

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 29 MARCH 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/2104/MAJ

51 BRIDGE ROAD EAST, WELWYN GARDEN CITY, AL7 1JR

ERECTION OF 54 RESIDENTIAL FLATS CONSISTING OF (19 X1 BED AND 35 X
2 BED), WITH ASSOCIATED ACCESS, CAR PARKING, AMENITY SPACE AND
LANDSCAPING INVOLVING DEMOLITION OF EXISTING OFFICE BUILDING (B1)

APPLICANT: Taylor Wimpey North Thames

AGENT: Rapleys LLP

(Peartree)

1 Site Description

- 1.1 The site is located in the settlement of Welwyn Garden City, which is located to the north of the borough. The site is a corner plot located off Bridge Road East and Tewin Road. Bridge Road East is one of the major thoroughfares of Welwyn Garden City. The site extends to approximately 0.63 hectares and is located in a central position within Welwyn Garden City within the employment area.
- 1.2 The site is surrounded by various employment uses. However it should be noted that this particular area is changing by virtue of the introduction of residential developments close to the site which include the recent permission for the redevelopment of Mercury House, Accord House and the Shredded Wheat Factory in the immediate vicinity.
- 1.3 The application site, known as 51 Bridge Road East, is irregular in shape and remains largely flat in topography, except the south eastern corner of the site which is approximately 2.7 metres lower than street level and is accessed via a ramp. It currently comprises of an office building which is set back from Bridge Road East and Tewin Road. It is surrounded by a large area of hardstanding as well as a grassed bank with significant numbers of mature trees. The office building is currently vacant.
- 1.4 Access to the site is gained directly from Bridge Road East or via the industrial area to the south east gained indirectly from Bridge Road East by vehicular access points.

- 1.5 The site's boundaries comprise a mix of mature trees that provide partial screening of views into and out of the land.
- 1.6 A substation is located to the north of the application site outside ownership of the applicant.

2 The Proposal

- 2.1 This is a full application for the erection of 54 residential units in the form of apartments.
- 2.2 The proposal consists of the following breakdown of residential unit types and sizes:

Private

12 x 1 bedroom apartments
25 x 2 bedroom apartments.

Affordable

6 x 1 bedroom apartments (Social rented)
3 x 2 bedroom apartments (Social rented)
1 x 1 bedroom apartments (Shared ownership)
7 x 2 bedroom apartments (Shared ownership)

- 2.3 The layout of the site demonstrates the apartment buildings (Blocks A and B) along the site frontage with Tewin Road and Bridge Road East, which would be set back from either road to retain the existing mature trees and create open communal spaces.
- 2.4 Another apartment building, Block C would be located in a similar position to the existing office building.
- 2.5 The area of hardstanding to the front and rear of the apartment buildings would provide car parking for 76 vehicles, 15 of which are disabled spaces.
- 2.6 The vehicular access would run through the centre of the site and would provide access to a number of smaller roads leading to the apartment buildings.
- 2.7 Parking would be provided for the apartment buildings in the form of hardstanding, provided to the front of the apartment buildings . Bin and cycle provision for those apartment buildings would also be sited in the parking areas.
- 2.8 The proposed apartment buildings would be of a traditional design and would be constructed from materials that reflect those found locally with external walls generally to use a range of red or buff brick.

- 2.9 Areas of open communal space are also provided in the site.
- 2.10 Pedestrian accesses from Tewin Road and Bridge Road East would also be provided.
- 2.11 The proposal seeks to incorporate a landscape scheme with improvements to boundary treatment.
- 2.12 51 Bridge Road East has extant permission for the change of use from B1 office to C3 residential (ref. 6/2017/0301/PN11), 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). This change of use has not been implemented

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 as represents residential development in a designated employment area.

4 Relevant Planning History

- 4.1 N/2016/0002/PA: Proposed residential redevelopment of the site to provide approximately 42 no. apartments made up of 1 bed and 2 bed units.

Informal officer's advice outlined that the proposal was contrary to planning policy.

- 4.2 6/2017/1301/PN11: Change of use of existing building (Class B1) to form residential units (Class C3) Prior approval required and granted 15/9/2017
- 4.3 6/2017/2712/LAWP: Certificate of lawfulness for the proposed change of use from offices (B1) to residential (C3) Granted 22/1/2018

5 Planning Policy

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

6 Site Designation

- 6.1 The site 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 notice, press notice and neighbour notification letters. One letter of support has been received from Hammersmatch Limited. Two objection letters have been received from The Norton Building, Howard Court, 14 Tewin Road. One of these letters is anonymous. Their comments may be summarised as:

Letter of support

- Improved scheme in comparison to prior approval.

Letters of objection

- Parking and congestion;
- Noise, pollution and light pollution.

8 Consultations Received

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

- Welwyn Hatfield Borough Council Client Services;
- Welwyn Hatfield Borough Council Housing and Development Department;
- Welwyn Hatfield Borough Council Parking Services
- Hertfordshire County Council Transport, Programmes and Strategy Department (HCCTPS);
- Hertfordshire County Council Archaeology (HCCA);
- Hertfordshire County Council Spatial and Land Use Planning Minerals and Waste (M&W);
- Hertfordshire County Council Planning Obligations;
- Hertfordshire Constabulary;
- Hertfordshire Fire and Rescue;
- Hertfordshire Lead Local Authority
- Thames Water;
- Hertfordshire Ecology;
- UK Power Networks;
- Welwyn Hatfield Borough Council Landscape;
- And Welwyn Hatfield Borough Council Environmental Health.

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

- Herts&Middlesex Wildlife Trust
- Hertfordshire Rights of Way;
- Affinity Water;
- Environment Agency;
- NHS/PCT
- NHS East and North Herts Clinical Commissioning Group (HNS CCG);
- NHS England GP Premises Office;
- Network Rail;
- EDF Energy.

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 (Policy 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, SADM1 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, R10, R17, R20, D1, D2, D3, D4, D7, D8, D9 and H6 of the District Plan 2005, Policies SP9 and SADM18 of the Draft Local Plan Proposed Submission 2016 and Supplementary Design Guidance 2005)**
4. **Impacts to Neighbours and Living Conditions (NPPF 2012, Policies D1, R18, 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 M2, M3, M5, M6, M8, M14, and D1, Policies SP4, SADM2, SADM3, SADM12 and SADM18 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 Material Considerations**
 - i) Flood Risk and drainage*
 - ii) Contaminated Land*
 - iii) Lifetime Homes*
 - iv) Renewable Energy*
 - v) Waste and Recycling*
 - vi) Archaeology*
 - vii) Protected Species*
 - viii) Environmental Impact Assessment*
 - ix) Minerals*

x) Construction method statement

2. Planning Obligations and Section 106 Agreement (Policies IM2, M4, and H7, Welwyn Hatfield Planning Obligations Supplementary Planning Document 2012 and Policy SP 7 and SP13 of the Draft Local Plan Proposed Submission)

- i) Affordable Housing**
- ii) Hertfordshire County Council Contributions**
- iii) Welwyn Hatfield Contributions**
- iiii) Conclusion**

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 38 flats (6/2017/1301/PN11) was approved.
- 9.7 On the basis of the recently approved prior approval application, it is considered that the employment use of the building has effectively ceased. 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

- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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 Bridge Road East and Peartree Lane. The proposed development would utilise the existing access onto Bridge Road East and create a new pedestrian access onto Tewin Road, 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. As the application is a major development, it also meets full provision of affordable housing, contributes to the regeneration of this part of Welwyn Garden City as the site is vacant, and improves environmental gain. Therefore is in accordance with the aims of the National Planning Policy Framework 2012, Policy H2 of the District Plan 2005 and Policy SADM1 of the Draft Local Plan Submission 2016.
- 9.12 Whilst the site is located in a designated employment area, the surrounding area 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 and a further application submitted. The introduction of a further development of 16 residential dwellings at the site above that granted prior approval 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

9.13 It should be noted that 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.

9.14 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 site lies within the specified settlement of Welwyn Garden City which is excluded from the Green Belt by policy GBSP2 of the District Plan 2005. This policy seeks to limit development to that which is compatible with the maintenance and enhancement of the character of the area. Additionally policies D1 and D2 of the District Plan 2005 and SP9 of the Draft Local Plan Proposed Submission 2016 apply which aim to ensure a high quality of design and to that development respects and relates to the character and context of the locality. Policy H6 of the District Plan 2005 requires new developments of 5 or more dwellings to be built at densities of 30-50 dwellings/ha provided that it does not have an adverse impact on the character of the surrounding area and satisfies design policies.

9.16 In addition to the above, the National Planning Policy Framework 2012 sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 58 of the Framework sets out that the amongst other things, *'local planning authorities should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit, optimise the protection of the site to accommodate development, create and sustain an appropriate mix of uses including public and green space, respond to local character and history, create safe and accessible environments and ensure visually attractive places as a result of good architecture and landscaping'*.

9.17 The proposed application seeks to develop the site and provide 54 apartments, establishing an overall density of 85 dwellings per hectare. The density is similar to other residential development sites within the surrounding

area which is characterised by a variety of housing types and densities. Within central areas with good accessibility by modes of transport other than the car, residential developments are able to exceed 50 dwellings per hectare. The development is not considered to have an adverse impact on the character of the surrounding area and can satisfy the design policies in accordance with the plan.

- 9.18 The proposed layout includes a central access road from Bridge Road East with several shared access roads. The positioning of the apartment buildings face onto the access roads. The proposed apartments fronting Bridge Road East and Tewin Road would be set back from the road frontage providing some landscaping and trees along the frontage of the site. Given the number and layout of these properties together with their siting, which is set back from Bridge Road East and Tewin Road, they would not appear cramped or unduly prominent from either road. Additionally landscaping would be provided with the retention of some of the trees along the boundary with Bridge Road East and Tewin Road, helping to soften the street scene and integrate the development into the existing locality.
- 9.19 Turning to the layout of apartment building (Block C) to the rear of the frontage, the development is accessed from the main central road. The apartment building is set back within the application site and would not appear cramped or unduly prominent from public views. Landscaping and trees would be used to soften the appearance of the apartment building from public views and again integrate the development into the existing locality.
- 9.20 The apartment buildings would be accessed by a central access road with several shared access roads. Pedestrian access would be provided either side of the central access road but turn into a shared access providing access to a series of cul de sacs. The main route through the site is demonstrated by its width and additional green space has been proposed by setting the apartment buildings back from the back edge of the carriageway as much as is practically possible. The smaller streets to the north of the site would have a shared surface approach.
- 9.21 The proposed layout provides vistas and view points across the site and beyond. The combination of lower height apartment buildings and significant soft landscaping creates a pleasant and verdant view through the site from public viewpoints consistent with the character and appearance of the Garden City. The increase in the height of the apartment building on the corner of Tewin Road and Bridge Road East creates a focal, landmark feature. The proposed residential development faces onto the internal access roads providing a strong active frontage over public areas.
- 9.22 The spacing between apartment buildings is considered generous which ensures that the development is not cramped or would appear overdeveloped.
- 9.23 The apartment buildings have access to communal gardens and many of the ground floor apartments have small and private garden spaces. Some of the upper level apartments have a private balcony. The site currently has mature landscaping and trees. Landscaping (both soft and hard) has been used to

provide a more attractive environment and set the buildings in a landscape context. A landscaping scheme has been proposed and, if planning permission is granted would be required to be amended to take into consideration comments made by various consultees e.g. the Council's Tree Officer has requested a larger canopy tree is located in front of Block C. However the broad scheme includes maintaining some trees along the Tewin Road and Bridge Road East frontage, which would help the development to integrate visually into the existing community. The layout of the apartment buildings surround the communal areas so as to ensure natural surveillance. Additionally there are small grass verges, soft landscaping and trees within the application site.

- 9.24 The landscaping provides a more attractive environment and sets the buildings in a landscape context. The landscaping proposed to the front of the site along Tewin Road and Bridge Road East ensures that the buildings have a soft landscaped setting and can integrate into the site and properties have been set back along the main access route to provide more trees which will be interspersed with appropriate planting to add value to the overall landscaping of this site. This includes ornamental trees, hedge and shrub planting which also helps to enhance the biodiversity of the site.
- 9.25 The boundary treatment of the site has been demonstrated as part of the landscaping scheme. However further details would be requested as part of a condition.
- 9.26 Policy R20 of the District Plan 2005 and Policy SADM18 of the Draft Local Plan Proposed Submission 2016 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 and Policy SADM18 of the Draft Local Plan Proposed Submission 2016.
- 9.27 Policy D7 of the District Plan 2005 requires development to consider safety by design. It is considered that these aspects such as lighting, boundary treatment etc will be conditioned as part of any planning application approved.
- 9.28 The site is surrounded by a variety of developments of differing scale and heights. The apartment buildings range from three to four stories in height and relate to the height of the commercial buildings which surround the site. Overall, the character of the area in terms of the scale and heights of building is varied and the proposed scheme is typical of the immediate surrounding area.
- 9.29 Parking courtyards for the apartment buildings have been sited to the front of those buildings enabling natural surveillance. Landscaping would be generally low level, therefore allowing views from apartment building windows. Parking courtyards are areas of hardstanding which is broken up by natural vegetation and trees. Therefore breaking up what would be large expanses of parking bays. Furthermore, vehicles would not be unduly visible within the road

frontage in many locations which is an improvement to the current large area of hardstanding in front of the office building.

- 9.30 It is considered that the proposed layout and design of the scheme has a clear identity which is considered easy to understand and there are a hierarchy of streets and network of routes and spaces where the presence of street planting reinforces this. Overall the amount, layout, design and proposed landscaping of the development provides an acceptable form of development that does not appear unduly cramped to warrant a refusal in this regard.
- 9.31 The apartment buildings are proposed to be a traditional design. The buildings would incorporate traditional forms and pitched roofs. Materials would be generally a range of red or buff brick and slated tiled roofs, which could be conditioned. Whilst the properties proposed are not overly reflective of the local vernacular and are a design and appearance that is found typically anywhere in the country, its appearance would be appropriate for this location and would not be harmful to the character and appearance of the area. Whilst it is entirely subjective, the appearance does achieve a high quality of design.
- 9.32 Overall, the layout, design and appearance of the proposed development, is considered to be of a sufficient high quality and would adequately respect and relate to the overall character of the area. Accordingly no objections are raised with regard to the National Planning Policy Framework 2012, Policies GBSP2, R10, R17, R20, D1, D2, D3, D4, D7, D8, D9 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

- 9.33 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.
- 9.34 The nearest adjoining neighbours are the Isobel Hospice (office and warehouse use), Norton Building (office, warehouse and research and design uses) and Christchurch Baptist Church. The wider area is a mix of employment and residential uses. Because of the orientation, separation distances and siting of the proposed development, there would be no material impact on the residential amenity of adjoining occupiers through loss of day/sun light or any adverse overshadowing that would be sufficient enough to warrant a refusal. Additionally, the properties and layout of the development would be sited such that there would be no undue loss of privacy to neighbouring properties.
- 9.35 With regard to the impact on the proposals on future occupants of the proposed dwellings, whilst residential relationships, in respect of privacy and overlooking, are important, there should be a large degree of buyer beware on a scheme such as this which features some substantial buildings located in fairly close proximity to each other. In any event, the layout of the buildings

and the positioning of windows and balconies does seek to address this issue as far as is possible. In regards to the balconies and small private gardens, it is considered reasonable to request side privacy screens. The layout also ensures that, with regard to overshadowing, daylight and sunlight, and the dominance of the development, it is considered that, for the majority of amenity areas and apartment buildings the scheme has been designed to achieve acceptable conditions.

- 9.36 With regard to amenity space for the proposed apartment buildings this would be provided predominately by communal space. Some ground floor apartments have a small and private garden area. Whilst some apartments have a private balcony located externally. Other open space which is not communal garden space is primarily there to provide soft landscaping for the purposes of improved outlook and to create high quality, attractive parking courts.
- 9.37 No details have been provided of lighting. Therefore in order to protect the residential amenity of residential properties. It is considered reasonable to request a lighting condition as part of any planning application approved.
- 9.38 The site is alongside both two main roads and within the employment area. Environmental Health have been consulted and have not requested an Air Quality Assessment. Therefore it is not considered that it would be reasonable to request an Air Quality Strategy. Noise and vibration would be generated from employment uses together with noise from Tewin Road and Bridge Road East due to the site's close proximity to these roads. Policy R19 of the District Plan 2005 requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential. As a result a noise impact assessment and overheating assessment have both been submitted to support this application.
- 9.39 The Council's Environmental Health Department have been consulted and raise no objection subject to relevant conditions and informatives concluding that an acceptable living environment can be achieved.
- 9.40 Noise and vibration from the substation located on boundary line with the proposed development has been considered.
- 9.41 Accordingly, it is considered that subject to compliance with both of these reports and suggested conditions and informatives, the proposed development is not considered to impact unduly on future residents of these properties or indeed existing neighbouring occupants, in line with the National Planning Policy Framework 2012, Policies D1, R18, 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

j) Highway network and access

- 9.42 A Travel Plan and Transport Assessment has been prepared to support the planning application. The focus of these documents is to encourage environmental sustainability, manage the existing network and mitigate the residual impacts of the proposed development.
- 9.43 Vehicular access to the application site would be from Bridge Road East. There is no objection with the location of the proposed access from Bridge Road East and the application also demonstrates that the residential arrangement is accessible by refuse vehicles and such that vehicles can manoeuvre in order to negotiate the site and emerge in forward gear.
- 9.41 The layout of the site provides an access road which is shown to be a width of approximately 5.8m with approximately 2m footpaths. The vehicular access accommodates passing of two vehicles and is served by a dedicated right hand turn lane onto Bridge Road East. Therefore ensuring free flow of traffic into the site. Further within the site the internal route network becomes a shared surface, which would be appropriate for the low speed, cul de sac nature of the development. The existing visibility splays of the vehicular entrance are to be retained. Overall it is considered that the proposed access routes into the site and the internal access roads would provide sufficient, safe access and turning areas for parking spaces.
- 9.42 Based on the Transport Assessment, it is considered that the proposed development would generate fewer vehicle movements in the peak than the former office use and would therefore not have a severe impact on either the capacity of Tewin Road or Bridge Road East and the effect of additional traffic through Welwyn Garden City is unlikely to be severe as a direct result of this.
- 9.43 The applicant has submitted a residential travel plan and provides a commitment to encourage the use of sustainable modes of transport to reduce the need for trips to be undertaken to and from the development in a private car.
- 9.44 Pedestrian accesses are proposed from Tewin Road and Bridge Road East into the proposed development site making provision for the site to become integrated with the existing developments. The applicant has demonstrated a new pedestrian refuge in the middle of Bridge Road East and two new tactile pavements on each side of the existing vehicular entrance. These are located outside of the application site. Hertfordshire County Council has confirmed that it expects the applicant to enter into a S278 agreement with them to undertake these works.
- 9.45 Concerns have been raised by the Highway Department in regards to proposed vehicular gates on Bridge Road East. This is due to the requirement for 24 / 7 access to the site and potential obstruction to other users of Bridge Road East. The Highway Department would not support gates unless they are provided sufficient distance into the site such that a vehicle may wait for gates to open without undue obstruction to vehicles / pedestrians past the site, particularly noting the function of Bridge Road East as a Local Distributor

within the Hertfordshire road hierarchy. A condition has been recommended to provide further information in regards to the proposed gate.

9.46 Vehicular access has been confirmed as acceptable by consultees.

ii) Parking Provision

9.47 In accordance with the standards set out in the Council's Supplementary Planning Guidance, 1.25 parking spaces are required to be provided for 1 bedroom dwellings, and 1.5 spaces per two bed dwellings.

9.48 This equates to 76 parking spaces for the proposed apartments which have been provided as part of this scheme. 15 disabled parking spaces have been provided. Therefore the proposal would meet the Council's maximum standards.

9.49 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.

9.50 Secure cycles stores are proposed for the apartment buildings. There is policy requirement for two wheeled vehicle spaces to be provided. However these could be parked within a car parking space if needed. No finalised design has been provided.

9.51 No details have been provided of electric vehicle charging points. Therefore it is considered reasonable to condition this aspect as part of any planning application approved.

9.52 Due to the location on the edge of the town centre and within the employment area, it is recommended as part of any planning application approved that a car parking management plan is conditioned to ensure that only residents are able to utilise the car parking provided.

iii) Conclusion

9.53 The proposal is considered to be acceptable with regards to its impact on the highway and provides an appropriate level of car and cycle parking provision. In the event of permission being granted conditions would be required which would include the access, turning areas and parking spaces being laid out.

6. Other Material Considerations

ii) Flood Risk and Drainage

9.54 The application site is within Flood Zone 1, a Flood Risk and Drainage Report has been submitted which concludes that the flood risk emanating from the development itself, could be addressed by the implementation of a robust drainage strategy. This would include the provision of French Drains to be installed on the perimeter of Block C to intercept excess run-off from the

banking and the design of a geocellular attenuation system located in the eastern corner of the site.

- 9.55 Foul water would then flow from the site to the south corner where it will be discharged via the existing connection.
- 9.56 Detailed advice in these matters has been given to the Council by Hertfordshire County Council in its role as the Lead Local Flood Authority (LLFA). Following further information, the Lead Local Flood Authority have removed their objection to the proposal on the basis that the drainage strategy is based upon permeable paving and geocellular attenuation storage and discharge into the surface water sewer. The surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 years plus 40% for climate change with a 2.5 l/s discharge to the surface water sewer.
- 9.57 The Lead Local Flood Authority have requested relevant conditions to protect against flood risk and surface water drainage.
- 9.58 Thames Water have raised no objection subject to relevant informatives.
- 9.59 Subject to conditions, the proposed development is acceptable with the National Planning Policy Framework 2012, Policies R7 and R10 of the District Plan 2005, and Policy SADM14 of Draft Local Proposed Submission 2016.

ii) Contaminated Land

- 9.60 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. The applicant has submitted a preliminary geotechnical and geoenvironmental report. It states further investigations are required to determine whether the site is significantly contaminated. From the basis of this investigation and assessment from the Council's Environmental Health department it has been concluded that the use of an appropriate condition would ensure that proposed development would not pose an unacceptable risk to human health.

iii) Lifetime Homes

- 9.61 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.

iv) Renewable Energy and sustainability

- 9.62 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 District Plan 2005 states that 'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.
- 9.63 Minor proposals for energy conservation have been demonstrated. It is considered that the applicant could significantly increase energy conservation methods such the introduction of photovoltaic panels. Limited details have been provided in regards to the proposal's sustainable design and construction Therefore it is considered that it is reasonable to request a condition to allow an improvement in the overall scheme to achieve a sustainable development. Subject to this condition, no objections are raised with regard to policies SD1 and R3 of the District Plan 2005 and Policies SP10 and SADM13 of the Draft Local Plan Proposed Submission 2016.

v) Waste and Recycling

- 9.64 Hertfordshire County Council Waste department have outlined that all relevant construction projects be supported by a Site Waste Management Plan, which would be placed as an informative to the applicant. The provision of a Site Waste Management Plan reflects Policy R5 of the Local Plan 2005.
- 9.65 Hertfordshire County Council Waste department have highlighted that future waste management facilities have been potentially identified in Bridge Road East as part of the Hertfordshire County Council's Waste Site Allocations Development Plan Document 2011- 2026, adopted July 2014, which forms part of the adopted Waste Local Plan. However, it is considered unreasonable to refuse planning permission for change of use of the site based on these grounds as the application site has prior approval for change of use from B1 to C3. Therefore the prior approval consent forms a fall-back position for residential use on the site regardless of future waste management facilities in the area.
- 9.66 Refuse bins are to be provided and these would be suitably stored internally within the designated outbuildings for the apartments. This should ensure that there would not be any contamination of recycling bins from external sources. Suitable bin provision would however also be required to be provided and ensured through a S106 legal agreement. No finalised design has been submitted.

vi) Archaeology

- 9.67 The proposed development is not located within an Area of Archaeological Significance. No objection has been raised by Hertfordshire County Council Archaeology.

vii) Protected Species and ecology

- 9.68 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 9.69 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. Hertfordshire Ecology have been consulted and have recommended a method statement for all recommendations listed with the [Ecological Impact Assessment (ACD Environmental, August 2017)] be conditioned as part of any planning application approved.

viii) Environmental Impact Assessment

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

ix) Minerals

- 9.71 The site location sits entirely within the sand and gravel belt as identified in the Hertfordshire Minerals Local Plan 2002-2016 (adopted March 2007). Minerals Policy 5 (Mineral Sterilisation) of the Minerals Local Plan encourages the opportunistic extraction of mineral for use on site prior to non-mineral development where significant mineral resources would otherwise be sterilised (that is, made unavailable for future extraction and use). Therefore it would be encouraging to see if this could be incorporated into the development should it be granted approval. This would be undertaken through the construction process as an informative.

X) Construction method statement

- 9.72 Due to the size of development it is considered reasonable to request a construction method statement to demonstrate the phases of development from demolition to completion, storage of materials, vehicles, tree protection etc.

8. Planning Obligations and S106 Agreements

9.74 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.'

9.75 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.

9.76 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.

9.77 Regulation 123 introduces further limitation and these relate to the use of planning obligations for the purposes of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through S106 of the 1990 Act. In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the District Plan.

i) Affordable Housing

9.78 The proposed development seeks permission for 54 residential units and in accordance with Policy H7 of the District Plan 2005, the Council will expect the site to include the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. That policy requires a minimum of 30% to be sought which should comprise subsidised housing. Additionally Policy SP 7 of the Draft Local Plan Proposed Submission 2016 also requires that for a proposal of 11 or more new dwellings or a site of 0.5 ha or more, 30% of the houses should be affordable. In this instance, a minimum of 30% would be sought which should comprise subsidised housing. The proposal states that 17 (30%) of the flats proposed would be affordable. The dwellings would be split to provide:

Private

12 x 1 bedroom apartments
25 x 2 bedroom apartments.

(Blocks A, B and C)

Affordable

6 x 1 bedroom apartments (Social rented)
3 x 2 bedroom apartments (Social rented)

(Block D)

1 x 1 bedroom apartments (Shared ownership)
7 x 2 bedroom apartments (Shared ownership)

(Block A)

- 9.79 This is considered to meet an identified need within the locality. Affordable Housing should demonstrate how the mix of tenure, type and size of housing proposed will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The Council's housing department have confirmed that this would be acceptable.

ii) Hertfordshire County Council Contributions

- 9.80 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:-
- Library Services towards the cost of the re-configuration of Welwyn Garden City Library (1st Floor) to enable the development of a 'Creator Space' - £5,603
 - Youth Services towards the IT equipment at Monks Walk Youth Centre- £479; and
 - Fire hydrants

iv) Welwyn Hatfield Contributions

- 9.81 WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision specifically for the 54 proposed dwellings, amounting to £7,140. This refuse contribution would not be subject to the pooling system, as this is specific to the proposed development.
- 9.82 Welwyn Hatfield Borough Council Landscape Team has found the proposal to be acceptable, subject to S106 contributions being provided for public open space, amounting to £5,527.82 towards ornamental planting, and a new

communal garden area to include vegetable growing and new seating with paving under at the Shortlands Green Pocket Park in Welwyn Garden City. This is 0.5 miles away and a 10 minute walk.

- 9.83 Welwyn Hatfield Borough Council Play Facilities has found the proposal to be acceptable, subject to S106 contributions being provided for play facilities, amounting to £14,449.20 towards the upgrade of play equipment at Nursery Hill Play Area in Welwyn Garden City.
- 9.84 In accordance with the Council's Planning Obligation 2012, a monitoring fee of £1,927 will also be required and payment will be required to be made prior to commencement of the development.
- 9.85 The refuse contribution and monitoring fee would not be subject to the pooling system, as these are both specific to the proposed development.
- 9.86 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

v) Conclusion

- 9.87 Although the applicant/agent has agreed in principle to these contributions, no legal agreement is in place at the time of writing. 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 Policies SP7 and SP13 of the Draft Local Plan Proposed Submission 2016.

10 Conclusion

- 10.1 The proposed development has been considered in terms of its impact on the design and character of the proposal, character and context of the area, amenity of adjoining/adjacent occupiers and highway, access 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. The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions.

11 Recommendation

- 11.1 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

6 x 1 bedroom apartments (Social rented)
3 x 2 bedroom apartments (Social rented)
1 x 1 bedroom apartments (Shared ownership)
7 x 2 bedroom apartments (Shared ownership)

- WHBC Client Services (Waste & Recycling) - £7,140
- WHBC Green Spaces - £5,527.82
- WHBC Play Facilities - £14,429.20
- Libraries - £5,603
- Youth- £479
- Fire hydrants
- Management and maintenance of the communal areas.

11.2 And the following conditions:

PRIOR TO DEMOLITION

1. No development (including demolition) shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan as approved shall be implemented throughout the demolition and construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Hertfordshire Waste Core Strategy 2012 and Development Management Policies DPD 2012.

2. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Arboriculture Report. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

REASON: To protect ecology in accordance with NPPF 2012, and Policy R11 of the Local Plan 2005.

PRIOR TO COMMENCEMENT

3. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Mewies Engineering Consultants Ltd, report reference 22820/08-17/5028, dated August 2017 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.5 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 383 m³ (or such storage volume agreed with the LLFA) of storage volume in geocellular attenuation structure.
3. Discharge of surface water from the private drain into the surface water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To protect against surface water and flooding. In accordance with National Planning Policy Framework 2012 and Policies R7 and R10 of the District Plan 2005.

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

1. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To protect against surface water and flooding. In accordance with National Planning Policy Framework 2012, and Policies R7 and R10 of the District Plan 2005.

5. Prior to commencement of development, a detailed maintenance and adoption plan is required of the proposed underground surface water attenuation features demonstrating that they can be maintained for its lifetime. The surface water attenuation features shall then be maintained in accordance with the agreed plan.

REASON: To protect against surface water and flooding. In accordance with National Planning Policy Framework 2012, and Policies R7 and R10 of the District Plan 2005.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for all recommendations listed with the

[Ecological Impact Assessment (ACD Environmental, August 2017)] has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To protect ecology in accordance with NPPF 2012, and Policy R11 of the Local Plan 2005.

7. 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 2012 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

8. 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 including gates
- (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 the NPPF 2012 and Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

9. 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) Cleaning of site entrances, site tracks and the adjacent public highway
- (e) Siting and details of wheel washing facilities;
- (f) Provision of sufficient on-site parking prior to commencement of construction activities
- (g) Timing of construction activities
- (h) Post construction restoration/reinstatement of the working areas.
- (i) Provision of hoarding around the site
- (j) Provision of measures to protect retained trees
- (k) Noise control measures to minimise noise and vibration
- (l) Dust control measures

REASON: In order to protect highway safety and the amenity of other users of the public highway and protect against neighbouring properties In accordance with the National Planning Policy Framework 2012 and Policies M14 and R18 of the District Plan 2005.

10. 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 2012 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

11. 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 2012 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

12. 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 the NPPF 2012 and Policy H10 of the Welwyn Hatfield District Plan 2005.

13. Prior to commencement of development, the following criteria shall be submitted to and approved in writing by the Local Planning Authority.

1. 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 contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

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,
 - archeological 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'.

2. 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.

3. 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, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 as a validation 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.

4. 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 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years to be determined, 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 protect against contamination of the land in accordance with the National Planning Policy Framework 2012 and Policy R18 of the District Plan 2005.

14. Prior to development, details of energy sustainability measures and energy saving methods shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the completion of the development.

REASON: To promote sustainable development in accordance with the NPPF 2012 and Policies SD1 and R3 of the District Plan 2005.

15. Prior to development, details of the electric charging points shall be demonstrated on a plan submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and maintained on site prior to the completion of the development

REASON: In the interest of sustainable transport methods. In accordance with NPPF 2012, and Policies M2, M3, M5, M6, M8, M14, and D1 of the District Plan 2005.

16. Prior to development, details of the privacy screens to be attached to all private amenity areas and all balconies shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of each unit and shall be maintained in perpetuity.

REASON: In the interests of privacy. In accordance with the NPPF 2012 and Policies D1 and D2 of the District Plan 2005.

17. No part of the development hereby permitted shall be occupied prior to the implementation of those parts identified in the approved Travel Plan referred to. Those parts of the approved Travel Plan implemented in accordance with the timetable contained therein shall continue to be implemented as long as and part of the development is occupied.

REASON: to ensure that the development is as sustainable as possible. In accordance with the NPPF 2012, and Policy SD1 of the District Plan 2005.

18. Prior to development, full details shall be submitted to and approved in writing to the Local Planning Authority of the protection measures to be implemented to protect the future occupiers from the existing sub-station. The approved measures shall be implemented on site and maintained in perpetuity

REASON: to protect future occupiers of the proposed development in accordance with the NPPF 2012 and Policies D1 and D2 of the District Plan 2005.

PRIOR TO OCCUPATION

19. Prior to occupation the vehicular access (indicated for improvement on drawing number PL_1000 rev D) shall be upgraded in accordance with the Hertfordshire County Council specifications. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Concurrent with such works, a new pedestrian refuge shall be provided in the position shown on Bridge Road East.

REASON: In the interest of highway safety and traffic movement, and improving pedestrian connectivity to the site. In accordance with NPPF 2012, Policies M2, M3, M5, M6, M8, M14, and D1, Supplementary Planning Guidance Parking Standards 2004 and Council's Interim Policy for Car Parking and Garage Sizes 2014.

20. Prior to the first occupation of the development hereby permitted any access gate(s), shall be provided a minimum distance of 6 metres from the near channel edge of the adjacent carriageway.

REASON: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened. In accordance with the NPPF 2012, Policies M2, M3, M5, M6, M8, M14, and D1 of the District Plan 2005, Supplementary Planning Guidance Parking Standards 2004 and Council's Interim Policy for Car Parking and Garage Sizes 2014.

21. Prior to occupation, the recommendations stated in the acoustic consultants report {dated January 2018 ref: 22820/01-18/4809 REV F} shall be implemented and relevant testing as agreed by Welwyn Hatfield Public Protection Department is undertaken to demonstrate the efficiency and effectiveness of the noise mitigation and ventilation measures. The mechanical ventilation, noise mitigation measures and associated equipment shall thereafter be permanently maintained.

REASON: to protect future occupiers in regards to noise and vibration in accordance with the NPPF 2012 and Policy R18 of the District Plan 2005.

22. 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 2012 and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

23. Prior to the first occupation of the development hereby permitted, full details of a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented and maintained on site.

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.

24. Prior to occupation, 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 the NPPF 2012 and Policies D1 and R20 of the District Plan 2005.

POST DEVELOPMENT

25. 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.

26. 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
PL_1000	D	Proposed Site Plan	28 September 2017
PL_0002	A	Existing Plans	19 September 2017
PL_1100	C	Blocks A&B - Proposed Ground Floor Plan	28 September 2017
PL_1101	C	Blocks A&B - Proposed First & Second Floor Plan	28 September 2017
PL_1103	C	Blocks A&B - Proposed Third Floor Plan	28 September 2017
PL_1104	C	Blocks A&B - Roof Plan	28 September 2017
PL_1106	C	Block C - Proposed Lower Ground Floor Plan	28 September 2017
PL_1107	C	Block C - Proposed Ground, First & Second Floor Plan	28 September 2017
PL_1110	C	Block C - Proposed Roof Plan	28 September 2017
PL_1112	C	Block D - Proposed Ground Floor Plan	28 September 2017
PL_1113	C	Block D - Proposed First & Second Floor Plans	28 September 2017
PL_1115	C	Block D - Proposed Roof Plan	28 September 2017
PL_1116	C	Proposed Bins And Bike Store	28 September 2017
PL_2000	C	Proposed Site Sections	28 September 2017
PL_3000	C	Proposed Elevations 1&2	28 September 2017
PL_3001	C	Proposed Elevations 3&4	28 September 2017
PL_0001	B	Location Plan	28 September 2017
TWNT 20946 11	B	Landscape Proposals	17 January 2018
TWNT 20946 10	B	Landscape Masterplan	17 January 2018
PL_3002	C	Proposed Partial Elevations	28 September 2017
22820_01_070_01	B	Drainage Strategy	16 January 2018
22820_01_0		Drainage Catchment Plan	16 January 2018

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. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
2. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
3. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA or plans@ukpowernetworks.co.uk. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.
4. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan House, Darkes Lane, Potters Bar, Herts, EN6 1AG or alternatively you can download the necessary forms from our website at <http://www.ukpowernetworks.co.uk/internet/en/connections/>
5. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx/> or by telephoning 0300 1234047.

6. 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.

7. 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.

8. 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.

9. The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

10..Protected Species - It is an offence to take or disturb the breeding or resting Location of protected species, which include (although not exclusively) all Bats, wild Birds, Reptiles (Common lizard, Slow-worm, Grass snake) and badgers
Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; or a suitably qualified ecological consultant.

11.Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.”

12. The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have fledged.”

13. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

14 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.

Any emergency deviation from these conditions shall be notified to the Council without delay.

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.

15. 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 :

1. 8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays
- 2 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
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers’ instructions
4. 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.
5. 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.
7. 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
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. '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.
11. Any emergency deviation from these conditions shall be notified to the Council without delay
12. 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.
13. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum
 2. 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.
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. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. As far as practicable, it is recommended that as a part of the construction process, should the applicant be able to extract any minerals found on site that these are utilised in the construction of the development.

OR

11.3 Recommendation B

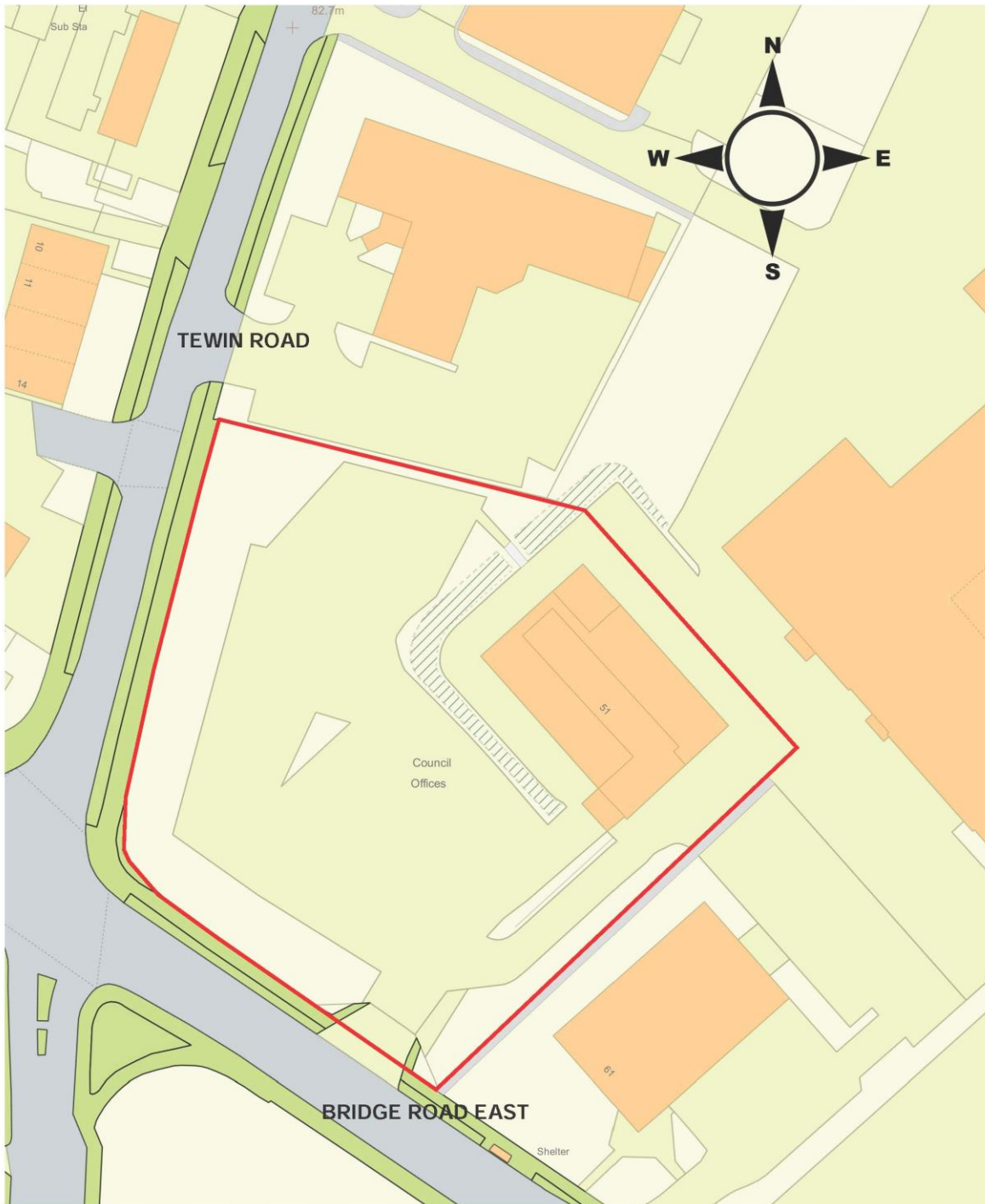
- 11.4 In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation for the following reason:


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.

Louise Sahlke (Development Management)

Date: 15/3/2018

Date of Expiry: 04/4/2018



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	Title: 51 Bridge Road East Welwyn Garden City		Scale: DNS
	Project: DMC Committee		Date: 2018
	Drawing Number: 6/2017/2104/MAJ		Drawn: Ida Moesner
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