

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/2415/MAJ

ACCORD HOUSE, 28 BRIDGE ROAD EAST, WELWYN GARDEN CITY, AL7 1HX

ADDITION OF TWO FLOORS TO FORM 15 X 1 BED FLATS AND 1 X 2 BED FLAT,
ALTERATIONS TO ELEVATIONS INCLUDING FENESTRATION DETAILS AND
ASSOCIATED CYCLE PARKING, BIN STORAGE FACILITIES AND DISABLED
PARKING SPACES FOLLOWING REMOVAL OF EXISTING ROOF

APPLICANT: Mr M Quinn

AGENT: Waller Planning

(Peartree)

1 Site Description

- 1.1 The application site is located close to the corner of the cross roads with Bridge Road East and Broadwater Road and comprises a two storey office building and its associated car park. This site is located within an employment area. However it should be noted that this particular area is changing by virtue of the introduction of residential developments close to the application site, which include the recent permission for the redevelopment of Mercury House and the Shredded Wheat Factory in the immediate vicinity.
- 1.2 The application site currently benefits from a car park to the rear of the other buildings for approximately 38 car parking spaces to the side of the site with limited landscaping along the boundaries.

2 The Proposal

- 2.1 The proposal would comprise a two-storey roof extension to the existing building, to create an additional 16 no. residential flats (15 x 1 bedroom flats and 1 x two bedroom flat). Vehicular access to the building is from the rear of the site.
- 2.2 Accord House has extant permission for change of use from B1 office to C3 residential (ref. 6/2017/0525/PN11). This change of use has been implemented, and takes place as permitted development, under the provisions of Class O of Schedule 2 (Part 3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as amended).

- 2.3 The proposal also includes the erection of an external covered cycle store, accommodating 34 spaces, landscaping and the erection of an external bin store. The proposal also includes two disabled car parking spaces within the existing side car park together with a small entrance canopy and signage on the east elevation.
- 2.4 The proposed development would be constructed at the same time as the changes to the façade of the ground and first floor, which have been approved under (ref.6/2017/0903/FULL). The proposed plans for this current application also show these façade changes to demonstrate the appearance of the completed residential building. It should be noted that there is a slight change to the window bars from that already permitted.
- 2.5 Members should note that these changes to the façade of the ground and first floor were not possible under the application for prior approval, as the process does not allow for works which would constitute development as these require separate planning permission. The prior approval established that the building can be converted to residential, this application is seeking to justify a greater number of flats and a denser form of residential development.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee by virtue of the proposed development being a departure from the Development Plan.

4 Relevant Planning History

- 4.1 6/2017/0525/PN11: Prior Approval for the change of use of site and building from B1a offices to C3 residential accommodating 17 apartments – Approved 23/5/2017
- 4.2 6/2017/0903/FULL: Alterations to elevations including fenestration details, addition of Juliet balconies and a fire escape door on the ground floor – Approved 27/6/2017.

5. Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 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 Supplementary Planning Guidance Planning Obligations 2012

6 Site Designation

- 6.1 The site is located within an Employment Area within the settlement of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of site notices, press notice and neighbour notification letters. The Local Planning Authority have received no neighbour consultation.

8 Consultations Received

- 8.1 **Thames Water** – No objection.
- 8.2 **Cadent Gas Network** – No objection.
- 8.3 **Hertfordshire County Council Lead Local Flood Authority** – No objection.
- 8.4 **WHBC Parking Services** - No objection.
- 8.5 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)**– No objection subject to conditions and informatives.
- 8.6 **WHBC Environmental Health** – No objection subject to conditions.
- 8.7 **WHBC Landscape Team** – (verbal comments) No object subject to condition.
- 8.8 **Herts Biological Record Centre** – No objection subject to informative.
- 8.9 **Hertfordshire Constabulary** – Support.

Lead architect given assurances around the need for audio-visual access control into the extended block. Certified PAS24 doors will be fitted to all flat entrances.

- 8.10 **Hertfordshire County Council Minerals and Waste** – Comments provided.
- 8.11 **WHBC Client Services** – Comments provided.
- 8.12 **Hertfordshire County Council Development Services** – provided S106 contributions.

9 Analysis

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

1. **Whether the site is required to meet future employment requirements and business and community needs (EMP2 of the**

- District Plan 2005 and Policy SADM10 of the Draft Local Plan Proposed Submission 2016)
2. Whether the principle of residential development is acceptable (NPPF 2012, Policies GBSP2, R1, H1, H2, EMP1 and SD1 of the District Plan 2005 and Policies SP1, SP7, SP8, and SADM10 of the Draft Local Plan Proposed Submission 2016.
 3. Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area (NPPF 2012, Policies GBSP2, D1, D2, D4, D7 and H6 of the District Plan 2005, Policy SP9 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005)
 4. Impacts to Neighbours and Living Conditions (NPPF 2012, Policies D1, R19, and R20 of the District Plan 2005, Policies SADM11 and SADM18 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005)
 5. Impact on Highway Network, access and car parking (NPPF 2012, Policies M14, and D1, Policies SP4, and SADM2 of the Draft Local Plan Proposed Submission 2016, Supplementary Planning Guidance Parking Standards 2004 and Council's Interim Policy for Car Parking and Garage Sizes 2014)
 6. Other Considerations
 - i) Trees and Landscaping
 - ii) Protected Species
 - iii) Refuse
 - iv) Contaminated land
 - v) Sustainable Urban Drainage
 - vi) Lifetime Homes
 - vii) Renewable Energy
 7. Planning Obligations (NPPF 2012, Policies M4 and IM2 of the District Plan 2005, Policy SP7 of the Draft Local Plan Proposed Submission 2016 and Planning Obligations 2012)
 - i) Affordable Housing
 - ii) Hertfordshire County Council Contributions
 - iii) Welwyn Hatfield Contributions
1. **Whether the site is required to meet future employment requirements and business and community need**
 - 9.2 The application site is located in a designated employment area EA1 – Welwyn Garden City Industrial Area. Policy EMP2 of the District Plan 2005 states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) of Policy EMP2 of the District Plan 2005 and other relevant policies relating to the proposed use.
 - 9.3 The emphasis of the strategy and objectives in the Employment chapter of the

District Plan 2005 is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and firms seeking to locate in the area.

- 9.4 Policy SADM10 of the Draft Local Plan Proposed Submission 2016 was prepared to accord with guidance in the National Planning Policy Framework 2012 (NPPF 2012) and has the same approach to the loss of employment land to other uses, seeking to protect the supply of land for industrial, office and warehousing uses. This approach reflects the strong emphasis on sustainable economic development in the NPPF 2012.
- 9.5 Paragraphs 18 to 27 of the NPPF 2012 set out the Government's overarching ambitions for building a strong, competitive economy.
- 9.6 Notwithstanding the Council's strong desire to see adequate land remaining for employment uses, in 2017 an application for prior approval for a change of use from B1(a) office use to residential use affecting this site and creating 17 x one bedroom flats (6/2017/0525/PN11) was approved.
- 9.7 On the basis of that change of use has been implemented and subsequently the employment use of the building receded this.
- 9.8 Moreover, it is considered that the fall-back position is a material consideration in this instance which carries significant weight.

2. Whether the principle of residential development is acceptable

- 9.9 By virtue of the site having received prior approval for the conversion of the existing building to residential use, the principle of the land and building being in a residential use has been established. Reference should be given to the NPPF 2012 which encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.
- 9.10 Policy H2 of the District Plan 2005 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria: (i) The availability of previously-developed sites and/or buildings; (ii) The location and accessibility of the site to services and facilities by transport modes other than the car; (iii) The capacity of existing and potential infrastructure to absorb further development; (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities; (v) The physical and environmental constraints on development of land.
- 9.11 Policy SADM1 of the Draft Local Plan Submission 2016 is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of

the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

- 9.12 The application site is located within the main town of Welwyn Garden City. It is situated in a particularly sustainable location; being within walking distance of the town centre and the train station and being served by various bus services along Broadwater Road. The proposed development would utilise the existing accesses onto Broadwater Road and Bridge Road East, main thoroughfares within the town, providing good access to the surrounding area. Furthermore, there are no known physical or environmental constraints at this site that cannot be dealt with by the imposition of relevant conditions.
- 9.13 Whilst the site is located in a designated employment area, Broadwater Road itself is changing with more residential sites being witnessed. Most recently planning permission for the re-development of the Shredded Wheat factory for residential development which is located directly opposite this site has been approved and the adjoining site, Mercury House. The introduction of a further development of 16 residential dwellings at the site would not be inconsistent with the evolving and changing character of the site and area. Neither would it undermine the delivery of allocated sites or the overall strategy of the Plan and would not result in disproportionate growth taking into account the position of Welwyn Garden City within the settlement hierarchy.

Hazardous Zone

- 9.14 It should be noted that part of the application site was located within a hazardous zone, however this has now been revoked as per the decision made by the Secretary of State dated 23rd March 2017. As such no part of the application site lies within a hazardous zone and therefore no consideration relating to this issue is necessary.
- 9.15 It is found that the proposal would not be contrary to policies H2, SD1 and R1 of the District Plan 2005 and Policies SP1, and SADM1 of the Draft Local Plan Proposed Submission 2016 is considered to represent sustainable development in accordance with the NPPF 2012. Taking all of the above into account, there is no objection in principle to the residential development of this site and the presumption in favour of the residential development should apply.

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

- 9.15 The Government attaches great importance to the design of the built environment. The NPPF 2012 notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area;

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

- 9.16 Furthermore, Policy D1 of the District Plan 2005 requires the standard of design in all new development to be of a high quality and Policy D2 of the District Plan 2005 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 9.17 The proposed development would provide 16 dwellings establishing an overall density of 88 (d.p.h). The density proposed 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 2005, which states in central areas and areas of good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development does not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the plan.
- 9.18 The character and form of built development in this area is mixed, it is noted that more conventional housing can be found further along Broadwater Road, whilst the area in which the host site is located is predominantly commercial premises, with a pub located opposite, a DIY centre and offices to the south and offices to the east (26 Bridge Road East). Mercury House has both prior approval consent and full planning permission for residential development and a further notable recent planning permission relates to the Shredded Wheat factory located opposite the site which has a resolution to grant planning permission for a mixture of uses and includes up to 850 dwellings.
- 9.19 The proposed development would be constructed at the same time as the changes to the façade of the ground and first floor, which have been approved (ref.6/2017/0903/FULL). The proposed plans for this current application also show these façade changes to demonstrate the appearance of the completed residential building. It should be noted that there is a slight change to the window bars. These amendments are considered acceptable in regards to the overall appearance of the host building and surrounding area.
- 9.20 The building would be extended by virtue of two storey (resulting in a four storey building) and a small canopy created. The proposed extension and alterations are not considered to be out of character with the area, with the existing building which is already distinctive in terms of its appearance and design. The materials proposed are contrasting brick work, with dark cladding on the second floor. The windows and doors as demonstrated in the illustrations included within the design and access statement are UPVC with clear glazed Juliette Balconies. The general palette of materials proposed are not considered to be detrimental to the character of the area and would make the building appear more residential in character. Whilst the area is currently

industrial/commercial in character it is considered that the area is changing and is becoming residential in character. As the exact materials have not been provided as part of this planning application, it is considered that a materials condition shall be included as part of any planning application approved.

- 9.21 The small sign stating 'Accord House' is also considered acceptable. However would require separate advertisement consent. An informative can be placed on any permission granted.
- 9.22 Landscaping is a key feature of any development. Indeed the introduction of landscaping along the frontage of the site would help to soften the bulk and mass of the proposal and to match those developments on the opposite side of the road and to ensure that the proposal is in keeping with the ethos of the Garden City. The planting of further vegetation and other planting within the site is encouraged by officers. This again, would help to soften the appearance of the development and to also create a pleasing sense of place and a built environment which is pleasant to live in. In order to increase and improve the current landscaping demonstrated on the plans, it is considered that a landscape condition be included as part of any planning application approved.
- 9.23 The car parking area would provide 38 spaces, which would be to the rear of the site in the same area as the existing parking spaces. These spaces are not visible from Bridge Road East but only from the internal access road. However it is considered that additional landscaping can be proposed along this frontage with the internal access road to help screen and enhance the application site.
- 9.24 A cycle store has been demonstrated on the proposed plans however no elevation plans have been provided. Therefore a condition is required as part of any planning application approved.
- 9.25 Taking account of the above, it is considered that the proposed development would be in accordance with the provisions of the NPPF 2012, Policies D1, D2, D4, D7 and H6 of the District Plan 2005, Policy SP9 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005

4. Impact on the living conditions of adjoining/adjacent occupiers

Neighbouring properties

- 9.26 The NPPF 2012, and local planning policy aim to preserve neighbouring amenity. The Supplementary Design Guidance 2005 sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity and living conditions in terms of overbearing impact, day and sun light, privacy/overlooking and noise.
- 9.27 The development site is located adjacent to a large office building to the west and another office building to the east. It should be noted that the office

building to the west has both prior notification consents and full planning permission for residential development. The office building to the east is currently in Class Use B1.

- 9.28 The proposed development would result in an increase in the amount of built form at the site, by virtue of the extensions proposed. As a result there would be an increase in the amount of fenestration seen to the elevations. Mercury House located to the west of the application site is currently a vacant office building with permission to convert it to residential flats. Due to the proximity of the buildings and the proposed extension there is potential for direct overlooking into the windows of these properties at Mercury House from the rear windows of Accord House.
- 9.29 Concerns regarding overlooking have been addressed by virtue of the closest side facing windows being obscure glazed and non-opening below a height of 1.8 metres from finished floor level. These windows serve a bathroom and lounge. The lounge window would be considered a secondary window. Both these windows serve flat 4 It is considered that the use of obscure glazing would prevent any direct overlooking into the windows of the residential units which have been approved at Mercury House, should this permission be implemented. As such a condition would be imposed on any grant of consent requiring these windows to be obscure glazed in perpetuity.
- 9.30 With regards to the other fenestration seen at the site, this would predominantly overlook the highway and the parking areas associated with Mercury House. The rear of Accord House would have oblique views towards Mercury House. There are no objections raised in this regard.
- 9.31 The proposed development, by virtue of the positioning of the development within the plot, its layout and distances maintained in relation to neighbouring properties, is not considered to impact unduly on light or be overbearing to existing adjoining properties.

Impact on residential amenity (future occupiers)

- 9.31 The internal layout of the development complies with standards.
- 9.32 No amenity space has been provided as part of this application. However it is considered that private amenity space could be provided between the existing building and the existing car park. This could be introduced through the landscaping condition to be included as part of any planning application approved. However it is not considered reasonable to refuse planning permission as there could be some level of private useable space created on site and there are mitigating circumstances as the nearest park is 20 minutes away. Therefore on balance, the amenity provision is considered acceptable.
- 9.33 Policy R19 of the District Plan 2005 is relevant in regards to noise pollution. It states that where new development would be affected by noise, planning permission will be granted where planning conditions are able to ensure adequate mitigation. The previous application for prior approval for the

change of use of the building from office to residential accommodation was accompanied by a Planning Noise Assessment by Cass Allen Associates. This notes that the primary source of noise is that generated by the adjacent roads. It concluded that 'the site is suitable for development in terms of noise levels'. Cass Allen have scrutinized the current proposals and provided a further letter to accompany the current application. This concludes that the use in the additional floors of the glazing specified by their previous report would be sufficient to ensure acceptable internal noise levels can be achieved. It is proposed that the standards proposed by Cass Allen for the ground and first floor will be applied to the roof extension.

- 9.34 The Council's Environmental Health Department have been consulted and raise no objection subject to relevant conditions and informatives.
- 9.35 Overall it is considered that the proposal would have no significant impact on the occupiers of adjoining/adjacent properties and as such it accords with the NPPF 2012, Policies R19 and D1 of the District Plan 2005, Policies SADM11 And SADM 18 of the Draft Local Plan Proposed Submission 2016 and the Supplementary Design Guidance 2005.

5. Highway and parking matters

- 9.36 The Highway Officer at Herfordshire County Council has not raised any objections to the proposed development and notes that the proposed change of use of the land to residential and the provision of 16 dwellings would likely result in a significant reduction in the number of journeys to and from the site when compared to the original office use. The site is located in a sustainable location with good access to public transport and good footpath.
- 9.37 The site would provide 15 x 1 bedroom flats and 1 x 2 bedroom flats. Under the prior approval consent reference 6/2017/0525/PN11, 17 x 1 bedroom flats have been approved. As the site is located within Parking Zone 2, the maximum requirement for this development would be 12.25 (current application) and 12.75 (prior approval application) which is a total of 25 parking spaces. The proposal seeks to provide 38 parking spaces, which includes two disabled parking bays. Therefore the proposal would meet the Council's maximum standards. In this instance there would be an overprovision of parking as such the proposal would comply with the Supplementary Planning Guidance Parking Standards 2014. Furthermore the host site is located a short walk from the centre of Welwyn Garden City where the train station and bus station are located. Additionally bus stops can be seen close to the application site and as such the site is considered to be in a sustainable location.
- 9.38 The internal access road would provide sufficient, safe access and turning areas for parking spaces accessed directly from it, each parking space is of a sufficient width to provide adequate parking, access and turning space.
- 9.39 In the event of permission being granted, conditions would be included requiring that the access, turning areas and parking spaces be laid out and

provided in accordance with the submitted Layout Plan, prior to any occupation. In addition, a construction management plan is required to minimise disruption to the surrounding highway network, due to the sites location on a main junction within Welwyn Garden City. No contributions have been sought from HCC Highways.

- 9.40 A cycle store is proposed to the rear of the site, this would enable 34 bikes to be storey (double stacked), within a secure enclosure. As such there is sufficient cycle storage available for residents in accordance with the Supplementary Planning Guidance Parking Standards 2014.

6. Other Material Planning Considerations

Trees and Landscaping

- 9.41 The site is currently occupied by a hard-surfaced car park, with some vegetation located along its boundaries, however it is considered to be of low ecological value.
- 9.42 There is some landscaping to the front boundaries with Bridge Road East and Broadwater Road, should planning permission be granted it would be necessary for a condition to be imposed requiring additional soft landscaping to be provided and details of this to be provided.
- 9.43 Policy R20 of the District Plan 2005 seeks to minimise light pollution. No details have been provided to how the proposed development will be illuminated. Therefore to protect the visual amenity of the locality, a lighting condition is required as part of any planning application approved. Therefore subject to condition, the proposal is in accordance with the National Planning Policy Framework 2012, Policy R20 of the District Plan 2005
- 9.44 Accordingly no objections are raised with regard to the National Planning Policy Framework 2012, policies D1 and D8 of the District Plan 2005 and Policy SADM16 of the Draft Local Plan Proposed Submission 2016 which refer to a high quality design and landscaping to be incorporated into new development.

Protected Species and Ecology

- 9.45 Policy R11 of the Local Plan 2005 and Policies SP11 and SADM16 of the Draft Local Plan Proposed Submission 2016 outline that development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Herts Biological Records Centre have been consulted and have recommended biodiversity enhancements such as integral swift bricks and bat tubes in the new floors and native planting in the proposed landscaping.
- 9.46 It is not considered that this application site would offer natural habitat for ecology. Therefore it not considered that it would be reasonable to request significant biodiversity enhancements. However, a condition would be

request to ensure that native planting would be used within the landscape scheme. Therefore subject to condition, the proposal would be in accordance with the provisions of the NPPF 2012, Policy R11 of the District Plan 2005 and Policies SP11 and SADM16 of the Draft Local Plan Proposed Submission 2016.

Refuse

- 9.47 An area for the refuse and recycling has been created to the front of the site following a consultation response from WBC Client Services. Concerns have been raised and discussions have been undertaken with WBC Client Services and a solution has been sought. The bin storage would be located near to the access point with the service road which would ensure that the refuse vehicle does not have to egress or exit the application site via the car park or impact on highway safety on Bridge Road East. Details have been requested from the agent however these are likely to be received after the deadline for this committee report and therefore at this stage have been conditioned as part of any planning application approved.

Contaminated Land

- 9.48 Policy R2 of the District Plan 2005 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. In the Supporting Planning Statement (October 2017) it states 'this application does not involve the breaking of ground'. Environmental Health have not requested a contamination condition. Therefore based on the information provided within the Supporting Planning Statement (October 2017), the proposal is in accordance with the NPPF 2012, Policy R2 of the District Plan 2005 and Policy SADM12 of the Draft Local Plan Proposed Submission 2016.

Sustainable Urban Drainage

- 9.49 No objections have been received from the Lead Local Flood Authority. It has been requested that the Local Planning Authority seeks a betterment of surface water management. This is due to the weakness of the existing drainage on the site (surface water flooding for 1 in 100 year rainfall even plus 40% of climate change allowance). In the Supporting Planning Statement (October 2017) it states that the surface water flooding would be limited to the car park and would not be sufficient to penetrate the building. Therefore it is not considered that the proposed development would be at risk from potential surface water flooding.
- 9.50 Accordingly the proposed development is in accordance with the NPPF 2012, Policy R7 of the District Plan 2005, and Policy SADM14 of Draft Local Proposed Submission 2016.

Lifetime Homes

- 9.51 In accordance with Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016, the proposed development would need to ensure that a proportion of the proposed units would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. Policy SP7 of the Draft Local Plan Proposed Submission 2016 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet the required Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'. Therefore it is considered appropriate for a condition to be imposed on any grant of permission for a proportion of the total numbers of properties to be in line with the NPPF 2012, Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016.

Renewable Energy

- 9.52 Policy R3 of the District Plan 2005 states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...'. Policy SD1 of the Local Plan 2005 states that 'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'. Policy SADM13 of the Draft Local Plan Proposed Submission 2016 is similar in its aims.
- 9.53 The proposed development is constrained by the orientation, and built form of the existing building as the additional two floors would be constructed onto of it. There is also limited opportunities to add significant landscaping onto the second and third levels. However, the proposed window design and internal layout seeks to maximise solar gain. Therefore due to the constraints of the application site and existing building, the proposed development is considered acceptable in regards to the provisions of the National Planning Policy Framework 2012, policies SD1 and Policy R3 of the District Plan 2005 and Policy SADM13 of the Draft Local Plan Proposed Submission 2016.

7. Planning Obligations

- 9.54 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.'
- 9.55 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be

sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

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

9.56 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.

9.57 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.

9.58 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 the National Planning Policy Framework 2012, policies M4 and IM2 of the District Plan 2005, Policy SP7 of the Draft Local Plan Proposed Submission 2016 and Planning Obligations 2012.

i) Affordable Housing

9.59 The proposed development seeks permission for 16 residential units and in accordance with the adopted District Plan, the Council would not expect this number of flats to include the provision of affordable housing.

9.60 It is noted that Policy SP 7 of the Draft Local Plan Proposed Submission 2016 requires that for a proposal of 11 or more new dwellings, 30% of those dwellings in Welwyn Garden City should be affordable. Given the advanced stage of preparation of this plan and the significant weight afforded to the policy as stated within Policy SADM 21, whilst not adopted this is a material consideration that holds weight in the determination of the application.

9.61 The NPPF paragraph 216 states that '*from the day of publication decision Takers may also give weight to relevant policies in emerging plans according to: the stage of preparation..., the extent to which there are unresolved objections to relevant policies... and the degree of consistency of the relevant policies in the emerging plan to policies in this Framework.*'

9.62 Welwyn Hatfield Housing Department have outlined that in relation to the tenure our evidence base outlines that half of the affordable units should be at social rent and half for shared ownership. The agent has agreed to provide 30% affordable housing in line with Policy SP 7 of the Policy SP7 of the Draft Local Plan Proposed Submission 2016 and therefore the scheme would be policy compliant.

ii) Hertfordshire County Council Contributions

9.63 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:-

- Nursery Education (towards expanding provision for both nursery places and childcare at the same time. Contributions be combined into one obligation for Early Years provision at the re-provided Peartree School) - £675
- Childcare Service (towards expanding provision for both nursery places and childcare at the same time. Contributions be combined into one obligation for Early Years provision at the re-provided Peartree School) - £177

iv) Welwyn Hatfield Contributions

9.64 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 up to 16 proposed dwellings.

- Green Space (Improvement of local public open space in the Peartree Ward) –£1,360.00
- Play Facilities (Improvement of play facilities at Nursery Gardens play area, WGC) - £3,606.40
- Waste & Recycling - £1,730.00

9.65 In accordance with the adopted SPD, a monitoring fee will be charged for all Obligations which equates to 5% of the total value of the contributions. Please note that to ensure that the value of an obligation does not reduce over time all monetary contributions paid to Welwyn Hatfield Borough Council will be index linked from the date of adoption of the SPD (February 2012).

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

9.67 Although the applicant/agent has agreed in principle to these contributions, no Legal agreement is in place at this time. However the S106 agreement is with solicitors and it is anticipated that, should permission be granted it is subject to the completion of an acceptable S106 agreement, which would be in accordance with the National Planning Policy Framework 2012, Policies IM2 and M4 the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016.

8 Conclusion

- 8.1 The proposed development has been considered in terms of its impact on the design and character of the property, character and context of the area, amenity of adjoining/adjacent occupiers and highway and parking matters. For the reasons outlined above, it is considered that subject to conditions the proposal complies with relevant national and local planning policies.
- 8.2 The proposed residential development of 16 dwellings would result in a reduction in traffic movements on the road network and has been designed to reflect the existing character and style of the existing building and is not considered to be out of character with the immediate vicinity nor the proposed residential development which has been approved at Mercury House and immediate surroundings. The scale and design of the buildings are considered acceptable on this location.
- 8.3 The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions, is acceptable in regards to impacts on highway safety and issues of environmental health.

9 Recommendation

- 9.1 It is recommended that planning permission is approved subject to the following conditions; the applicant entering the necessary S106 Agreement to secure the following obligations and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation.
- 30% affordable housing
 - WHBC Client Services (Waste & Recycling) - £1,730.00
 - WHBC Green Spaces - £1,360.00
 - WHBC Play Facilities - £3,606.40
 - HCC Nursery Education - £675
 - HCC Childcare - £177
 - Management and maintenance of the communal areas.

And the following conditions:

PRIOR TO COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The

development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

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

The landscaping details to be submitted shall include:

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

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

3. No development shall commence until the applicant submits, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme. This scheme must meet the requirements within the Institution of Lighting Engineers guidance notes for the reduction of obtrusive lighting. Any lighting subsequently installed shall comply with the approved scheme.

REASON: To protect the amenity and living conditions of future occupiers of the site and existing residential properties in the near vicinity to the development in accordance with Local Plan Policies D1 and R20 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

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

- (a) Construction vehicle numbers, type, routing;
- (b) Traffic management requirements;
- (c) Construction and storage compounds (including areas designated for car parking);

- (d) Siting and details of wheel washing facilities;
- (e) Provision of sufficient on-site parking prior to commencement of construction activities;

REASON: In order to protect highway safety and the amenity of other users of the public highway. In accordance with Policy M14 of the District Plan 2005.

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

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

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

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

7. Prior to commencement of operations, a noise mitigation strategy shall be implemented and based on the recommendations given in Acoustic Planning Report ref: RP01-17231 REV 1 dated 15th Feb 2017 and subsequent addendum statement dated 29th September 2017.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents from noise disturbance in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005.

8. No development shall commence until details identifying at least 20% of all new dwellings meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' and/or Part M4(3) standards for 'wheelchair used dwellings' (or subsequently amended) 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 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that a proportion of dwellings are built to accessible and adaptable standards in accordance with Policy H10 of the Welwyn Hatfield District Plan 2005.

PRIOR TO OCCUPATION

9. The side facing windows of flat 4 on the second floor of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being

opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

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

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

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

11 Prior to the first occupation, full details of a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

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

POST DEVELOPMENT

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

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

12. 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
A_0100	A	Existing Ground And First Floor Plans	19 October 2017
A_0101	A	Existing Second Floor And Roof Plan	19 October 2017
A_0102	A	Existing Elevations	19 October 2017
0974_A_22 01	P2	Proposed Ground & Second Floor Plans	19 October 2017
0974_A_22	P2	Proposed Site Plan	20 December 2017

00			
0974_A_22	P2	Proposed Second Floor	19 October 2017
02		And Roof Plans	
0974_A_32	P1	Proposed Elevations	19 October 2017
01			
A_1004	A	Existing Site Plan	19 October 2017
A_0010	A	Location Plan	19 October 2017

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

POSITIVE AND PROACTIVE STATEMENT

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

Informatives:

1. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
2. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Any emergency deviation from these conditions shall be notified to the Council without delay.
4. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
5. Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk> | In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

6. All pile driving shall be carried out by a recognised noise reducing system. 8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
7. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
8. All efforts shall be made to reduce dust generation to a minimum. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible. 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
9. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures. 6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
10. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers instructions.
11. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
12. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of : 8.00am and 6.00pm on Mondays to Fridays 8.00am and

1.00pm Saturdays and at no time on Sundays and Bank Holidays.

13. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
14. The times permitted for noisy works are as follows: Monday to Friday 08:00 to 18:00. Saturday 08:00 to 13:00. No noisy works on Sundays or Bank Holidays. Requirements to carry out noisy works outside of these times must be requested by an application made under section 61 of the Control of Pollution Act 1974. Noisy works carried out beyond these times without consent may result in enforcement action.
15. Permissible noise levels are not specified at this stage.
16. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
17. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.
18. If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
19. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
20. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

21. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
22. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 23 Advertisement consent is required for the small sign 'Accord House'.

OR

Recommendation B

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.

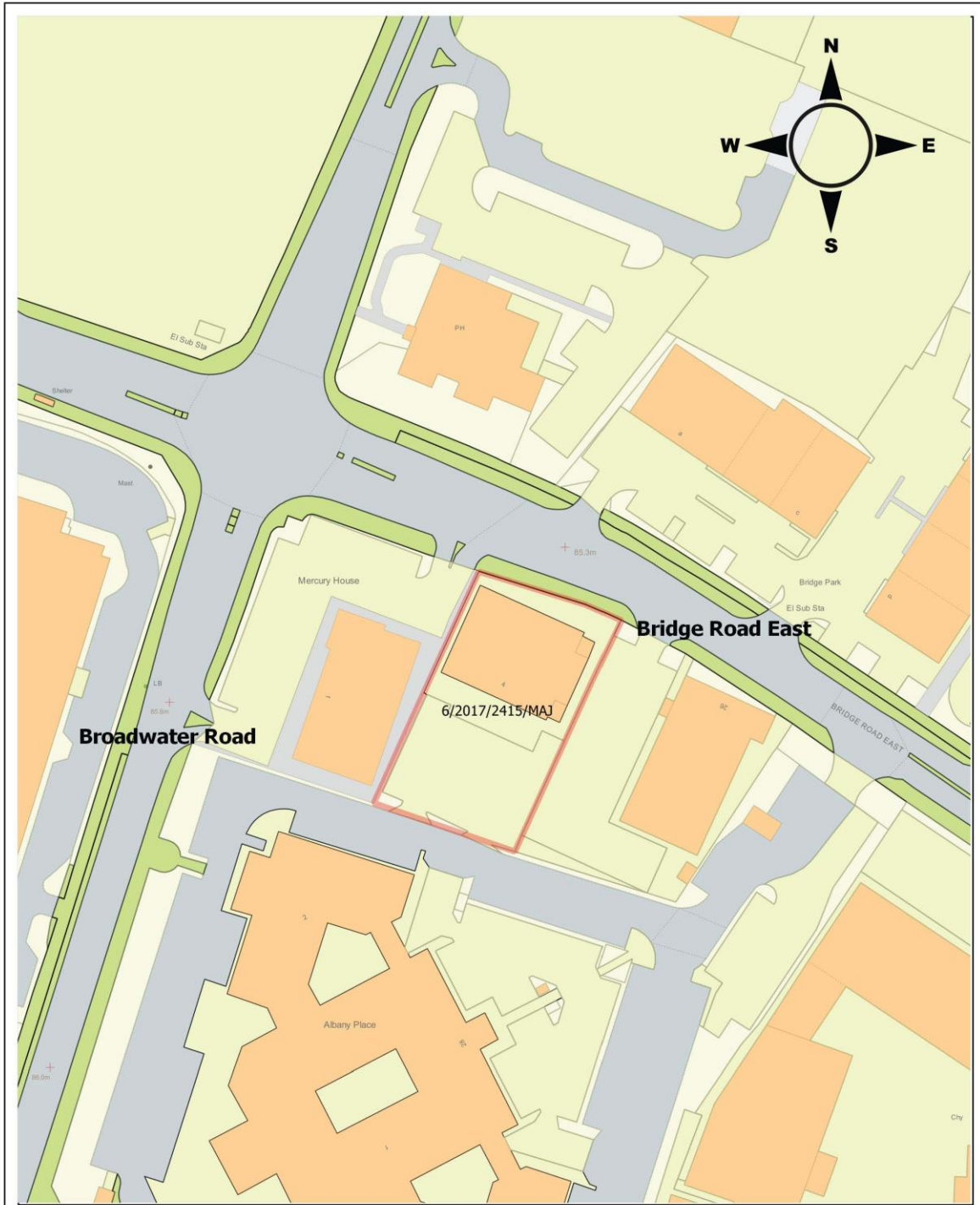
Summary of reasons for refusal of permission

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).

Louise Sahlke (Development Management)

Date: 11/1/2018

Date of Expiry: 02/2/2018



Council Offices, The Campus
Welwyn Garden City, Herts, AL9 6AE

Title: Accord House 28 Bridge Road East Welwyn Garden City		Scale: DNS
Project: DMC Committee		Date: 2018
Drawing Number: 6/2017/2415/MAJ		Drawn: Emma Graham
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