

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 9 NOVEMBER 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2016/1882/FULL

FORMER ROCHE PRODUCTS SITE, 40 BROADWATER ROAD, AL7 3AY

CHANGE OF USE OF FORMER ROCHE PRODUCTS FACTORY (CLASS B OFFICES, RESEARCH AND MANUFACTURING) TO PROVIDE 34 RESIDENTIAL UNITS (CLASS C3) ACROSS BASEMENT, GROUND AND FIRST TO THIRD FLOORS, WITH ASSOCIATED EXTERNAL ALTERATIONS INCLUDING EXCAVATION TO THE REAR LIGHTWELL OF SOUTHERN ELEVATION, ADDITIONAL AND ALTERED FENESTRATION TO THE NORTHERN AND SOUTHERN ELEVATIONS, CREATION OF ADDITIONAL CAR PARKING AND ASSOCIATED LANDSCAPING, TOGETHER WITH INTERNAL ALTERATIONS INCLUDING THE SUBDIVISION AND RECONFIGURATION OF FLOORSPACE, THE INTRODUCTION OF 5 NEW SPIRAL STAIRCASES AND PROVISION OF SERVICING WITHIN THE BUILDING

APPLICANT: Taylor Wimpey North Thames

AGENT: Rapleys

(Peartree)

**1 Site Description**

- 1.1 The Roche Products Factory is a Grade II listed building built in 1938-1940 as the headquarters for Roche, an international pharmaceutical company. The building is this country's only example of the architecture of Otto R Salvisburg, a modernist architect whose work in Berlin has been recognised as a UNESCO World Heritage Site. The building is L-shaped with the administrative block in the east wing being two/three stories high and the former laboratory areas (west wing) being four stories high with some single storey extensions on its south and west sides. The floor-space totals around 3,059sqm.
- 1.2 The application site includes the vehicle access from Broadwater Road known as Otto Road. This road contains some existing car parking spaces, which are normally occupied but are not allocated to residential units on the surrounding sites. The site also includes the area of open space to the south side of the building, which covers an area of approximately 1,500sqm and is designated as an area of open space in the previous permission.

- 1.3 Roche vacated the entire site some years ago. Other buildings on the Roche site were demolished to facilitate redevelopment for residential use further to planning permission Ref No N6/2010/1776/MA. The previous use of the listed building, the subject of this pre-application submission, was an office (Use Class B1). It is still vacant as the permitted change of use and conversion of the listed building to community uses (planning permission reference nos. N6/2010/1776/MA and N6/2009/1054/LB) has not been implemented. It has been the subject of repeated vandalism and fallen into disrepair. The Local Authority has been pursuing the repair of the listed building with the current owner.

## **2 The Proposal**

- 2.1 Full planning permission is sought for change of use of the building to residential and conversion into 34 flats, comprising ten x 1 bedroom units and twenty four x 2 bedroom units. The proposals involve subdivision of the listed building, installation of larger windows in the northern elevation and excavation of a basement patio area on the south side of the building. The reception facilities at the main entrance would be used for a post room and a display of archive materials relating to the history of the building.
- 2.2 The application was accompanied by a Heritage Statement. A Schedule of Works was provided which sets out the elements to be retained, reused, removed and introduced/reinstated. These aspects are considered in more detail under the concurrent listed building application (reference number 6/2016/1883/LB).
- 2.3 The application also proposes provision of 37 car parking spaces. It includes re-landscaping of the open space on the south side of the building to excavate a small area as patio gardens for the basement flats and to encourage informal use of the open space by residents of the residential units. The proposal also involves enhancements to the site frontage onto Broadwater Road.
- 2.4 The application was also accompanied by a Design and Access Statement, a Planning Statement, an Arboricultural Impact Assessment, a Financial Viability Statement, a Market Assessment Report, a Transport Statement, and a Flood Risk Assessment.

## **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because it has been called in by Councillor Cowan for the following reasons:

*“1. It appears to be a departure from the SPD in having no community content;*

*2. Not clear that the proposed new parking is actually new and that sufficient parking will be available across this and the existing Mirage development.”*

Councillor Cowan made further objection as follows:

*“The proposal is a departure from the WHBC guidelines in having no social housing.”*

#### **4     Relevant Planning History**

- 4.1     Pre-application advice - N6/2016/N015/PA - Change of Use and Conversion of Listed Building into 32 Residential Flats with Landscaping and Parking. Advised change of use would require justification and evidence of marketing for the preferred use (B1 or community use). Response 6.5.2016. Affordable housing required at 30%. Parking should meet Council adopted standards. The proposal would involve harmful alterations to the building. More sympathetic design would include fewer units, less alteration to windows, greater retention of original fabric, opening southern elevation to open space and screening of basement excavations. Open space should be laid out and planted appropriately for the setting of the listed building e.g. geometric layout softened by planting should be considered. The northern elevation of the site should be landscaped so that the feature staircase is a focal point when viewed from within the pre-application site and from the site to the north.
  
- 4.2     N6/2015/1472/PA - Pre application advice for the conversion of existing Grade II building, erection of a two storey addition to existing single storey rear wing to provide 34 residential apartments and associated parking for all units. Response 30.9.2015. Advised to avoid making extensions and to minimise impact on fabric and retain/reinstate as much as possible. Concern expressed at amount of subdivision of building. Change of use from office /community use requires justification and market assessment. Affordable housing required at 30%. Setting of listed building also important. Relationship with land to the North is important to enhance focus on spiral staircase.
  
- 4.3     N6/2011/2520/DS – Discharge of conditions 4 (Details of west elevation), 5 (Record of Listed Building), and 6 (Construction Method Statement) of N6/2009/1054/LB. Approved 6.3.2011.
  
- 4.4     N6/2010/1776/MA - Erection of 209 dwellings, retain and alter Listed Building for community uses, associated open space, landscaping, car parking and new access. Approved 9.3.2011.
  
- 4.5     N6/2009/1053/MA - 207 dwellings, retain and alter Listed Building for community uses, associated open space, landscaping, car parking and new access. Refused 25.9.2009.
  
- 4.6     N6/2009/1054/LB - 207 dwellings, retain and alter Listed Building for community uses, associated open space, landscaping, car parking and new access. Approved 28.7.2009.

## **5 Planning Policy**

- 5.1 National Planning Policy Framework (Chapter 4 Sustainable Transport, 6 Choice of Quality Homes, 7 Good Design, 8 Healthy Communities, 12 Conservation of Heritage Assets)
- 5.2 PPS10: Planning for Sustainable Waste Management
- 5.3 Hertfordshire County Council Waste Core Strategy (November 2012)
- 5.4 Welwyn Hatfield District Plan 2005
- 5.5 Supplementary Design Guidance, February 2005
- 5.6 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.7 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 5.8 Supplementary Planning Guidance, Broadwater Road West, December 2008
- 5.9 Planning Obligations, Supplementary Planning Document, February 2012

## **6 Site Designation**

- 6.1 The application building is Listed Grade II.
- 6.2 The site lies within Broadwater Road Employment Area (EA1) of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.
- 6.3 The site is within the area covered by the Broadwater Road West Supplementary Planning Guidance 2008.

## **7 Representations Received**

- 7.1 Eight representations have been received from neighbouring occupiers. Their comments may be summarised as:
  - support in principle for the proposed change of use to residential to bring the building into use and decrease antisocial behaviour and vandalism of building;
  - building does not meet modern office needs
  - Council should consider limiting PD Rights to change use to residential to preserve employment opportunities in high grade offices.
  - Proposal would bolster housing availability in the town
  - develop site quickly with least disruption to residents
  - inadequate levels of parking – needs to be addressed
  - commuters use Otto Road for parking
  - pedestrian route on Otto Road would be crossed by so many consecutive parking spaces – dangerous to pedestrians.

Details of comments from the Welwyn Garden City Society are set out below at paragraph 8.4.

## **8 Consultations Received**

- 8.1 No response has been received from the following consultees. Comments were due by 31<sup>st</sup> October 2016
- Hertfordshire Gardens Trust
  - Hertfordshire County Council Historic Environment Advisor
  - Welwyn Hatfield Borough Council – Community Partnerships Department
- 8.2 **Councillor Beckett** – I am concerned about the lack of any affordable housing, additional parking spaces and lack of landscaping. I understand there is no outside seating planned and no biodiversity increase.
- 8.3 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – No objection subject to conditions securing the provision of the car parking layout prior to occupation and informatives over not storing materials on or obstructing the highways and wheel washing.
- 8.4 **Hertfordshire County Council Lead Local Flood Authority** – objected (28.11.16) that a Surface Water drainage assessment was not submitted. A drainage strategy showing permeable surface in the car parking areas was received. Following submission of Drainage Report 22315/12-16/4652/RevB (Feb 2017) showing provision of storage tanks they removed their objection.
- 8.5 **Hertfordshire County Council Planning Obligations** – seek financial contributions towards library services (£4,459) and Youth Services (£434).
- 8.6 **Welwyn Hatfield Borough Council Conservation Officer** - The proposed change of use and alterations to the building would significantly harm the significance and setting of the listed building and would not conform to the NPPF 2012 paras 7, 8, 9, 131, 132, 134, Historic England- “Conservation Principles” and Historic Environment Good Practice Advice in Planning Note 3, Emerging Core Strategy CS11; and the Local Plan Policies D1 and D2. The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.7 **Welwyn Hatfield Borough Council Environmental Health Department (EH)** – raised concerns over noise from railway, road and surrounding commercial uses; air quality, air quality from traffic; and contamination from previous use.
- 8.8 **Welwyn Hatfield Borough Council Landscaping and Ecology Department** - no objection to removal of trees close to the building. Advised regarding choice of species and maintenance of layout. Recommended cellular rooting systems for trees along northern boundary and inclusion of seating in open space and topiary trees to provide shade.

- 8.9 **Welwyn Hatfield Borough Council Client Services Department –** Requested plan showing location of bin stores. The number of dwellings would require 5 x 1100 litre containers. No objection.
- 8.10 **Welwyn Hatfield Borough Council Housing and Development Department –** Objection based on lack of affordable housing. Requested provision of two bedroom units for affordable rent.
- 8.11 **Hertfordshire Constabulary –** No objection. Recommends this development be refurbished to Secured by Design Standards like the earlier stages of development on this site.
- 8.12 **Hertfordshire Fire and Rescue –** requested a fire hydrant.
- 8.13 **Thames Water (TW) –** no objection. Advised that surface water drainage connections to public sewer require prior approval from Thames Water. No objection with regard to sewerage infrastructure capacity.
- 8.14 **Environment Agency (EA) –** the site was historically contaminated. To protect ground water, SuDS systems should not use infiltration. Recommends contamination be investigated by a qualified person.
- 8.15 **20<sup>th</sup> Century Society –** The building is nationally significant and has been vacant for some time. There is a need to ensure the future of this heritage asset via a beneficial use. Conversion to residential does not pose particular concerns. The proposals indicate a sympathetic approach, preserving original fabric and the significant form and massing of the building. The basement area is not of high value. However, the garden area is an important element in the overall composition. The light well and patio will erode and cause some harm to the setting. The Society would propose avoiding such an extensive intervention in the green area.
- 8.16 **Welwyn Garden City Society -** The Society, while regretting the loss of the production and administrative employment enjoyed on this historically significant site, recognises that this scheme retains and enhances the original building and its main architectural features in the conversion to residential use. The Society recommends this application for approval.
- 8.17 **Welwyn Garden City Heritage Trust -** The Roche Building is an extremely important building both locally and nationally being the only remaining example of an Otto Salvisberg industrial design left in the UK. After some concerns over the proposals to add an extension at the rear, now withdrawn, and given the complexities of the site versus the need to maintain the original integrity of the design WGC Heritage Trust is pleased to register its support for the proposals submitted in the current application. We accept that there are aspects of the proposals that do not quite produce an ideal result for leisure space but that is offset by the good location in terms of access to transport links, especially rail. That being the case we hope the LPA will see fit to approve the proposals so that the long overdue refurbishment of this iconic building can begin without further delay.

## **9     Analysis**

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

- 1. Principle of change of use to residential (EMP3, GWRWSPD, H2, emerging SP17 of the Proposed Submission version of the Welwyn Hatfield Borough Local Plan).**
- 2. Affordable Housing (H7, NPPG, NPPF)**
- 3. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance, impact on Listed Building (GBSP1, GBSP2, D1)**
- 4. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2) impact on setting of Listed Building**
- 5. Impact on living conditions of existing and future neighbours**
- 6. Other planning considerations**
  - (i)     Highways and Parking**
  - (ii)    Landscaping**
  - (iii)   Flood Risk Assessment**
  - (iv)    Refuse and Recycling**
  - (v)     Contaminated Land**
  - (vi)    Planning Obligations**
  - (vii)   Conditions**

### **1.     Principle of change of use to residential**

9.2     The application site forms part of site EA1 (Employment Land) as defined on the proposals maps of the 2005 Welwyn Hatfield District Plan. It is referred to in Policy EMP 3 'Mixed Use Development at Broadwater Road West' of the same District Plan. Much of the Roche Products Factory site has been redeveloped for residential use in a series of three and four storey buildings to the south and west of the application building (Reference Number N6/2010/1776/MA).

9.3     Policy EMP3 of the District Plan states that the development of this site shall be in accordance with a Development Brief which would be set out in a Supplementary Planning Document (SPD). This SPD was produced in 2008 and sets out guidance in the form of a masterplan framework for the wider area proposing a mix of uses including an increase of residential use, density of development, design and other matters with a minimum quantum of Class B floor-space to be provided within the Development Brief area.

9.4     The SPD (Para 3.33) identifies the application building for retention and refurbishment for new uses. Figure 5.1 of the SPD proposes the land around the building as public gardens. More specifically Para 5.17 of the SPD sets out that "As a listed building the Roche reception building does not lend itself easily to residential conversion and therefore alternative uses will be considered: including community, cultural, office or a hotel facility (or a combination of these uses)." The main factor in determining the selected

uses was the form of the building and the impact of subdivision upon the listed fabric. Most of the surrounding site has been redeveloped for residential use with permission granted for use of the application building for a church (N6/2010/1776/MA). However, the church use was not commenced and the application building has been vacant for several years and requires ongoing repairs and maintenance. The site owners are now applying for change of use to residential. They were advised, at Pre-application stage, that marketing evidence to justify deviation from the above policy guidance would be required.

#### Marketing Considerations

- 9.5 The applicants have submitted a marketing assessment which states that the building has been marketed since 2014 for offices and since February 2016 for office/community use, during which time some interest (14 out of 80 enquiries) was shown for these uses and no purchaser/occupier formally secured but no formal offers were secured. The analysis concluded that current market demand for office space of this nature and with this level of parking provisions in Welwyn Garden City was low. It concluded from this exercise that office use and/or community use of the application building are not viable in the short term. This analysis did not identify the asking price. The sales particulars indicated obligations to undertake outstanding repairs to the listed structure.
- 9.6 The evidence base for the Emerging District Plan and the Annual Monitoring Review 2016 identify a longer term need (up to 2032) to provide employment land and floor-space within the Borough to meet the employment needs of the growing population.
- 9.7 The marketing assessment states that there are sufficient higher-quality offices on the market in Welwyn Garden City of a scale to satisfy three years' demand. This suggests that in the short term and based on a supply/demand, micro-economic assessment, demand for use of the building as offices would be unlikely. However, this situation could change rapidly as a result of permitted development rights to change from office use to residential. Several properties have changed use to residential along Broadwater Road recently. The Draft Local Plan states that the Council will consider putting Article 4 Directions in place to prevent the redevelopment of important office blocks for residential. The Council's Annual Monitoring Report January 2017 confirms that the Draft Local Plan looks to facilitate the delivery of new employment land so that the employment floor-space target for the period up to 2032 can be met and marginally exceeded. In the mean-time, there is likely to be both a short term need as well as a longer term need for office space in Welwyn Garden City. However, the application site is not specifically identified in the Draft Plan as an Employment site.
- 9.8 As such, consideration must be given to whether the application site would provide high quality floor-space at competitive rates to meet that demand and to the environmental impact of continued office use on the surrounding uses.

#### Impact on Heritage Asset

- 9.9 NPPF paragraph 13 advises that local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation. The proposal to subdivide the building into 34 separate residential units would require an internal subdivision of previously open-plan spaces and would give rise to an element of harm to the fabric of the building. Paragraph 134 of the NPPF requires, where less than substantial harm is proposed, that the harm should be weighed against the public benefits of the proposal including securing its “optimum viable use”. The phrase “optimum viable use” refers to the use that best preserves, enhances and conserves the building and which is viable.
- 9.10 Modern office and hotel requirements for wire ducting, air conditioning, plumbing pipes and flexible space may result in a considerable amount of internal alteration to the building fabric. In the light of these considerations, offices, and particularly hotel uses, would be likely to have some impact on the building fabric and require some investment to achieve. While office use may be considered to have less impact on the listed building fabric than residential use, an office use would be likely to give rise to some harm to the fabric and a hotel use would require a considerable amount of subdivision and servicing, possibly more than a residential use. The impacts of a community use may vary widely and are difficult to assess without a specific scheme being proposed. In terms of a use for the building, with respect to the significance of the heritage asset, the optimum would be one that least impacts on the fabric while securing its future. As discussed, any use is likely to have an impact on the fabric and be likely to involve alterations to the internal layout. The degree of harm would depend upon the details of subdivision and fixing methods used. These aspects are considered in the listed building application report and summarised in section 5 below. In summary the use for residential may not involve any more harm than another use.

#### Impact on Parking in Surrounding Area

- 9.11 The restricted scope for parking within the site weighs against the preference for office/community use, in that the site would suffer from a shortfall of spaces for both uses: 13 space shortfall of 50 spaces for office use and over 100 space shortfall for community use (even allowing 50% reduction in a sustainable location). A similar shortfall could be anticipated for hotel uses. This issue of parking overspill would adversely impact on the surrounding land uses including the surrounding residential roads with a substantial amount of overflow parking. Parking for 34 flats can be accommodated on the site without a shortfall (see section 6.1 of this report).
- 9.12 The NPPF, in paragraph 22, recommends that in the absence of prospects of a site being used for allocated employment use, applications for alternative uses should be treated on their own merits having regard to market signals and the need for different land uses to support sustainable communities. Paragraph 134 of the NPPF, states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefit of securing the

building's optimum viable use. Despite the applicant's efforts to secure the building it has been the subject of repeated episodes of vandalism. A key consideration in conserving the heritage asset is securing a use that is viable and that brings the building back into use in a short time scale in order to prevent further deterioration of the building fabric.

- 9.13 The marketing efforts over the last three years show that it is unlikely that an office or community use would be secured imminently. The current proposal offers a viable use for the building and one that could be achieved in a reasonable timescale to prevent further deterioration of the building. For these reasons the proposal for change of use is considered acceptable on balance and in accordance with the policies of the NPPF and as an exception to the Development Plan.
- 9.14 The application site is not an allocated housing site and so is considered to be a 'windfall site'; Policy H2 (Windfall Housing) therefore applies. This policy states that all proposals for windfall housing development will be assessed against certain criteria, the relevant ones being:
- The location and accessibility of the site to services and facilities, by transport modes other than the car
  - The capacity of existing and potential infrastructure to absorb further development
  - The physical and environmental constraints on development of the land.

### Summary

- 9.15 The site is within Welwyn Garden City, which is designated in Policy GBSP2 as a sustainable location to which development will be directed. In addition, it is positioned close to the railway station and well-served by buses. It is therefore, accessible by transport modes other than the car and in a sustainable location. In principle, in land use terms, the use of this site for residential purposes is acceptable on balance, subject to the other policies of the District Plan and Supplementary Guidance.

## **2. Affordable Housing and Viability**

- 9.16 Saved Policy H7 of the Welwyn Hatfield District Plan 2005 seeks to secure a proportion of new residential units for affordable housing at a rate of 30% in proposals for over 25 units. This same proportion is sought through the Broadwater Road West Supplementary Planning Guidance 2008. Policies SP7 and SP17 of the emerging plan also seek a 30% proportion. Paragraph 50 of the NPPF 2012 supports Local Planning Authorities in setting policies to secure affordable housing on site to create mixed and balanced communities. With regard to development viability, developers will normally be expected to deliver a policy compliant proportion of affordable housing, in this case 30%.

- 9.17 However, as set out in the Council's Planning Obligations Supplementary Planning Document (SPD), the Council recognises that in certain market conditions, the overall level of contribution attributed to a scheme can affect the financial viability of a development proposal. In these circumstances an applicant would be expected to submit a viability appraisal and to pay for the Council to have this appraisal independently checked and verified.
- 9.18 Further to this, paragraph 173 of the NPPF states that *"....to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*.
- 9.19 Specifically, on how planning obligations should be considered in decision-taking, the NPPG advises that: *"in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability"*
- 9.20 In the context of this advice and the policy position that it creates, the Council was informed by the applicant that the scheme that has been designed is not able to deliver any affordable housing and remain viable. A Financial Viability Statement was submitted and this was assessed by an independent advisor (BNP Paribas) for the Council. A Cost Assessment was undertaken by an independent Quantity surveyor (RLF). The build costs of the scheme are higher than average because of the listed status and presence of asbestos throughout the building. A two-stage cost review showed the project was still viable with a 20% profit with S106 contributions totalling £50,000.
- 9.21 BNP advise that the scheme could not support on-site provision of one affordable housing unit (valued at £110,000) but could provide a financial contribution for S106 obligations of £50,000.
- 9.22 Vacant Building Credit (VBC) was announced by the Secretary of State for Communities and Local Government in a Written Ministerial Statement dated 28 November 2014 and later included in the NPPG. The Policy provided that financial credit should be offered to developers in certain circumstances where a vacant building is brought back into lawful use. The LPA may offer VBC (the equivalent of waiving the requirement for affordable housing provision) in place of requiring affordable housing contributions from the developer. This is only where a vacant building is brought back into lawful use, the building has not been abandoned or made vacant for the sole purpose of re-development or is not covered by an extant planning permission for the same development. The application site meets the criteria to qualify

for VBC (subject to the use being lawful) and the applicant has claimed that this credit should be offered to them.

- 9.23 However, the Council is legally entitled to take account of other material planning matters, including local housing need, and to weigh this with the VBC Policy. The Council is legally able to have regard to the local development plan when it is clearly material to the application (in this case in the provision of social housing) as set out in the Planning Legislation (s38(6) Planning and Compulsory Purchase Act 2004 and s70(2) Town and Country Planning Act 1990). The policies in the Local Development Plan and the emerging Local Plan are supported by up-to-date evidence and the Annual Monitoring Report.
- 9.24 Further to Policy H7, to ensure that developments create balanced communities and meet local housing need, the Council has considered the need for affordable housing whilst ensuring that viability criteria are addressed. This has been achieved through the Viability Assessment process outlined above. In this case it is considered that, while on-site provision of Affordable Housing would undermine the viability of the scheme, a financial contribution totalling £50,000 would allow the scheme to remain viable. It is, therefore, reasonable to require £50,000 total in S106 contributions.
- 9.25 The applicant has indicated willingness to contribute the £50,000 in total to off-site S106 contributions. The Council's Housing Department has a strong preference for on-site as opposed to off-site provisions. The Council has an on-going programme of Affordable Housing provision, which is funded from other sources.
- 9.26 In addition, BNP advises that the sales values could increase in the future thus increasing the profitability of the scheme and the developer's ability to contribute affordable housing units. They, therefore, recommend a viability review mechanism be secured by S106 which would, if planning permission were granted, require the developer to provide updated Financial Viability Appraisal on completion of the development. This would enable the Council to consider again whether the scheme could support an increase in affordable housing contributions, having regard to changes in market conditions such as sales values, build costs etc. Such provision could be achieved through a S106 Agreement clause but would not ensure on-site provision.
- 9.27 In conclusion the proposed development is not compliant with Policy H7 of the Welwyn Hatfield District Plan 2005. Results from the viability assessment process demonstrate that on-site provision of affordable housing units (whether affordable rent or shared ownership) would undermine the viability of the scheme. The level of financial contribution that the scheme could render may increase in the future, for example as a result of changes in market conditions, and it is recommended that a proportion of any increase be secured for affordable housing purposes by a S106 Agreement obligation.

### **3. High Quality Design and Impact on Listed Building**

- 9.28 Policy D1 of the Welwyn Hatfield District Plan 2005 requires a high quality of design in all new developments. Policy R19 (Noise) requires new development to include adequate levels of protection from noise and vibration. The Supplementary Design Guidance 2005 also requires high quality design to provide adequate living standards for future occupiers. Guidance in Paragraph 17 of the NPPF also seeks high quality design and good standards of amenity for all future occupiers of land and buildings.
- 9.29 Flat sizes and private entrances – The flat sizes and layouts are considered acceptable; the one bedroom flats range in size from 40sqm to 56sqm. The two bedroom flats range in size from 59sqm to over 80sqm – the largest unit (at 128sqm) is on the first floor and incorporates the board room as a living room. These floor areas are roughly in line with the Nationally Described Standards and in some cases considerably exceed them. Each flat would be accessed from one of three existing ground floor entrances or from the basement access area. Four units would be accessed from the main entrance to the administrative block. The remainder would be accessed from the two entrances to the west wing. Those accessed from the northern end would have the benefit of lift access in addition to the stairs to upper floors.
- 9.30 The units would all benefit from natural daylight. The basement units would have daylight from the excavated patio and access area on the south elevation and from enlarged windows in the north elevation at ground floor level. Given the generous fenestration of the listed building the majority of units would benefit from passive sunlight.
- 9.31 With regard to security of the building Hertfordshire Constabulary has commented that the new glazing at ground floor will need to meet the requirements of the Building Regulations (Part Q). They also recommend that the building be implemented to Secured By Design standards as the earlier housing on the surrounding site was. This was not a requirement of the previous planning permission (N6/2010/1776//MA) by condition or S106.
- 9.32 In terms of private amenity space, the basement units would have small south-facing patio areas. The residents of all 34 units would have use of the communal open space (1,500sqm) to the south of the building. This area is functional and useable in terms of size and shape and orientated with a sunny south aspect. It is recommended that a landscaping and seating scheme to encourage use of the space by the residents (e.g. by providing planting and seating) be secured by condition on planning permission. In addition Green Space contributions to public open space in the area are sought through a S106 Agreement in accordance with the levels set out in the Planning Obligations Supplementary Planning Document 2012. A project to enhance tree planting in Welwyn Garden City centre is scheduled for implementation and is located nearby. Financial contributions towards this project can be sought through a S106 Agreement in accordance with the levels set out in the Planning Obligations Supplementary Planning Document 2012 and this is recommended.
- 9.33 The scheme makes no on-site provision for children's play. Although a small area is provided near the application site, that land is private and managed by

a site management company. The nearest public play area is in Coral Mead. Financial contributions towards improving and enhancing the Coral Mead area can be sought through a S106 Agreement in accordance with the levels set out in the Planning Obligations Supplementary Planning Document 2012 and this is recommended.

- 9.34 Policy R19 of the District Plan 2005 seeks adequate noise insulation for internal spaces in new residential units. While the units would have large windows, noise nuisance from the railway and the road would be adequately insulated by other buildings (to the west) and by double glazing. However, the tall bronze-framed windows in the first floor facing Broadwater Road (in the Boardroom) would be retained and these are single glazed (with secondary glazing fitted). An assessment of the internal noise levels with regard to the traffic on Broadwater Road is required and mitigation through replacement secondary glazing can be secured. These measures can be secured by conditions.

#### **4. Character and context of area and setting of Listed Building**

- 9.35 The NPPF (paragraphs 58-60) supports good design that responds to local character, is visually attractive and promotes and reinforces local distinctiveness. Paragraphs 132 and 137 also emphasise that the conservation of heritage assets (which includes Conservation Areas) should be given great weight and proposals that preserve or enhance the assets and/or their settings should be treated favourably. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (WHDP) require high quality design and require developments to respect and relate to the character and context of the area and, as a minimum, maintain or where possible enhance or improve the character. The above policies require the key features of the building and its setting to be retained and be replicated.
- 9.36 The impacts of the proposals on the character and appearance of the listed building, its fabric and its setting are dealt with in more detail in the report for listed building application reference number 6/2016/1883/LB. The characteristic shape and features of the original building would be retained. The proposed alterations to the building are not considered to substantially harm the listed building. The subdivision, spiral stairs and excavation at basement level, subject to conditions over details, would give rise to a low level of harm while enabling effective use of the unusual floor levels in the east wing. The alterations to windows and new openings would be sympathetic and respect the style and pattern of fenestration in the original building. Consequently the proposals are considered acceptable in terms of the above policies and, subject to conditions over the use of appropriate materials, would preserve and enhance the character and appearance of the listed building.
- 9.37 The setting of the listed building would, overall, be enhanced by the proposed landscaping scheme and enable better appreciation of the architectural form and features of the building. The harm to the setting of the listed building resulting from the excavation on the south side is acknowledged. However, the design of the bund and landscaping around the building result in the harm

being less than substantial and the overall proposal is acceptable subject to details and the benefits being delivered early in the redevelopment of the site as a whole.

## **5. Impact on Living Conditions of Neighbouring Occupiers**

- 9.38 Policy D1 aims to improve and enhance the quality of the existing environment and requires development to incorporate the guidance in the Supplementary Design Guidance. Policy D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF also seeks high quality design and good standards of amenity for all existing occupiers of land and buildings. This is assessed in terms of loss of light and overbearing impact, and maintenance of privacy.
- 9.39 The properties most likely to be affected by the development are the occupants of Salvisburg Court in the block to the west. However, the proposal involves no extensions or other increases in the built form of the building so that it would not be likely to result in loss of light to or an overbearing impact on the properties at Salvisburg Court. Windows would be introduced at ground floor in the west elevation of the application building. These windows would be 13m from the east elevation of the existing block at Salvisburg Court. However, they would not be likely to give rise to direct overlooking of the existing flats in Salvisburg Court as that block is raised up above the under-croft car park so that the lowest level of window sills is 2m above the ground level.
- 9.40 At first floor, the western elevation of the west wing is set further away from the block at Salvisburg Court (23m), which is a sufficient distance to prevent significant loss of privacy between internal spaces on the upper floors.
- 9.41 Consequently, the proposed development is unlikely to result in a reduction in living conditions and would maintain the amenities of the occupants of Salvisburg Court in accordance with Policies of the NPPF and Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

### **Other Planning Matters**

#### **(i) Highways and Parking**

- 9.38 Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. Parking and traffic management provision must be included in new development. The Highways Authority had no objection subject to satisfactory parking arrangements for contractors during construction. They also request informatives over storage of construction materials and no obstruction to the public highway/public rights of way. The site previously had a dropped kerb onto Broadwater Road to the south of the application building – this has been removed and the site proposal include a row of bollards

across this access. Site access will be from Otto Road on the north side of the building.

- 9.39 Parking - The Council's Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG should be taken as guidance only.
- 9.39 The Council's standards require 1 car parking space per two bedroom flat and 0.75 spaces per one bedroom flat. The standards include parking for residents and a provision for visitors. The development contains 24 two bedroom flats and ten x 1 bedroom flats so requires  $(24 + 7.5 = 31.5)$  spaces on site. The proposed site layout shows provision of 37 spaces, which is sufficient to meet the standards and provide 5 additional spaces.
- 9.40 Local residents have objected that many of the proposed car parking spaces are already on the site and are normally occupied. The applicants state that these spaces were not allocated to residents in the existing housing blocks and remain unallocated. They have advised the residents of this situation. The use of these spaces is therefore not authorised. Some of this parking may be commuters using the railway station. They would be displaced by the proposed development. The supervision of the on-site spaces will be the responsibility of the site management. The level of parking provided for the development is considered acceptable. Provision of the spaces on site prior to occupation of the development and their retention thereafter can be secured by conditions.
- 9.41 Bicycle parking would be provided in the basement, in rooms accessible via the lift from the ground floor entrance. While the layout is not indicated the spaces appear large enough to accommodate 34 bicycles (one per flat as required by the Council's standards. Details of the number and layout of cycle parking spaces and means of securing bicycles can be secured by conditions.

## **(ii) Trees and Landscaping**

- 9.41 Saved Policy D8 requires all developments to include landscaping as an integral part of the overall design. Landscape schemes are required to reflect the use of materials and enhance planting of trees and shrubs. The retention of existing trees and shrubs is also expected.
- 9.42 The proposed landscaping scheme is shown on plan number 6004.LM.01/RevE. This plan shows retention of the feature tree in the centre of the communal space to the south of the building and shrub planting in the south west area of this space. It also shows removal of the trees adjacent to the building.. The area is designated as an informal open space and, in order to encourage use of the space by residents of the site, seating is required. Provision and retention of seating provisions for the users of the space can be secured by a condition and this is recommended. The submitted plan and sections show the installation of a raised grass bund and a slope down to the

basement excavation adjacent to the building. The retention and use of this area as a communal space can be secured by a condition.

- 9.43 This plan also shows narrow canopied trees in a line on the north side of the site, close to the north boundary with the Shredded Wheat Factory site, and retention of the tree on the site frontage adjacent to the Otto Road access from Broadwater Road. The Landscape Officer has commented that these trees will need cellular root protection and this can be included in a condition on planning permission. Low-level shrub planting would also be introduced around the building and the site frontage would be enhanced with a hedge, a line of Cyprus oaks and grass surfacing. The southerly vehicle access to the site would be closed off with a row of bollards but allow pedestrian access to the site. Steps would lead down from the site frontage to the basement access area.

- 9.44 Given that the landscaping scheme would affect the setting of the listed building, further details of this scheme would be required. These can be secured by a condition.

**(iii) Flood Risk Assessment**

- 9.45 Saved Policies R7 and R9 seek to protect ground water and manage water disposal. A flood risk assessment was submitted at the request of the LLFA as the area around the site is at risk from surface water flooding (MEC, Drainage Report - Ref No 22315/12-16/4652/RevA, Jan 2017). The Environment Agency commented that the site has historic contamination and external works and landscaping could potentially create new pathways and mobilise existing contaminants. They requested that the risk to groundwater and surface waters be identified so that remedial action could be taken. They advised that no infiltration-based SuDS should be constructed on the land affected by contaminants.

- 9.46 The LLFA commented that increase in permeable surface in the car parking area was an improvement on the existing situation. They requested more information about run-off rates and Thames Water infrastructure receiving the drainage from the site. A revised Drainage Report (Ref No 22315/12-16/4652Rev B) was submitted in March 2017. The LLFA confirmed that the revised Drainage Scheme would provide a betterment in run-off rates and include a geo-cellular storage tank and permeable paving over 313sqm of the site. Thames Water confirmed that the run-off would discharge into two existing drains and connect to the sewer network to the east of the site. The LLFA removed their objection subject to the development being constructed in accordance with the submitted Drainage Strategy. This and the maintenance of the scheme during the lifetime of the development can be secured by condition.

**(iv) Refuse and Recycling**

- 9.46 Further to Saved Policy D1 of the WHDP 2005, the Supplementary Design Guidance 2005 requires developments to make adequate provision for refuse and recycling. The site layout plan (Drwg No 15.7594/110/P2) shows two bin stores on the site positioned at either end of the row of car parking spaces on

the western side of the application site. The bin stores would be of timber construction with outward opening doors and flat roofs - 2.3m high.

- 9.47 Client Services commented that the number of dwellings would require 5 x 1,100 litre containers. The submitted plans show that the stores could accommodate these containers and that they are adequately located in terms of refuse vehicle access. The financial cost of providing these bins can be secured through a S106 Agreement.

**(v) Contaminated Land**

- 9.47 Saved Policies R1 and R2 of the WHDP 2005 encourage the re-use of developed land but where this may be contaminated the Council will need to be satisfied that there would be no unacceptable risk to health or the environment from the proposed use or remediation works.
- 9.48 The proposed use of the site as residential is a sensitive one. The Environmental Health Department requested a standard contaminated land condition requiring investigation and remediation prior to commencement of development and this measure is recommended in the event of permission being granted.

**Planning Obligations**

- 9.42 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.

In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

- 9.43 The proposed development gives rise to the necessity for the following obligations (in accordance with the Planning Obligations, Supplementary Planning Document, February 2012 and Hertfordshire County Council's Toolkit):

1. Contribution to Green Space £3,535,56 (tree planting in Welwyn Garden City centre)
2. Contribution to Play Space £9,273.60 (enhancement of Coral Meads play area)
3. Contribution to Refuse and Recycling of up to £1,800
4. Contribution to Library Service £4,459 (enhancement of IT on First Floor of Welwyn Garden City Library)
5. Contribution to Youth Service £434 (mobile provision)
6. Contribution to Affordable Housing – inclusion of a viability review mechanism following completion of the 25<sup>th</sup> property sale
7. Provision of fire hydrants as necessary.

### **Conditions**

- 9.44 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 9.45 In this case, conditions covering the following matters would be reasonable in the event of planning permission being granted: submission of materials, details of secure cycle parking, details and implementation of landscaping, protection of retained trees, provision of bins and car parking and SUDS prior to occupation, investigation and mitigation of contaminated land, assessment of internal noise in the first floor eastern rooms and securing communal use of the open space on the site.

## **10 Conclusion**

- 10.1 Proposed change of use to residential is only and on balance considered acceptable in order to enable the effective re-use of the listed building in this specific site. This depends upon the scheme not adversely impacting on the listed fabric. It is also subject to meeting other Policy requirements of the adopted District Plan.

- 10.2 The proposal does not fully meet the normal requirement for on-site Affordable Housing at 30% on the site. Detailed consideration has been given to the viability of the proposed scheme and it is the Council's view that the provision of on-site affordable housing units, would in this case threaten the viability of the proposal. However, the Applicants have agreed to provide S106 contributions and to a review mechanism being included in a S106 agreement to secure a proportion of any uplift in profit.

## **11 Recommendation**

- 11.1 It is recommended that planning permission be approved subject to

A S106 Agreement to secure the following:

1. Contribution to Green Space £3,535.56 (tree planting in Welwyn Garden City centre)
2. Contribution to Play Space £9,273.60 (enhancement of Coral Meads play area)
3. Contribution to Refuse and Recycling of up to £1,800
4. Contribution to Library Service £4,459 (enhancement of IT on First Floor of Welwyn Garden City Library)
5. Contribution to Youth Service £434 (mobile provision)
6. Contribution to Affordable Housing – inclusion of a viability review mechanism following completion of the 25<sup>th</sup> property sale
7. Provision of fire hydrants as necessary.

and the following conditions:

### **PRE-COMMENCEMENT**

1. The development hereby approved shall not take place until samples of the materials to be used in the construction of the external surfaces of the building, boundary treatments and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005. Material samples external surfaces of building, boundary treatments and hard landscaping

2. No development shall commence until details of the layout and provision of secure cycle parking on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be

carried out other than in accordance with the approved scheme and the cycle parking provisions shall be installed and available for use prior to the first occupation of the development.

REASON: In order to ensure that there is adequate provision for secure cycle (powered two wheeler) accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) the parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (e) wheel washing facilities
  - (f) measures to control the emission of dust and dirt during construction
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005. Implement SUDS prior to occupation and maintain thereafter

4. Notwithstanding the submitted and approved landscaping plan (Drwg No 6004.LM.01), no development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels
- (b) means of enclosure and boundary treatments and planting, including the site frontage
- (c) a scheme for seating in the open space on the south side of the site

- (d) car parking layout and markings
- (e) vehicle and pedestrian access and circulation areas
- (f) hard surfacing, other hard landscape features and materials
- (g) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (h) cellular root systems for trees planted along the access and parking areas on the northern side of the site
- (i) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (j) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (k) location of service runs
- (l) management and maintenance details

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

#### PRIOR TO OCCUPATION

5. The area set aside for car parking shall be laid out surfaced and marked out, in accordance with approved Drawing No 15.7594/500/P9 before the development hereby permitted is first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby permitted, the bin storage units shall be installed in the locations shown on the approved Site Plan (Drawing No 15.7594/500/P9) and in accordance with the details in the approved plan (Drawing No 15.7594/1000/P1). Subsequently, the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

7. Prior to the first occupation of the development hereby permitted, the sustainable urban drainage scheme for the site shall be completed in accordance with the submitted details (MEC report, Jan 2017, Ref No 23315/12-16/4652/RevA). The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To protect the surrounding environment from pollution in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005

8. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall not be carried out other than in accordance with the approved details. The approved lighting scheme shall be installed prior to the first occupation of the development and retained thereafter.

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

9. Prior to the first occupation of the development a scheme to protect the accommodation in the eastern wing of the building from traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standard in BS 8233:2014. Any associated mitigation e.g. through secondary glazing and mechanical ventilation shall meet the requirements of the Noise Regulations 1975 (as amended). The scheme shall be completed in accordance with the approved details prior to the first occupation of the development and shall be maintained thereafter.

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

10. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

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

11. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of 25 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

#### POST DEVELOPMENT

12. The entire area coloured green on the approved site plan (Drawing Number 15.7594/500/P9) shall be retained as communal open space for use by the residents of the development hereby permitted and by residents of the surrounding Mirage Housing development.

REASON: In the interests of amenity and good quality living standards of the future and existing residents in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

#### DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
15.7594	600P5	Proposed Basement Layout	13 March 2017
15.7594	601P5	Proposed Ground Floor Layout	13 March 2017
15.7594	602P5	Proposed First Floor Layout	13 March 2017
15.7594	603P5	Proposed Second Floor	13 March 2017
15.7594	604P5	Proposed Third Floor Layout	13 March 2017
15.7594	605P3	Proposed Roof Plan	13 March 2017
15.7594	700P6	Proposed Elevations 1 of 2	13 March 2017
15.7594	701P6	Proposed Elevations 2 of 2	13 March 2017
15.7594	800P3	Proposed Section 1 of 2	13 March 2017
15.7594	801P3	Proposed Section 2 of 2	13 March 2017
15.7594	200P6	Existing Basement Layout	13 March 2017
15.7594	201P6	Existing Ground Floor Layout	14 March 2017
15.7594	202P6	Existing First Floor Layout	14 March 2017
15.7594	203P6	Existing Second Floor Layout	13 March 2017

15.7594	204P6	Existing Third Floor Layout	13 March 2017
15.7594	300P4	Existing Elevations 1 of 2	13 March 2017
15.7594	301P4	Existing Elevations 2 of 2	13 March 2017
15.7594	400P3	Existing Sections 1 of 2	13 March 2017
15.7594	401P3	Existing Sections 2 of 2	13 March 2017
15.7594	500P9	Proposed Site Layout	12 May 2017
1055/57/1_ SLP01	2017	Location Plan	17 May 2017
6004.LM.01	E	Landscape Masterplan	13 March 2017
6004.LS.02	A	Landscape Strategy Plan	14 September 2016
15.7594/100 0	P1	Proposed Bin Stores 1000 P1	13 March 2017
15.7594/110	P2	Site Layout - bin Stores	4 November 2016
15.7594/300 0	P1	Proposed Site Section 1 of 2	13 March 2017
15.7594/300 1	P1	Proposed Site Section 2 of 2	13 March 2017
6004.HSP.4 .1	B	Hard Surface Plan 2 of 2	13 March 2017
6004.HSP.4 .0	B	Hard Surface Plan 1 of 2	13 March 2017
6004.PP.3.0	B	Planting Plan 1 of 2	13 March 2017
6004.PP.3.1	B	Planting Plan 1 of 2	13 March 2017

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

### **Summary of reasons for grant of permission**

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

### **Informatives**

1. You are advised that this decision letter should be read in conjunction with the associated S106 Agreement.
2. You are advised that this decision letter should be read in conjunction with the decision letter for application reference number 6/2016/1883/LB.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

4. It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

**OR**

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

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

**2. Refused Drawing Numbers**

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
15.7594	600P5	Proposed Basement Layout	13 March 2017
15.7594	601P5	Proposed Ground Floor Layout	13 March 2017
15.7594	602P5	Proposed First Floor Layout	13 March 2017
15.7594	603P5	Proposed Second Floor	13 March 2017
15.7594	604P5	Proposed Third Floor	13 March 2017

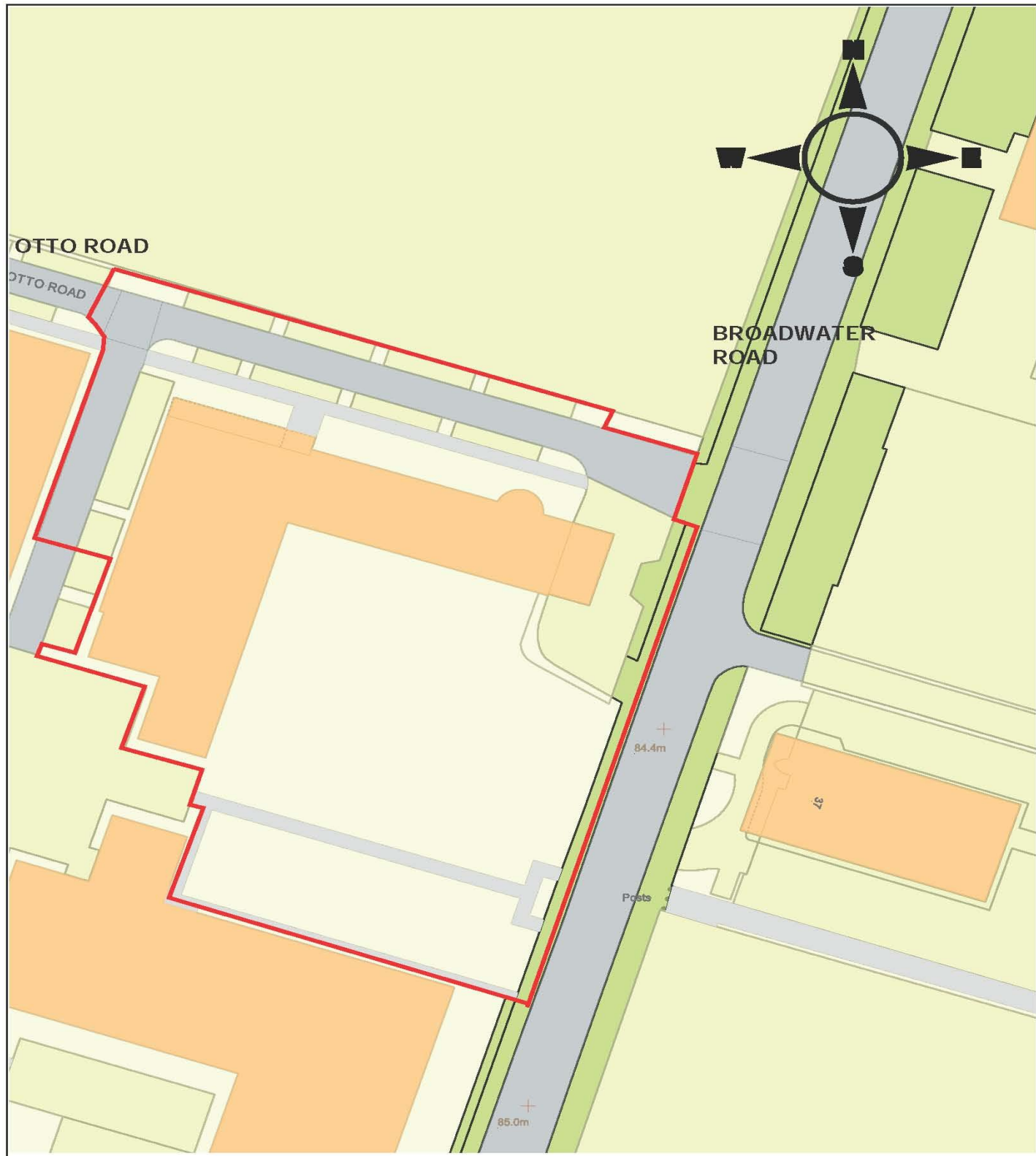
		Layout	
15.7594	605P3	Proposed Roof Plan	13 March 2017
15.7594	700P6	Proposed Elevations 1 of 2	13 March 2017
15.7594	701P6	Proposed Elevations 2 of 2	13 March 2017
15.7594	800P3	Proposed Section 1 of 2	13 March 2017
15.7594	801P3	Proposed Section 2 of 2	13 March 2017
15.7594	200P6	Existing Basement Layout	13 March 2017
15.7594	201P6	Existing Ground Floor Layout	14 March 2017
15.7594	202P6	Existing First Floor Layout	14 March 2017
15.7594	203P6	Existing Second Floor Layout	13 March 2017
15.7594	204P6	Existing Third Floor Layout	13 March 2017
15.7594	300P4	Existing Elevations 1 of 2	13 March 2017
15.7594	301P4	Existing Elevations 2 of 2	13 March 2017
15.7594	400P3	Existing Sections 1 of 2	13 March 2017
15.7594	401P3	Existing Sections 2 of 2	13 March 2017
15.7594	500P9	Proposed Site Layout	12 May 2017
1055/57/1_ SLP01	2017	Location Plan	17 May 2017
6004.LM.01	E	Landscape Masterplan	13 March 2017
6004.LS.02	A	Landscape Strategy Plan	14 September 2016
15.7594/100 0	P1	Proposed Bin Stores 1000 P1	13 March 2017
15.7594/110	P2	Site Layout - bin Stores	4 November 2016
15.7594/300 0	P1	Proposed Site Section 1 of 2	13 March 2017
15.7594/300 1	P1	Proposed Site Section 2 of 2	13 March 2017
6004.HSP.4 .1	B	Hard Surface Plan 2 of 2	13 March 2017
6004.HSP.4 .0	B	Hard Surface Plan 1 of 2	13 March 2017
6004.PP.3.0	B	Planting Plan 1 of 2	13 March 2017
6004.PP.3.1	B	Planting Plan 1 of 2	13 March 2017

### **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).

*June Pagdin, (Planning)*

Date: 27.10.2017



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

Title: Former Roche Products Site 40 Broadwater Road  
Welwyn Garden City

Scale: DNS

Date: 2017

Project: DMC Committee

Drawing Number:  
6/2016/1882/FULL

Drawn: Baras Mast-Ingle

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