welwyn Garden City that are in keeping with garden city principles, preserve or enhance its beauty or amenity. By upholding and promoting the garden city ethos and to making these standards known to residents the Trust aims to foster pride in their home and its environment. The trust has over 1,400 members on Facebook.
- 2.4 The world's second garden city, Welwyn Garden City was founded by Ebenezer Howard in 1920 and designed by Louis De Soissons. WGC largely adopted the neo-Georgian style from the outset, implemented with 'finesse and ingenuity' by de Soissons who placed landscape and green open spaces at its heart to demonstrate the marriage between town and country, and to create a unique identity and sense of place. The national and international importance of the town is well known and reinforced by the Town and Country Planning Association's recent expression of interest for World Heritage status (see Appendix 7) and the statements from Professor Eugenie Birch and Dr Heleni Porfyriou (see Appendix 6a and 6d).

3. Scope of Evidence

- 3.1 The parties support the decision to refuse the proposed development on the BioPark site, and support the reasons for refusal identified by Welwyn Hatfield Borough Council. This proof therefore demonstrates that, when taking into account the national and local planning policy and guidance available to decision makers in the determination of the planning application, the Council were correct in refusing the proposed development on the BioPark site.

4. Housing Mix

- 4.1 The development proposes a unit mix of 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% shared ownership. The proposed housing mix was included within the Council's reasons for refusal, stating that the '*proposed housing tenures and mix (including affordable housing) would fail to meet the objectively assessed need (OAN) for housing in the Borough and would not contribute to creating a sustainable, inclusive and mixed community*'.
- 4.2 Policy H7 of the 2005 Welwyn Hatfield District Plan (WHDP) seeks the provision of 30% affordable housing, and the provision of affordable housing based on information in the 'latest housing needs survey'.
- 4.3 Policy SP7 of the emerging draft Local Plan states that new developments should demonstrate how the mix of tenure, type and size of housing proposed reflects the Council's latest evidence of housing need and market demand. In addition, Policy SP7 also requires the provision of 30% affordable housing from new development proposals.
- 4.4 The Strategic Housing Market Assessment Update¹ (SHMA) supporting the emerging draft Local Plan identified the size of housing needed in the area between 2013-2032, as

¹ Strategic Housing Market Assessment Update, Turley, May 2017

presented in the table below. This was further updated in a June 2019 Technical OAN Paper² as outlined in the table below.

Sources	Housing mix			
	1 bed	2 bed	3 bed	4 bed
SHMA	13%	22%	41%	23%
Technical OAN Paper	14%	23%	41%	22%
Proposed development mix	44%	44%	9%	3%

4.5 In relation to the delivery of flats and houses, the SMHA³ noted that ‘while the delivery of flats may contribute towards meeting additional demand for smaller housing, there will be a clear need to ensure a balanced delivery of different types of housing to meet the demand for different sizes of housing in Welwyn Hatfield’. In addition, the 2019 Technical OAN Paper⁴ identified that between 2013-2032, in order to sufficiently meet local needs, 77% of new dwellings in the area are required to be houses and 23% are required to be flats.

4.6 The development does not meet the affordable housing requirements for the area set out within WHDP H7 and emerging draft Local Plan Policy SP7. It is acknowledged that a Financial Viability Statement was submitted with the application, and independently reviewed on behalf of the Council, to demonstrate that the site is unable to provide a level of affordable housing which meets adopted and emerging policy requirements. The inability of the proposed development to appropriately support local affordable housing needs, however, makes it even more important for the proposed development to assist in supporting local needs for market housing.

4.7 As outlined above, the SHMA and Technical OAN Paper demonstrates a significant need for 3 and 4 bedroom houses in the area. The proposed development includes 88% 1 and 2 bedroom flats, and overall 97% of the development is proposed to be flats. The local housing need evidence supporting the emerging Local Plan does not identify significant shortfalls in the provision of smaller properties which would warrant a proposed housing mix to be so focused on the supply of 1 and 2 bedroom flats. In addition, there is an existing approval north of the site⁵ providing around 1,245 1 and 2 bedroom properties, therefore any local demand for this type of housing will be sufficiently provided by existing developments in the area. The type and mix of housing being proposed on the site has no relation to the identified local needs for the area, and does not take into account the existing approvals for smaller dwellings in the surrounding area which will adequately support local needs for this housing type. The proposed housing mix is therefore contrary to the requirements of emerging Local Plan Policy SP7.

4.8 It is accepted that housing need evidence should not be applied rigidly within planning policies and in the determination of planning applications, and there should be some consideration of the location of the site and the characteristics of the surrounding area. Approved development north east of the site in the Former Shredded Wheat Factory site⁶ presents an example where the provision of predominantly 1 and 2 bedroom dwellings was

² Welwyn Hatfield Technical OAN Paper, The Implications of the 2016-based SNPP and SNHP on the Welwyn Hatfield OAN, Turley, June 2019

³ See paragraph 5.18

⁴ See paragraph 6.22 and Table 6.3

⁵ The Former Shredded Wheat Factory site, 6/2018/0171/MAJ, referred to throughout this Statement as the Former Shredded Wheat Factory site development.

⁶ 6/2018/0171/MAJ

considered appropriate by the Council given the specific circumstances relating to that site. As the Former Shredded Wheat Factory site has immediate access to the train station and services and facilities within the town centre, the Council has considered that higher density development and the provision of a large amount of smaller 1 and 2 bedroom properties would be appropriate in this specific location. The Council's acceptance of this approach for the Former Shredded Wheat Factory site does not automatically mean that a similar housing mix is appropriate on all other sites in the surrounding area. In particular, sites which are further away from the train station and town centre services and facilities will be less appropriate for the high density development of smaller dwellings which are characteristic of town centre development.

- 4.9 In comparison to the Former Shredded Wheat Factory site, the appeal site is further away from the train station and town centre services and facilities and has a distinctly different context and is therefore not appropriate for the same high-density development with smaller dwellings, characteristic of town centre development.
- 4.10 As summarised further below, the type of housing within the existing area changes going south from the Former Shredded Wheat Factory site away from the train station and town centre access. The existing provision of dwellings is more focused on larger houses with two or more bedrooms. The area immediately adjacent to the proposed development site provides an example of this pattern, where around 23% of dwellings within the development⁷ are 3 or 4 bedroom houses. The wider mix of housing types in the existing residential areas surrounding the site is not reflected within the proposed housing mix, where only 12% of the dwellings provided on the site would be 3 and 4 bedroom properties.
- 4.11 As the proposed housing mix fails to meet the local needs of the area, it is clear that the proposed mix is based instead on maximising the development capacity of the site. As outlined further below, this is contrary to the Garden City ethos upon which Welwyn Garden City was founded and continues to thrive. 'Garden City Standards for the 21st Century Design and Masterplanning'⁸ summarises the design approach of the original Garden Cities of Letchworth and Welwyn, and highlights the main themes of creating 'room to breathe' by providing spacious and well-planned homes, moving away from overcrowded living conditions, which do not support the quality of life expected of a Garden City environment.
- 4.12 The character of the surrounding area, the wider housing needs of the Borough, and the importance of the site set within the context of a Garden City, do not support a development with the proposed extent of small flats. The proposed housing mix is contrary to local planning policy, and is therefore appropriate as a reason to refuse the proposed development. Any alternative decision would set a dangerous precedent regarding the appropriateness of this type of development within other areas of Welwyn Garden City.

⁷ Former Roche Products site, planning approval N6/2010/1776/MA

⁸ Garden City Standards for the 21st Century, Guide 3 Design and Masterplanning, Town and Country Planning Association, 2017

5. Car parking arrangements

- 5.1 WHDP Policy D5 requires parking provision to be included in new development, carefully designed to prevent the 'over dominance of car parking'. WHDP Policy M14 requires parking provision for new development to be provided in accordance with the standards set out in the Welwyn Hatfield Parking Standards Supplementary Planning Guidance⁹ (Parking Standards SPG).
- 5.2 The Parking Standards SPG requirements in Zone 2 (which covers the northern part of the development site) are 0.75 per 1-bed dwelling, 1 space per 2-bed dwelling, 1.5 spaces 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 spaces 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. The Broadwater Road West Supplementary Planning Document¹⁰ (SPD) supports the requirements set out in the Parking Standards SPG.
- 5.3 In August 2014 the Council published the Interim Policy for Car Parking Standards and Garages¹¹ which clarified that the Council will treat the car parking standards set out in the Parking Standards SPG as guidelines rather than maximums, and that the appropriate provision of parking within applications will be determined on a case by case basis subject to relevant circumstances, context, and national planning policy and guidance.
- 5.4 The proposed development includes 197 residential parking spaces, providing a ratio of around 0.68 car parking spaces per dwelling. In addition, the proposed development also includes parking for the gym/café, visitors, the car club, and motorcycles which in total provide 226 spaces. To be in accordance with the Parking Standards SPG, the proposed development would need to provide a total of 309.25 spaces (287.25 residential spaces and 22 spaces relating to the gym/café). The proposed development fails to meet the parking standards recommended within the SPG by a shortfall of 83.25 spaces. The proposed development is therefore contrary to WHDP Policy M14.
- 5.5 The Parking Standards SPG remains in place as a material consideration, and should therefore be used alongside relevant policies to consider the appropriateness of the proposed development in relation to parking. While it is acknowledged that the Parking Standards SPG provides only guidance, and in accordance with the 2014 Interim Policy there is no requirement for strict adherence to the standards, the Parking Standards SPG assists in demonstrating that the proposed development falls significantly short of what the SPG would consider an appropriate provision of parking.
- 5.6 The appellants have proposed that a condition would be imposed upon the proposed development to deliver a pedestrian and cycle link going north through the Former Shredded Wheat Factory site to provide direct access to the station and town centre beyond. The site immediately north of the appeal site is currently in employment use, and it is therefore unclear when a pedestrian and cycle access north of the site to the station would be delivered. Therefore, in the short term, pedestrian and cycle access to and from the site would be using the existing site access from Broadwater Road. This does not provide good quality pedestrian and cycle access to surrounding areas, and in particular to the station and town centre. The limited provision of car parking on the site is based on the

⁹ Welwyn Hatfield Parking Standards Supplementary Planning Guidance, Welwyn Hatfield Council, 2004

¹⁰ Broadwater Road West Supplementary Planning Document, Welwyn Hatfield Council, 2008

¹¹ Interim Policy for Car Parking Standards and Garages, Welwyn Hatfield Borough Council, 2014

presumption that there will be a high level of walking and cycling as transport modes from the site. However, the poor quality of pedestrian and cycle links to surrounding areas from the proposed development in the short term will not encourage residents to walk and cycle to access local services and facilities.

- 5.7 While the site is located within walking and cycling distance of the train station, rail routes from Welwyn Garden City are limited to north to south routes only. The limited availability of east to west links will limit the extent to which future residents will be able to meet their long-distance travel needs without owning and using a car. Similarly, while bus services are available on Broadwater Road and within the surrounding area, there is concern that the limited evening and weekend services, even following the service improvements proposed through the two years of developer contributions, will not be sufficient to allow residents to fully meet their needs without the use of a car. Based on the quality of public transport provision in the area, and taking into account the likely need for a car for future residents to fully meet their travel needs, the provision of parking on the site will be inadequate to support the number of residents likely to require a car.
- 5.8 In seeking to demonstrate the appropriateness of providing a provision of parking significantly below the recommended parking standards, the appellant has compared the site to the level of provision within the Former Shredded Wheat Factory site development. However, this site has significantly better pedestrian and cycle accessibility to the train station and services and facilities within the town than the appeal site. It is therefore more appropriate to compare the provision of parking with existing development immediately neighbouring the site. Within the neighbouring Former Roche Products site¹² the development provided parking in excess of the local parking standards, providing 223 residential spaces at a ratio of 1.06 spaces per dwelling. The provision of parking on the Former Roche Products site more appropriately considers the ability of residents needs to be met solely by surrounding public transport services, the accessibility of the area to key services and facilities, and the likely transport needs of future residents where a private vehicle will be required for some journeys.
- 5.9 It should be noted that other similar development proposals in the surrounding area have also been refused due to parking concerns. Proposed development at 73 Bridge Road East¹³ for 111 dwellings included a total of 111 car parking spaces, a significantly higher provision of parking than the appeal site, but still below the recommended provision within the Parking Standards SPD. The Council refused the application where the levels of parking were considered unsatisfactory, and would result in parking stress for users. There is clearly significant concern in this area of Welwyn Garden City regarding the provision of parking, which should therefore be carefully considered on the appeal site given the significant number of dwellings proposed.

6. Design

a) Importance of design

- 6.1 Recent national planning policy guidance and legislation has placed a strong emphasis on creating beautiful places with high quality design. The NPPF highlights the importance of well-designed places and buildings and this is further set out in the National Design Guide (NDG, 2021) and National Model Design Code (NMDC, 2021). Paragraph 124 of the NPPF

¹² N6/2010/1776/MA

¹³ Planning application: 6/2020/2268/MAJ

states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. The NDG goes on to explain that 'the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities'. Of particular relevance for decision making and local planning design policies is paragraph 134 of the NPPF which states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

- 6.2 Research by the Place Alliance¹⁴ has concluded that the stronger wording regarding high quality design in the latest version of the NPPF has shifted the balance in recent planning appeals, providing greater weight in the consideration of design. The increasing emphasis on high quality design within national planning policy is highlighted within the Levelling Up and Regeneration Bill (May 2022) which seeks to enshrine powers to support the delivery of beautiful places with locally informed design standards by requiring the production of design codes in each local authority. As stated by the Secretary of State MP Michael Gove¹⁵, *'even as we seek to improve housing supply, we also seek to build communities that the people love and are proud of. It's no kind of success simply to hit a target if the homes that are built are shoddy, in the wrong place, don't have the infrastructure required and are not contributing to a beautiful community. Ultimately, when you're building a new dwelling, you're not simply trying to hit a statistical target. Arithmetic is important but so is beauty, so is belonging, so is democracy and so is building communities'*.
- 6.3 The Councils reason for refusal states, 'The proposed Development also does not respect or relate to the character and context of the local area and fails to maintain, enhance or improve the character of the existing area'. The existing character and context of the local area is defined by the Garden City ethos on which the town was founded and this forms the unique heritage and identity of the town. Therefore, the quality of the design of new development within this setting is critical in ensuring that the heritage and standing of the town is safeguarded.
- 6.4 The proposed design does not meet the quality and standard required by national policy. In his response to the design as outlined in Appendix 6b, Professor Graham Morrison refers to it as 'overscaled and out of place' and goes on to note that 'Welwyn Garden City is a garden city. The site for the 'Biopark' is adjacent to the railway and will form an indelible first impression to anyone visiting for the first time. Nine storey buildings would seem out of place anywhere in the garden city but to place such a project on a site that defines the first impression defies common sense'. In addition, Appendix 6e, presents comments from EcoResponsive Environments (RIBA competition winners for Re-imagining the Garden City, June 2019) which identifies a range of concerns with the design of the proposed development, which they state 'would have a negative overall impact in terms of Garden City identity'.

¹⁴ Appealing Design, Place Alliance, 2022

¹⁵ <https://www.housingtoday.co.uk/news/gove-ditches-five-year-land-supply-policy/5117493.article>

b) Broadwater Road West Supplementary Planning Document

6.5 The Broadwater Road West SPD¹⁶ was produced in 2008 to outline the Council's vision for the future of the Broadwater Road West area, providing a masterplan to guide and promote the development of the area. The appeal site was still in use as an employment site when the SPD was produced. The SPD therefore sought to maintain its use as an employment site, while enabling residential development to take place in the surrounding area. Since the publication of the SPD, it has been demonstrated that the appeal site is no longer required for employment uses, it is accepted that residential development can now take place on the site, and proposed modifications to the emerging draft Local Plan have therefore included an allocation on the site for residential development.

6.6 While the use of the site as considered in the SPD is proposed to change, the site still forms part of the wider Broadwater Road West area included within the SPD, and it is therefore appropriate that the design guidance relating to redevelopment of residential elements of the area should now be applied to the appeal site.

6.7 Emerging draft Policy SP17 requires residential allocations within the Broadwater Road West area to 'adopt the urban design principles' and 'incorporate open space in accordance with the principles set out in the Broadwater Road West SPD'. The implementation section notes that 'the masterplan framework and design guidance for development of this site set out in the 2008 Broadwater Road West Supplementary Planning Document will be used when considering planning applications for development of this site'.

6.8 The emerging draft Local Plan therefore demonstrates a clear preference for the development proposals in this area to align with the design recommendations of the SPD. Design principles within the SPD most significant for development proposals on the appeal site include:

- A requirement for the development of the site to be of the highest quality, respecting the spirit of the Garden City design principles (p33).
- A requirement for all new developments to respect and relate to the character and context of the area (p45).
- A recommended maximum building height of 5 storeys, with criteria provided to consider schemes of 5 storeys or more (p49).
- A recommended average site density of 75 dwellings per hectare (dph) (p44).
- A requirement for design to reflect industrial character whilst incorporating key Garden City principles into the layout to represent an intelligent modern interpretation of the Garden City (p45).
- A requirement to create a strong sense of local identity (p46).
- The provision of green and open space as a strong feature of the redeveloped site (p56).

6.9 The above design principles are considered further in the following sections, to assess how the principles have been incorporated into the proposed development. Where principles have not been appropriately considered, the potential resultant harm is also considered.

c) Height

6.10 The tallest block of the proposed development will be 29.45m and the proposed development will range from 2 to 9 storeys. While it is acknowledged that the total height of the proposed development is slightly lower than the highest part of the existing industrial

¹⁶ Broadwater Road West Supplementary Planning Guidance, Welwyn Hatfield Council, 2008

building, the visual impact of the proposed development on the skyline at its highest point will be significantly greater than the existing building. A single tall industrial building, with a relatively unassuming façade, is materially different from multiple tall residential tower blocks. Whilst the industrial building (designed for Roche by Cubitt, Atkinson and Partners) is an accepted feature of the industrial landscape, which formed part of the original Garden City concept, the introduction of multiple tall residential tower blocks with more prominent finishes and a more active presence on the skyline and which will be illuminated to a greater extent after dark, will have a radically greater impact on the character, setting and sense of place of this part of Welwyn Garden City. Furthermore, demolishing the existing complex affords the valuable opportunity to introduce a scheme of a lower height and scale than the existing, and improve the skyline, helping to enhance the character and setting of this area and improve views from the Town Centre Conservation Area.

6.11 The heights of buildings within the proposed development contradict the design guidelines set out in the Broadwater Road West SPD, which recommends maximum building heights of 5 storeys. Where development is proposed for more than 5 storeys, the SPD¹⁷ sets out criteria against which to evaluate development proposals. The following table considers how the proposed development performs against these criteria.

Table 1: Assessment of the Broadwater Road West SPD criteria for buildings of 5 or more storeys against the proposed development

SPD height criteria	Assessment	Conclusion
Relationship to context of the site and the wider area	The proposed development fails to respond adequately to the context of the site and the immediate surrounding area. The proposed blocks will be disproportionately taller to the adjacent buildings on the Former Roche Products Site which do not surpass 4 storeys.	The height, bulk, and overall design do not relate well to the context of the site and wider area.
Effect on historic context of the site and the wider area	<p>The proposed development does not reflect the industrial heritage of the site or the Garden City design principles observed through Welwyn Garden City. Further details are provided below.</p> <p>The proposed development would have a detrimental impact on views from the town centre conservation area. The site will be highly visible from the conservation area, creating a new more active skyline with an overall greater scale and mass than existing buildings on the site.</p> <p>Due to the proposed massing and number of individual blocks, the proposed development will introduce visual clutter and crowding to the skyline, compared to the existing visual of the singular BioPark block.</p>	The site would have a detrimental impact on the historic context, character and setting of the wider area.

¹⁷ See paragraph 6.17 of the SPD

SPD height criteria	Assessment	Conclusion
Relationship to transport infrastructure	<p>While the site is located within walking and cycling distance of the train station, routes from the station are limited to north to south routes. The limited east to west links available will limit the extent to which future residents will be able to meet their travel needs without owning and using a car.</p> <p>While bus services are available on Broadwater Road and the surrounding area, there is concern that the limited evening and weekend services, even following the service improvements proposed though developer contributions, will not be sufficient to allow residents to fully meet their needs without the use of a car.</p>	<p>While the site is within the proximity of public transport links, the quality of the services are not sufficient to support a development of this size and scale. This will result in a greater reliance on car use, creating parking difficulties for residents (see above for further details).</p>
Architectural quality of the building Design credibility of the building Sustainable design and construction	<p>There is concern that the quality of the design of the development does not meet the high standards expected of development within a Garden City (see Appendix 6 for further details). The proposed development presents a non-descript design which has no relation to the industrial heritage of the site, or reflects the qualities expected of residential development within the Garden City (further details provided below).</p>	<p>The design is not of sufficient quality to justify the proposed height of the buildings.</p>
Contribution to public space and facilities Provision of a well designed environment including fitness for purpose.	<p>The provision of a community gym/café provides a public facility. However, there is concern that the development does not provide useable public open spaces which will sufficiently meet the needs of the residents. There is a reliance on balcony / terrace spaces, and communal rooftop gardens which will not provide adequate spaces for residents to exercise and play. This will increase pressure on existing open spaces in the surrounding area which are not designed to accommodate the increased population which will result from the development.</p> <p>As a Garden City there should be a focus within the design of new development on the provision of green open spaces. The open space within the proposed development appears to be a minor consideration, limited sufficiently to maximise the number of dwellings on the site (see attached Appendix 3 for further details).</p>	<p>The provision of open spaces within the development will be insufficient to appropriately meet the needs of the residents.</p>
Effect on the local environment and amenity of those in the vicinity of the building	<p>The size, scale and bulk of the overall development, and the change in use, will have a significant impact on the surrounding area. While the maximum height of buildings on the site will be slightly reduced through the new development, there will be an increase in the extent and bulk of buildings reaching the height of 29.45m. The new development will therefore result in a greater overall impact on the skyline of the town.</p>	<p>The size and scale of the development will have a detrimental impact on the local environment and amenity of local residents.</p>

SPD height criteria	Assessment	Conclusion
	<p>As a result of the change of use of the site, the new development will have a more active appearance through balconies and lighting. The combination of the increased scale and bulk of buildings on the site and the more active use of the site will result in a development which will be more visible and prominent on the skyline of the town.</p> <p>The proposed development will be particularly visible from the town centre conservation area. While large scale industrial buildings were a feature of the original Garden City, tall residential blocks of flats are not consistent with character and appearance of residential development in the town, and do not relate well to the Garden City design principles on which the character of the town is based (see further details below).</p>	
Contribution to permeability	<p>While the proposed development includes the future possibility of a pedestrian and cycle link to be provided north through the Former Shredded Wheat Factory site through conditions, the site immediately to the north is currently in active employment use. Therefore, in the short term following the completion of the proposed development, there will be no pedestrian and cycle links to any surrounding residential areas, and all access for vehicles, pedestrians and cyclists will be from the existing access on Broadwater Road.</p> <p>Prior to further development being approved and developed on the northern boundary of the site, the permeability of the site to surrounding areas is poor and will not encourage walking and cycling from the proposed development.</p>	In the short term there will be no dedicated pedestrian and cycle links to surrounding areas. The permeability of the site is therefore poor, and will not encourage walking and cycling from the proposed development.

6.12 The above table demonstrates that the proposed development fails to appropriately meet the criteria set out within the SPD for developments of 5 storeys or more.

6.13 Additionally, Paragraph 5.43 of the SPD sets out guidance for the height of new development on Broadwater Road, and states that ‘building heights should be reduced towards the southern end of the site to respond to existing surrounding properties’. This approach would support development on the site in maintaining some consistency in character and scale of development, where going south from the Former Shredded Wheat Factory site, the scale of approved and existing development reduces down from between 9 to 5 storeys close to the station to a maximum of 3 storeys closest to the appeal site. Going further south along Broadwater Road, existing building heights continue to reduce to be predominantly 2 storey development. While this pattern of development is recognised within the development proposals, the proposed height of the buildings on the site remain considerably higher than neighbouring and existing development.

- 6.14 The height of proposed development on the appeal site, at 9 storeys in the northern section and 8 or 7 storeys in the middle section, are proposed as a continuation of the type of development approved within the Former Shredded Wheat Factory site development. However, the appeal site is further south within the Broadwater Road West area, and within this particular location existing maximum residential building heights are 3 or 4 storeys. The proposed development would therefore create a significant increase in heights, which would be inconsistent with the character and scale of development in this section of the Broadwater Road West area.
- 6.15 In seeking to maximise the number of dwellings on the site, the design of the development has sought to replicate the heights and scale of development approved on the Former Shredded Wheat Factory site, and has failed to fully appreciate the character and context of this particular section of Broadwater Road West. The Former Shredded Wheat Factory site is closer to the train station and town centre than the appeal site, and therefore represents an area which the Council considered an extension of the central area of the town where larger scale development has been approved. This approach is not appropriate in all parts of the Broadwater Road West area, particularly where the character of existing surrounding development and townscape would not support the height and scale of the buildings being proposed.
- 6.16 WHDP Policy D2 requires new development to respect and relate to the character and context of the area, as a minimum maintaining the character of the existing area. Emerging new Local Plan Policy SP9 requires new development to 'respect neighbouring buildings and the surrounding context in terms of height, mass and scale'. The proposed development fails to appropriately relate to the character of this section of the Broadwater Road West area and the height of existing development immediately adjacent to the site, the proposed development is contrary to WHDP Policy D2 and emerging Local Plan Policy SP9.
- 6.17 In accordance with paragraph 134 of the NPPF, the failure of the proposed development to appropriately address height related design principles within the SPD, and the failure to meet design requirements within local planning policy, should result in the development being refused.

d) Density

- 6.18 WHDP Policy H6 requires new development to be built at a density of 30 to 50 dph. In central areas with good access to sustainable modes of transport, residential density can exceed 50 dph 'provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy design policies of the Plan'. Emerging Local Plan Policy SP9 recommends typical densities in the area of around 30-50 net dph, and higher densities in accessible locations 'where appropriate'. The Broadwater Road West SPD recommends an average density in the area of 75 dph.
- 6.19 To deliver 289 dwellings on the site, the proposed development has a density of approximately 233 dph. This is significantly higher than the density recommended in the SPD, the adopted Local Plan and the emerging Local Plan. In comparison to the surrounding area, the density levels being proposed on the site are higher than the 201 dph approved on the Former Shredded Wheat Factory site development, and significantly higher than the adjacent Former Roche Products site which was approximately 75 dph.
- 6.20 The high density results from the number of flats proposed, and the height of the blocks allowing a large number of dwellings to be crammed onto a relatively small site. The provision of flatted development, therefore, seeks to maximise the development capacity of

the site, which is contrary to the Garden City ethos of creating 'room to breathe' by providing spacious and well planned homes, and moving away from overcrowded living conditions which do not support the quality of life which should be expected in a Garden City environment. Development on the site should, in the first instance, be of a high quality design that is in keeping with the character and context and principles of the Garden City, with appropriate levels of amenity and open spaces. It is this that should determine the level of density that the site can accommodate.

- 6.21 The density of approved and existing development reduces going south from the Former Shredded Wheat Factory site through the Broadwater Road West area. The density of the proposed development would not therefore relate to the character and appearance of the existing development immediately adjacent to the site and within this area of Broadwater Road West, and more widely would not support the character, setting and sense of place of the Garden City (see below for further details). The only comparable density in the surrounding area is the lower density of 201dph on the approved development at the Former Shredded Wheat Factory site. As outlined above, the Former Shredded Wheat Factory site is closer to the train station and town centre than the appeal site, and therefore represents an area which the Council considers an extension of the central area of the town where higher density development has been approved. This high density approach to development is not appropriate in all parts of the Broadwater Road West area, particularly where the character of existing surrounding development would not support the density of development being proposed.
- 6.22 The proposed density on the site is counter to the Garden City principles and would have a detrimental impact on the character, setting and sense of place of the surrounding area, and the density level is not supported by design guidance in the SPD. Appendix 6b notes that the density of development proposed on the site creates an 'urbanity (which) seems to be a contradiction and an anathema to the values of a garden city'. The density of the proposed development would therefore be contrary to WHDP Policy H6 and emerging Local Plan Policy SP9.

e) Setting, identity, character, and Garden City ethos

- 6.23 The NDG sets out 10 characteristics for a well-designed place: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespans. In terms of identity, the NDG¹⁸ describes well-designed places as having a 'positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion' and a 'character that suits the context, its history, how we live today and how we are likely to live in the future'.
- 6.24 As stated above, the heritage value of WGC rests in its townscape, layout, landscaping, planning, vistas and views, which in their totality contribute to its setting, character and identity. Therefore, in a town such as Welwyn Garden City, these elements take on a greater significance than otherwise might be the case. Appendix 4 offers a review of the appellants HTVIA (Appendix 6 of the appellants Statement of Case) which concludes that the HTVIA fails to establish that the proposed development respects or is in keeping with the character and setting of heritage assets in terms of design, scale, materials and impact on views. Furthermore, Appendix 4 challenges the conclusions of the HTVIA that the proposed

¹⁸ See page 14 of the National Design Guide, 2021

development will result in an enhancement to the setting of the Town Centre Conservation Area.

- 6.25 This Statement has presented throughout how the housing mix, car parking provision, height, and density of the proposed development have a significant negative impact on the character and context of the surrounding area, creating a tall, high-density development in an area of Broadwater Road West where the height and density of existing development is reducing going south from the train station. The significant increase in height and density on the appeal site would be jarring within this immediate urban environment and townscape, and would result in harm to the character, setting, identity and sense of place of the area, as well as impacting on views from the town centre conservation area.
- 6.26 In addition, within Welwyn Garden City the appropriateness of the proposed development should also be considered against the Garden City principles and ethos. This is a requirement of emerging Local Plan Policy SP15, which highlights how 'all development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City'. In addition, Policy SP15 requires developments to 'demonstrate how consideration of the historic character and significance of the town has been taken into account at an early stage in the design process'.
- 6.27 The inclusion of these policy requirements within the emerging Local Plan highlights the unique character and heritage of Welwyn Garden City. Articles appended to this proof¹⁹ outline the international importance of the town as an exemplar garden city, highlighting the unique design, approach to the layout of the urban form, heritage, planting schemes, landscaping, and social characteristics of the town, which collectively create a highly distinctive identity and sense of place. As required within emerging Local Plan Policy SP15, the principles upon which Welwyn Garden City was originally planned and designed remain an important consideration in the determination of new development proposals within the town.
- 6.28 Garden City principles promoted by the Town and Country Planning Association²⁰ (TCPA) are presented within section 14 of the emerging Local Plan. Appendix 5 presents a letter from the TCPA which questions the ability of the proposed development to accord with Garden City principles. The letter notes that the appeal site 'demands an exemplar application of the Garden City Principles, and we remain deeply concerned that any development in Welwyn Garden City which compromises the core values of this unique Garden City should not be permitted'.
- 6.29 Key principles relevant to the consideration of the proposed development in relation to the reasons for refusal include the provision of:
- Mixed-tenure homes and housing types that are genuinely affordable.
 - Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.
- 6.30 The failure of the proposed development to provide an appropriate mix of house types on the site is addressed in detail above. The proposed mix not only fails to support local planning policy, but also fails to meet Garden City principles which are integral to the town.
- 6.31 The design of the proposed development fails to appropriately meet both the NDG characteristics for a well-designed place and Garden City principles in providing 'beautifully

¹⁹ See Appendix 1: The Origins and Ethos of Welwyn Garden City, and Appendix 2: Welwyn Garden City: A Unique Heritage.

²⁰ www.tcpa.org.uk/garden-city-principles/

and imaginatively designed homes with gardens'. The density and type of development being proposed on the site does not allow for the provision of private garden space and green open spaces expected of development within a Garden City (see Appendix 3 for further details). The appeal site proposes an average amenity space (communal and private) of 16.4 sqm per unit. This is significantly lower than the level of provision recommended in other towns and cities in the country²¹ which do not have the status of being a garden city.

6.32 In particular, the open spaces provided do not appear to be usable spaces which would provide sufficient opportunities to meet the residents needs for exercise and play. Key to the character and appearance of Welwyn Garden City is residential areas which offer generous open spaces and planting, front and back gardens, low rise housing, and spacious well planned homes which can offer a superior quality of life for residents.

6.33 Existing residential developments which manifest the character of Welwyn Garden City have been developed around good quality and generous green open spaces, incorporating vistas, views and verges which are successful in bringing in a 'country' character to the town which is key to meeting Garden City design principles and creating a healthy community. In seeking to maximise the development potential of the appeal site, the proposed development has failed to provide a design approach and provision of good quality private and communal open spaces which successfully meets the Garden City principles expected of development within Welwyn Garden City.

6.34 To uphold the traditions of high quality development within Welwyn Garden City which is consistent with the historic aims and objectives of the Garden City movement, as well as the modern Garden City guidance produced by the TCPA, it is important that the key principles of a Garden City are upheld in all new development proposals in the area. The TCPA, as founders and key proponents of Garden City principles, has raised concerns about the ability of the proposed development to accord with Garden City principles. The failure of the proposed development to meet the Garden City principles outlined within section 14 of the Local Plan clarifies that the Council was correct to identify design as a reason to refuse the proposed development. Any alternative decision would set a dangerous precedent regarding the appropriateness of this type of development within other areas of Welwyn Garden City, and could potentially erode the national and international importance of the town as a Garden City.

²¹ See the Essex Design Guide, available at: www.essexdesignguide.co.uk, which recommends the provision of 25 sqm of private space for each home.

7. The application of local planning policy in the decision making process

7.1 It is acknowledged that the Council cannot currently demonstrate a five year supply of deliverable housing sites. Therefore, in accordance with NPPF paragraph 11d) footnote 7, WHDP policies which are most important for determining the application are considered out-of-date. In addition, the policies within the WHDP were adopted in 2005, and therefore predate national planning policy within the NPPF. Although the WHDP policies are considered out-of-date, in accordance with the NPPF paragraph 219, the weight given to these policies in decision making should be based on their consistency with the NPPF.

7.2 WHDP policies referenced within this proof are listed in the table below, and an assessment of their consistency with the NPPF is provided. The table demonstrates that all policies are considered to be consistent with the NPPF, and therefore should be given significant weight in the decision making process.

Topic	WHDP policy and summary	Consistency with the NPPF
Housing mix	H7 Affordable Housing <ul style="list-style-type: none"> Requires the provision of an identified level of affordable housing. 	NPPF paragraphs 62 onwards outline how planning policies should support the delivery of affordable housing. WHDP Policy H7 is consistent with these requirements of the NPPF.
Transport / Car parking	D5 Design for Movement <ul style="list-style-type: none"> New development should take account of its impact on movement patterns. New development should make provision for sustainable modes of transport, parking and traffic management. 	NPPF paragraphs 92 and 106 require planning policies to encourage sustainable modes of transport. NPPF paragraph 104 identifies the need to consider parking in the design of development. WHDP Policy D5 is consistent with these requirements of the NPPF.
Car parking	M14 Parking Standards for New Development <ul style="list-style-type: none"> Requires parking provision for new development to be provided in accordance with the standards set out in the Council's supplementary guidance on parking. 	NPPF paragraphs 107 and 108 refer to the setting of local parking standards, and the justification for maximum standards. The Council's supplementary guidance on parking was updated in August 2014 ²² to take account of the requirements of the NPPF. WHDP Policy M14 is consistent with these requirements of the NPPF.
Design	D2 Character and Context <ul style="list-style-type: none"> New development should respect and relate to the character and context of the area. New development should maintain, and where possible enhance, the character of the area. 	NPPF paragraph 124 requires planning policies to support development that makes efficient use of land, taking into account the desirability of maintaining the prevailing character and setting of the area. NPPF paragraph 130 requires planning policies to ensure that developments are sympathetic to local character and history. Policy D2 is consistent with these requirements of the NPPF.
Density	H6 Densities <ul style="list-style-type: none"> Setting a density target of 30 to 50 dwellings per hectare subject to an assessment of the impacts of the development. Densities of close to or exceeding 50 dwellings in central accessible areas 	NPPF paragraphs 124 onwards require planning policies to support development that makes efficient and optimal use of land, taking into account the desirability of maintaining the prevailing character and setting of the area. NPPF paragraph 125 states that it may be appropriate for planning policies to set

²² Interim Policy for Car Parking Standards and Garages, Welwyn Hatfield Borough Council, 2014

	subject to an assessment of the impact of the development.	out a range of densities. Policy H6 is consistent with these requirements of the NPPF.
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- 7.3 The emerging Local Plan was submitted for examination in May 2017. The examination is currently ongoing, and recent correspondence from the Inspector²³ has proposed an approach to progressing the examination towards modifications consultation in order to enable the adoption of the Plan to be achieved in 2022. The emerging Local Plan is therefore at an advanced stage of preparation. As outlined in NPPF paragraph 48, ‘the more advanced its preparation, the greater the weight that may be given’, subject to the extent of unresolved objections and the degree of consistency with the NPPF.
- 7.4 Where the examination hearings have now ended, and the Inspector is recommending moving towards modifications consultation, it is clear that any objections and concerns regarding consistency with national planning policy and guidance have now been addressed where necessary through the modifications. Therefore, in accordance with NPPF paragraph 48, the policies within the emerging Local Plan should be given significant weight in the decision making process.
- 7.5 The Broadwater Road SPD was produced to support the adopted Local Plan policies in guiding the regeneration and the redevelopment of the Broadwater Road West area. The SPD remains part of the adopted Development Plan, and is referred to throughout the emerging Local Plan as an SPD ‘which will guide development at key regeneration locations within the Borough’. The SPD therefore remains a material consideration of considerable weight in the determination of development proposals in the area, and the design guidance within the SPD should inform an assessment of the appropriateness of development proposals on the appeal site.
- 7.6 The Welwyn Hatfield Parking Standards SPG was produced to outline parking requirements for new developments in the area. The Council’s supplementary guidance on parking was updated in August 2014²⁴ to take account of the requirements of the NPPF, and the standards presented within the SPG are now considered by the Council as guidelines, supporting the consideration of parking provision within applications on a case by case basis subject to relevant circumstances, context, and national planning policy and guidance. The standards within the SPG are therefore an important material consideration in guiding the determination of the application in relation to parking. The parking standards were produced by assessing parking needs in specific areas of the Borough, and therefore represent locally developed and agreed parking guidance which should be given considerable weight when considering the appropriateness of parking provision.
- 7.7 In summary, the policies identified within this Proof from the WHDP and emerging Local Plan, the Broadwater Road SPD, and the Welwyn Hatfield Parking Standards SPG, are all important material considerations in determination of this appeal.

²³ Letter dated 5th April 2022, available on the Council website: [EX285 Inspector's reply 5.4.22 to WHBC letter 8.3.22 \(welhat.gov.uk\)](#)

²⁴ Interim Policy for Car Parking Standards and Garages, Welwyn Hatfield Borough Council, 2014

8. Conclusions (Summary Proof)

8.1 The parties are not challenging the principle of development on the appeal site. It is accepted that residential development can be provided on this site, however the design, quality and type of the development provided should be consistent with the status, character, and appearance of the town as a Garden City.

8.2 The key issues identified throughout this proof are summarised below:

a) Housing mix issues

- The development does not meet the affordable housing requirements for the area set out within WHDP H7 and emerging draft Local Plan Policy SP7.
- The type and mix of housing being proposed on the site has no relation to the identified local housing needs for the area. This is contrary to the requirements of emerging Local Plan Policy SP7.
- The local housing need evidence supporting the emerging Local Plan does not identify significant shortfalls in the provision of smaller properties which would warrant a proposed housing mix so focused on the supply of 1 and 2 bedroom flats.
- The proposed housing mix seeks to maximise the development capacity of the site, which is contrary to the Garden City ethos upon which Welwyn Garden City was developed and continues to thrive.

b) Car parking

- The proposed development fails to meet the parking standards recommended within the Parking Standards SPG. The proposed development is therefore contrary to WHDP Policy M14.
- The provision of parking on the appeal site is not comparable to other development in the Former Shredded Wheat Factory site, because it does not have the same level of accessibility to the train station and services and facilities within the town centre.
- Pedestrian and cycle links to surrounding areas from the site are poor, particularly in the short term where the deliverability of direct access to the train station and town centre beyond is uncertain.
- While the site is within the proximity of public transport links, the quality of the services are not sufficient to support a development of this size and scale.
- In this area of Broadwater Road a higher provision of parking should be provided to take account of the likely needs of future residents to require a car to meet all of their transport needs.

c) Design

i) Height

- The height of the proposed development is contrary to the recommendations of the Broadwater Road West SPD.
- The proposed development fails to appropriately meet the criteria set out within the SPD for development of 5 storeys or more.
- The proposed development fails to appropriately relate to the character of this section of the Broadwater Road West area and the height of existing development immediately

adjacent to the site, the proposed development is contrary to WHDP Policy D2 and emerging Local Plan Policy SP9.

- In accordance with paragraph 134 of the NPPF, the proposed development should be refused where it fails to reflect local design policies, taking into account any local design guidance and supplementary planning documents.

ii) Density

- The density of the proposed development is significantly higher than density levels recommended in the SPD, the adopted Local Plan and the emerging Local Plan, significantly higher than the adjacent Former Roche Products site, and higher than the approved Former Shredded Wheat Factory site development.
- Higher density development is not appropriate in all parts of the Broadwater Road West area. The density of the proposed development would not relate to the character and setting of the existing development immediately adjacent to the site and within this area of Broadwater Road West.
- The density of the proposed development would be contrary to WHDP Policy H6 and emerging Local Plan Policy SP9.

iii) Setting, identity, character, and Garden City ethos

- The step up in height, scale and density on the appeal site would be jarring within this immediate urban environment, and would result in harm to the character and setting of the area that would be experienced not only in the immediate vicinity of the site, but also through views from the town centre conservation area.
- The proposed housing mix not only fails to support local planning policy, but as raised by the TCPA as founders and key proponents of Garden City principles, also fails to meet Garden City principles which are integral to the heritage of the town.
- In seeking to maximise the development potential of the appeal site, the proposed development has failed to provide a design approach and provision of good quality private and communal open spaces which successfully meets the Garden City principles expected of development within Welwyn Garden City.

9. References

Appealing Design, Place Alliance, 2022

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National Model Design Code, MHCLG, 2021

Welwyn Hatfield Technical OAN Paper, The Implications of the 2016-based SNPP and SNHP on the Welwyn Hatfield OAN, Turley, June 2019

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Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission, August 2016

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English Garden Cities, An Introduction, English Heritage, 2010

Broadwater Road West Supplementary Planning Document, Welwyn Hatfield Council, 2008

Welwyn Hatfield Parking Standards Supplementary Planning Guidance, Welwyn Hatfield Council, 2004

Welwyn Hatfield District Plan, Welwyn Hatfield Borough Council, 2005

10. Appendices

Appendix 1: The Origins and Ethos of Welwyn Garden City, Professor Mark Clapson

Appendix 2: Welwyn Garden City: A Unique Heritage, Angela Eserin

Appendix 3: Green and Amenity Spaces in Welwyn Garden City, Keep the G in WGC and WGC Heritage Trust

Appendix 4: Review of the HTVIA, Keep the G in WGC and WGC Heritage Trust, June 2022

Appendix 5: TCPA Letter, 9th June

Appendix 6: Comments on Welwyn Garden City and the proposed development

Appendix 6a) The International Importance of Welwyn Garden City, Professor Eugenie Birch, June 2022

Appendix 6b) Design Review, Graham Morrison OBE, June 2022

Appendix 6c) Twentieth Century Society comments, June 2022

Appendix 6d) Welwyn Garden City, an international showcase, Dr Heleni Porfyriou, June 2022

Appendix 6e) EcoResponsive Environments, June 2022

Appendix 7: TCPA statement on World Heritage Status, May 2022

Appendix 8: Voice of the Community, Keep the G in WGC and WGC Heritage Trust, June 2022