

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION,
PLANNING AND GOVERNANCE)

6/2016/2497/MAJ

37 BROADWATER ROAD, WELWYN GARDEN CITY, AL7 3AX

CHANGE OF USE OF AN OFFICE BUILDING TO FORM 24 X 2 BEDROOM
RESIDENTIAL APARTMENTS WITH BALCONIES, THE CONSTRUCTION OF
AN ADDITIONAL TWO STOREYS AND A FOUR STOREY SIDE AND REAR
EXTENSION WITH ROOF GARDEN, LAYOUT OF 26 CAR PARKING SPACES
AND CYCLE PARKING, INTERNAL ACCESS ROUTES, LANDSCAPING AND
SUPPORTING INFRASTRUCTURE.

APPLICANT: Mr M. Sandford

AGENT: Mr T. Waller

(Peartree)

1 Site Description

- 1.1 The application site is located on the eastern side of Broadwater Road and comprises a two storey office building and its associated car park. Broadwater Road is located within an employment area whereby a number of commercial premises can be seen. However it should be noted that the area is changing by virtue of residential developments seen in close proximity to the application site.
- 1.2 The application property currently benefits from a relatively large car parking area with limited soft landscaping.
- 1.3 Immediately to the south lies a pedestrian footpath providing access from Broadwater Road to Peartree Lane.

2 The Proposal

- 2.1 The proposal would provide a total of 24 two bedroom flats.
- 2.2 The proposed 24 dwellings is an increase of 12 dwellings from the development approved under the recent prior approval application 6/2016/1318/PN11. The proposal would result in the construction of an additional two storeys and a side extension.
- 2.3 These changes were not possible under the application for prior approval, as the process does not allow for works which would constitute development as these require separate planning permission. The prior

approval has however established that the building can be converted to residential use and this application seeks to justify a greater number of flats and a denser form of residential development.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the proposed development would represent a departure from the development plan.

4 Relevant Planning History

- 4.1 6/2016/1318/PN11 – Prior approval for the proposed change of use from office (class B1) to residential (class C3) (10 flats) – Granted 5th September 2016
- 4.2 N6/2015/0615/OR - Prior approval for the change of use from use class B1(a) (offices) to use class C3 (dwellinghouses) creating no.3 three bedroom flats, no.5 two bedroom flats, and no.4 one bedroom flats – Prior approval not required
- 4.3 N6/2000/0368/FP – Erection of three metre high metal fence to southern boundary – Approved 8th May 2000
- 4.4 N6/1998/0988/FP - Demolition of existing single storey building and erection of two storey extensions to existing building – Approved 12th February 1999
- 4.5 N6/1983/0359/ - Two storey block of offices and workshop accommodation (class IV) - Approved 7th July 1983

5 Planning Policy

- 5.1 National Planning Policy Framework 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Council's Draft Local Plan Policies
- 5.4 Supplementary Design Guidance, February 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site is located within the Welwyn Garden City employment area within the settlement of Welwyn Garden City as defined in the Welwyn Hatfield District Plan 2005.

7 Representations Received

7.1 The application has been advertised by neighbour notification, site notice and press notice. Two responses have been received as follows:

- *'On the basis that planning under permitted rights is already in place, then it would seem sensible to maximise the utilisation of the site with more apartments; this of course is on the basis that all other planning and safety requirements are met.'*
- *'It's becoming too much, that industrial offices are being turned into properties. This has led to a big increase in Welwyn Garden City population, without an increase in the infrastructure, i.e. no additional schools or doctors and even the hospital being moved and made smaller. In addition to this with less work opportunities and more properties, the trains are over-crowded as Welwyn Garden City is becoming a satellite town and with more houses this will become worse, therefore I would like to know what is being done to address the above. I oppose this.'*

8 Consultations Received

- 8.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection subject to conditions and no gate being proposed.
- 8.2 **Hertfordshire County Council Rights of Way** – No comments to make.
- 8.3 **Hertfordshire County Council Minerals & Waste** – No objections.
- 8.4 **Hertfordshire County Council Lead Local Flood Authority** – No objection subject to conditions.
- 8.5 **Hertfordshire County Council Development Services** – No objections subject to securing contributions through a S106 agreement.
- 8.6 **Herts Fire & Rescue** – The provision for access does not appear to be adequate to comply with BS9999:2008.
- 8.7 **Hertfordshire Constabulary** - The design & access statement does supply some detail around natural surveillance and cycle storage. It mentions 'secure locks and security devices' but doesn't elaborate upon them. Before I could support this application, I would need assurances around suitable access control into the block, including a LPS1175 certified communal door, audio-visual access control panel and the intention to supply suitable lighting from building or column mounted luminaires. Bollard lighting is inappropriate due to inability to achieve uniform lighting levels and the simple fact; they get damaged far too easily and are therefore not fit for purpose. There should also be some form of compartmentalisation to prevent unfettered access to the whole site from anyone who gained entry by 'tail-gating' a resident. Part Q? of Building Regulations will require all individual entrance doors to be to PAS24 standard, as will the ground floor glazing. I would welcome a contact from the architect should they wish to discuss security further.

- 8.8 **Hertfordshire Ecology** – No objection.
- 8.9 **Thames Water** – No objection.
- 8.10 **WHBC Environmental Health** – Object on the grounds that the external amenity areas do not comply with the levels stated in BS8233:2014 without the installation of glazed screens. Environmental Health are particularly concerned with the glazed screen will be required on the balcony of flat 22. This is not in line with good acoustic design and with the view of protection of the public health of those who will occupy the flat. In essence they will be practically encaged within their property with no access to external areas without significant glazing. This would not be considered a suitable amenity space.
- 8.11 **WHBC Parking Services** - Have concerns about the proposed number of parking spaces for the development. The development is for 24 two bedroom apartments and only 24 parking spaces, I would assume that this development will attract couples and looking at recent new developments new occupants are likely to have at least one car if not two. In addition, no consideration has been made for any visitor parking. There is a significant risk of vehicle displacement in neighbouring roads which I would like to see addressed with a 106 financial contribution in the region of £40k, if the planning application was successful. This financial contribution would need to cover an initial parking study to understand the current parking regime in roads surrounding the development, then a subsequent parking study within one year of 90% the dwellings been occupied (an indicative cost for both surveys would be £8,000 each). This will ascertain whether there has been a negative impact on the parking in surrounding roads. The remaining £24,000 would need to be available if the second study does indicate parking displacement. This money would be there to be able to instigate parking restrictions to deal with the displacement. However, if the second study indicates no parking displacement has occurred, the £24,000 would be returned to the developer.
- 8.12 **WHBC Conservation Officer** - The proposals would harm the setting of the nearby listed buildings (Roche) by reason of height and bulk and would not conform to the NPPF. It is considered that the proposed vertical extension is too high, especially in relation to the Roche administration block, directly opposite and Shredded Wheat silos are a landmark building and it is important that buildings in its wider setting do not compete with it on a height basis.
- 8.13 **Environment Agency** – No comments have been received.
- 8.14 **East & North Herts Clinical Commissioning Group** - No comments have been received.
- 8.15 **WHBC Landscaping** - The proposed landscaping and specification for planting is considered appropriate and sufficient for this site.

9 **Analysis**

9.1 The main planning issues to be considered are:

- 1. Whether the site is required to meet future employment requirements and business and community needs**
 - 2. Whether the principle of residential development is acceptable (Policies EMP1, EMP2, H2 and NPPF Sections 1, 3, 4, 7 and 8)**
 - 3. Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area (D1, D2, R1, R19 and NPPF)**
 - i. Impact the setting of a listed building**
 - 4. Impact on amenity of adjoining occupiers (D1)**
 - 5. Highway and Parking Matters (NPPF, M14)**
 - 6. Other Material Planning Considerations**
 - i. Landscaping (D8)**
 - ii. Flooding and Drainage**
 - iii. Noise, Contaminated Land and Fire & Rescue (R2)**
 - iv. Refuse and Recycling Storage (D1, IM2 & M4)**
 - v. Planning Obligations & Legal Agreement (IM2, M4 & Planning Obligations SPD)**
- 1. Whether the site is required to meet future employment requirements and business and community needs**

9.2 The application site is located in a designated employment area EA1 – Welwyn Garden City Industrial Area. Saved Policy EMP2: Acceptable Uses In Employment Areas states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) of policy EMP2 and other relevant policies relating to the proposed use.

9.3 The emphasis of the strategy and objectives in the Employment chapter of the District Plan is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and firms seeking to locate in the area.

9.4 Policy SADM10 of the Council's Draft Local Plan was prepared to accord with guidance in the National Planning Policy Framework and has the same approach to the loss of employment land to other uses, seeking to protect the supply of land for industrial office and warehousing uses. This approach reflects the strong emphasis on sustainable economic development in the National Planning Policy Framework (NPPF). Paragraphs 18 to 27 of the NPPF set out the Government's overarching ambitions for building a strong, competitive economy.

9.5 Notwithstanding the Council's strong desire to see adequate land remaining for employment uses, in 2015 an application for prior approval

for a change of use from B1(a) office use to residential use affecting this site and creating 3 x three bedroom flats, 5 x two bedroom flats & 1 x 4 bedroom flat (N6/2015/0615/OR) was lodged. Consequently it was agreed that the building could be converted to residential use as permitted development without the Council's prior approval. Further to that, an application was submitted in 2016 for prior approval for a change of use from office to residential and the creation of 10 residential units comprising 4 x one bedroom flats and 6 x two bedroom flats. This application was also agreed and as such the building can now be converted to a residential use as permitted development.

- 9.6 On the basis of a recent prior approval application submitted for the site and a recent site visit where it was established that the offices were vacant and photographs supplied by the agent show that stripping out of the internal areas has commenced. It is therefore considered that the employment use of the building has therefore effectively ceased. It is therefore considered that the fall-back position is a material consideration in this instance which carries significant weight.

2. Whether the principle of residential development is acceptable

- 9.7 By virtue of the site having received prior approval for the conversion of the existing building to a residential use, the principle of the land and building being in a residential use has been established, the applicant is understood to have started works on site under the prior approval to carry out the residential conversion of the building as permitted development. Reference should be given to the National Planning Policy Framework (NPPF) which encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.
- 9.8 Saved Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:
- (i) The availability of previously-developed sites and/or buildings;
 - (ii) The location and accessibility of the site to services and facilities by transport modes other than the car;
 - (iii) The capacity of existing and potential infrastructure to absorb further development;
 - (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities;
 - (v) The physical and environmental constraints on development of land.
- 9.9 The application site is located within the main town of Welwyn Garden City. It is situated in a particularly sustainable location; being within walking distance of the town centre and the train station and being served by

various bus services along Broadwater Road, at the front of the property. The proposed development would access directly onto Broadwater Road, a main thoroughfare within the town, providing good access to the surrounding area. Furthermore, there are no known physical or environmental constraints at this site that cannot be dealt with by the imposition of relevant conditions.

- 9.10 Whilst the site is located in a designated employment area it is on the edge of the area, with residential areas to the south of the site and on the opposite side of Broadwater Road, it should also be noted that the site immediately to the south of the site received planning permission for 23 residential dwellings under reference N6/2015/0034/MA and it is noted that a primary school is located to the rear of the site. It is only to the north that the main employment uses are located. The introduction of a development of 24 residential dwellings would not be inconsistent with the character of the area.
- 9.11 It is found that the proposal would not be contrary to policies H2, SD1 and R1 and is considered to represent sustainable development in accordance with the NPPF. Taking all of the above into account, there is no objection in principle to the residential development of this site and the presumption in favour of the residential development should apply.

3. Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area

- 9.12 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 9.13 Furthermore, saved District Plan Policy D1 requires the standard of design in all new development to be of a high quality and saved Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 9.14 The character and form of built development in this area is mixed, comprising conventional housing to the south and the relatively new housing on the opposite side of Broadwater Road, which is of a flat roof, rectangular design and of large blocks of a single material, either red brick or white render with grey windows, providing a bold, contemporary appearance. To the north of this existing residential development is the Roche Products Factory, which is Grade II Listed and further north on the west side of Broadwater Road is the former Shredded Wheat factory which is also Grade II Listed and is also proposed for residential redevelopment.

Both listed buildings are disused. There are also office and employment buildings to the north of the application site, along Broadwater Road which are of varying and unique builds, varying in terms of their scale, form and materials.

- 9.15 The proposed development would, to an extent, maintain the design and appearance of the existing building, by virtue of the distinctive front elevation being maintained. Furthermore it is generally considered that the form and use of materials for the proposed development would be similar to those properties located opposite on Broadwater Road adjacent to the Roche building.
- 9.16 The building would be extended by virtue of an increase in two storeys and a side extension, the building would feature balconies and oriel windows together with a roof top communal garden. The proposed development would be different in terms of style and design from the existing residential properties located opposite and the recently approved scheme at Highways House immediately to the south of the site. However it is considered that the character of the area has been taken into consideration in its design and elements of the design have been taken from those existing developments, whilst maintaining the character of the building and how it currently exists. It is considered that although not a direct replica of developments opposite, due to its location along Broadwater Road which is generally of an industrial character the proposed design is not considered to be objectionable.
- 9.17 It is also noted that the layout of the proposed development is not dissimilar to the existing, with the building extending no closer to Broadwater Road itself, the extensions would result in built form extending closer to the northern by approximately 6m reducing the separation gap from 8.57m to 2.38m and the eastern boundary by approximately 5m result in a separation distance of approximately 17.6m. Whilst the side extensions and the reduction in the separation space between the building and the northern boundary would be notably reduced, as the extension is set back from the main front elevation and there is no built form seen immediately to the north it is not considered to impact the street scene adversely. The parking areas would be in broadly the same location as currently seen at the site.
- 9.18 Landscaping is also a key feature of the proposed development, a sedum roof is proposed along with landscaping seen along the frontage of the site, to soften the bulk and mass of the proposal and to match those on the opposite side of the road and to ensure that the proposal is in keeping with the key, soft landscaping ethos of the garden city. The planting of further trees and other planting within the site has been encouraged by officers and are shown on the plans. This again, would help to soften the appearance of the development and to also create a pleasing sense of place and a built environment which is nice to live in. The Council's landscape officer has not raised an objection to the scheme and considers the planning to be appropriate and sufficient for the site. Notwithstanding a further landscaping scheme is to be submitted and controlled by condition.

- 9.19 The car parking area would provide 26 spaces, the majority of which would be to the rear of the building with a few spaces seen along the southern boundary, however as these are set back from the front the car parking area is not considered to be readily visible from Broadwater Road and thus is not considered to dominate the site
- 9.20 Taking account of the above, it is considered that the proposed development would be in accordance with Policies D1, D2, D4, D7 and D8 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance Statement of Council Policy 2005 and relevant parts of the National Planning Policy Framework 2012.
- i. Impact on the setting of a Listed Building
- 9.21 The application site is located opposite a Grade II Listed Building (being approximately 28m away) The Roche Products Factory. The Local Planning Authority must pay special regard to the desirability of preserving the setting of nearby listed buildings. The National Planning Policy Framework, section 12 requires local planning authorities in determining applications to consider whether new development will cause harm to the character and/or setting of heritage assets.
- 9.22 The Council's conservation officer considers that the development has not been considered in relation to its proximity to such a building nor to the Shredded Wheat Factory (another Grade II Listed Building) further along Broadwater Road. The frontage of the existing building on the site, which was built in the late C20th, faces almost directly onto the administration block of the listed building and can be viewed across its iconic lawns. Like the listed building the application building is two storeys and of some interest, with a bold cantilevered roof and a dramatic pylon which defines the entrance and gives visual support to the cantilever. The smooth white finishes are sympathetic with the listed building. The rear of the building is in simple and cubic with cool crisp finish of metal cladding and ribbon windows.
- 9.23 The proposal would be to retain the frontage to an extent but to extend upwards with additional storeys and would also be extended further to the rear taking up part of the existing car park.
- 9.24 As a result of the development new elevations would consist of the introduction of balconies and punched windows into generally white rendered walls.
- 9.25 The existing buildings in the road are generally lower at 2 -3 storeys but there are exceptions e.g. No.29 which has a 3 storey frontage, rising to 4 storeys at the rear. The rear factory wing of the Roche building is also of 4 storeys but well set back and of course the Shredded Wheat silos are significantly higher.
- 9.26 The conservation officer considered the proposed vertical extension to be too high, especially in relation to the Roche administration block, directly opposite and the Shredded Wheat silos which are a landmark building and

it is important that buildings in its wider setting do not compete with it on a height basis.

- 9.27 Following comments from the conservation officer the applicant submitted an amended Design and Access Statement addressing the listed buildings situated on Broadwater Road. Whilst the conservation officer's comments have been considered, in this instance the increase in height from two storeys to a four storey building, would be consistent with other buildings in the street scene. Furthermore due to the design of the building, the third floor would be set back from the front of the building and it is not considered that it would appear as a bulky four storey building. Furthermore the scale of the building is not uncommon in this location and its front elevation would retain a similar appearance to the existing with the distinctive design retained and its relationship with the Roche administration building.
- 9.28 Due to the distance of approximately 290m from the Shredded Wheat building, the proposed development is not considered to adversely impact its' setting and whilst some views of the host site would be possible, the increase in the overall height of the building is not considered to compete with the Shredded Wheat silos.
- 9.29 It is therefore considered that on balance the proposal would lead to less than substantial harm to the setting of the listed buildings and would provide benefits in the form of new housing in a sustainable location and would not therefore be contrary to the NPPF part 12.

4. Impact on amenity of adjoining/adjacent occupiers

- 9.30 The impact on the living conditions of existing and future occupiers of Policies D1 and the Supplementary Design Guidance 2005 (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity and living conditions in terms of overbearing impact, day and sun light, privacy/overlooking and noise.
- 9.31 The development site is located in between a vacant piece of land with offices to the north. A recent planning permission has been granted at the site immediately to the south, this site is for 23 residential properties and a care home granted under applications N6/2015/0034/MA & N6/2014/2715/MA. Furthermore residential properties can be seen opposite the site and the Roche Products Factory which is now also subject to planning applications 6/2016/1882/FULL & 6/2016/1883/LB for residential development although no decision has yet been made.
- 9.32 The proposed development would result in an increase in the amount of built form at the site, by virtue of the extensions proposed. As a result there would be an increase in the amount of fenestration seen to the elevations and additional balcony detailing and a roof top garden. No.29 Broadwater Road is a substantial four storey building and is the closest business occupied site, although this site is approximately 73m from the application site. No buildings can be seen on the site immediately to the north of the

host site. Therefore it is considered that whilst overlooking towards this building would result, due to the distances achieved there are no concerns regarding living conditions for occupiers of the proposed development.

- 9.33 It should be noted that planning permission for 23 flats and dwellings to the south has been granted under application N6/2015/0034/MA, that site has been cleared in preparation for development. Therefore consideration needs to be made with regards to the development granted and the impact the proposed development will have. The neighbouring site has permission for an 'L' shaped flatted building, three storeys in scale (approximately 9.3m in height), and sited approximately 2.6m from its northern boundary. Additionally three storey dwelling houses are proposed, set back behind the flatted building but a similar distance from the boundary.
- 9.34 The proposal would result in a building greater in scale with an increase in height (an additional two storeys approximately 13.2m) and an increase in depth. There would be a separation distance of approximately 17m from the side elevation of the proposed flats and the development granted at the neighbouring site to the south.
- 9.35 It is considered that because of the proximity of the proposed building to the approved flatted scheme neighbouring the site, the positioning of windows needs to be carefully considered. Amendments have been sought during the course of the application, whereby the south elevation has been altered and 'oriel' windows are now proposed to prevent direct overlooking. Whilst a window pane would face directly towards the neighbouring site these would be obscure glazed providing light only into the rooms. However a clear glazed window would be seen angled towards the road or to the rear of the site avoiding direct overlooking towards the new residential development to the south.
- 9.36 Additionally it is noted that balcony detailing seen to the east elevation would have privacy screens to prevent direct overlooking towards the residential dwellings and instead views would be gained across the land to the rear of the site, it would be necessary for this to be conditioned should permission be granted. With regards to the roof garden, this would primarily be seen to the front of the building, obscured glass panels would be seen and it is considered that these should be obscure glazed, furthermore a buffer of planting would be seen preventing residents from getting to the very edge resulting in direct overlooking. It is considered that a condition can be imposed ensuring this is maintained at all times.
- 9.37 Overall it is considered that the proposal would have no significant impact on the occupiers of adjoining/adjacent properties and as such it accords with Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance Statement of Council Policy 2005.

5. Highway and parking matters

- 9.38 The HCC Highway Officer has not raised any objections to the proposed development, subject to relevant conditions requiring the laying out of adequate access, turning points and parking and a construction

management plan and notes that the proposed change of use of the land to residential and the provision of 24 dwellings would likely result in a significant reduction in the number of journeys to and from the site, compared to the existing car park, which can accommodate up to 44 vehicles. The site is located in a sustainable location with good access to public transport and good footpath and cycle links.

- 9.39 The site would provide 24 x 2 bedroom flats. Each of the flats would be provided with one off street parking space. As the site is located within Parking Zone 2, the maximum requirement for this development would be 24 parking spaces. The proposal seeks to provide 26 parking spaces, which includes two disabled parking bays and it should be noted that two of the spaces would be for charging electric cars. Therefore the proposal meets the Council's minimum standard, in accordance with the Supplementary Parking Standards and the Interim Parking Standards. The internal access road would provide sufficient, safe access and turning areas for parking spaces accessed directly from it and there would be parking areas, to the rear of block and along the side boundary, each parking space is of a sufficient width to provide adequate parking, access and turning space.
- 9.40 In the event of permission being granted, conditions would be included requiring that the access, turning areas and parking spaces be laid out and provided in accordance with the submitted Layout Plan, prior to any occupation. In addition, a construction management plan is required. No contributions have been sought from HCC Highways.
- 9.41 It should be noted that comments have been received from the Council's parking team, raising concerns regarding the numbers of parking spaces. The concerns are that there would be a '*significant risk of vehicle displacement in neighbouring roads*' a S106 financial contribution has been requested for £40,000 to cover an initial parking study to understand the current parking regime in roads surrounding and then a subsequent study within one year of 90% of the dwellings being occupied. The remaining money would go on a further study, however if the final study indicates no parking displacement £24,000 would be returned to the developer. Whilst displacement of vehicles within the Borough is a problem in some areas, as the site is compliant with the Council's parking standards it is considered that the contribution sought is unreasonable and therefore this has not been requested.
- 9.42 It is also noted that there are 2 cycle stores within the site each accommodating 20 bicycles. As such there is sufficient cycle storage available for residents in accordance with the Council's Parking Standards.

6. Other Material Planning Considerations

i. Landscaping

- 9.43 The site is currently occupied by a hard-surfaced car park, surrounded by metal fencing/enclosures and is of low ecological value, although the row of mature tree to the rear boundary are worthy of retention.

- 9.44 Hertfordshire Ecology have commented that the site is a modern office building and it is unlikely that species such as bats or breeding birds will be using the internal section of the building. However an advisory is recommended on any permission.
- 9.45 The Council's Landscaping and Ecology Officer has indicated that there is no objection to the proposed development. The application is accompanied by a landscape plan together with information regarding an underground root system for trees. No information has been submitted regarding the maintenance of the communal garden area nor has any information been provided regarding the sedum roof. It is considered that whilst the landscaping plan is generally acceptable a condition should be imposed requiring a landscaping scheme to be submitted together with a maintenance and management plan to be submitted in order to ensure that the landscaping and sedum roof is maintained.
- 9.46 Compared to the existing nature of the site, it is considered that the proposed development would provide the opportunity to improve and increase soft landscaping and ecology within this location.

ii. Flooding and Drainage

- 9.47 The Lead Local Flood Authority were consulted on the application and do not wish to raise an objection on flood risk grounds. However it is noted that the drainage strategy is based upon attenuation and discharge into existing Thames Water Sewers. The surface water run-off will be restricted to 15.7 litres per second which provides a significant improvement and the attenuation volume will be provided through the sedum roof and permeable paving proposed.
- 9.48 It is however necessary for conditions to be imposed on any grant of planning permission. These conditions include that the permission is carried out in accordance with the approved Drainage Strategy.

iii. Noise, Contaminated Land and Fire & Rescue

- 9.49 The Council's Environmental Health Officer has raised a concern over the proposed development, in particular the noise from Broadwater Road and its impact on the external amenity areas, which do not comply with the levels stated in BS8233:2014 without the installation of glazed screens. The proposal seeks 1.6m high balustrades to the balcony of flat 22 and the balustrades of the communal amenity area proposed. Environmental Health have a particular concern with flat 22 which fronts onto Broadwater Road, as the approach taken is not in line with good acoustic design and with the view of protection of the public health of those who will occupy the flat. However due to the glazed screen proposed and the details stated within the noise report which states that as a result of a glazed screen, which would be to a minimum height of 1.5m and a superficial mass of 10kg/m², this would result in noise levels in the external amenity areas that would not exceed LAeq,T 54dB, this would ensure that the scheme complies with BS8233:2014. Environmental Health have not raised concerns regarding the internal living space and the noise from the road.

Therefore it is considered that in this instance a buyer beware approach would be taken and therefore it would be up to the occupier as to how and if they use this external space. It is however considered necessary for the development to be commenced in line with the noise report and therefore a condition shall be imposed to this effect. Additionally it would be necessary for full details of the glazing screens to be submitted as part of the development to ensure that those details result in the external noise levels being in compliance with the British Standards.

- 9.50 No comments have been received in relation to contaminated land, therefore this is not considered to be a concern.
- 9.51 It is noted that Herts Fire & Rescue have commented that the access does not appear to be adequate to comply with BS9999:2008. However on clarification, Herts Fire & Rescue are not raising an objection to the scheme they are simply making the developer aware of issues that may arise during the construction phase, and which could be raised at the building control stage. Therefore whilst not a planning consideration affecting the determination of this application it is considered reasonable for an informative to be placed on any planning consent.

iii. Refuse and Recycling Storage

- 9.52 A bin store would be located on the southern boundary, towards the front of the site. WHBC Client Services have requested 4 x 1100 litre shared containers are provided at the site and would be emptied weekly. Following amendments to the plans, the entrance gate has been removed from the scheme to allow unrestricted access to the bin store and access into the site. Furthermore it is noted that a freighter can enter and manoeuvre within the site exiting onto Broadwater Road in a forward gear.

iv. Planning Obligations & Legal Agreement

- 9.53 The Council has not adopted a Community Infrastructure Levy and the requirement is therefore that any planning obligations must meet the following requirements:

Necessary to make the development acceptable in planning;

Directly related to the development;

Fairly and reasonably related in scale and kind to the development.

- 9.54 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005

- 9.55 As the occupiers of the new residential development would have an impact upon local services, the following contributions have been requested.

WHBC Client Services (Waste & Recycling) - £1,560.00

WHBC Green Spaces - £2693.76 (To supply outdoor furniture at the Community Orchard based at Woodhall Open space)

WHBC Play Facilities - £7065.60 (Towards the improvement and enhancement of The Reeds Play area off Corals Mead.)

HCC Nursery Education - £4680.00 (Nursery Education towards the expansion of Ludwick Nursery School (Partnership development with Squirrels Day Nursey)

HCC Childcare Service - £1368.00 (Towards the expansion of Squirrels Day Nursey (Partnership development with Ludwick Nursery School)

HCC Library Services - £3096.00 (Towards the enhancement of the ICT provision at Welwyn Garden City Library)

Total £20,463.36 (plus indexation)

- 9.56 The Council considers it reasonable and necessary to seek an additional contribution of £1,023.17 (5% of total contributions), to ensure the continued and effective monitoring of these contributions.

- 9.57 Although the applicant has agreed in principle to these contributions, no legal agreement is in place at this time. However the S106 agreement is with solicitors and it is anticipated that should permission be granted it is subject to the completion of an acceptable S106 agreement.

10 Conclusion

- 10.1 The proposed development has been considered in terms of its impact on the design and character of the property, character and context of the area, amenity of adjoining/adjacent occupiers and highway and parking matters. Special regard has been given to the desirability of preserving the character and setting the nearby listed buildings. For the reasons outlined above, it is considered that subject to conditions the proposal complies with relevant national and local planning policies.
- 10.2 The proposed residential development of 24 dwellings would result in a reduction in traffic movements on the road network and has been designed to reflect the character and style of new residential development immediately opposite the site on the west side of Broadwater Road. The scale and design of the buildings are considered acceptable in this location.
- 10.3 The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions, is acceptable with regard to impacts on highway safety and issues of environmental health.

11 **Recommendation**

11.1 It is recommended that planning permission be granted subject to the applicant, landowners and their mortgagees entering into the necessary S106 Obligations as listed below with the Council, the County Council and to the applicant agreeing any necessary extension to the Statutory determination period to allow the completion of the S106 Obligation on or before 26th May 2017.

- WHBC Client Services (Waste & Recycling) - £1,560.00
- WHBC Green Spaces - £2693.76
- WHBC Play Facilities - £7065.60
- HCC Nursery Education - £4680.00
- HCC Childcare Service - £1368.00
- HCC Library Services - £3096.00

PRIOR TO COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. 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 the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels [earthworks to be carried out]
- (b) means of enclosure and boundary treatments
- (c) hard surfacing, other hard landscape features and materials
- (d) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

(f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

(g) management and maintenance details of the communal areas

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

3. No development shall take place until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the sedum roof. This shall include a method for installation and maintenance of the sedum roof once installed. The development shall not be carried out and maintained other than in accordance with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented and retained in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Detailed engineered drawings of proposed SuDS features.
2. Details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, both on and off site.

5. The construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- (a) Construction vehicle numbers, type, routing;
- (b) Traffic management requirements;
- (c) Construction and storage compounds (including areas designated for car parking);
- (d) Siting and details of wheel washing facilities;
- (e) Provision of sufficient on-site parking prior to commencement of construction activities;

REASON: In order to protect highway safety and the amenity of other users of the public highway.

6. No development shall take place until details of the bin store have been submitted to and agreed in writing by the Local Planning Authority. Once agreed they shall be constructed in accordance with these details before first occupation of the flats and shall be retained in that form thereafter.

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

7. No development shall take place until details of the cycle stores have been submitted to and agreed in writing by the Local Planning Authority. Once agreed they shall be constructed in accordance with these details before first occupation of the flats and shall be retained in that form thereafter.

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

8. No development shall take place until the glazed balustrade/screen details have been submitted. The details should demonstrate that the necessary noise levels for the external amenity areas are in compliance with the noise requirements under BS8233:2014 and the resultant noise levels within the external amenity areas (balconies and roof top communal area) would not exceed the LAeq,T 55dB. Once these details have been agreed they shall be implemented in accordance with these details and shall be in place before the first occupation of the flats and shall be retained in that form thereafter.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

PRIOR TO OCCUPATION

9. The two balcony screens on the south elevation of the proposed building shall be glazed with obscured glass and shall be fixed at a height of 1.8 metres above finished floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

10. Notwithstanding the approved plans, the balcony balustrade to unit 24 and the communal garden area at third floor level along the southern elevation shall be glazed with obscured glass and shall be fixed at a height of 1.8m above finished floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

11. All oriel windows with glazing facing the southern boundary shall be obscure glazed and non-opening.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

12. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

13. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy carried out by Innervision Design dated November 2016 and the following mitigation measures detailed within the Flood Risk Assessment and Surface water Strategy November 2016:

- a. Implement appropriate drainage strategy based on attenuation and discharge into Thames Water Sewer.

- b. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

14. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following

the occupation of the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

15. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

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

Plan Number	Revision Number	Details	Received Date
312.AS.02		Existing Elevations	7 December 2016
312.AS.01		Existing Floor Plans	7 December 2016
312.AS.03		Existing Site Plan	7 December 2016
312.AB.05		Location Plan	7 December 2016
312.AB.03	D	Proposed Elevations	13 April 2017
312.AB.02	B	Proposed Floor Plans Second & Third Floor	17 February 2017
312.AB.01	B	Proposed Floor Plans Ground & First Floor	17 February 2017
312.AB.04	E	Proposed Site Plan	10 March 2017
687.16.1		Landscape Plan	14 December 2016
40299_5501 _SK01	B	Tracking Plan	17 February 2017
40299_5501 _SK02	B	Tracking Plan	17 February 2017
		Flood Risk Assessment And surface water Strategy (Innervision Design Ltd 2016)	7 th December 2016
RK2101/161 47	1	Noise Assessment 17.01.2017	9 th March 2017

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. It is advised that Herts Fire & Rescue have highlighted that the scheme may not comply with BS9999:2008. Therefore in order to comply with Building Control regulations the developer may be required to meet the requirements through alternative means.
5. It is advised that the development of 24 dwellings, hereby approved, shall be constructed to meet the Police preferred minimum security standard of Secure By Design. For further information, please contact Hertfordshire Constabulary Tel: 01707 355225 or information can be found at www.herts.police.uk.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Roofs of buildings may contain nesting birds between 1st March and 31st August inclusive. The roof of the building is to be modified on the application site and is assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

7. 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.
8. The applicant is advised that all new roads associated with this development will remain un-adopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

OR

Recommendation C

In the event of the applicant failing to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 obligation for the following reason:

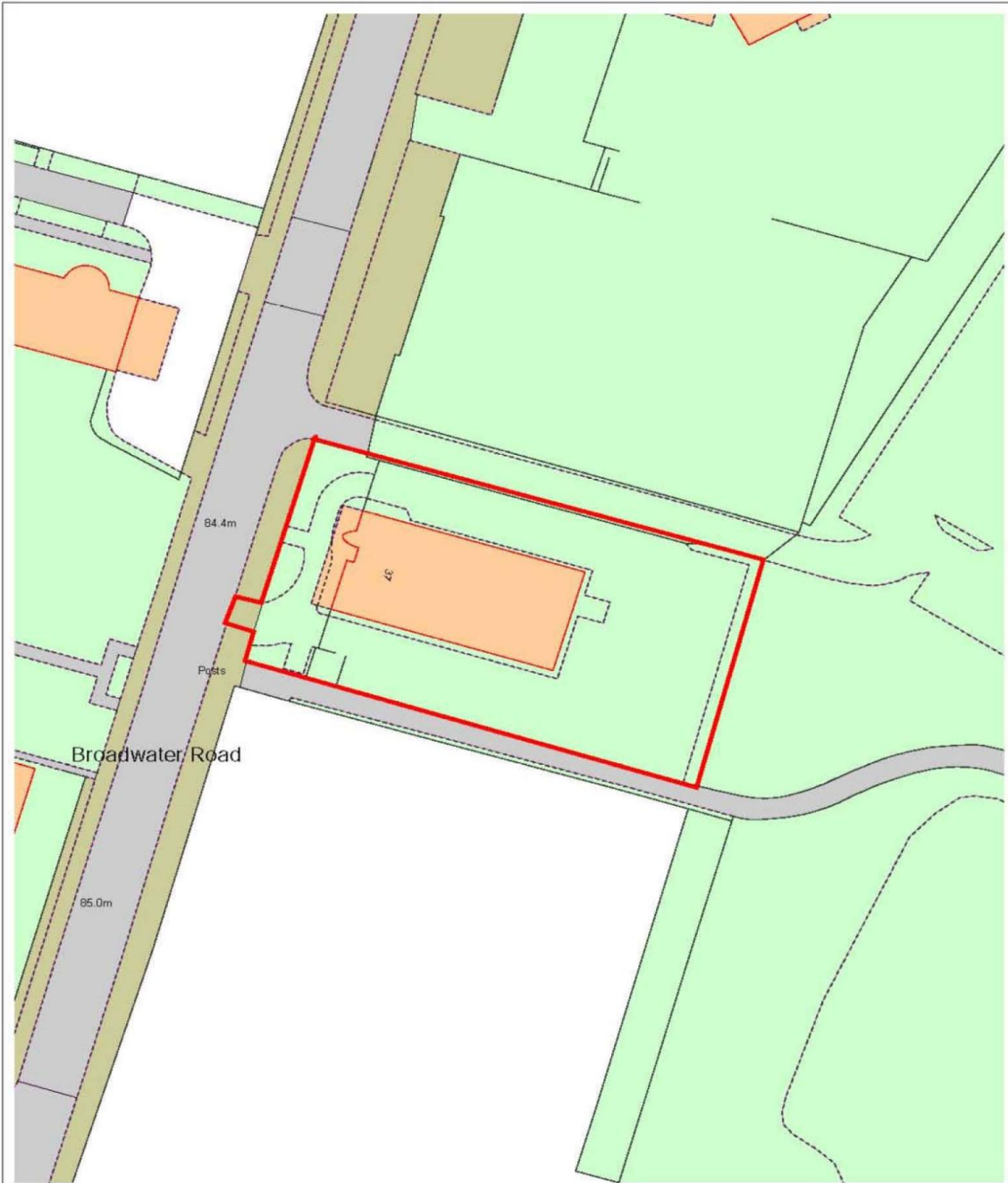
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate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

Together with drawing numbers and positive and proactive statement.

Rachael Collard (Development Management)

Date: 10.04.2017

Expiry date: 03.04.2017



Title:

37 Broadwater Road, Welwyn Garden City

Scale: DNS

Date: 2017

Project:

DMC

Drawing Number:

6/2016/2497/MA.1

Drawn:

Baras Mast-Ingle