

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/0848/MAJ

ENTECH HOUSE, LONDON ROAD, WOOLMER GREEN SG3 6JE

ERECTION OF 72 RESIDENTIAL UNITS CONSISTING OF 46 HOUSES (12 X 3
BED AND 34 X 4 BED AND 26 FLATS (4X1 BED AND 22 X 2 BED), 657 SQM
RETAIL FLOOR SPACE (A1) AND 485.1 SQM OFFICE FLOOR SPACES (B1) A))
WITH ASSOCIATED LANDSCAPING, PARKING AND INFRASTRUCTURE
INVOLVING DEMOLITION OF EXISTING INDUSTRIAL (B2) BUILDINGS AND
RESIDENTIAL UNITS

APPLICANT: Taylor Wimpey North Thames

AGENT: DLP Consultants

(Welwyn East)

1 Site Description

- 1.1 The site is located in the settlement of Woolmer Green, which is located to the very north of the borough and is located off London Road, the major thoroughfare of Woolmer Green. The site extends to approximately 2.10 hectares and is located on the north of Woolmer Green where land to the north of the site is designated as Green Belt and outside the settlement of Woolmer Green. To the east of the site is the East Coast Main Line and to the south are existing residential properties. The site is bound to the east by London Road with employment uses to the other side of that road and a residential care home.
- 1.2 The application site, known as Entech House, is rectangular in shape and remains largely flat in topography. It currently comprises of an industrial premise which is set back from London Road and is surrounded by a large area of hardstanding as well as grassed areas with significant numbers of mature trees. The site also currently contains a residential property located towards the frontage of the site with London Road. The majority of these buildings, including the residential property, are currently vacant with the front office building and warehouse currently being used for the design and manufacture of materials for the rail industry.
- 1.3 Access to the site is currently gained via London Road by a vehicular access.

- 1.4 The site's boundaries comprise a mix of mature trees and hedging that provide partial screening of views into and out of the land and the site is heavily landscaped.

2 The Proposal

- 2.1 This is a full application for the erection of 72 residential units in the form of apartments and detached and semi-detached housing together with a commercial building which would include four retail units at ground floor and office space above.

- 2.2 The proposal consists of the following breakdown of residential unit types and sizes:

Private

10 x 3 bedroom houses;
34 x 4 bedroom houses; and
6 x 2 bedroom apartments.

Affordable

- 4 x 1 bedroom apartments (Social rented)
6 x 2 bedroom apartments (Social rented)
10 x 2 bedroom apartments (Shared ownership)
2 x 3 bedroom houses (Shared ownership)
- 2.3 A commercial building is proposed to the front of the site which would include 4 retail units comprising of 657sqm at ground floor and office space at first and second floor measuring 485.1sqm.
- 2.4 The layout of the site proposes the commercial unit along the site frontage with London Road, which would be set back from that road to enable an area of hardstanding to the front of that building to provide car parking for 36 vehicles. In addition, three of the residential properties would also be located along the site frontage. These would be separated from the commercial block by the proposed vehicular access into the site from London Road.
- 2.5 That access would run through the centre of the site and would provide access to a number of smaller roads leading to the residential properties. Vehicle access to the commercial element of the site would also be from London Road, via a separate access to the residential access, and would include access to the proposed parking area to the front of that building along with space for delivery and manoeuvring space.
- 2.6 Parking would be provided for the residential dwellings in the form of a mixture of garaging, car ports and hardstanding. The apartment blocks would be

provided with parking areas to the rear of those buildings which would be alongside the railway line. Bin and cycle provision for those apartment buildings would also be sited in the parking area.

- 2.7 The proposed dwellings would be of a traditional design and would be constructed from materials that reflect those found locally with external walls generally to use a range of red or buff brick.
- 2.8 Two areas of open communal space are also provided in the site, which would also include a Local Area of Play (LAP).
- 2.9 Pedestrian accesses from Wickfield Close would also be provided.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the development is a departure from the 2016 Draft Local Plan Proposed Submission.

4 Relevant Planning History

- 4.1 6/2017/0219/PA: Pre-application advice for the erection of 72 dwellings and a commercial unit, with associated landscaping, parking and infrastructure.

Informal officer's advice outlined that properties needed more garden space, more space was required to the front of the apartment building and around the site with more landscaping.

- 4.2 6/2016/0019/PA: Demolition of existing industrial unit. Erection of up to 75 dwellings and 2 business units and associated landscaping, parking and infrastructure.

Informal officer's advice was that the proposed change of use would be contrary to policies of the National Planning Policy Framework and the Welwyn Hatfield District Plan and the Emerging Local Plan which aims to retain the land for employment generating uses.

5 Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Draft Local Plan Proposed Submission 2016
- 5.4 Supplementary Design Guidance, February 2005
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.7 Planning Obligations, Supplementary Planning Document, February 2012

6 Site Designation

- 6.1 The site lies within the settlement of Woolmer Green as designated in the Welwyn Hatfield District Plan 2005. The site is also the subject of a Tree Preservation Order.
- 6.2 Whilst the site is not covered by any designations in the current adopted District Plan, the 2016 Draft Local Plan Proposed Submission has set out the Council's intention to designate the site as an Employment Area.

7 Representations Received

- 7.1 The application was advertised by means of site notice, press notice and neighbour notification letters. Eight letters of support have been received from 23 London Road, 2 Mayshades Close, 8 Wickfield, 17 Wolves Mere, 19 New Road, 6 and 61 Garden Road and 32 Canonsfield Road and two objections from Knebworth Parish Council and 3 Mardleybury Court. Their comments may be summarised as:

Letters of Support

- Woolmer Green is desperately in need of a local shop and extra housing;
- The Entech House site has not been fully used for many years and the land will be best used for housing and retail, benefiting local people and creating new jobs;
- The development is sustainable and deliverable;
- The Entech House is a brownfield site and an ideal alternative to the proposed use of Green Belt land for future development in Woolmer Green;
- The proposals are sympathetic to enhance the village and attract a manageable number of new inhabitants to Woolmer Green;
- The housing should incorporate social housing for people who have grown up in the village; and
- The proposals will help meet housing need at a sustainable, brownfield location, create 20 new jobs and deliver much needed local shops.

Letter of objection

- This is unsustainable;
- Insufficient schooling facilities;
- The medical centre at Knebworth cannot cope now, let alone with the further possible houses;
- No facilities for young people;
- Police pressure increases;
- The village is past saturation point;
- The majority of the village is middle to older generations; and

- Knebworth is a permanent bottleneck during the commercial day.

7.2 Knebworth Parish Council have objected. They state; *'The proposed development will impact on the character and appearance of the surrounding area. Currently the site has minimal development and forms part of the green space between Knebworth and Woolmer Green. The density and proximity to the parish boundary will result in there being a very narrow strip of Green Belt between the two villages. The B197 is already at capacity and the level of traffic generated by this development will further add to congestion. The B197 through Woolmer Green has recently been narrowed so there is no proposed filter lane. There is inadequate infrastructure, the local primary schools and surgery have no spare capacity'*.

8 Consultations Received

8.1 The following have responded advising that they object to the proposal:

- Lead Local Flood Authority: Concerns with the rate of discharge which is not in line with Thames Water requirements. The drainage system should be designed to accommodate the 1 in 100 year rainfall event plus 40% of climate change allowance. The applicant should also provide the evidence demonstrating that there will be no flooding on the site for the 1 in 30 year rainfall event. Overall the submitted Flood Risk Assessment does not provide a suitable base for an assessment to be made of the flood risks arising from the proposed development and demonstrates that the development would not increase the flood risk elsewhere.
- Welwyn Hatfield Council Landscaping and Ecology: *'The quality of the site has been compromised due to the lack of landscaping, specifically communal landscaping areas. As the proposal stands at present it is considered that there is insufficient landscaping within the site'; and*
- Welwyn Hatfield Borough Council Conservation: *'The design could have taken more of a cue from the context as represented by this existing building but at the very least should respect it by retaining it and allowing the new layout to accommodate it meaningfully as an attractive entrance to the estate, along a road frontage that still retains a part of the existing pleasant tree screen. At very least the building should be retained and brought back into residential use with the rest of the site'*.

8.2 No objections have been received in principle from the following list of consultees, subject to conditions and s106 financial contributions and requirements:

- Welwyn Hatfield Borough Council Client Services;
- Welwyn Hatfield Borough Council Housing and Development Department;
- Welwyn Hatfield Borough Council Community Partnerships (Sports);

- Hertfordshire County Council Transport, Programmes and Strategy Department (HCCTPS);
- Hertfordshire County Council Archaeology (HCCA);
- Hertfordshire County Council Spatial and Land Use Planning Minerals and Waste (M&W);
- Hertfordshire County Council Planning Obligations;
- Hertfordshire Constabulary;
- Hertfordshire Fire and Rescue;
- Thames Water;
- Highways England;
- Hertfordshire Ecology;
- Natural England;
- Network Rail; and
- Welwyn Hatfield Borough Council Environmental Health.

8.3 Although consulted, no representations have been received from the following:

- Hertfordshire Rights of Way;
- Hertfordshire Playing Fields Association;
- Affinity Water;
- Hertfordshire County Council Adult Care Services;
- Hertfordshire and Middlesex Wildlife Trust;
- Environment Agency;
- Hertfordshire County Council Public Health;
- NHS East and North Herts Clinical Commissioning Group (HNS CCG);
- NHS England GP Premises Office;
- Welwyn Hatfield Access Group;
- North Hertfordshire District Council;
- Hertfordshire County Council Social Services; and
- Herts Sports Partnership.

9 Town / Parish Council Representations

9.1 Woolmer Green has made comments on the proposal. They state;

‘Landscaping: At present the Entech site is characterised by green landscaping which is an important feature as Woolmer Green is approached from the north. Any scheme will result in a significant loss of green landscape therefore this should be mitigated as far as possible.

The Parish Council understands that the existing hedging will be retained around the boundary of the site and maintained at its current height. This is essential, particularly along the visible northern boundary and the frontage beside the road, in order to screen the new buildings.

New hedging should be added where necessary including along the front of the site to screen car park areas. This will also help to reduce pollution from the B197.

The trees on the site are protected by a Tree Preservation Order and it is understood that the Welwyn Hatfield Borough Council's tree officer has been consulted to determine which trees on the site are important to preserve and which can be removed. To mitigate the loss of trees new large more mature specimens should be planted where reasonable on the site and particularly along the front and northern boundary.

All new tree planting on the site should be protected by a Tree Preservation Order to safeguard them for the future and ensure their continued contribution to the green environment.

Sufficient native trees, hedging and flora should be planted to maintain and encourage biodiversity.

Housing: The mix of housing should harmonise with and compliment the character of Woolmer Green.

The development should provide the maximum statutory allocation of affordable housing.

The mix of available affordable housing should reflect the need in the borough of Welwyn Hatfield and include rented accommodation that is suitable for families with children.

Provision of retail and employment: The Parish Council supports the development of retail and employment units as the site is currently underutilised for these purposes.

It is understood that retailers have expressed an interest in occupying the retail units and that ten to fifteen year leases have been discussed. New shops would be a positive benefit to the village and its residents.

The promise of a convenience store is a key feature in this development and a much needed facility that has strong support from residents.

The building required for accommodating retail and employment should be of a reasonable scale suited to a village location and harmonise with its rural surroundings and neighbouring houses.

There should be a direct route to the shops from Longmead and the sheltered accommodation at Wickfield Close to provide pedestrians, particularly the elderly, easy access to the shops.

Provision should be made for pedestrians to cross the B197 safely to access the shops as this stretch of road has a 40mph speed limit and poses a serious risk.

Art Deco House: Over the past two years and following the demolition of an historic building with statutory listing potential, the Parish Council is producing its own local list of historic buildings as Welwyn Borough Council does not have one and therefore has no strategy for protecting the historic environment.

The Art Deco house at the front of the Entech site is of historic interest and a scarce example of an Art Deco house from the brief inter war period and this has been confirmed by Welwyn Hatfield Borough Council's conservation officer and the 20th Century Society. It is a candidate for inclusion in the Woolmer Green local list therefore the Parish Council's preference is for it to be retained and included within the Entech development scheme. This would provide an opportunity to reinforce and strengthen local distinctiveness (NPPF 131) by designing a characterful scheme, unique to Woolmer Green, around the existing architecture of the Art Deco house. The Parish Council will consider submitting an application to Historic England to test its merits for statutorily listing.

S106 Contributions: A major concern in Woolmer Green is the speed of traffic through the village on the B197. A road narrowing scheme was undertaken by Herts Highways in 2013 with the aim of slowing down traffic to enable a 30mph speed limit to be introduced but was unsuccessful. County Councillor Richard Smith has recently submitted a bid to the PCC Road Safety Fund which has been successful and this will now pay for a feasibility study on the B197 and identify traffic calming measures that could be introduced. S106 contribution should contribute to any future road schemes in Woolmer Green.

As shops are proposed in the development it is essential that a crossing point is introduced to allow safe access from the opposite side of the road, ideally by the instillation of a pelican crossing. The current zebra crossing is at the south of the village and impractical to use for many villagers wanting to access the shops. This zebra crossing is also considered dangerous by residents due to the speed of traffic.

Road improvements are a priority but replacing the Garden Road playground could be considered'.

10 Analysis

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

- 1. The principle of the development (EM6, EMP8, H2, SD1, GBSP2, R1, R2 and R7 of the District Plan and SADM 1, SADM 10, SP 8 of the Draft Local Plan Proposed Submission, NPPF, Welwyn Hatfield Economy Study and February 2017 Economy Study Update)**
 - i) Loss of employment land**
 - ii) Windfall housing**
 - iii) Retail Development**
 - iv) Prematurity**
 - v) Conclusion**
- 2. The layout and overall design of the development and its impact to the character of the area (GBSP2, D1 to D10, SDG and NPPF)**
- 3. Demolition of Buildings (D1 and NPPF)**
- 4. Living Conditions (NPPF, D1, R19 and SDG)**

5. Highway safety and Parking Provision (M14, D1, SPG and Council's Interim Policy for Car Parking and Garage Sizes)
 - i) *Highway Safety*
 - ii) *Parking Provision*
 - iii) *Conclusion*
6. Open Space and Ecology (NPPF, OS3, D1, D8 and R11)
7. Other Material Considerations
 - i) *Flood Risk (R7, R10 and The NPPF)*
 - ii) *Contaminated Land (R2 and NPPF)*
 - iii) *Lifetime Homes (H10 and NPPF)*
 - iv) *Renewable Energy (SD1, R3 and NPPF)*
 - v) *Waste and Recycling (R5 and NPPF)*
 - vi) *Archaeology (R29 and NPPF)*
 - vii) *Protected Species (R7, R11 and the NPPF)*
 - viii) *Environmental Impact Assessment*
8. Planning Obligations and Section 106 Agreement (Policies IM2, M4, and H7, Welwyn Hatfield Planning Obligations, Supplementary Planning Document 2012 and Policy SP 7 of the Draft Local Plan Proposed Submission)
 - i) *Affordable Housing*
 - ii) *Hertfordshire County Council Contributions*
 - iii) *Ecology Contributions*
 - iv) *Welwyn Hatfield Contributions*
 - v) *Conclusion*

1. The Principle of the development

- i) *Loss of Employment Land*
- 10.2 The Council takes a protective approach to employment land within the Borough. This is to ensure that there continues to be enough high quality employment land and floor-space in the Borough to provide jobs for local people, to maintain the diversity of employment uses and to accommodate the requirements of local businesses.
 - 10.3 The application site is currently not covered by any designations in the adopted District Plan. The site is therefore an employment site outside the designated employment areas, in the north of Woolmer Green as set out in the adopted District Plan. Policy EMP8 (Employment Sites outside of Employment Areas) of that plan is relevant. That policy normally permits the redevelopment of employment sites outside designated employment areas only where; - the use of the site would be of similar scale as the existing use; would not have an unacceptable impact on residential amenities of nearby properties and would provide adequate parking, access and servicing arrangements. The policy also allows residential uses only where it can be shown that the development of the site for a live work mixed use scheme would not be viable.
 - 10.4 In this instance, there are no objections per se to the proposal with regard to the adopted District Plan Policy EMP8 which are detailed further in sections 4 and 5 below.

- 10.5 Additionally, since the site is surrounded by residential uses, with little scope for live work units, the loss of employment land is not a decisive issue in respect of Policy EMP8, particularly since redevelopment for residential use would benefit the character and appearance of the site. In any event, the proposals include a commercial building to the front of the site which would comprise of 485.1sqm of office floor space. Policy EM6: Small Business Units, of the adopted District Plan encourages small business/industrial unit accommodation.
- 10.6 However, successive consultation documents (2012 Emerging Core Strategy, 2015 Local Plan Consultation and 2016 Draft Local Plan Proposed Submission) have set out the Council's intention to designate the site as an Employment Area. This would protect its role and allow future job provision on the site. This was an approach favoured by community representatives at the earlier 2009 Core Strategy Issues & Options consultation and still supported in responses to the 2012 Emerging Core Strategy in order to protect employment land in Woolmer Green from changes of use.
- 10.7 The 2016 Draft Local Plan Proposed Submission (Emerging Local Plan) was submitted for examination to the Secretary of State in May 2016 with the examination currently being held and the public examination hearing dates to begin in September 2017.
- 10.8 The application site is now proposed to be a designated employment area along with two other sites on the eastern side of London Road, (Reference EA10 of Policy SADM 10 of the emerging Local Plan). This was in order to protect these sites, which form a significant cluster of B-use employment land at around 3.5 hectares. The designation of an Employment Area in Woolmer Green will help the borough to meet its assessed needs for new employment provision over the plan period to 2032. The availability of employment land within the borough has become an increasingly acute issue, in particular as a result of the loss of office floorspace to a residential use through prior notifications, as well as other changes of use permitted outside employment areas.
- 10.9 Policy SADM10 in the emerging Local Plan states that proposals which result in a loss of land from Class B uses will only be permitted where three exceptions can be met. These are;
- iii) *It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are no longer required to meet future employment land needs, and that there is a lack of demand for the land or premises in that location;*
 - iv) *The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and*
 - v) *In accordance with Policy SP8, they provide facilities that are supportive Class B uses.*

10.10 Policy SP 8, The Local Economy, outlines that the Council will support economic prosperity, encourage inward investment and the creation of a range of jobs by;

- i. Resisting the loss of land from Class B uses;
- ii. Retaining a stock of good quality employment land and premises;
- iii. Ensuring that provision is made to meet the needs of business sectors that are already well represented in Welwyn Hatfield and those that are looking to invest in the area;
- iv. Maintaining a balance of types of employment so that opportunities are available for people with a range of different skills and levels of skill;
- v. Ensuring that provision is made for a range of opportunities, in terms of sites and premises, to allow new and emerging sectors to be accommodated; and
- vi. Recognising the important role played by non Class B land uses (including retail) in providing employment and contributing to the local economy.

10.11 Accordingly the principle of the change of use of the land to a residential use is not in accordance with the main thrust of Policy SADM10.

10.12 Paragraph 11 of the National Planning Policy Framework (the Framework) underlines the importance of development plans, stating that planning applications must be determined in accordance with the adopted plan for an area (i.e. the 2005 District Plan in the case of Welwyn Hatfield) unless material considerations indicate otherwise. This is taken from Section 70 of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Therefore the emerging Local Plan is clearly a material consideration and weight needs to be attributed to it in determining the principle of this application.

10.13 Therefore, in addition to Policy EMP8 being applicable, Policy SADM 10 of the emerging Local Plan is also applicable and weight is therefore given to the site's proposed designation as employment land in that Plan.

10.14 The weight however to be attached to the emerging Local Plan, or indeed any other material consideration, is a matter of judgement and for the decision maker to decide. In this instance, the Framework outlines that; *'from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to:*

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the close the policies in the emerging*

plan to the policies in the Framework, the greater the weight that may be given).'

- 10.15 In this instance, policy SADM 10 has been the subject of numerous objections, which are primarily on the basis that the site should have been allocated for residential development. Nevertheless, given the advanced stage of the plan, and that the Council are currently within its examination with hearing dates being held in September, together with the consistency of that policy to the Framework, it is considered that weight can be attached to this policy.
- 10.16 The reasoning behind that policy together with the policy assessment and reasons are outlined below.

The need to maximise employment land assets

- 10.17 The Council's evidence base, notably the Welwyn Hatfield Economy Study, provides evidence which necessitates a protective approach to employment land supply in the borough. The study was most recently fully updated in December 2015, although the analysis of projected job growth and economic land supply were further updated in February 2017 to take into account more recent data. The overall conclusion is that the Council should be planning for an increase of around 16,900 jobs over the period to 2032. When jobs numbers are translated into land requirements, the 2015 Update concluded that full economic needs through to 2032 could only marginally be met.
- 10.18 Throughout the preparation of the emerging Local Plan it has therefore become apparent that further losses of employment land to other uses will result in a deficit in provision. Paragraph 182 of the Framework requires the Council to meet objectively assessed needs for development in full, as long as it is consistent with achieving sustainable development. It is considered that to do otherwise would potentially harm the local economy. It was on this basis that the methodology for the 2016 Housing and Employment Land Availability Assessment prioritised the retention of employment sites within existing and proposed employment areas, and therefore sieved out all such sites (including this one) which were promoted for redevelopment to a residential use at stage one.
- 10.19 The subsequent re-analysis of the supply of employment land in the February 2017 Economy Study Update showed that the position had already worsened, with an identified 102,000sqm employment floorspace supply compared to 116,400sqm in March 2016 at the time the emerging Local Plan was being finalised. This is largely the result of losses of office floorspace to a residential use through prior notifications, as well as other changes of use permitted outside employment areas. It means that there would be a shortfall of around 3 hectares of employment land by the end of the plan period in 2032.
- 10.20 The position has continued to worsen. Data to the end of the 2016/17 monitoring year in March 2017 indicates that the borough's employment floorspace supply is now only 92,900sqm. This translates to a shortfall of around 5 hectares of employment land by the end of the plan period in 2032,

even allowing for compensatory site allocations in the Local Plan, which necessitates the release of land from the Green Belt.

- 10.21 It is considered that the weight of evidence on the worsening balance between employment land need and supply should in itself be given significant weight when determining the application. The rate of loss of employment land is clearly unsustainable, and is endangering the strategy set out in the emerging Local Plan.

Policies for employment land in the Emerging Local Plan

- 10.22 In light of the evidence highlighted above, the emerging Local Plan has carried forward the proposed designation of the site within an employment area (EA10) within Policy SADM 10. Whilst there were a number of objections to this at the 2016 Local Plan consultation, the overriding requirement for the emerging Local Plan to be justified by evidence and to meet objectively assessed development needs has resulted in the Council maintaining its approach.
- 10.23 The objections to the site's designation as part of an employment area are primarily on the basis that the site should have been allocated for residential development. This matter will ultimately be tested through the forthcoming examination of the Local Plan. Nevertheless, given the late stage of the plan and that the Council are in examination, it is considered that the site's status as designated employment land through Policy SADM10 can be accorded weight in determining the application at this stage.
- 10.24 The provisions of Policy SADM10 state that proposals which result in a loss of land from Class B uses will only be permitted where three exceptions can be met. These are:
- iii) *It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are no longer required to meet future employment land needs, and that there is a lack of demand for the land or premises in that location;*
 - iv) *The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and*
 - v) *In accordance with Policy SP8 a proposal would provide facilities that are supportive Class B uses.*
- 10.25 It should be noted that the above criteria within Policy SADM 10 received a very small number of objections during the 2016 consultation on the emerging Local Plan.
- 10.26 The other parts of proposed Employment Area EA10 are located on the eastern (opposite) side of London Road and together with the application site they form a significant cluster of B-use employment land at around 3.5 hectares, which would be designated as an Employment Area. The

designation of an Employment Area in Woolmer Green will help the borough to meet its assessed needs for new employment provision over the plan period to 2032. The reduction in the critical mass of this employment area would therefore prejudice the continued use of this employment area and could additionally potentially set a precedent for other employment land to become another use, conflicting with criteria (iv).

- 10.27 With regard to criteria (v), it is noted that the scheme does include some Class B1 office floorspace in addition to other non-residential floorspace. Whilst these uses would to a degree complement the remaining parts of proposed Employment Area EA10, the actual quantum of floorspace is only considered to form a *de minimis* part (at around one-tenth of the site area) of what is fundamentally a residential scheme. It is considered that a very different balance of uses on the site would be needed in order to satisfy this criteria.
- 10.28 For criteria (iii), the applicant accepts that they cannot demonstrate marketing evidence over a three year period. The submitted Market Assessment Report undertaken by Brasier Freeth details marketing undertaken since 17 October 2016, although also refers to 'informal' marketing undertaken by the existing tenant for 6 months from March 2015. At the point the planning application was submitted this amounted to just 6 months of continuous marketing, or 12 months cumulatively if the informal period is included. Although it is noted that it is still currently being marketed on both the internet and through the provision of a signboard to the front of the site. Nevertheless, it clearly fails the time length for this criteria.
- 10.29 It is also necessary to consider whether the marketing undertaken meets the requirements in criteria (iii) of being active, extensive and realistic. The informal marketing period in 2015 is not considered to meet any of these criteria. It appears from the available evidence to have merely comprised of the erection of a board at the front of the premises. For the formal marketing since October 2016, the Market Assessment Report details activity that has been undertaken which includes online marketing and targeted circulation to agents on several occasions.
- 10.30 The purchase and/or rental price of the property appears to have only been available 'on application'. No indication has been given in the Market Assessment Report of the prices that have been given to enquirers on application, and it is therefore very difficult to judge whether that aspect of marketing has been realistic. However, the Council has been contacted by a prospective purchaser of the site in 2016, concerned at the high purchase price quoted by the current owner. Whilst anecdotal, in the absence of actual evidence on the sale or rental prices being quoted, this does appear to suggest that the marketing exercise has not been realistic.
- 10.31 Furthermore, the Market Assessment Report demonstrates demand and interest in the property. It is stated within that report that the online letting and sales adverts for the site attracted some 2,176 'detailed views' over the six month marketing period (around 85 per week), and that this was in excess of the average for the Welwyn Garden City branch of Brasier Freeth over that

time. Appendix 11 indicates that this translated to 43 formal enquiries over the six month period (around 1.5 per week), of which 20 were for a Class B use.

- 10.32 The Market Assessment Report provides further information on the nature of the enquiries that were made. For some it is stated that the interest was not progressed, although for others the outcome is unclear. In any case, there is no indication of how the agents have changed or refined their marketing approach in response to the relatively high level of interest which the property was evidently generating. Nor is there any indication that any of the normal steps that could be taken to make the property itself more attractive were carried out, for example reducing the price, undertaking (or committing to) improvement works, or providing visualisations as to how improved or subdivided premises might look.
- 10.33 In response to officer's concerns, in June 2017 Brasier Freeth submitted a follow-up note to their initial Market Assessment Report. This provides some additional information, notably a justification for not stating a guide price when marketing the property: that it would hopefully '*encourage all offers at any level*'. Such an approach may be reasonable whilst marketing the property, but continuing to reserve details on the price at this stage does not assist in assessing whether or not the applicant's has taken a realistic approach. The follow-up note also provides further information on how advanced the enquiries made by prospective purchasers were, indicating that only one reached a stage where they viewed the property. Given the evident levels of initial interest in the property, this merely underlines the extent to which evidence is needed of how the approach to marketing the property had been tailored.
- 10.34 Additionally, no consideration is provided within the Market Assessment Report concerning the costs and possible returns from the demolition of these existing buildings and their replacement with something modern which would better meet the needs of future occupants.
- 10.35 The applicant and Brasier Freeth have consistently argued that the market for commercial property in the local area is relatively weak at the present time, particularly for less modern facilities such as the application site. However, it should be noted that the suitability of the application site for employment uses was explicitly considered in the Council's 2014 Economy Study. This considered a range of criteria such as access to transport, the quality of facilities and likely future market demand; and concluded that the site is an '*established good quality employment area that should continue to be protected*'. This has helped to inform the Council's approach in designating the site in the emerging Local Plan.
- 10.36 Moreover, the Council's concern is long term and the protective approach needed to be taken is necessary to ensure that economic needs can be met throughout the whole plan period. The Framework at paragraph 22 requires planning policies to '*avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*'. The requirement for marketing is consistent with this.

- 10.37 The three year marketing requirement in Policy SADM 10 originates from the Government's consultation on changes to national policy in December 2015. As part of proposals for how planning authorities should deal with underused commercial and employment land, it was noted that *'a balance needs to be struck between making land available to meet commercial and economic needs, and not reserving land which has little likelihood of being taken up for those uses'* (paragraph 35). The consultation then indicated that the Government was *'considering the merits of expecting local planning authorities to adopt a policy with a clear limit on the length of time (such as 3 years) (Officer's emphasis) that commercial or employment land should be protected if unused'* (paragraph 38). This provides a strong indication on the length of time for marketing considered by the government to be reasonable.
- 10.38 Whilst some marketing has been undertaken prior to the submission of the application and has been ongoing throughout its consideration, it is considered that it has been viewed as little more than a 'tick box' exercise, and on balance cannot be described as being active, extensive or realistic and has very clearly not covered a sufficient period of time to demonstrate that there is no reasonable prospect of the site being used for an employment purpose, in accordance with the Framework.
- 10.39 Accordingly, whilst there are no objections to the loss of this employment site to residential against the current adopted District Plan policy, emerging policy SADM 10 allocates the site as an employment site where a proposal that would result in a loss of land from Class B uses to another use will only be permitted where three criteria are met. In this instance, the marketing is not considered to have been active, extensive and realistic and is not over a period of three years, the proposed use would prejudice the continued use of neighbouring land for employment and the proposal would not provide facilities that are supportive Class B uses. Accordingly there is a fundamental conflict with these criteria. Additionally the Council's supporting employment evidence outlines the need for this site to be maintained as employment land. Given this evidence together with the stage the Council are at with the examination of the emerging Local Plan, which are both material considerations, cumulatively they are given significant weight in the determination of this application, which is considered to outweigh policy in the District Plan. Accordingly, the loss of this employment site is contrary to the Council's evidence base and emerging Local Plan policy SADM 10, which together can be given significant weight.
- 10.40 The applicant outlines the anticipated employment generation from the proposed scheme. The applicant's baseline figure for job creation from the proposal is 40 full time employees in Class B1 using the Council's data (although the applicant's own data illustrates that this would be 76-96 full time employee jobs) and approximately 16 full time employees for retail, where there will be a significant net increase in jobs as a result of the proposal. However, this information takes into account the number of people currently employed at the site, which is four. The re-use of this site or its redevelopment for employment is likely to generate significantly more jobs than that stated. Therefore limited weight is attached to this benefit.

ii) Windfall Housing

- 10.41 The applicant puts forward the argument that the Council are not in a position to meet their assessed housing need and the proposal would help to address this. It is acknowledged that the emerging Local Plan's housing target is not as high as the objectively assessed housing need due to the constraints of the borough (such as infrastructure and Green Belt). Nevertheless, the Council has a 5 year housing supply against the Housing target set out in the emerging Local Plan and is in a position to meet this housing target. Therefore whilst the applicant makes the argument that the site would represent sustainable development as defined in the NPPF, the site would also represent sustainable development for an employment site. Accordingly this slight benefit does not outweigh the harm to the loss of employment land where there is already likely to be a shortfall in employment land by the end of the plan period, and that position also appears to be worsening.
- 10.42 The site within the adopted District Plan has not been allocated for housing and as such would come forward as a windfall residential site where Policy H2 of the District Plan applies in assessing whether the principle of the proposed development would be acceptable. This policy sets out criteria for assessing the development of windfall housing sites. The Council confirms that there is no objection to the principle of windfall developments on previously developed land within the confines of existing settlements such as Woolmer Green. Policy GBSP2 directs new developments to existing towns and settlement including Woolmer Green. The site is within easy reach of a good range of local facilities and is served by public transport. Any concerns about the suitability of the site for residential uses in terms of the possibility of contaminated land due to its past use and the potential for groundwater pollution have been resolved through the Site Investigation Report and could be covered by planning conditions. There are no known infrastructure constraints and financial contributions requested by Hertfordshire County Council towards local school provision would cover the provision of local services, which have been requested to be secured through a S106 Agreement. Accordingly taking the site on its own, and subject to the provision of a S106, the proposal would accord with policies H2, GBSP2, SD1, R1, R2 and R7.
- 10.43 The site, as referred to above, is an allocated employment site within the emerging Local Plan and therefore Policy SADM 1 (Windfall Development) of that plan is also applicable.
- 10.44 The provisions of Policy SADM 1 of the emerging Local Plan are therefore relevant – notably criteria (iii), (iv) and (v). That Policy states that planning permission for residential development on unallocated sites will be granted provided that:
- i. *The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt , Policy SADM 34 will apply;*
 - ii. *The development will be accessible to a range of services and facilities by transport modes other than the car;*

- iii. *There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;*
- iv. *Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and*
- v. *Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.*

10.45 It is apparent that many of the respondents objecting to the site's allocation as employment land in the submission Local Plan believe that its redevelopment for housing would prevent allocated site HS15 (to the north of Woolmer Green and on the opposite side of London Road), currently within the Green Belt, from needing to be developed. Site HS15 has been found suitable for development in the Council's evidence base, and selected for allocation accordingly. Whilst this will also be tested at the forthcoming examination of the Local Plan, the allocation of site HS15 is considered by the Council to be sound. Any grant of planning permission for residential development at Entech House through this application will not change the status of site HS15. Granting planning permission would therefore ultimately mean that both sites are likely to come forward.

10.46 The site is previously developed and would be accessible to a range of services and facilities by transport modes other than the car and as referred to above, Hertfordshire County Council's response to this planning application outlines that it requests financial contributions towards local school provision, complying with criteria i), ii) and iii) of the above policy.

10.47 However, Woolmer Green is one of the smallest excluded villages (i.e. that is not washed over by the Green Belt) in the borough, and has a more limited range of services. The development of both the application site and Local Plan site HS15 would result in a 40% growth in the number of homes in the village over the plan period to 2032, compared to the expected borough average over that time of 26%. There were only three representations on the wording of Policy SADM 1 during the 2016 Local Plan consultation, and it is therefore considered that it can be given significant weight when determining the application. Accordingly, a grant of planning permission for residential development on this site is likely to result in a quantum of development coming forward in Woolmer Green which is well out of proportion with its size and position in the borough's settlement hierarchy, and could potentially undermine the strategy in the Local Plan. The proposals, together with HS15, would result in a disproportionate growth within Woolmer Green, conflicting with criteria (iv) and (v) of Policy SADM 1.

iii) *Retail Development*

10.48 The proposal includes non-residential commercial space which would be located to the front of the site and would be a mixture of retail and employment uses. The amount equates to approximately 1,142.1sqm, of which 675sqm is proposed for ground floor retail uses, with the remaining 485.1sqm to accommodate new office uses above. It is anticipated that the building would provide a local convenience store with a floor space of approximately 357sqm, whilst the remaining units are intended to provide

additional retail units. The proposed retail element would include four small convenience shops, which would provide for day to day needs, in a location where other convenience shops are not within a convenient walking distance.

10.49 Policy TCR2 of the District Plan: Retail Development in Village and Neighbouring Centres, outlines that; - 'Proposals for retail development will be permitted within the district's village centres and neighbourhood centres, where they would meet all of the following criteria:

- i. Maintain and enhance the vitality and viability of the centre;
- ii. Enhance the centre's local shopping and service function;
- iii. Be in scale with the size of the centre and its surroundings;
- iv. Not harm the vitality and viability of other nearby centres; and
- v. Not give rise to any significant harmful environmental impacts, such as unacceptable traffic generation

10.50 Woolmer Green currently lacks any day to day convenience facilities and therefore it is considered that it would provide an opportunity to service the development site and the wider local community. Given its size it is not considered that it would harm the vitality or viability of any surrounding centres. However, emerging Policy SADM 27 which allocates the site to the north of Woolmer Green for residential development (HS15) and includes a strategy to deliver a small shop for the village, which would be assessed at planning application stage. The proposals for this application include four retail units and therefore would provide competition with those site specific considerations of HS15. However, the Council do not have a preference which site should include retail development although it may be a matter which a future developer of HS15 would have concerns with. This however is a matter which is not within the remit of the Local Planning Authority.

10.51 Given the site's location, the proposed location of the retail development would not impact detrimentally on the residential amenity of adjoining properties. The commercial element would have its own independent ingress/egress, parking, service and manoeuvring areas, access to the south of the existing access way. The proposed access is not considered to adversely prejudice the highway network, nor is it to impact the existing junctions onto London Road.

10.52 Policy SP 5: Quantity and Location of Retail Development in the emerging Local Plan outlines that the Council will support the provision of additional retail floor space, although priority will be given to the provision of additional comparison floor space in Hatfield and Welwyn Garden City town centres.

10.53 Accordingly, no concerns are raised specifically with the introduction of the proposed retail development to this scheme.

iv) Prematurity

- 10.54 The proposed development would run counter to a number of provisions in the Council's emerging Local Plan. This is at an advanced stage, with its examination in public scheduled to commence within weeks. It is clear that the issues identified around employment land supply will form a key part of that examination, and is also noted that the applicant has made representations on the Local Plan's proposed designation of the site as employment land in Policy SADM10, which will be considered fully as part of the examination.
- 10.55 The provisions of National Planning Practice Guidance on prematurity are therefore relevant. These indicate that a planning application will be premature where:
- i. The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of development that are central to an emerging Local Plan; and*
 - ii. The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 10.56 Primarily as a result of the worsening position on employment floorspace supply outlined above, but also the issues around the quantum of unplanned windfall development that this application would bring about, it is considered that this proposal is very clearly premature. It is therefore considered that this prematurity can be given significant weight when determining the application when the proposal otherwise has the potential to undermine the strategy in the emerging Local Plan.

v) Conclusion

- 10.57 Whilst the proposed development complies with Policy EMP8 in the adopted District Plan and would provide some housing and some jobs, the proposal is contrary to emerging Local Plan Policies SADM 10 which designates the application site as an Employment Area and SADM 1 which is windfall development.
- 10.58 The demand/supply balance for employment land must be viewed at a borough level. It is clear from the Council's evidence base that there is already likely to be a shortfall in employment land by the end of the plan period, and that position also appears to be worsening. Whilst national policy requires a positive approach to be taken and the Council therefore does not seek to protect sites where there is no long-term prospect of them being used for an employment purpose, it is considered that the marketing undertaken has on balance not been active, extensive or realistic and has not covered a sufficient period of time to demonstrate that what the long term employment prospect for this site might be and that there is no reasonable prospect of the site being used for an employment purpose. Additionally the proposal would prejudice the continued use of neighbouring land for employment. It is also considered that the redevelopment of this site in a residential use is likely to result in the disproportionate growth of Woolmer Green.

- 10.59 These are matters which cumulatively together have a significant amount of weight attached to the determination of this application. Section 70 of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act, outline that in dealing with such an application the authority shall have regard to the provision of the development plan, so far as material to the application, and to any other material consideration. In this case, the above is a material consideration that holds significant weight in the determination of this application.
- 10.60 Taking all of the above into account, the scheme is considered to be premature and conflicts with emerging Local Plan policy and the Council's evidence base which together are given significant weight in the determination of this application and therefore the slight benefits of the proposal do not outweigh the harm identified. Accordingly the proposal warrants a refusal of the application on this basis.

2. The layout and overall design of the development and its impact to the character of the area

- 10.61 The site lies within the specified settlement of Woolmer Green which is excluded from the Green Belt by policy GBSP2. This policy seeks to limit development to that which is compatible with the maintenance and enhancement of the character of the area. Additionally policies D1 and D2 of the District Plan apply which aim to ensure a high quality of design and to that development respects and relates to the character and context of the locality. Policy H6 requires new developments of 5 or more dwellings to be built at densities of 30-50 dwellings/ha provided that it does not have an adverse impact on the character of the surrounding area and satisfies design policies.
- 10.62 In addition to the above, the National Planning Policy Framework (The Framework) sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 58 of the Framework sets out that the amongst other things, *'local planning authorities should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit, optimise the protection of the site to accommodate development, create and sustain an appropriate mix of uses including public and green space, respond to local character and history, create safe and accessible environments and ensure visually attractive places as a result of good architecture and landscaping'*.
- 10.63 The proposed application seeks to develop the site and provide 72 dwellings, establishing an overall density of 38.5 dwellings per hectare, when taking the residential element only. The original informal scheme proposed 75 houses and therefore the number of units has reduced. The density is similar to other residential development sites within the surrounding area which is characterised by a variety of housing types and densities. It is also within the density range for new development required by Policy H6 of the District Plan, which requires 30 to 50 dwellings per hectare, however this policy states that

such densities are only acceptable provided that the development does not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the plan.

- 10.64 The proposed layout includes a central access road from London Road with several shared access roads and private driveways/courtyards accessed from this. The positioning of the dwellings face onto the access roads with properties also fronting London Road. The proposed commercial building would also be sited fronting London Road. The commercial element would be linked to the residential areas by pedestrian footpaths although vehicular access would be from London Road only.
- 10.65 The proposed built form fronting London Road would be set back from the road frontage providing some landscaping along the frontage of the site. Four residential properties would front London Road, two of which would be detached dwellings and two would be a pair of semi-detached properties. Given the number and layout of these properties together with their siting, which is set back from London Road, they would not appear cramped or unduly prominent from London Road. Additionally landscaping would be provided with the retention of some of the trees along the boundary with London Road, helping to soften the street scene and integrate the development into the existing locality.
- 10.66 With regard to the proposed commercial building, this would be a 2 ½ storey building set back from London Road with associated parking and servicing to the front and side of that building. This would be accessed directly from London Road, maximising its presence and relationship with Woolmer Green to aid viability and accessibility. The siting of that building would also secure the retention of some of the landscaping to the west of that building and along the road frontage, helping to soften the built form into the street scene.
- 10.67 Turning to the layout of the development to the rear of the frontage, the development proposes a central access road which would initially provide pedestrian access either side but turn into a shared access providing access to a series of cul de sacs. The main route through the site is demonstrated by its width and additional green space has been proposed by setting some of the houses back from the back edge of the carriageway as much as is practically possible. The smaller streets would have a shared surface approach, where the roads would be narrower with less landscaping and properties built closer to the access roads. The proposed built form would be higher along the main central road creating a more urban character with a greater number of detached houses to the development edges and in particular to the north. The apartment buildings would be sited to the rear of the site which would occupy the land along the western boundary, backing onto the railway.
- 10.68 The proposed layout provides vistas and view points across the site and beyond and relates well to the adjoining open space to the north by having properties fronting onto that area of open land. Additionally, the central apartment building would provide a good focal point at the end of the main access road terminating this vista, which would be visible from London Road.

In this instance, the design of that central apartment building is appropriate and provides a strong element which is slightly taller than other neighbouring buildings and would aid in the termination of the vista. To the south, the houses are separated from the existing housing in Wickfield Close by their rear gardens. The proposed residential development faces onto the internal access roads providing a strong active frontage with garages and parking spaces to the side or rear of the properties reducing their visual impact within the street.

- 10.69 The apartments and houses generally have a 2m deep front garden, with some properties along the main access route having more space to provide a greater amount of landscaping along the central access. Dwarf wall boundaries on the back edge of the pavement are proposed, together with soft landscaping and hedgerows to help soften the street scene.
- 10.70 The distance between dwellings within the site provides some separation and garden sizes are not unusually small and would be adequately commensurate with the size of that property. Properties have some gaps between them ensuring the scheme provides an adequate amount of spacing. Whilst some properties that are located on the corner of a road junction would be built relatively close to the boundaries, with limited landscaping, officer's did seek to work collaboratively with the developer to see if a scheme could be designed to not only achieve the required numbers from a viability perspective but also be acceptable in urban design and reduce the number of units on the site to make way for more landscaping and remove some of the proposed corner properties. These discussions were also held at the pre-application stage with officer's consistently advising of the same concerns, with little progress. From the initial pre-application stage the number of units did reduce on the site from 75 to 72, however little alterations have been made with regard to the siting of these corner properties. Therefore officer's need to make an assessment whether the scheme would be unduly harmful to warrant a refusal of the application in this regard.
- 10.71 The site currently has mature landscaping and some trees are protected. An attempt has been made to use landscaping to provide a more attractive environment and set the buildings in a landscape context. A landscaping scheme has been proposed and, if planning permission is granted, would form part of the set of approved plans and documents. This includes maintaining some trees and hedgerows along the London Road frontage, which would help the development to integrate visually into the existing community. Additionally public open space and children's play space are provided centrally in a square at the heart of the development and adjacent to the northern boundary of the site. These two pockets secure and make a feature of the best quality trees on site, which are to be retained and provide some landscaping within the site. The layout of the properties surrounding these, ensure natural surveillance is provided over the communal areas. Additionally there are small grass verges and trees within the main access road. Trees are also proposed within the private garden areas of the properties, which would be in private ownership.

- 10.72 An attempt has been made to use landscaping to provide a more attractive environment and set the buildings in a landscape context. Whilst it is difficult to mitigate against the rather stark appearance of the development discussions regarding increased landscaping have been sought from the applicant to try and soften the overall impact of the development. Essentially, more landscaping has been proposed to the front of the site along London Road to ensure that the buildings have a soft landscaped setting and can integrate into the site and properties have been set back along the main access route to provide more trees which will be interspersed with appropriate planting to add value to the overall landscaping of this site. This includes ornamental trees, hedge and shrub planting, wildflower margins, native hedgerows, apple trees to rear gardens of plots, which also helps to enhance the biodiversity of the site.
- 10.73 Given the concerns that officer's expressed about the amount of development and the lack of landscaping, the success of this scheme as a quality residential environment relies on the high quality of the landscaping, which has been the subject of negotiation and revisions. Overtime, the landscaping scheme will mature and help offset the impact, allowing the buildings to be seen through a landscaped context. The inclusion and retention of trees within areas that are not specifically rear gardens will also improve the outlook from the residential properties and create a more attractive and pleasing residential environment for future occupiers. Overall, given the above, it is considered that the amount of landscaping compared to built development proposed would be acceptable and a refusal of the scheme in this regard would not be able to be sustained.
- 10.74 The site is surrounded by a variety of developments of differing scale and heights. To the west of the site are a variety of employment buildings and a care home which are relatively large buildings. To the south are two storey residential properties. The proposed commercial building, which would be 2½ storeys high and set back from London Road, would be a comparable size and scale to the existing buildings found to the west of the site. The apartment buildings, which would be taller than the residential properties would be sited to the rear of the site and adjacent to the railway, which is at a higher level than the site. The remaining houses would be of a similar size and scale to other residential properties found in Wickfield Close. Overall, the character of the area in terms of the scale and heights of building is varied and the proposed scheme is typical of the immediate surrounding area.
- 10.75 Parking courtyards for the apartment buildings have been sited to the rear of those buildings and driveways and garages/car ports are predominantly to the side of dwellings, ensuring hardstanding and vehicles would not be unduly visible within the road frontage.
- 10.76 It is considered that the proposed layout and design of the scheme has a clear identity which is considered easy to understand and there are a hierarchy of streets and network of routes and spaces where the presence of street planting reinforces this. Overall the amount, layout, design and proposed landscaping of the development provides an acceptable form of

development that does not appear unduly cramped to warrant a refusal in this regard.

10.77 A variety of different house types are proposed on the site which are proposed to be of a more traditional design. The buildings would incorporate traditional forms and pitched roofs. Materials would be generally a range of red or buff brick with some rendered wall and a mixture of slated and tiled roofs, which could be conditioned. Whilst the properties proposed are not overly reflective of the local vernacular and are a design and appearance that is found typically anywhere in the country, its appearance would be appropriate for this location and would not be harmful to the character and appearance of the area. Whilst it is entirely subjective, the appearance does achieve a high quality of design.

10.78 Overall, the layout, design and appearance of the proposed development, is considered to be of a sufficient high quality and would adequately respect and relate to the overall character of the area. Accordingly no objections are raised with regard to Policies D1 to D10 of the District Plan, the SDG or the Framework.

3. Demolition of buildings

10.79 The proposal includes the demolition of the existing commercial building set back from the road frontage with London Road together with the residential detached dwelling on the corner of the entrance road into the site. No objections are raised with regard to the loss of the commercial building. With regard to the residential dwelling, this is a detached two storey property which was built around the late 1920s or early 1930s. It is a two storey, red brick, flat roofed residential dwelling with two maisonettes on the ground and first floor. The lodge house is currently unoccupied and derelict.

10.80 The lodge house is not statutorily listed, nor locally listed, although it is a fine example of a typical art deco property. That building is not a heritage asset although it can be regarded as a non-designated heritage asset. Paragraph 135 of the Framework outlines that; - *'The effect of an application on the significance of a non designated heritage assets should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

10.81 It is regrettable that the building is not being retained as part of the development. Through pre-application advice officers have informally suggested that the building should be retained and incorporated into the proposals. However, the applicant has proposed its demolition as part of the proposal and outlines in the Design and Access Statement that; - *'The location of the house would have resulted in important aspects of the design being compromised in order to accommodate its retention. Provision of a high quality landscaped setting to the London Road, residential frontage improving the quality of the streetscape at the entrance to Woolmer Green and a perimeter block form of layout which provides good definition and high levels*

of surveillance and security to streetscape throughout the development were all aspirations which were significantly improved by the removal of this building'. Additionally a report from CgMs Heritage has been prepared which outlines that; - 'Although the lodge house shows little signs of alterations, bar the exteriors apertures which have been replaced with PVC window frames, it is considered that its Art Deco architectural style is not outstanding. It lacks the imagination, scale, ambition and ingenuity that Historic England requires to be considering during a listing process for a house of its type and period'.

- 10.82 On the basis of the heritage values laid out in Historic England's Conservation principles Policies and Guidance document, it is considered that the significance of the lodge house mainly lies in its architectural/aesthetic values. Its architectural style can be described as Art Deco, with a symmetrical front elevation, curved ends and windows and with typical Art deco architectural features, such as herringbone brickwork, geometrically placed tile infills, main door with lozenge fanlight.
- 10.83 The Local Planning Authority has to decide if the building is worthy of an application to Historic England for its listing. In this instance, its architectural style is not outstanding and its overall type and period is not one that officer's consider Historic England would select for listing.
- 10.84 Additionally, it should be noted that the comments from the Council's Conservation Officer do not request that an application should be made to Historic England or indeed that a Building Preservation notice should be made whilst Historic England consider an application for its listing. Therefore whilst, externally the property it is a good example of an art deco property and clearly regrettable that the building is not being retained, it is not considered that this is a sufficient reason to refuse the application. Accordingly no objections are raised with regard to Policy D1 and the Framework.

Living Conditions

- 10.85 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.
- 10.86 Because of the orientation and siting of the proposed development, there would be no material impact on the residential amenity of adjoining occupiers through loss of day/sun light or any adverse overshadowing that would be sufficient enough to warrant a refusal. Additionally, the properties and layout of the development would be sited such that there would be no undue loss of privacy to neighbouring properties.
- 10.87 With regard to the impact on the proposals on future occupants of the proposed dwellings, whilst residential relationships, in respect of privacy and overlooking, are important, there should be a large degree of buyer beware on a scheme such as this which features some substantial buildings located in fairly close proximity to each other. In any event, the layout of the buildings and the positioning of windows and balconies does seek to address this issue as far as is possible. The layout also ensures that, with regard to

overshadowing, daylight and sunlight, and the dominance of the development, it is considered that, for the majority of amenity areas and houses, and where practicable, the scheme has been designed to achieve acceptable conditions.

- 10.88 The Council's Supplementary Design Planning Guidance requires that all residential development should incorporate private open space for the use of residents. The Council have no specific standards for the provision of garden sizes as it is considered that the design and layout of the garden in relation to the built environment should ensure that the garden is functional and usable in terms of its orientation, width, depth and shape. Whilst garden sizes for the dwellings are relatively small, it is considered that they would be adequately commensurate with the size of the property they would serve.
- 10.89 With regard to amenity space for the proposed apartment buildings this would be provided predominately by a private balcony located on the front elevation of the apartment block, away from the railway, and accommodated within building recesses to improve privacy and avoid visual clutter to the street scape balconies. External space is provided to the rear of the apartments alongside the railway, although these are minimal in size and are primarily there to provide soft landscaping for the purposes of improved outlook and to create high quality, attractive parking courts. Furthermore, the two open spaces provided within the wider development site would also be able to be used for outside amenity space for future occupants. This is considered to be satisfactory.
- 10.90 The site is alongside the railway line and noise and vibration would be generated from this together with noise from London Road due to the site's close proximity to this road. Policy R19 of the District Plan requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential. As a result a noise report and vibration report have both been submitted to support this application.
- 10.91 The vibration report outlines that certain vibration events may be perceptible within line side dwellings. However the measured Vibration Dose Values for the day and night periods fall within the category 'low probability of adverse comment' according to the British Standard at these locations. Environmental Health raise no objections.
- 10.92 The submitted noise report outlines that the proposed residential properties and apartments would be able to provide internal noise levels that would not be unreasonable interferences and in accordance with the British Standard. Whilst this would be best achieved by ensuring that windows are kept closed with the use of mechanical ventilation, which may compromise of a whole house arrangement and would include a cooling function, for example continuous mechanical supply and extract with heat recovery, cooling and appropriate glazing, the windows would be openable to give the residents suitable choice of obtaining natural ventilation if the noise is bearable. This ventilation system would be conditioned and specified as part of a condition.

The development has also been designed and laid out to help reduce the impact of noise from the railway with the apartment buildings to the rear of the site providing a form of barrier to the railway. Their internal layout has been arranged to ensure that the main habitable rooms would face away from the railway line in order to minimise any potential disturbance from the railway.

- 10.93 With regard to external amenity space noise levels are expected to be between 50 to 55 dB Laeq, 16h. A 2.2m high acoustic screen is proposed for some properties and as a result, noise levels at outdoor amenity areas, comply with the 55dB(A) criterion for the majority of the houses. However, a small number of properties to the front of the site, do not meet this standard and would be slightly higher at 56dB (A). Given the negligible difference and the notes associated with the British Standard which states; -

'It is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resource to ensure development needs can be met, might be warranted, in such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'

It is considered that the increase would not be so detrimental to the future occupants of this development to warrant a refusal in this regard. In the event of an approval, the acoustic fence would need to be conditioned as shown on the submitted plan.

- 10.94 These above points have been accepted by the Council's Environmental Health department and it is considered that suitable living conditions could be achieved within the development and it would be unreasonable to refuse the application on these grounds. It is considered that the recommendations should be sufficient to mitigate and minimise potential adverse effects on health and vitality of future residents, which can be secured through condition. Whilst Environmental Health wish the development to be implemented and then tested to prove the efficiency and effectiveness of the noise mitigation and ventilation measures prior to the occupancy of the dwellings, this however is not considered reasonable given the information already submitted and that Environmental Health consider this to be acceptable.
- 10.95 Accordingly, it is considered that subject to compliance with both of these reports and suggested conditions, the proposed development is not considered to impact unduly on future residents of these properties or indeed existing neighbouring occupants, in line with the NPPF and Policies D1 and R19 of the District Plan and the SDG.

Highway Safety and Parking Provision

i) Highway Safety

- 10.96 A Transport Assessment (TA) has been prepared by Transport Planning Associates to support the planning application. The focus of the TA together with the accompanying Travel Plan is to encourage environmental sustainability, manage the existing network and mitigate the residual impacts of the proposed development.
- 10.97 Access to both the residential use of the site and commercial element would be from London Road. There is no objection with the location of the proposed accesses from London Road and the application also demonstrates that the residential arrangement is accessible by refuse vehicles and such that vehicles can manoeuvre in order to negotiate the site and emerge in forward gear.
- 10.98 The layout of the site provides a minor access road which is shown to be a width of 4.5m with 2m footpaths. Further within the site the internal route network becomes a shared surface, which would be appropriate for the low speed, cul de sac nature of the development. Adequate visibility splays are able to be provided which can be conditioned. Overall it is considered that the proposed access routes into the site and the internal access roads would provide sufficient, safe access and turning areas for parking spaces.
- 10.99 There is potential for conflict between the new southern access to serve the commercial element and the existing bus stop which is in close proximity to this. The applicant accepts that and proposes to relocate the bus stop which would be provided as off site highway works. As part of the relocation of the bus stop, a bus shelter should be provided and secured by condition, in lieu of S106 financial obligation, and considered necessary in encouraging greater ease of accessibility to more sustainable forms of travel.
- 10.100 Based on the TA, it is not considered that the proposed development would generate an excessive amount of additional traffic and would therefore not have a severe impact on either capacity of London Road or at local junctions and the effect of additional traffic through Woolmer Green is unlikely to be severe.
- 10.101 The applicant has submitted a residential travel plan and provides a commitment to encourage the use of sustainable modes of transport to reduce the need for trips to be undertaken to and from the development in a private car. Hertfordshire County Council requires that a mixed use development provides a framework travel plan and this is recommended by way of a planning obligation.
- 10.102 The provision of retail facilities within the site would result in the potential demand for the crossing of London Road, and similarly for residents to cross London Road to access the southbound bus stops. Opportunities therefore exist to consider, and improve, pedestrian safety and connectivity across London Road, and would be included within the necessary off site works and S278/38 agreement.
- 10.103 Pedestrian accesses are proposed from Wickfield Close into the proposed development site making provision for the site to become integrated

with the existing developments. Whilst this appears to be wide enough for a vehicular access, the applicant would need to restrict this from happening, which could be conditioned in the event of an approval.

ii) Parking Provision

- 10.104 In accordance with the standards set out in the Council's Supplementary Planning Guidance, 1.25 parking spaces are required to be provided for 1 bedroom dwellings, 1.5 spaces per two bed dwellings, 2.25 spaces per 3 bed dwelling and 4 of more bedroom dwellings require 3 spaces per dwelling.
- 10.105 This equates to 38 parking spaces for the proposed apartments. Parking for the apartments has been split into three areas to the rear of the apartments which together provide a total of 34 parking spaces. This equates to the provision of one space per apartment, although eight of the 2 bed apartments would have two parking spaces.
- 10.106 The Council have also produced an Interim Policy for Car Parking. This outlines that the Council has agreed to treat its existing car parking standards as guidelines rather than maximums. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal its size context and its wider surroundings as well as the NPPF guidance. It clearly outlines that the onus is on developers to demonstrate through transport information that a greater or lesser level of car parking provision is appropriate.
- 10.107 The residential properties together require 167 spaces. All 4 x bed residential properties would be provided with three onsite parking spaces and 3 x bed properties with 2 parking spaces. This would be either hardstanding, a car port or a garage or a mixture of these. The car port and garages would also meet the Council's size requirements of 3m x 6m enabling them to be fully utilised as a parking space.
- 10.108 In addition to the above, 11 on street parking spaces are proposed which would be in designated bays around the site. Overall therefore 171 parking spaces would be provided. Cumulatively, these spaces are in excess of the required amount (167 parking spaces in total are required) for the proposed development in line with the Council's adopted standards set out in the SPG.
- 10.109 It is considered that the amount of spaces proposed for the apartments and each of the properties would be acceptable. The 11 parking spaces on the road would be able to provide visitor parking. Accordingly no objections are raised with regard to the amount of parking proposed for the development.
- 10.110 Ultimately, the key to whether parking takes place on the access road would depend upon the success of the layout and parking allocation for the housing development. However, additional parking has been considered by designing in 11 additional parking bays along the shared boundary, which

would accommodate any overspill parking which would be likely to be from visitors to the proposed development. It is considered that the amount of parking proposed for the development would be acceptable.

10.111 Parking for the proposed commercial element would be accessed from London Road and a hardstanding area is proposed to the front and side of that building. 36 parking spaces are proposed.

10.112 In line with the Council's Supplementary Planning Guidance Parking Standards (SPG), one space per 30sqm of gross floor space is required for the office space, equating to 17 spaces. The SPG outlines that an A1 retail food store requires one space per 30sqm and for non-food retail warehouses without garden centres is 1 space per 35sqm. It is not specified what type of units these would be, therefore taking the greater amount, this would be 1 space per 30sqm. Therefore a total of 22 spaces for the retail element are required. In total, the commercial element would require a total of 39 spaces.

10.113 36 spaces are proposed which falls short of the required standards set out in the SPG. However, in line with the SPG a zonal restraint can be applied to non-residential development, however it would need to be demonstrated that it would not cause any highway safety issues and that the lesser amount of parking is appropriate. In Woolmer Green the car parking provision is expected to provide between 75-100% of the maximum demand based standard. This would therefore result in between 27-39 spaces being required.

10.114 The Council's Interim Policy for Car Parking is also applicable as referred to above.

10.115 Nevertheless the proposal would provide 36 spaces and would have a deficit of three spaces in line with the maximum standards set out in the Council's SPG. The applicant outlines that the commercial element would provide sufficient onsite parking to meet the relevant local parking standards. Whilst the proposal would be three spaces under the maximum standards, given the amount of parking proposed together with the nature of retail shops where customers using the retail element are unlikely to park for a lengthy period of time, together with the close proximity of nearby residential properties meaning some customers are likely to walk to the retail units, it is considered that the commercial development provides a satisfactory level of parking in accordance with the zonal restraint that can be applied. Accordingly it is unlikely to cause highway safety issues that would warrant a refusal in this regard.

10.116 However, the proposed retail element has the potential to cause vehicles to stop and park on London Road whilst the driver shops for items, irrespective of whether the site provides car parking, given that convenience stores can generate a degree of opportunistic on street parking. Such parking would be prejudicial to the primary purpose of London Road and would cause highway safety issues. It is therefore recommended that double yellow waiting restrictions be secured along the site frontage and to an acceptable distance within the initial entry approach to the housing development such

that this would prohibit such activity and protect access for larger vehicles. It would therefore be appropriate to extend any double yellows a sufficient distance into the site to prohibit such parking, and shall define the limits of routes that the Highway Authority may consider adopting as part of the development and necessary S278/38 agreement.

- 10.117 Secure cycles stores are proposed for the apartment buildings together with the commercial building of the scheme. The residential properties would be able to house cycles within their plots.

iii) Conclusion

- 10.118 The proposal is considered to be acceptable with regards to its impact on the highway and provides an appropriate level of car parking provision. In the event of permission being granted conditions would be required which would include the access, turning areas and parking spaces being laid out and off site works including pedestrian facilities and double yellow lines together with a travel plan.

6. Open Space and Ecology

- 10.119 Policy OS3 of the District Plan states that new residential development will be expected to make a contribution to the provision of children's open space and informal open space. The amount of space proposed would be sufficient for the size of the site and the amount of development proposed. Additionally, Policy D8 of the District Plan seeks to maintain and protect existing landscaping. Policy R11 outlines that development will be required to demonstrate how it would contribute positively to the biodiversity of the site.

- 10.120 Paragraph 109 of the Framework is clear that the planning system should '*contribute to and enhance the natural and local environment*'. Paragraph 118 also state that '*opportunities to incorporate biodiversity in and around development should be encouraged*'.

- 10.121 The site currently is landscaped well with mature landscaping and covers approximately two thirds of the site. In contrast the proposed development would cover the majority of the site, with minimal landscaping proposed within the development. Two communal open spaces are proposed within the development with the central public open spaces also proposing the provision of a play area comprising formal play equipment. The proposed properties front onto both of these spaces and are designed to be a safe and secure environment. The provision, maintenance and upkeep of the play area would be set out within the S106. Accordingly no objections are raised with regard to Policies OS3 and D1 of the District Plan.

- 10.122 The site is heavily vegetated and includes woodland and grassland. Whilst the vegetation at the site is of low significance to represent a constraint on development of the site, its contributions at a local level to this part of Woolmer Green is significant. The complete loss of this habitat represents a significant impact at the site level and the trees retained and proposed within the development would not compensate for the loss of this resource locally.

As a result it is considered necessary that a contribution is sought to compensate for this local impact and to provide ecological gains locally offsite. Accordingly on this basis, there would be no conflict with the Framework or Policy R11.

7. Other Material Considerations

ii) Flood Risk and Drainage

10.123 The application site is within Flood Zone 1, although as the site is over 1ha a Flood Risk Assessment has been submitted which concludes that the flood risk culminating from the development itself, could be addressed by the implementation of a robust drainage strategy. Additionally a drainage strategy has been prepared which considers a number of options for the discharge of surface water, concluding that a combination of lined permeable surfacing and storage crates will be used to attenuate any surface water before discharging at a restricted rate to the foul water sewerage network to the south of the site. Foul water would then flow from the site to the south east corner where it will be discharged via the existing connection.

10.124 Detailed advice in these matters has been given to the Council by Hertfordshire County Council in its role as the Lead Local Flood Authority (LLFA). In this instance, concern has been raised from the LLFA that the information provided does not provide a suitable base for an assessment to be made of the flood risks arising from the proposed development. The applicant is proposing to discharge at 5 l/s, which although is a betterment to the existing situation, it is not in line with the requirements of Thames Water.

10.125 Additionally the applicant is required to provide a modelling for the entire development area in calculations and not just the impermeable areas. The runoff rates that are generated by the whole site should be provided, this should include all rainfall events up to and including the 1 in 100 year + climate change event. Permeable areas will generate runoff at Greenfield rates, and it will need to be conveyed by the proposed drainage scheme, therefore the required attenuation volumes and run-off rates should reflect this. If this cannot be achieved, a justification would be required. Accordingly the proposed development is contrary to policy R7 of the District Plan which seeks to protect the quality of surface and groundwater.

10.126 Thames Water have outlined that they are unable to determine the waste water infrastructure needs of this application. Although they have requested that a condition can be applied in the event of a permission which would require a drainage strategy for on and off drainage works.

ii) Contaminated Land

10.127 Policy R2 of the District Plan outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment. The applicant has submitted a report proving that the site is contaminated and acknowledging

that remedial works would be required. From the basis of this investigation and assessment from the Council's Environmental Health department it has been concluded that the use of an appropriate condition would ensure that proposed development would not pose an unacceptable risk to human health.

iii) Lifetime Homes

- 10.128 In accordance with Policy H10, the development scheme ensures that 15 of the proposed dwellings would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. This would be an appropriate proportion in line with Policy H10 and would be conditioned in the event of an approval.

iv) Renewable Energy

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

- 10.130 The submitted plans show that a proportion of the properties would have photovoltaic panels provided on the south and west facing roof slopes. It is considered that this ensures would be sufficient to achieve a sustainable development and no objections are raised with regard to policies SD1 and Policy R3 of the District Plan. Those properties that would include the panels would not be overly visible from the street scene of London Road and subsequently would not be harmful to visual amenity. However full details have not been provided which can be conditioned.

v) Waste and Recycling

- 10.131 Hertfordshire County Council Waste department have outlined that all relevant construction projects be supported by a Site Waste Management Plan, which would be placed as an informative to the applicant.
- 10.132 Refuse bins are to be provided via a condition and these would be suitably stored internally within the designated outbuilding for the apartments. This should ensure that there would not be any contamination of recycling bins from external sources. Additionally bin provision would be provided for the residential dwellings, however this is not shown on the proposed plans and therefore could be conditioned in the event of an approval. Suitable bin provision would however also be required to be provided and ensured through a S106 legal agreement, which is discussed in Section 8.

vi) Archaeology

- 10.133 The proposed development lies immediately adjacent to an Area of Archaeological Significance to the north of the site. Given the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. Whilst no concerns

have been raised by Hertfordshire County Council Archaeology they consider that if permission is granted this should be subject to the inclusion of conditions in this regard. Accordingly no objections are raised with regard to Policy R29.

vii) Protected Species

- 10.134 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

viii) Environmental Impact Assessment

- 10.135 Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the development would take place on a site less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. An EIA is therefore not required.

8. Planning Obligations and S106 Agreements

- 10.136 S106 of the Town and Country Planning Act 1990 (as amended) enables land owners/developers to enter into an obligation with the relevant local planning authority to achieve specified aims which may include:

- (a) restricting the development of the land in any specified way; requiring specific operations to be carried out in, on, under or over land;
- (b) requiring the land to be used in any specified way, or
- (c) requiring a sum or sums to be paid to the authority on a specified date or dates periodically.'

- 10.137 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

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

10.139 Regulation 123 introduces further limitation and these relate to the use of planning obligations for the purposes of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through S106 of the 1990 Act. 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 District Plan.

i) Affordable Housing

10.140 The proposed development seeks permission for 72 residential units and in accordance with Policy H7: Affordable Housing, of the adopted District Plan, the Council will expect the site to include the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. That policy requires a minimum of 30% to be sought which should comprise subsidised housing. Additionally Policy SP 7 of the emerging Local Plan also requires that for a proposal of 11 or more new dwellings, 30% of the houses should be affordable.

10.141 In this instance, a minimum of 30% would be sought which should comprise subsidised housing. The proposal states that 22 (30%) of the houses proposed would be affordable. The dwellings would be split to provide 4 x 1 bedroom properties, 16 x 2 bedrooms properties and 2 x 3 bedroom properties, of which 12 properties would be shared ownership (Plots 47 to 50 (2 bed apartments), Plots 51 to 56 (2 bed apartments) and plots 23 and 24 (2 x 3 bed houses)) and 10 would be social rented (Plots 69 to 72 (4 x 1 bed apartments) and Plots 63 to 68 (6 x 2 bed apartments)). This is considered to meet an identified need within the locality which would be in appropriate locations across the site and the Council's housing team have confirmed that this would be acceptable.

ii) Hertfordshire County Council Contributions

10.142 Confirmation has been received from Hertfordshire County Council that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:-

- Secondary Education towards the expansion of Monks Walk Secondary School - £186,240
- Library Services towards the enhancement of Knebworth Library - £12,672

- Youth Services towards the development of a detached project delivering personal and social skill to young people in Woolmer Green and the surrounding area - £3,528; and
- Fire hydrants

10.143 The response from Hertfordshire Country Council outlines that it cannot request fundings for the expansion of St Mary's School because it is not yet full. In respect of secondary education capacity, their response indicates that contributions will be required to fund the expansion of Monks Walk School in Welwyn Garden City by 1 form of entry.

10.144 In addition to the above, Hertfordshire County Council require that a mixed use development provides a framework Travel Plan and there is also the need to provide Travel Plan Statements for each of the uses comprising the development. A Travel Plan monitoring and support contribution of £6,000 is also required.

iii) Ecology Contributions

10.145 As referred to above, the proposed landscaping enhancements proposed for the site do not compensate for the loss of the woodlands and grassland resources on the site. The Ecology report provides a reasonable description of the site but claims that; - '*the development is unlikely to result in significant harm to biodiversity and that the opportunity exists to provide a number of net gains in biodiversity*'. In respect of the nature of the existing site and the biodiversity loss, to compensate for this local impact, biodiversity offsetting should be provided to provide ecological gains locally offsite. This would be specifically towards Great Ashby Woodland and grasslands including Pryors Wood. These woodlands were within 7km of the application site and are in local authority ownership, so accessible to local people. The semi-natural ancient woods are either oak/hornbeam or conifer planted on ancient woodland site (PAWS). The woods have an existing management plan with work underway to achieve the restoration of the coppice woods and long-term replacement of the conifer planting with native woodland species in line with national and local biodiversity action plan targets. Priors Wood has recently come into the control of the local council and a management plan is currently in production. Work here will focus on ensuring access for local people is appropriate and addressing the first steps in enhancing this wood for biodiversity which will include tackling invasive species and developing areas of coppice management. A sum of £9,500 would be required to provide materials and works for these projects and the cost of staff time to manage the contract.

iv) Welwyn Hatfield Contributions

10.146 WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision specifically for the 72 proposed dwellings, amounting to £7,004. This refuse contribution would not be subject to the pooling system, as this is specific to the proposed development. WHBC Community Partnerships Officer has also found the proposal to be acceptable, subject to contributions

being provided to go towards Outdoor Sports Provision (to specifically go towards the provision of upgrading the current multiuse games area to the side of Woolmer Green Hall and towards updating the grounds and changing/pavilion facilities at Welwyn and District Bowls Club and Welwyn Sports and Social Club). However, no amount of contribution or justification has been provided, even though officers have requested this, and therefore this is unable to be pursued as it would not meet the above regulations.

10.147 Additionally, the proposed Open play space provided on site would be required to be provided and maintained which would be set out in the S106.

10.148 In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5,000 will also be required and payment will be required to be made prior to commencement of the development.

10.149 The refuse contribution and monitoring fee would not be subject to the pooling system, as these are both specific to the proposed development.

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

v) Conclusion

10.151 Although the applicant has agreed in principle to these above contributions, no legal agreement is in place or indeed has one been submitted to demonstrate their commitment to these contributions. It is considered that it is not possible to secure the legal agreement by way of condition. Given the requested contributions are entirely relevant and proportionate to the impact of the proposed development, it is considered that the council would be acting unreasonably and failing its sustainability objectives were it to not obtain the contributions. Accordingly, it is considered that the proposal is contrary to Policies IM2, M4 and H7 of the District Plan, Policy SP 7 of the emerging Local Plan and the Framework.

11 Conclusion

11.1 The proposed development has been considered in terms of the principle of the development where it has been found contrary to emerging Local Plan Policy SADM 10 which allocates the site is an Employment Area. Additionally it is considered that the redevelopment of this site in a residential use is likely to result in the disproportionate growth of Woolmer Green, contrary to Policy SAD 1. Given the advanced stage of this emerging Local Plan together with the Council's evidence base, significant weight can be attached to this policy which is a material consideration which weighs considerably against District Plan policy EMP8. Accordingly the proposed development has been submitted prematurely in advance of this plan and would undermine the plan making process by pre-determining decisions about the location of employment and residential development that are central to the plan.

- 11.2 Additionally no completed S106 has been submitted to meet the sustainability aims of the plan. Furthermore, the LLFA raise an objection to the Flood Risk Assessment submitted which does not provide a suitable base for assessment to be made of the flood risks arising from the development. For these reasons it is considered that the proposed development should be refused.
- 11.3 However, with regard to the impact of the proposed development on the design and character of the area and the overall design and layout of the proposed development, this has been designed to reflect the existing character of the area and would not be unduly harmful. With regard to the amenity of adjoining/adjacent occupiers and future occupants, highway and parking matters, landscaping, ecology, protected species, contaminated land, archaeology, flood risk, lifetime homes and waste and recycling no objections are raised subject to the inclusion of conditions on any permission that may be given.

12 Recommendation

- 12.1 It is recommended that planning permission be refused for the following reasons:
1. The application site is designated as an Employment Area within the Emerging Local Plan Proposed Submission 2016 where that policy resists the loss of employment land from Class B to other uses unless certain criteria have been met. The marketing undertaken has not covered a sufficient period of time to demonstrate that there is no reasonable prospect of the site being used for an employment purpose and the applicant has failed to clearly demonstrate to the satisfaction of the Local Planning Authority that the marketing undertaken has been active, extensive or realistic. Additionally the proposal could potentially undermine the strategy in the Local Plan and could prejudice the continued use of the designated employment area and would not provide facilities supportive of Class B uses. It is also considered that the redevelopment of this site in a residential use is likely to result in the disproportionate growth of Woolmer Green. Accordingly the proposed development is contrary to policies SAD 1 and SADM 10 of the Draft Local Plan Proposed Submission 2016, the Council's Evidence Base for Employment and the National Planning Policy Framework.
 2. The proposed development is contrary to the Council's Draft Local Plan Proposed Submission 2016 and as a result of the worsening position on employment floorspace within the Borough together with the issues around the quantum of unplanned windfall development that this application would bring about, the proposed development would undermine the plan making process by pre-determining decisions about the location of employment and residential development that are central to the plan where that plan is at an advanced stage although not yet formally part of the development plan for the Borough.

Accordingly the development is contrary to the National Planning Practice Guidance.

3. The submitted Flood Risk Assessment does not provide a suitable base for an assessment to be made of the flood risks arising from the proposed development and demonstrates that the development would not increase the flood risk elsewhere. Accordingly the proposed development poses a threat to the quality of both surface and /or groundwater, contrary to Policy R7 of the Welwyn Hatfield District plan and the National Planning Policy Framework.
4. The applicant has failed to satisfy the sustainability aims of the plan and to secure the property 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 the National Planning Policy Framework and Policies IM2, M4 and H7 of the Welwyn Hatfield District Plan 2005 and Policy SP 7 of the Draft Local Plan Proposed Submission 2016.

Summary of reasons for refusal of permission

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
16916-SK02	I	SK02I Proposed Site Layout - Colour	29 August 2017
16916-SK17	B	Flat Type A - Floor Plans	28 April 2017
16916-SK18	A	Flat Type A - Floor Plan	28 April 2017
16916-SK19		Flat Type A - Front Elevation	28 April 2017
16916-SK20	A	Flat Type A - Rear Elevation	28 April 2017
16916-SK21		Flat Type A - Flank Elevation & Indicative Section	28 April 2017
16916-SK22	A	House Type D - Floor Plans	28 April 2017
16916-	A	House Type D - Front & Rear	28 April 2017

SK23		Elevations	
16916-SK24	A	House Type D - Flank Elevation & Indicative Section	28 April 2017
16916-SK25	A	House Type F - Floor Plans	28 April 2017
16916-SK26		House Type F - Front & Rear Elevations	28 April 2017
16916-SK27	A	House Type F - Flank Elevations & Indicative Section	28 April 2017
16916-SK28	A	House Type B - Floor Plans	28 April 2017
16916-SK29	A	House Type B - Front & Rear Elevations	28 April 2017
16916-SK30	A	House Type B - Flank Elevations & Indicative Section	28 April 2017
16916-SK31		House Type C - Floor Plans	28 April 2017
16916-SK32		House Type C - Front & Rear Elevations	28 April 2017
16916-SK33		House Type C - Flank Elevations & Indicative Section	28 April 2017
16916-SK34	B	House Type G - Floor Plans	28 April 2017
16916-SK35	A	House Type G - Front & Rear Elevations	28 April 2017
16916-SK36	A	House Type G - Flank Elevations & Indicative Section	28 April 2017
16916-SK37	B	House Type H - Floor Plans	23 August 2017
16916-SK38	B	House Type H - Front & Flank Elevations	23 August 2017
16916-SK39		House Type H - Elevations & Indicative Section	28 April 2017
16916-SK40	B	House Type I - Floor Plans	28 April 2017
16916-SK41	C	House Type I - Front & Rear Elevations	9 June 2017
16916-SK42	A	House Type I - Flank Elevations & Indicative Section	28 April 2017
16916-SK43	A	Flat Type K - Floor Plans	28 April 2017
16916-SK45	A	Flat Type K - Front Elevation	28 April 2017
16916-SK46	A	Flat Type K - Rear Elevation	28 April 2017
16916-SK47	A	Flat Type K - Flank Elevation & Indicative Section	28 April 2017
16916-SK48		Flat Type L - Floor Plans	28 April 2017
16916-	A	Flat Type L - Front Elevation	28 April 2017

SK50			
16916-SK49		Flat Type L - Floor Plan	28 April 2017
16916-SK51	A	Flat Type L - Rear Elevation	28 April 2017
16916-SK52	A	Flat Type L - Flank Elevation & Indicative Section	28 April 2017
16916-SK54	A	House Type N - Floor Plans	28 April 2017
16916-SK55		House Type N - Front & Rear Elevations	28 April 2017
16916-SK56		House Type N - Flank Elevation & Indicative Section	28 April 2017
16916-SK57		House Type M - Floor Plans	28 April 2017
16916-SK58		House Type M - Front & Rear Elevations	28 April 2017
16916-SK59		House Type M - Flank Elevations & Indicative Section	28 April 2017
16916-SK60	A	Flat Type L-Op - Floor Plans	28 April 2017
16916-SK61	A	Flat Type L-Op - Front Elevation	28 April 2017
16916-SK62	A	Flat Type L-Op - Rear Elevation	28 April 2017
16916-SK63	B	Flat Type L-Op - Flank Elevation & Indicative Section	28 April 2017
16916-SK64		House Type E - Floor Plans	28 April 2017
16916-SK65		House Type E - Front & Rear Elevations	28 April 2017
16916-SK66		SK66 - House Type E - Flank Elevations & Indicative Section	28 April 2017
16916-SK70		Typical Single Garage - Plan & Elevation	28 April 2017
16916-SK71		Typical Double Garage - Plan & Elevation	28 April 2017
16916-SK72	A	Typical Single Carport - Plan & Elevation	23 August 2017
16916-SK73	A	Typical Double Carport - Plan & Elevation	23 August 2017
16916-SK74	A	Bin Store 1 - Plan and Elevations	23 August 2017
16916-SK75	A	Bin Store 2 - Plan and Elevations	23 August 2017
16916-SK76	A	Bin Store 3 - Plan and Elevations	23 August 2017
16916-SK77		Cycle Store - Plans & Elevations	28 April 2017
16916-SK201	B	Street Elevation A-A	23 August 2017
16916-SK203	A	Street Elevation C-C	23 August 2017

16916-SK204	A	Street Elevation D-D	23 August 2017
16916-SK205	A	Street Elevation E-E	23 August 2017
16916-SK206	A	Street Elevation F-F	23 August 2017
16916-SK207	A	Street Elevation G-G	23 August 2017
16916-SK208	A	Street Elevation H-H	23 August 2017
16916-SK209	A	Street Elevation I-I	23 August 2017
16916-SK210	A	Street Elevation J-J	23 August 2017
5503(P)101	A(D)	Proposed Site & Ground Floor Plan	29 August 2017
5503(P)201	A(A)	Proposed Elevations (1 of 2)	24 April 2017
5503(P)202	A(A)	Proposed Elevations (2 of 2)	24 April 2017
16916-SO02		Site Location Plan	28 April 2017
16916 - SK202	A	Street Elevation B-B	23 August 2017
6144/LSP.01	E	Landscape Strategy Plan	14 July 2017
x		CGI 5 - Three Storey Apartment Block with Gables Terminating Vista	23 June 2017
16916-SK09		Distribution of BR M4(2) Compliant Dwellings	23 August 2017
16916-SK10		Distribution of Photovoltaic Panels	23 August 2017
x		CGI 6 - Residential and Employment Fronting London Road	14 July 2017
17656-5-SK02	A	Flood Routing For Extreme Events	9 August 2017
16916 - SK11		Distribution of Acoustic Screening	23 August 2017

Officers name, (Planning)

Date Sarah Smith 23 August 2017



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

Title: Entech House London Road Woolmer Green
Knebworth

Project: DMC Committee

Drawing Number:
6/2017/0848/MAJ

Scale: DNS

Date: 2017

Drawn: Baras Mast-Ingle

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