

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 30 MARCH 2016
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE

N6/2015/0294/PP

FORMER SHREDDED WHEAT FACTORY, BRIDGE ROAD, WELWYN GARDEN
CITY, AL8 6UN

OUTLINE PLANNING PERMISSION FOR PART DEMOLITION, REPAIR,
RESTORATION, EXTENSION AND CONVERSION OF THE FORMER SHREDDED
WHEAT FACTORY COMPLEX TO INCLUDE DEMOLITION OF ALL BUILDINGS
AND STRUCTURES EXCEPT THE ORIGINAL 1920'S SILOS, PRODUCTION
HALL, GRAIN STORE AND BOILER HOUSE. REFURBISHMENT AND CHANGE
OF USE OF THE RETAINED LISTED BUILDINGS TO PROVIDE 2 CLASS C3
RESIDENTIAL UNITS, A CLASS C1 BOUTIQUE/BUDGET HOTEL, CLASS B1(A)
OFFICES, A CLASS A4 PUB/BAR, A CLASS D1 CRÈCHE AND A CLASS D2
GYM/DANCE/EXERCISE STUDIO. ERECTION OF UP TO 850 CLASS C3
DWELLINGS TO POTENTIALLY INCLUDE UP TO 80 CLASS C2 (AND/OR C3
ASSISTED LIVING UNITS), CLASS A1 RETAIL, CLASS A3/A4
RESTAURANTS/CAFÉS/BARS/PUBS, CLASS D1 COMMUNITY USE AND
HEALTHCARE AND CLASS D2 GYM/DANCE/EXERCISE STUDIO FLOORSPACE.
PROVISION OF EXTERNAL SPACE FOR LEISURE AND RECREATION TO
INCLUDE A LINEAR PARK, EXTERNAL GAMES/PLAY AREA, ALLOTMENTS AND
A SKATE PARK. CREATION OF INTERNAL ESTATE ROADS, PATHS, VEHICLE
AND CYCLE PARKING. ASSOCIATED HIGHWAY WORKS COMPRISING THE
WIDENING OF FOOTWAYS AND THE PROVISION OF CYCLE WAYS TO
BROADWATER ROAD AND BRIDGE ROAD, WORKS TO HYDEWAY, JUNCTION
REMODELLING WORKS AND THE ERECTION OF A NEW FOOTBRIDGE FROM
BRIDGE ROAD. PHASE 1 (BLOCKS 2,3,4,5,6 & 7 ON LAND TO THE NORTH AND
WEST OF HYDEWAY AND NORTHERN PART OF BLOCK 1) – INCLUDES
APPEARANCE, MEANS OF ACCESS, LANDSCAPING, LAYOUT AND SCALE IN
ADDITION TO ALL ASSOCIATED HIGHWAY WORKS . PHASE 2 (BLOCKS
8,9,10,11 & 12 AND SOUTHERN PART OF BLOCK 1 ON LAND TO THE SOUTH
OF HYDEWAY) – INCLUDES MEANS OF ACCESS WITH LAYOUT, SCALE,
APPEARANCE AND LANDSCAPING RESERVED

APPLICANT: Mr M Witham

AGENT: David Lane Associates

(Peartree)

1 Introduction

- 1.1 This report sets out the detailed considerations for the major planning application on land at Broadwater Road West in Welwyn Garden City, a site known as the Former Shredded Wheat Factory. The application is for a mixed use development which is residential led and would deliver up to 850 new homes as well as office, retail and leisure opportunities, public and private open space, highways improvements, landscaping and other benefits. The following report will set out the material planning considerations as they relate to each main issue. The report will also give a detailed review of the proposed development as well as considering the potential environmental impacts, which can be positive or negative, as addressed by the submitted Environmental Impact Assessment.
- 1.2 It should be noted that separate applications have been made, alongside this main application, for listed building consent for the proposed works to the listed building (Ref: N6/2015/0293/LB), and for planning permission for the proposed refurbishment of the pedestrian bridge across to the railway station (Ref: 6/2016/0457/FULL).

2 Site Description

- 2.1 The application site is located to the east of Welwyn Garden City town centre in the Peartree ward. The red line application site boundary, which includes areas of public highway on Bridge Road, Broadwater Road and Bessemer Road, covers an area of approximately 12.7 hectares. The site forms part of the wider Broadwater Road West development site, an area allocated for mixed use development in the Welwyn Hatfield District Plan 2005 and is subject of the Broadwater Road West Supplementary Planning Document (SPD) 2008. The main development site, excluding the areas of public highway on Broadwater Road, Bridge Road and Bessemer Road, is bounded on the eastern side by Broadwater Road (A1000), to the south by the Taylor Wimpey housing development and the Bio Park building, the Pall Mall distribution building and the East Coast Mainline to the west and Bridge Road/Hunters Bridge to the north. The application site is split in two by Hydeway which runs east-west across the site and provides a pedestrian and vehicular link to the train station over-bridge, and on to the town centre, for the eastern half of the town.
- 2.2 The site itself is largely cleared of structures with the exception of the former Shredded Wheat factory buildings, including the silos, to the north of Hydeway and the former Polycell building immediately to the south of Hydeway. The remaining buildings on site are vacant and in an increasing state of disrepair. It is noted that some of the Shredded Wheat factory buildings date back to 1925 and are Grade II listed. Access to the Pall Mall distribution premises to the south west was previously achieved by crossing the application site. However, planning permission was granted in 2013 (N6/2013/2305/MA) for this access road to be re-aligned around the perimeter of the site. This road is also utilised by Network Rail for access to the railway lines.

3 The Proposal

Overview - The description of the proposed development, as it has been advertised is as follows:

- 3.1 Outline planning permission for part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to include demolition of all buildings and structures except the original 1920's silos, production hall, grain store and boiler house. Refurbishment and change of use of the retained listed buildings to provide 2 Class C3 residential units, a Class C1 boutique/budget hotel, Class B1(a) offices, a Class A4 pub/bar, a Class D1 crèche and a Class D2 gym/dance/exercise studio. Erection of up to 850 Class C3 dwellings to potentially include up to 80 Class C2 (and/or C3 assisted living units), Class A1 retail, Class A3/A4 restaurants/café/bars/pubs, Class D1 community use and healthcare and Class D2 gym/dance/exercise studio floor space. Provision of external space for leisure and recreation to include a linear park, external games/play area, allotments and a skate park. Creation of internal estate roads, paths, vehicle and cycle parking. Associated highway works comprising the widening of footways and the provision of cycle ways to Broadwater Road and Bridge Road, works to Hydeway, junction remodelling works and the erection of a new footbridge from Bridge Road. Phase 1 (Blocks 2,3,4,5,6 & 7 on land to the north and west of Hydeway and northern part of Block 1) – Includes Appearance, Means of Access, Landscaping, Layout and Scale in addition to all associated highway works. Phase 2 (Blocks 8,9,10,11 & 12 and southern part of Block 1 on land to the south of Hydeway) – Includes Means of Access with Layout, Scale, Appearance and Landscaping reserved.
 - 3.2 It should be noted at this point that phase 1, that is to say predominantly the part of the site to the north of Hydeway, with the exception of part of block 1, is fully detailed at this stage of determination. That means that, should Members be minded to grant planning permission, the details that are before the Committee would be fixed for phase 1.
 - 3.3 Phase 2, that is everything else to the south of Hydeway, is shown indicatively on many of the plans and documents that have been submitted, however only the means of access is detailed at this stage. Should planning permission be granted for phase 2 then the Committee would be agreeing to a set of parameters and principles on which a future detailed planning application would be based. Building and Landscape Design Codes have been submitted for phase 2 and would become approved documents.
 - 3.4 Phase one is comprised of 7 different blocks of development as well as intervening areas of public open space such as the main civic square, also internal walkways and roadways, play areas, allotments and formal and informal gardens as well as a skate park and small areas of on-street parking.
- 4 Reason for Committee Consideration**
- 4.1 This application is presented to the Development Management Committee because it represents a major planning application the determination of which should be made by elected members in order to serve the public interest.

5 Relevant Planning History

- 5.1 This application represents the second major development proposal for this site since it became vacant and ceased to provide an employment use. The first application, under reference N6/2010/2055/MA comprised Part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to provide retail (A1 & A3), business (B1), heritage centre (D1), energy centre, new leisure centre building and Civic Square building including residential and retail (A1 to A5). Associated alterations to existing vehicular and pedestrian access and highway layout within and around the site, basement parking, hard and soft landscaping, the provision of a civic square, park, public and private open space, the upgrade of the existing pedestrian footpath over the railway line and associated enabling works. Outline Planning Permission for development of land to the west and south of the shredded wheat factory to comprise the following uses: Retail (A1 & A5), business (B1), hotel (C1), residential, YMCA (C2 & C3); doctors' surgery and pharmacy (D1).
- 5.2 This application was refused permission on 11/01/2012 for the following 7 reasons that can be summarised as follows:
1. The retail assessment failed to demonstrate an adequate sequential approach to retail development.
 2. The retail store would have a significant adverse impact on investment in and the vitality and viability of Welwyn Garden City town centre.
 3. Unacceptable in urban design terms.
 4. The proposal failed to make the most efficient use of land for housing and/or to deliver the Pall Mall site in accordance with the SPD.
 5. Adverse impact on highway safety, capacity and the free flow of traffic.
 6. The overprovision of car parking for the supermarket, and the failure to promote wider sustainable transport measures.
 7. The failure to meet the minimum car parking standards for the residential units
- 5.3 Following the refusal of this planning application, the applicant has worked with the Council in pre-application discussions which have led to the application now being considered.

6 Planning Policy

- 6.1 National Planning Policy Framework 2012 (NPPF)
- 1: Building a strong, competitive economy
 - 4: Promoting sustainable transport

- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 9: Protecting Green Belt land
- 10: Meeting the challenge of climate change, flooding, and coastal change
- 11: Conserving and enhancing the natural environment

6.2 PPS10: Planning for Sustainable Waste Management

6.3 Hertfordshire County Council Waste Core Strategy (November 2012)

6.4 Welwyn Hatfield District Plan 2005

6.5 Broadwater Road West Supplementary Planning Document, December 2008

6.6 Supplementary Design Guidance, February 2005

6.7 Supplementary Planning Guidance, Parking Standards, January 2004

6.8 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6.9 Planning Obligations, Supplementary Planning Document, February 2012

7 Site Designation

7.1 The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

7.2 The site is allocated as EA1 (Employment Land) in the Welwyn Hatfield District Plan 2005.

8 Representations Received

8.1 The application was advertised by means of site notice, press notice and neighbour notification letters on two occasions. 11 representations have been received from local residents. Their comments may be summarised as:

- 136 Cole Green Lane, Welwyn Garden City – Objects on basis of unsafe road junctions, poor cycling permeability, inadequate cycle parking provision, height of buildings out of character with Welwyn Garden City and poor mix of dwelling types.
- 5 Youngs Rise, Welwyn Garden City –Support the proposals but highlight issues with the information provided by the applicant.
- 72 Penn Way, Welwyn Garden City – Objects on the basis of a lack of detail of the proposed community uses and the impact of the

proposed skate park which they consider unnecessary and out of keeping with the scheme. Also object that the scheme would not explicitly meet Secured by Design standards and a lack of details of the proposed LEAP and LAP play areas.

- 72 Penn Way, Welwyn Garden City (Second resident) – Support the principle of redevelopment but concerned about proximity of play areas to residential properties, the skate park and the lack of detail about the proposed community use building.
- 81 the Vineyard, Welwyn Garden City – Objects on the basis of the buildings being out of keeping and too high density and the impact that this will have on views from the railway station
- 9 Penn Way, Welwyn Garden City – Supports the proposal as a much needed improvement to the area.
- 38 Athelstan Walk South, Welwyn Garden City, Supports the proposals, in particular the landscaping and highway improvements, the mix of uses and the support that it will give to the town centre
- 81 Crawford Road, Hatfield – Objects and is concerned about the changes to the layout of the junction and Broadwater Road and Bridge Road and whether this will be a safe crossing point for pedestrians
- 4 Savisburg Court, Welwyn Garden City – Objects to the proposed positioning of the composting bins on the application site
- 4 Savisburg Court, Welwyn Garden City (second resident) - Objects to the proposed positioning of the composting bins on the application site.
- 6 Savisburg Court, Welwyn Garden City – Objects to the location of the proposed composting bins and concerned about anti-social behaviour as a result of the proposed skate park

9 Consultations Received

A large number of responses, from statutory and non statutory consultees, have been received. These responses have been received in relation to the application as it was originally submitted at the beginning of 2015 and following the re-consultation that took place on the amended proposals in mid 2016. Details of each response, and the 'headline' from that response, are given below. Further detail on each response will be given in the discussion section of this report when appropriate. Full representations can also be viewed on the Council's website.

- 9.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection subject to conditions
- 9.2 **Highways England** – No objection
- 9.3 **Network Rail** – No objection subject to conditions
- 9.4 **Thames Water** – No objection subject to conditions
- 9.5 **Affinity Water** – No objection
- 9.6 **Lead Local Flood Authority** – No objection subject to conditions and SUDS maintenance
- 9.7 **Hertfordshire County Council Minerals and Waste** – No objection subject to a Site Waste Management Plan (SWMP)
- 9.8 **Hertfordshire County Council Fire and Rescue** – No objection subject to fire hydrant provision
- 9.9 **Hertfordshire County Council Property Services** – No objection subject to planning obligations payments
- 9.10 **Hertfordshire Ecology** – No objection subject to conditions
- 9.11 **Herts and Middlesex Wildlife Trust** – No objection subject to conditions
- 9.12 **Natural England** – No objection refer to standing advice
- 9.13 **Historic England** – Object to aspects of the scheme, in particular the demolition of 27 silos
- 9.14 **Welwyn Hatfield Borough Council Conservation Officer** – Object to the scheme
- 9.15 **Hertfordshire County Council Archaeology** – No objection
- 9.16 **Twentieth Century Society** – Support the principle of redevelopment but object to the demolition of the 27 silos
- 9.17 **Council for British Archaeology** – Support the principle of redevelopment but object to the demolition of the 27 silos.
- 9.18 **Hertfordshire Gardens Trust** – Object on the basis of harm to the setting of the listed buildings, loss of the original zoning of the town and to the planting and landscape scheme
- 9.19 **Environment Agency** – No objection subject to conditions
- 9.20 **Welwyn Hatfield Borough Council Environmental Health** – No objection subject to conditions

- 9.21 **Welwyn Hatfield Borough Council Waste and Recycling** – No objection subject to S106 obligation
- 9.22 **Hertfordshire Police** – Comments received regarding secured by design standards
- 9.23 **NHS England/East and North Herts Clinical Commissioning Group** – Comments received and request for S106 obligations
- 9.24 **Welwyn Hatfield Access Group** – Comments received
- 9.25 **Sport England** – Object to the scheme on the basis of inadequate indoor sports provision
- 9.26 **Welwyn Hatfield Council Youth and Sport Officer** – No objection
- 9.27 **Girlguiding UK** – Comments received, request for planning obligation.

10 Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:
 - 1. **Principle of development having regard to Policy EMP3 of the Welwyn Hatfield District Plan 2005, the Broadwater Road West Supplementary Planning Document 2008 and emerging Policy SP17 of the Proposed Submission version of the Welwyn Hatfield Borough Council Local Plan (Consultation undertaken in 2016)**
 - 2. **The Environmental Impact of the proposals having regard to the submitted Environmental Statement (ES)**
 - 3. **Design and Appearance (National Planning Policy Framework, Policies D1 – D9 of the Welwyn Hatfield District Plan 2005 and Broadwater Road West Supplementary Planning Document 2008)**
 - 4. **The proposed mix of uses (National Planning Policy Framework, Policy EMP3 of the Welwyn Hatfield District Plan 2005 and the Broadwater Road West Supplementary Planning Document 2008)**
 - 5. **Impact on the Historic Environment (National Planning Policy Framework)**
 - 6. **Highways, Parking (vehicle and cycle) and Public Transport (National Planning Policy Framework, Policies M1-M6 and M14 of the Welwyn Hatfield District Plan 2005 and the Broadwater Road West Supplementary Planning Document 2008)**
 - 7. **Living Conditions (Policy D1 of the Welwyn Hatfield District Plan 2005 and the Welwyn Hatfield Council Supplementary Design Guide 2005)**

- 8. Other Matters including Flood Risk, Environmental Health, Waste and Recycling, Ecology, Environmental Sustainability (Welwyn Hatfield District Plan 2005)**
- 9. Viability, Planning Obligations and the Section 106 Agreement (Policies IM2 and H7 of the Welwyn Hatfield District Plan 2005 and the Welwyn Hatfield Planning Obligations Supplementary Planning Document 2012)**
- 10. Does the Proposal achieve Sustainable Development (National Planning Policy Framework)**
- 11. Planning Conditions**
- 12. Conclusions**

Description of the Development

Phase 1, Block 1

- 10.2 Block 1 is the only block of the development which would actually straddle both phase 1 and phase 2. The reason for this is that the elements of block 1 which are within phase 1 are integral to the delivery at an early stage of some important public benefits of the development. In particular this part of block 1 will deliver a southern boundary building to the proposed new civic square, to be known as Goodman Square, also the delivery of new steps and a lift for access to the railway over-bridge and public cycle parking. Alongside the aforementioned items, block 1, to be known as the Goodman Pavillion, would also deliver a convenience retail (A1) building of 540 sqm and café/bar (A3/A4) units with a total floor space of 280sqm.
- 10.3 The design of the Goodman Pavillion building which forms part of phase 1 is that of a two storey pavilion which would sit prominently at the centre of the wider development. The pavilion would provide a connection between the footbridge over the railway to the newly created Goodman Square and would be predominantly glazed with a convenience retail unit at street level and a set back cafe/restaurant unit at podium deck level. This building would increase accessibility to the footbridge by means of a new set of steps up to the bridge as well as an adjoining lift. The building would have a large copper clad cantilevered roof at first floor and roof level to provide shelter for the large terrace and the entrances to the retail unit, there would also be a green roof which would be visible from taller surrounding buildings. The building would also have a masonry brick facade facing Goodman Square which would be accented with climbing plants. The building, which is located on the southern side of Goodman Square, has been designed to be relatively low slung in order to maximise the opportunity for direct sunlight to enter Goodman Square throughout the day.

Phase 1, Block 2

- 10.4 Block 2 is formed of the group of buildings and open spaces located in the western side of phase 1 and in the north western corner of the site as a whole. This is the area between the railway lines and the historic production hall and silos to the east. This block is formed of buildings 2A and 2B as well as a large area of open space, informal play space, a skate park and the allotment gardens.
- 10.5 Building 2A would be located at the head of Goodman Square on the central axis of Hydeaway. The building would feature a ground floor and 5 storeys above and would accommodate a mix of residential apartments, community use and a small number of A3/A4 units for café/restaurant or bar use. The building would be L shaped with the rear wing running adjacent to the railway bridge. The ground floor of the building would be constructed of a dark brick and glazing with the upper floors of a lighter tone of brick as well as glazing and planted balconies facing towards Goodman Square. A three storey glazed entrance to the community building would be formed facing towards Goodman Square with the southern elevation of this element of the building featuring a green 'living' wall.
- 10.6 Immediately to the north and west of building 2A would be a single storey undercroft car park with podium level allotments, gardens and play space as well as steps and a ramp up to the allotment level and the ground floor of building 2B.
- 10.7 Building 2B would be located to the west of the allotment gardens and would be likely to be the first building that would be visible for pedestrians exiting the railway station and heading in the direction of the site. The building would present 6 storeys to the west elevation and 5 storeys to the east due to the change in ground levels. The building would be angled in order to preserve views through the site towards the listed buildings. The building would be constructed of brick of a variety of colour tones as well as featuring parapet hedging and balcony planting. The use of this building would be entirely residential.

Phase 1, Block 3

- 10.8 Block 3 would be located to the extreme north west corner of the site and is bound by the railway lines to the west and Bridge Road to the north. The block would be occupied by a single, broadly L shaped building (building 3) and would be in close proximity to the listed production hall building. This block would also feature a new pedestrian bridge linking the application site to Bridge Road, close to the point at which Bridge Road crosses over the railway lines. The proposed building 3 would be up to 7 storeys in height, constructed of a range of brick tones, although the height of the building would step down where it is in closer proximity to the listed buildings. The precise brick tone to be used for this building will be important given the northerly elevation and a condition is proposed to control this throughout the development. The building would feature set backs, wide and shallow entrance points and balconies to break up the massing of the building. The articulation of the block to give the appearance of two buildings is considered to work well. The use of this building would be a mixture of residential and healthcare use, although the

description of development also allows for up to 80 C3 assisted living units, and it is anticipated that these could be located in this building.

- 10.9 Another feature of Block 3 is the proposed pedestrian walkway which would link the site to Bridge Road. This would run from the proposed allotment gardens between blocks 2 and 3 and would adjoin the footpath on Bridge Road just to the east of the bridge itself.

Phase 1, Blocks 4 and 5

- 10.10 Blocks 4 and 5 comprise the listed buildings of the former Shredded Wheat Factory.
- 10.11 Block 4 would feature the restored Production Hall building which would be fully revealed following the demolition of the existing later manufacturing hall and administration building which currently wrap around the Production Hall to the north and east. The Production Hall building, as originally constructed, features lower ground and upper ground floors which occupy the full extent of the building's footprint, a first floor of similar footprint but stepping back by two bays from the north end. The second floor is recessed by a further two bays from the north and one bay from the east. The third floor, roof level, is set back by one bay from both the east and west ends of the building. The Production Hall is proposed to have two main uses as office workspace and a crèche. It is proposed to restore the listed building, including the reinstatement of the original main entrance stairs as well as the original sunken gardens to the east of the Production Hall, which formed part of the original Louis de Soissons design.
- 10.12 Block 5 includes the retained and restored grain house, silos, boiler house and chimney and a new single storey building on the site of the former garage building. It is proposed to retain the first tranche of silos that were constructed in the 1920s and for these to be converted into a hotel use, with the top floor of the building converted into two residential units. In front of the retained silos, and facing onto the north side of Goodman square, would be a new single storey building, largely constructed of glass and with a copper barrel roof to reflect that of the retained silos. This building is proposed to be used as an A3 restaurant or café use. The Grain House, located to the front of the silos is proposed to be converted to a gym/dance studio and the Boiler House into an A4 bar unit. The Boiler House would be retained as a single volume double height building. There would be a central courtyard area located between this group of buildings which would provide outdoor seating.

Phase 1, Block 6

- 10.13 Block 6 is located at the extreme north east corner of the site and addresses both Bridge Road and Broadwater Road. The block would contain the standalone building 6B, building 6A which would turn the corner of Bridge Road and Broadwater Road, and a number of townhouses (6C) which would be internal to the site. Building 6B would be a 6 storey building, located close to the north elevation of the Production Hall. The first four floors of this building would be more heavily articulated with a darker brick with the upper

two floors set in to reduce the mass of the building and constructed of a lighter brick. The proposed use of building 6B would be residential.

- 10.14 Building 6A would, at the corner of Bridge Road and Broadwater Road, present the tallest building on the site. In this location the building would rise to 8 storeys, with the first 6 storeys constructed of brick and the top two storeys metal clad. Other sections of this building would range from 4-6 storeys in height and create a range of perimeter buildings defining the boundary of the site. The townhouses (6C) would be 3 or 4 storeys in height and would address one of the internal roads on the site. A podium level garden/open space area would sit between this range of buildings.

Phase 1, Block 7

- 10.15 Some of the buildings in block 7 would be reflective of those in block 6. Building 7A is a run of perimeter buildings along the Broadwater Road frontage ranging between 6 and 7 storeys in height. Each building in this run is joined together with a continuous 4 storey height which runs through and is articulated by parapet hedging. The massing of these buildings lowers at each end to articulate each individual mansion style block.
- 10.16 Building 7B would be a pavilion building which would form a frontage to Hydeway and would be 5 storeys high. This building would be constructed of brick and would provide residential apartments.
- 10.17 Two terraces of 3 and 4 storey townhouses would comprise building 7C and finally, building 7D, a five storey building would be located at the corner of Goodman Square. Collectively, all of the buildings in Block 7 would form a perimeter to an internal garden area/open space, through which it would be possible to move.

Phase 2

- 10.18 Blocks 8,9 and 10 would continue the theme of perimeter buildings along the Broadwater Road frontage with podiums and pavilion buildings behind facing onto “the Weave” landscaped area running through the centre of phase 2 of the development. The western half of phase 2 would be occupied by blocks 11 and 12 as well as the remainder of block 1, which would not be constructed as part of phase 1. All matters, save for access, are reserved for phase 2, although it should be noted that design codes for both buildings and landscape have been provided by the applicant, as well as maximum and minimum parameters for the proposed buildings in this phase.
- 10.19 Alongside the proposed buildings on the site, there would be a range of formal and informal gardens and open spaces, including sustainable urban drainage (SUDS) measures allotments and a public linear park, an informal games area, play areas and a skate park are also proposed.
- 10.20 Existing vehicular and pedestrian access points to the site from Bridge Road and Broadwater Road would be maintained and additional access points along Broadwater Road would also be created. Car parking would be

provided under each podium and in a large underground car park as part of phase 1. A total of 1,023 car parking spaces would be provided on site. Cycle parking for each residential building would be provided within that building, along with the requisite waste and recycling facilities.

- 10.21 Replacement, and additional, cycle spaces to serve both the application site and the nearby train station are also proposed.

1. The Principle of Development

- 10.22 Whether or not the proposals are considered to be acceptable in principle is, to a large degree, dependent on the whole range of key issues set out above. Insofar as the principle of the redevelopment of this site is concerned, the following discussion is most relevant.

- 10.23 The application site forms a large part of site EA1 (Employment Land) as defined on the proposals maps of the 2005 Welwyn Hatfield District Plan and referred to in Policy EMP 3 'Mixed Use Development at Broadwater Road West' of the same District Plan. Site EA1 is formed of the, now redeveloped, residential land to the south, and the Pall Mall storage and distribution premises to the west, as well as the application site before the Council now. To this extent, the redevelopment of the entire site, as envisaged by the 2005 District Plan, has been compromised. Having said that, the aims of the District Plan for the site to be a mixed use development comprising primarily employment, housing, leisure and rail-related uses is still pertinent.

- 10.24 Policy EMP3 of the District Plan states that the development of this site shall be in accordance with a Development Brief which would be set out in a Supplementary Planning Document (SPD). This SPD was produced in 2008 and sets out guidance in the form of a masterplan framework, mix of uses, density of development, design and other matters.

- 10.25 The SPD sets out the Council's vision for Broadwater Road West as:

"To deliver an energetic and pioneering scheme of development which integrated the spirit of the garden city with the very best of high quality 21st Century design, seizing the opportunity to enhance the local environment and create a sustainable, supported neighbourhood of an appropriate scale, which successfully integrates with the local community"

- 10.26 The SPD identifies what are considered to be the key elements of a masterplan framework for this site, in particular mixed use blocks, a new residential community, employment close to the railway station, community and youth facilities, leisure opportunities, affordable housing, retention and refurbishment of listed structures, acknowledging industrial heritage, echoing the spirit of the Garden City, promoting Eco-city ideas, maximising energy efficiency, promoting water efficiency, a balanced approach to car parking, new bridge to the town centre, encourage east-west links, provide on-site recycling and Combined Heat and Power (CHP), a grid form and hierarchy of routes, provision for older children, young children's play, public space and community parks.

- 10.27 This is an extensive list of objectives for the site, prepared approximately 9 years ago. Whilst these objectives are of some age, many are still highly relevant as part of the overall objective of delivering a successful mixed use development on this site. However, it should be borne in mind that the wider site that is subject to the SPD has effectively been broken up and cannot be redeveloped holistically in the way that the SPD envisaged. Having said that, it is also true to say that the application currently being considered does form the largest part of the overall site that is still within a single ownership.
- 10.28 Also of relevance is the emerging Policy SP17 'Mixed Use Development Site at Broadwater Road West' of the Welwyn Hatfield Borough Council Draft Local Plan. This emerging policy re-enforces the objectives set out in both the 2005 District Plan and the 2008 SPD, lending continued support to the objective of delivering mixed use development at the site. It is also stated that development will conform to the associated strategy diagram. The emerging policy sets out the requirement for the wider SPD site to deliver approximately 1,020 new homes over the plan period. Further, it is anticipated that homes on the site would start to be delivered in 2018/19 and this would continue through to 2023/24, thus forming an important part of the planned housing delivery through the early phases of the development.
- 10.29 Paragraph 17 of the National Planning Policy Framework (NPPF) also sets out 12 core principles of land use planning, these include, amongst other things, that *"planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"* and *"promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk, mitigation, carbon storage, or food production)"*
- 10.30 Later sections of this report will consider the masterplan objectives, set out in the 2008 SPD, in more detail. However, as can be seen from the description of the proposed development, the proposal before the Council is for a mixed used redevelopment of the site. The proposal would provide for up to 850 residential units and can therefore be described as being residential led. That said, the scheme also includes a significant amount of office space providing employment opportunities, retail, leisure, community use, bars and cafes, significant improvements to the surrounding highway network, a new bridge to Bridge Road from the site, improved access to the railway station, new public spaces and landscaped areas, retention and refurbishment of parts of the listed building, some affordable housing and a range of planning obligations contributions.
- 10.31 Having regard to the existing District Plan policy, the SPD, the emerging Local Plan policy and the NPPF, and only insofar as they relate to this specific site, it is concluded that the redevelopment of this site for the proposed range of uses is, in principle, acceptable in planning policy terms. This does not prejudice the discussion of specific issues later in this report.

2. The Environmental Impact of the Proposals

- 10.32 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended 2015) require that, before planning permission may be granted, or refused, for certain types of development an Environmental Impact Assessment (EIA) must be undertaken. The EIA Regulations set out the types of development which must always be subject to an EIA, known as Schedule 1 Development, and other developments which may require assessments if they are likely to give rise to significant environmental effects, known as Schedule 2 Development.
- 10.33 The development falls under Schedule 2, Category 10b of the EIA regulations 'urban development projects, over 5 hectares and includes more than 150 dwellings'. Schedule 3 of the EIA Regulations sets out the criteria for determining whether a Schedule 2 development is EIA development. These criteria include:
- The characteristics of the development (size, cumulation with other development, use of natural resources, production of waste, pollution and nuisances and risk of accidents)
 - The environmental sensitivity of the geographical areas likely to be affected by development having regard to land use, natural resources in the area and the absorption capacity of the natural environment.
 - The characteristics of the potential significant effects (the extent, magnitude, probability and duration)
- 10.34 Following the submission of this planning application in February 2015, the Council issued a positive Screening Opinion that an EIA was required. The Council issued a Scoping Opinion in June 2015, following consultation with statutory consultees, setting out the factors which must be 'scoped in' to the Environmental Statement (ES). These factors were; noise and vibration, air quality, townscape and visual, heritage, ecology, ground conditions and contamination, socio economic and cumulative effects. Factors which were 'scoped out' were transportation, flood risk and drainage, daylight sunlight and over shadowing and waste. That is not to say that these factors have not been considered as standalone issues but rather that they have not been required to be considered in the Environmental Statement.
- 10.35 Following consultation and feedback on the application as it was originally submitted to the Council, various changes to the scheme were made. At the same time, the applicant revisited their ES in order to ensure that the amended scheme was fully reflected in the document. This was re-submitted in March 2016.
- 10.36 The Council as Local Planning Authority (LPA) has certain responsibilities when determining EIA development. The LPA must demonstrate that they are satisfied that the environmental effects set out in the ES can be satisfactorily mitigated. Therefore, as well as determining the planning application, and if granting planning permission, doing so with necessary conditions or

requirements for Section 106 Obligations, it must also set out in detail how it is satisfied that the environmental effects can be mitigated. In the event that planning permission is refused the same exercise must be carried out. This additional responsibility must be reflected in an addition to the final decision notice and therefore placed on the public register of planning applications and, under Regulation 24 of the 2011 EIA Regulations must include the following information:

- The content of the decision and any conditions attached to it;
- The main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public
- A description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
- Information regarding the right to challenge the validity of the decision and the procedures for doing so

10.37 The LPA must also inform the Secretary of State of the decision.

10.38 The report will now consider, in some detail, the factors that have been considered in the ES, whether any likely significant effects have been identified, and what measures are proposed to mitigate. Each topic is considered in turn and likely effects and mitigation measures are considered at both the demolition and construction stage and the completed development stage.

10.39 It should be noted that the Council has, during its consideration of the ES, received advice from specialists at WYG consultants as to the robustness of the document that has been prepared. The topics that have been considered in the ES do accord with those which were set out in the Council's Scoping Opinion.

10.40 Chapter 7 of the ES considers socio-economics and the likely significant effects on socio-economic conditions within the local community and the wider surrounding area. Baseline conditions have been established through the interpretation of national recognised research and survey information such as the Census, Office of National Statistics data and information in published Council plans and strategies. This chapter of the ES identifies one likely significant socio-economic effect as a result of the proposed development. This effect arises at the completion of the development and is associated with the impact of the proposal on the capacity of educational facilities in the locality. It is proposed to mitigate this impact by way of Section 106 Planning Obligations payments towards additional capacity. This matter will be covered in more detail later in the report.

10.41 Other effects are identified in this chapter, although none are significant in ES terms. There would be a beneficial impact in terms of housing delivery, employment generation and for the economy in terms of increased expenditure in the locality.

- 10.42 Chapter 8 of the ES deals with townscape and visual amenity and the likely effects thereon, both during and post construction. A Townscape and Visual Impact Assessment was undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (Third Edition) (GLVIA3). The assessment was undertaken by way of desk-top study and site survey and a Zone of Theoretic Visibility established. Consideration was given to both designated and non-designated heritage assets as well as wider views from around the locality. Local Townscape Character Areas (LTCA) were identified and categorised in terms of quality and character in order to assess the potential effects that the development would have on a particular townscape. Viewpoints were agreed with the Council and Historic England. Due to the magnitude of the change that would result from the proposed development, a number of LTCA's are considered to experience an adverse effect of moderate significance particularly during the construction period when tall on-site machinery such as cranes, piling rigs and scaffolding will be present at the site. With regard to views it is acknowledged that some views of the site, such as from the Peartree Heritage Trail and from some residential properties to the south, would be changed but this is not considered to be of great significance. It is considered that for pedestrians and motorists passing the site, the proposed development would result in improved views. With regard to the glimpsed views of the site from Hatfield House, a reduction in the visible extent of the silos would result following the demolition of the later silos. However this is not considered to be a significant change to the view of Welwyn Garden City from this location as only glimpsed views through existing vegetation are possible.
- 10.43 One significant effect is identified as occurring during the construction phase and that is an effect on the local townscape character and local views and landscape. The mitigation proposed for this is the provision of hoarding around the site and protection of retained trees in accordance with relevant British Standards. Both of these mitigations can be delivered through conditions and detailed in a construction management plan.
- 10.44 Chapter 9 of the ES addresses Heritage matters. It is informed by the Heritage Statement produced by KM Heritage and identified the value of the heritage assets involved, the magnitude of change as a result of the development and the level of significance of the effect. Whilst heritage matters are addressed in greater detail elsewhere in this report, the ES identifies the Shredded Wheat Factory buildings as being of national importance, given their Grade II listed status. Also identified are the former Roche Factory Office building, also listed at Grade II. The ES considers that the original parts of the Shredded Wheat Factory, i.e. those built between 1924-1926, designed by Louis de Soissons, remain largely in tact and that these elements of the complex are considered to be of the highest significance. It is noted that the monumental nature and form of the first 18 silos made these an instant landmark in the town. The historic value of these buildings is identified as being high due to them being some of the first to be constructed in Welwyn Garden City's 'industrial zone', the principles of the company matching those of the town and the pioneering construction methods used. The communal

value of these buildings is also high and overall, the original 1920s buildings are considered to be of high heritage value.

- 10.45 The ES considers that the later additions to the factory complex, including 27 further silos, the office buildings and the factory floor, have lessened the significance of the original 1920s buildings. In particular the construction of the single storey factory floor building which was built directly against what was, originally, the front elevation of the factory building, leading to the blocking of windows and the loss of the formal entrance. The later 27 silos, whilst of the same construction and built by the same company, are almost identical to the original 18, they are considered to be of less significance as they did not require any pioneering or innovative construction techniques in order to be erected. Nevertheless, it is noted that, of the 1930s and 1950s additions, these are the most significant. The later additions are noted as being of some historic interest as they demonstrated changing manufacturing processes throughout the 20th Century. It is considered that the later additions weakened the communal value of the factory complex, by virtue of those original elements that were lost. Overall, the later additions to the factory complex are considered to be of medium heritage value.
- 10.46 The former Roche office building, constructed in the late 1930s is considered to be of high heritage value, as is Hatfield House, the Grade I listed country house located approximately 4.2km from the application site.
- 10.47 The ES identifies that the direct effect on the Grade II listed former Shredded Wheat factory, during the demolition and construction phase is considered to be adverse and of moderate significance. This is because it involves the demolition of the later parts of the factory complex which will be a permanent effect. With regard to the setting of the original Grade II factory complex from the completed development, this is considered to be a beneficial effect of substantial significance, principally due to the better revealing of the listed structures and their repair and refurbishment. With regard to the Roche building to the south, the impact of the completed development is considered to be beneficial and of moderate significance, particularly when compared with existing conditions at the site. With regard to the setting of Hatfield House it is considered that the effect of the completed development would be insignificant.
- 10.48 The loss of the 1930s and 1950s elements of the Shredded Wheat Factory complex is identified as requiring mitigation. It is proposed that a planning condition be used to preserve a record of these buildings, by way of building recording, prior to demolition.
- 10.49 Chapter 10 of the ES deals with ecology. An ecological assessment was undertaken in accordance with the Guidelines for Ecological Impact Assessment, published by the Chartered Institute of Ecology and Environmental Management (CIEEM). This work included a Phase 1 Habitat Survey, desk studies and faunal surveys, including surveys for the presence of Bats, a European Protected Species (EPS). The application site is considered to have low potential for bat roosts, although some minor features were observed. Existing trees on site also presented some, sub-optimal

opportunities for bats. With regard to the demolition and construction phase it is considered that the removal of these features, and the loss of bat roosting opportunities would be adverse, but of minor significance. With regard to Peregrine Falcons, which were seen on site in spring 2014, a temporary mitigation site has already been established on the phase 2 land to the south and the existing buildings have been made a less favourable environment for these birds to nest. The ES considers that the implementation of the Peregrine Falcon Mitigation Strategy means that any effect on these birds would be insignificant.

- 10.50 In terms of the completed development, the proposed improvements to the ecological value of the site, above the very low baseline conditions, is considered to be beneficial and of minor significance.
- 10.51 The potential for the demolition and construction phase to impact on roosting bats, even though they are not currently thought to be present at the site, is considered significant enough to warrant mitigation. This will be the visual inspection of trees with bat roost potential and a watching brief of the trees and buildings during any felling and demolition. This will be controlled by a planning condition.
- 10.52 Chapter 11 considers ground conditions and contamination. As is considered elsewhere in this report, ground conditions and contamination are a significant factor to be addressed in this proposal. Baseline conditions were established in various remediation and monitoring reports as well as geotechnical surveys and a conceptual site model developed. Each area of the site is considered having regard to the nature of the former uses and the likelihood of contamination being present. In the southern parts of the site in particular, around the former Polycell factory and its associated tanks and storage areas, the potential for contamination in the ground is high. Significant solvent contamination of the groundwater in this area has historically been identified and remediation works to seek to address this and reduce the environmental risks took place between 2008-2013.
- 10.53 Effects during the demolition and construction phase are considered to be insignificant, subject to adherence to legislative requirements. Should contaminated soils and stockpiled demolition waste be exposed to windy conditions, then there is the potential for temporary local adverse effects of minor significance. Similarly with regard to controlled waters, the exposure of areas of hardstanding could lead to short term increases in surface water run-off and piled foundations would be likely to be founded in the underlying chalk bedrock. These effects are also considered to be temporary local adverse effects of minor significance. The potential for effects on human health from ground dissolution is considered to be temporary, site wide adverse effects, of moderate significance.
- 10.54 With regard to the completed development there is the potential, if mitigation measures are not implemented, for some contaminants to remain present in garden areas, that some site vapours may remain in the ground and disperse into the air and there is the potential for ground gasses to be released. Each of these is considered to be of long-term, site wide adverse effect of moderate

significance. The potential for localised instability with ground dissolution is not discounted without further site investigation and in the absence of mitigation is considered to be a long-term, site wide adverse effect of moderate significance.

- 10.55 Mitigation measures are therefore proposed in relation to a number of matters associated with ground conditions and contamination. At the demolition and construction phase it is proposed that the effects on human health and controlled waters from contamination and the effects on human health from dissolution features should be controlled by conditions requiring further site investigation, remediation and validation measures to minimise contamination effects as well as site investigation, design and construction mitigation or remediation to deal with dissolution features.
- 10.56 Mitigation measures proposed for the completed development are to manage the effects on human health from ground gas and vapours and from dissolution features. These will be controlled by site investigation, remediation and validation, and if necessary ground gas and vapour design measures and by way of design and construction measures.
- 10.57 Chapter 12 looks at foul water drainage and takes into account the Flood Risk Assessment and Drainage Strategy that has been prepared. No significant effects are identified at the demolition and construction phase. Once the development is completed and occupied, a significant increased requirement for foul water drainage from the site is identified. It is noted that the existing network may not have capacity for unrestricted discharge and a proposed planning condition has been agreed with Thames Water to manage this. With the implementation of the Drainage Strategy the likely effects on foul water are considered to be insignificant.
- 10.58 Chapter 13 considers noise and vibration having regard to the Noise Assessment which was submitted with the planning application. Potential noise sources considered include demolition and construction noise, commercial noise, service and car parking, plant noise and entertainment noise. Demolition and construction vibration is also considered with regard to potential effects on people within buildings and on buildings through cosmetic damage.
- 10.59 A number of noise sensitive receptors are identified and the effect on all of these during the demolition phase is considered to be insignificant. However, during all of the noisiest construction activities, noise effects are predicted to be adverse and of substantial significance at Salvisburg Court, properties on Penn Way and at potential future residential properties on the site itself.
- 10.60 With regard to vibration, the proposed demolition works are identified as being of insignificant effect on all receptors. Piling operations approximately 20m away from Salvisburg Court are considered to be of adverse effect of minor significance similar to those likely to be experienced close to Penn Way. Cosmetic damage to property due to vibration is considered to be insignificant.

- 10.61 Having regard to the above, mitigation is proposed in the form of noise control measures to minimise noise and vibration. These will be controlled by way of planning condition.
- 10.62 Chapter 14 of the ES considers air quality and is informed by an Air Quality Assessment. As may be expected, the likely significant effects are identified in relation to the demolition and construction phases where dust nuisance and traffic emissions are considered to be adverse and of substantial significance in some locations. No adverse effects are predicted for the completed development.
- 10.63 Having regard to this, mitigation is proposed in the form of dust control measures and measures to minimise construction traffic emissions. These will be controlled by planning conditions.
- 10.64 Chapter 15 of the ES deals with microclimate. The ES notes that daylight and sunlight has been 'scoped out' of the ES and that a separate Daylight and Sunlight report has been submitted which notes only insignificant effects on existing sensitive receptors. It is also noted that, in the UK, the climate is not such that thermal comfort of pedestrians or others using a site can be influenced significantly by the design of a proposed development. This chapter of the ES therefore focusses on wind and its effects upon the comfort and safety of pedestrians and users of the amenity spaces within the scheme.
- 10.65 Some increases in the effect of wind, and its strength, are identified during the demolition and construction phases due to the demolition of some of the buildings around the silos and the effect that this will have on wind conditions at ground level. This is however considered to be insignificant due to the effect being experienced by construction workers rather than the wider public. Effects on the completed development are considered to be beneficial and of minor to moderate significance in respect of pedestrian thoroughfares. With regard to building entrances, the majority would experience a beneficial effect of minor significance, with the exception of Block 2 where the private residential entrances would be one category windier than desired. Ground level and podium areas as well as roof top terrace amenity areas are considered to be suitable for their proposed use and any effect insignificant. In strong winds it is identified that the entrances to the silo building and the thoroughfare at the east end of the silo building would experience winds exceeding Beaufort Force 6 and 7 respectively. However this can be mitigated by landscaping and other measures.
- 10.66 Mitigation with regard to wind is proposed for the completed development to ensure that pedestrian comfort at the thoroughfare around the east end of the silo building and two entrances on the north side of the silo building is maintained. This will be controlled by a planning condition requiring the incorporation of landscaping elements, sculptures or structures to achieve this.
- 10.67 Chapter 16 of the ES considers the likely significant cumulative effects of the proposed development. Two types of effect are considered; Type 1 effects, that is the combination of individual effects on a particular receptor, and Type

2 effects, the combination of effects from several developments which individually might be insignificant but when considered together could create a significant cumulative effect.

- 10.68 Likely significant Type 1 effects are interactions during the demolition and construction phases of the work considered likely to result from temporary, local, adverse effects from noise, vibration, dust nuisance, traffic emissions and visual effects.
- 10.69 Committed and proposed schemes have been identified in respect of Type 2 effects, these are the new public house at the corner of Bessemer Road (now complete) and Bridge Road, the adjacent Pall Mall site which forms the remainder of the Broadwater Road West SPD site and Welwyn Garden City Town Centre North. In combination with the application scheme beneficial effects are predicted in respect of socio-economics having regard to employment generation, household expenditure and the delivery of new housing. With regard to townscape and visual amenity, were all of the developments to take place at the same time, there is the potential for adverse effects of substantial significance.
- 10.70 Type 2 effects on heritage, ecology and foul water drainage are considered to be insignificant. With regard to noise and vibration the likely Type 2 effects are predicted to be adverse and of moderate significance at Salvisburg Court and for some blocks of the proposed development itself as would effects associated with air quality. Effects on the microclimate, and wind in particular, are considered to be insignificant.
- 10.71 This completes the analysis of the topics that were included in the ES. What remains to be considered are alternatives and the design evolution. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended 2015) require an ES to provide “an outline of the main alternatives studies by the applicant..... and an indication of the main reasons for the choice made, taking into account the environmental effects”.
- 10.72 The applicant did not consider any alternative sites because the site is already located in an area for redevelopment which has been allocated by the Council in the adopted District Plan and SPD. The alternative land uses that have been considered by the applicant are ‘no development’ ‘alternative land uses’ and ‘alternative designs’.
- 10.73 The no development scenario would result in the site remaining underutilised and without redevelopment would lead to missed opportunities in respect of no creation of a new mixed use neighbourhood, no provision of homes, no provision of community facilities, no job creation, no new public spaces and no improved pedestrian links between Broadwater Road and the town centre.
- 10.74 Alternative land uses considered included the 2010 planning application for commercial led mixed use redevelopment, which was refused planning permission. Having regard to that refusal of planning permission it was considered that the change of emphasis to a residential led mixed use scheme would be preferable.

- 10.75 With regard to alternative designs it is noted that the key objectives were established by the SPD once the decision was taken that a mixed use scheme would be sought. The key principles of the development in terms of its objectives and principles of the layout remained the same from the outset of its design. However, they were refined during the design of the development and in response to environmental constraints and opportunities. The ES lists the numerous changes which have been made to the design.
- 10.76 It is considered that a satisfactory analysis of the alternatives studies by the applicant has been provided.
- 10.77 Finally in this section of the report, it is considered best practice to set out the likely significant effects that have been identified, along with proposed mitigation, the mechanism for securing this and the responsible party. The applicant has done this in their ES and it is repeated here.

Mitigation to address effects during Demolition and Construction

Effect	Mitigation Measure	Mechanism for Securing	Responsibility for Implementing.
Townscape and Visual Amenity: effect on local townscape character, local views and landscape	Provision of hoarding around the site and protection of retained trees in accordance with British Standards	Planning Conditions	Applicant
Heritage: Loss of 1930s and 1950s additions to the former Shredded Wheat Factory	Preserve by record through building recording prior to demolition	Planning Condition	Applicant
Ecology: Effects on roosting bats	Visual inspection of trees with bat roost potential and watching brief of other trees and buildings during demolition/felling	Planning Condition	Applicant
Ground Conditions and Contamination: Effects on human health and controlled waters	Site investigation, remediation and validation, measures to minimise contamination effects on controlled waters	Planning Conditions	Applicant
Ground Conditions and Contamination:	Site investigation, design and construction	Planning Condition	Applicant.

Effects on human health from dissolution features	mitigation and/or remediation		
Noise and Vibration: Noise nuisance and human disturbance from vibration during piling	Noise control measures to minimise noise and vibration	Planning Condition	Applicant
Air Quality: Dust nuisance and construction traffic emissions to air	Dust control measures and measures to minimise construction traffic emissions	Planning Condition	Applicant

Mitigation to address effects for the Completed Development

Effect	Mitigation Measure	Mechanism for Securing	Responsibility for Implementing
Socio-economics: Effect on capacity of education facilities	Financial contribution towards education facilities	Section 106 Agreement	Applicant and Hertfordshire County Council
Ground Conditions and Contamination: Effects on human health from ground gas/vapours	Site investigation, remediation, validation and, if necessary ground gas/vapour design measures	Planning Condition	Applicant
Ground Conditions and Contamination: Effects on human health from dissolution features	Site investigation, design and construction mitigation and/or remediation	Planning Conditions	Applicant
Wind: Effect on pedestrian comfort at the thoroughfare around the East end of the silo building (block 5) and two building entrances on the North side of the	Planning Condition	Applicant	

silo building (block 5)			
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3. Design and Appearance

- 10.78 The National Planning Policy Framework (NPP) 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 NPPF sets out that, amongst other things, *“local planning authorities should aim to ensure that developments 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 potential of the site to accommodate development, create and sustain an appropriate mix of uses including public and green space, respond to local character and history, create safe and accessible environments and ensure visually attractive places as a result of good architecture and landscaping”*.
- 10.79 The Council has been advised in matters of urban design by specialist consultants from Tibbalds. Together with Council officers, Tibbalds have been able to provide feedback to the applicant in order to evolve the scheme since its original submission. A significant amount of consideration and detailed work has gone into the consideration of urban design issues and to reiterate all of that in this report would not be practicable. However, the key design objectives that are set out in the SPD will be addressed in detail.
- 10.80 Whilst written before the publication of the NPPF, the Broadwater Road West Supplementary Planning Document (SPD) and the design policies of the 2005 Welwyn Hatfield District Plan seek many of the same objectives. The District Plan sets out key design principles of character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 10.81 The SPD takes these themes further and seeks to apply them to the wider Broadwater Road SPD site. As has already been mentioned, elements of the SPD site have already been developed in the case of the Taylor Wimpey development close to the Roche building, or await potential re-development, in the case of the Pall Mall building. Elements of these developments are successful, to a degree, in complying with the SPD, but they have compromised the ability of the site, as a whole, to fully deliver the aims of the SPD.
- 10.82 The SPD seeks to deliver a scheme set around block forms. It suggests that the site should be characterised by large blocks, continuous building lines and active frontages, wide streets and tree planting. Perimeter blocks are encouraged as well as clear definition between public and private spaces. It is considered that the proposed scheme is successful in these regards. The site has been broken down into large blocks, each of which is clearly distinct from the next due to the use of streets, footpaths and planting. Strong perimeter buildings would be constructed along Bridge Road and Broadwater Road with

a clear rhythm to the height, mass and form of these buildings. Each of these perimeter buildings would present an active frontage to the street as well as being supported by tree planting and areas of soft landscaping. The layout of each block, around a central landscaped area, allows for a clear definition between the public streets, squares and green spaces, and the more private residential areas.

- 10.83 In terms of building heights, the SPD sets out the view that the listed buildings should be incorporated as landmarks on the site and the silos in particular should stand out. The SPD specifically states that “it is generally considered that the buildings on the site should not be more than 5 storeys in height”. However, it goes on to state that “where new development on the site is proposing development of 5 storeys or more the resulting scheme will be assessed with regards to both the contribution that such height could bring and any adverse impacts”. The SPD then goes on to set out criteria that will be used in reviewing such schemes.
- 10.84 As has been set out earlier in this report, phase 1 of these proposals is fully detailed at this stage, however phase 2 is not. Having said that, a design code, including parameters for buildings heights, for phase 2 has been submitted and will be conditioned in order that phase 2 is reflective of both the height, but also overall design quality, of phase 1.
- 10.85 Building heights on phase 1 do vary, however, from between 2 and 8 storeys in height, although it is acknowledged that the majority of built form on the site would be 6 storeys in height. Attention should be drawn to proposed building 6A which would be located at the corner of Bridge Road and Broadwater Road. There has been extensive discussion between the applicant, Council officers and the Council’s design advisors in respect of both the height and mass of this building. The applicant contends that the location of the building, at the junction of the two roads, is appropriate for such a “landmark” building. Having regard to the criteria for tall buildings which is set out in the SPD, such a tall building is, on balance, considered to be acceptable in this location. The applicant has revised the massing of the building in order that the first 6 storeys are constructed of matching brick, with the upper 2 storeys being metal clad. This, combined with the darker brick base, helps to ground the building in its location. This building, despite its height, would not be out of context with surrounding buildings and the way that the perimeter blocks along both Bridge Road and Broadwater Road would step down from this point would create quite a successful transition. There should be no doubt that this building would be tall, and taller than all of those in the surrounding area. However, given its location close to a busy junction, and at some distance from the listed buildings on the site, it is considered to be acceptable in this case.
- 10.86 Elsewhere on the site 6 storey buildings would predominate, particularly in the perimeter blocks. However, the heights of the buildings closest to the listed buildings, and around the proposed public square have been designed carefully to take account of the historic context of those parts of the site.

- 10.87 Also of note is building 2B. The composition of this block is ordered and its massing is articulated with some elements of set back and with variety in its height. This would however be a long block at almost 80m onto the railway line side and it will appear large, especially when viewed from the railway. However, this elevation is proposed to be softened with the introduction of hedge planting to upper level terraces which would be maintained in estate rather than by private residents. Planting is also proposed to soften the walls of the podium and more tree and other soft landscaping would be included in the area to the west of the block which would further serve to soften the appearance of this building. As with the remainder of the landscaping for this site, this would be secured in a landscape management plan as part of the Section 106 Agreement.
- 10.88 Turning to legibility, the SPD sets out that this means the creation of a place that has a clear identity, which is easy to understand. To enhance legibility, a hierarchy of streets and network of routes and spaces should be established and the presence of street planting should reinforce this. The proposed scheme is considered to be largely successful in this regard. Hydeway is clearly presented as the primary route into and through the site. This is demonstrated both by its width and also its planting of trees on both sides of the street, leading to the main central square and on to the east – west link over the railway lines. Four further access points to the site from Broadwater Road are also proposed, each of which is less grand in its appearance than Hydeway, of smaller proportions and with more limited tree planting. Links to the site are also proposed from Bridge Road in the north, including through the provision of a new pedestrian footbridge. Pedestrian routes throughout the site, both north – south and east – west are clear and of good quality. The east – west links in particular should serve to improve connectivity of the wider east side of the town with the town centre on the west side of the railway lines.
- 10.89 The objectives of adaptability and diversity are well addressed by the scheme. The proposed leisure and retail units are adaptable with flexible ground floor design options. There would also be a flexible community use space in block 2 with residential units above. The development would deliver a wide range of residential unit types and sizes and the ‘Lifetime Homes’ standard has been adopted in the scheme. The public spaces in the scheme have been designed so that they can be used for a variety of different activities, although specific areas are also set aside for play, recreation and allotment use.
- 10.90 Continuity and enclosure principles have been incorporated in the scheme. As has already been discussed, public, private and community spaces have been well distinguished. Open spaces are well overlooked by residential properties throughout the development and active frontages predominate throughout. Whilst the development is not proposed to explicitly deliver ‘Secured by Design’ standards, the submitted Housing Standards Compliance paper does set out measures to ensure the security of people and property.
- 10.91 The quality of the public realm and the landscape design scheme are indivisible in this proposal. An extensive, detailed and high quality landscaping scheme has been proposed and, if planning permission is granted, would

form part of the set of approved plans and documents. The planting scheme proposed is reflective of the wider character of Welwyn Garden City and has been designed in conjunction with the Council's own landscaping and tree officers. The proposed hard surfacing materials would be of high quality and would significantly enhance the appearance of the area. Of particular note is the addition of landscaping features to the facades of many of the buildings themselves. For example building 2A which would face onto Goodman Square which features a rationalised grid of balconies and windows with faceted balconies and horizontal and vertical planting. It is considered that this will help to soften the scheme and present a more verdant façade to Goodman Square.

- 10.92 Vehicular, pedestrian and cycle routes throughout the scheme are clearly legible and follow the principles that have been set out in the SPD. East – west and north- south connectivity is good and high quality access for commuters to the train station would be maintained. The scheme proposes a good amount of public cycle parking, although measures to increase this will be sought by condition. Easy access is maintained to the train station and the bus station, close to the Howard Centre. Indeed, access to both of these public transport nodes would be greatly enhanced as a result of the construction of the Goodman Pavillion in phase 1 which would deliver new, wider, access steps to the railway bridge as well as a lift to bridge level. Alongside this, a financial contribution is proposed to be made towards the upgrading of the surface and lighting on the pedestrian railway bridge, further. Although the delivery of this will be reliant on Network Rail, this will further improve the experience of pedestrians, subject to planning permission being granted.
- 10.93 Finally, the SPD gives guidance on parking at the site. This will be dealt with in far greater detail later in this report.

Landscape Design Proposals

- 10.94 The landscape design proposals for the proposed development are extensive and relate to both hard and soft landscaping as well as tree and other planting.
- 10.95 The Landscape Design Statement sets out a number of design principles which are aimed to be achieved on the development site, these include:
- Responding to the character and history of the town
 - Embracing core Garden City design principles
 - Improving east west connectivity
 - Providing areas for the community to grow its own produce
 - Creating active and interesting spaces, both day and night
 - Achieving a balance between public and private spaces

- Responding to policy requirements in terms of design, play provision, sustainability, climate change and green infrastructure.
- Provide high quality open space and landscape reflecting Garden City principles

10.96 The proposed landscaping scheme is, following amendment through the course of the negotiations, considered to be meet these objectives, resoundingly. The quality of the materials specified for the landscape of the development is high, both in the public and private realm. This is important because it will ensure that the development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, a key requirement set out in paragraph 58 of the NPPF. The proposed scheme is considered particularly successful in the way it has defined different landscape uses throughout the development. Areas for communal use such as the allotments and play areas, as well as the public spaces such as Goodman Square and The Weave will be strong features of the development.

10.97 The Broadwater Road West Supplementary Planning Document (SPD) seeks the delivery of a landscape design which includes tree-lined avenues, high quality public green space and multi-functional community parks, attractive play spaces, a consistent approach to hard landscaping, active frontages, well lit spaces and materials to define public and private space.

10.98 Trees are proposed to line the re-modelled Hydeway and for this to continue through Goodman Square. Similar tree planting is proposed at each new road entrance to the site as well as along the Bridge Road frontage and within the pedestrianised areas of the site. High quality green space would be created as part of phase 2 in the delivery of The Weave which would also serve as a pedestrian route through this part of the development.

10.99 The proposed scheme also includes an external games area, combined with a Local Area of Play (LAP) which is aimed at older children, as well as a integrated doorstep play within each communal residential garden area. A formal LAP and a Local Equipped Area of Play (LEAP) are proposed as part of phase 2.

10.100 As well as a landscaping scheme at ground level, key themes have been applied to the elevations and roofs of the buildings. In particular, the elevation of Building 2A facing onto Goodman Square includes vertical and horizontal planting in the form of formal hedgerows, climbers and trailing planting mix. A similar approach has also been applied to building 2B and Block 3, which is important given the prominent visual position of these buildings in relation to the railway line.

10.101 The proposed landscape design will form a crucial part of the success of this proposed development. The landscaping scheme that has been proposed is of high quality, as is required for this important scheme. Once delivered, it is considered that the landscaping scheme will form an excellent

setting for this part of the town as well as being a high quality environment in which to live, work or for leisure.

10.102 Overall, the design of the proposed scheme, as set out in detail for phase 1, is considered to be of high quality and to meet the design requirements that have been set out in the SPD. The proposed range of materials is considered to be of high quality, both in terms of the buildings themselves, but also the proposed areas of public and private open space. The majority of the proposed buildings would be constructed of brick, a material most common in Welwyn Garden City, and this, combined with large areas of glazing and a modern design approach, is considered to deliver a high specification scheme that is fit for this important site within the town.

4. The proposed Mix of Uses

10.103 The proposed mix of uses for this scheme is set out in some detail in the earlier section of this report covering the description of development. Policy EMP3 of the 2005 District Plan, as well as the 2008 Broadwater Road West SPD both require that this site, as part of the wider allocated site, delivers a mix of uses including employment, housing, leisure and rail related uses.

10.104 The scheme being considered does, largely, meet this requirement. The proposals are clearly residential led with 357 residential units proposed as part of phase 1 and 493 residential units proposed in phase 2. Phase 1 would also deliver 572sqm of Class A1 retail, comprising a small convenience shop and a bicycle sales/repair shop, 1,704sqm of Class A3/A4 space for restaurant, café, bar and pub use, with a further 224sqm of Class A3/A4 use in phase 2. 6,370sqm of Class B1 (a) offices, in the form of the conversion of the former production hall building. Alongside this would be 746sqm of Class D1 community use floor space, 836sqm of Class D1 healthcare floor space, 650sqm of Class D1 Creche, also within the converted production hall building, 2,554sqm of Class C1 boutique hotel/budget hotel use, in the form of the conversion of the retained grain silos and 703sqm of Class D2 gym/dance/fitness studio use.

10.105 The description of development also allows an element of flexibility within phase one in respect of 70 of the proposed residential units within block 3. It is proposed that, if demand is found to exist, these 70 units could be used for Class C2/C3 care/assisted living dwellings.

10.106 Given the amount of retail and leisure floor space that is being proposed as part of the scheme, it is important to consider whether any impact on the vitality and viability of the nearby town centre should be considered. Policy SP5 of the emerging Welwyn Hatfield Borough Council Local Plan seeks to set a local threshold of 500sqm, above which it would have to be shown that the impacts of such a proposal would not have an unacceptable impact on the town centre. The National Planning Policy Framework (NPPF) sets out at paragraph 26 that "*where there is no locally set threshold, the default threshold is 2,500sqm*". There is no threshold set in the current 2005 District Plan and, having regard to, the still relatively early,

stage of preparation of the new Local Plan which has not yet been examined, it is considered that the NPPF threshold is the one which should apply in this case.

10.107 The applicant has been mindful of this in formulating their proposals and has proposed exactly 2,500sqm of retail and leisure floor space. As such, it is not reasonable to require an impact assessment in this case.

10.108 One aspect of the proposed mix of uses that will need to be considered carefully is the juxtaposition between uses that are noise sensitive and operate at different times of the day. For example, parts of the ground floor of blocks 2, 7 and 8 would all feature café/restaurant A3 uses in close proximity to residential properties above. As well as this, the use of parts of the retained listed buildings would be for café and bar uses, falling within use classes A3 and A4. Whilst these units would not be located immediately below residential properties, their proximity means that there is still potential for disturbance to be caused. It is true that, where a licence is required for these premises, additional control over the hours of operation could be applied. However, it will still be necessary to apply conditions to control the hours of use at this stage and this will be dealt with in more detail in the section of this report on environmental health matters. It is considered however that an acceptable relationship between these uses can be achieved.

10.109 Having regard to the range of uses proposed, the scheme is considered to provide an appropriate mix of uses which would, in this regard, comply with both the District Plan and the adopted SPD. It is noted that no specifically rail related uses are proposed as part of the scheme, however, the existing vehicular access to the railway lines, which runs around the western boundary of the site before adjoining Bridge Road, would be maintained.

5. Impacts on the Historic Environment

10.110 In considering the impacts of the proposed development on the historic environment, three separate, but related, strands must be addressed. Firstly, the impact of the proposed development on the setting of the listed buildings in the locality, principally the former Shredded Wheat factory, but also the nearby Roche building. Secondly, the impact of the proposals on the significance of the listed buildings which are proposed to be partially demolished and converted. Thirdly, the impact of the proposed development on the setting of the Welwyn Garden City conservation area.

10.111 In order to understand the impact of the proposed development on the setting of the listed buildings and the nearby conservation area, it is first important to consider both the history of the buildings and the proposed works to the listed buildings themselves.

10.112 As noted in advice from Historic England (June 2015), Welwyn Garden City was the second of the garden cities created following the establishment of the Garden City Association in 1899. The town was founded in 1919-20 and the development company, Welwyn Garden City Limited, was established in April 1920. Louis de Soissons was appointed principal architect and

planner. The principles governing the development of the town required it to be a self-sustaining community including the provision of a zone for industry to the east of the railway line and close to the heart of the town. The Shredded Wheat Company was one of the earliest to be drawn to the town, attracted both by its situation and by the congruence between its own principles and that of the new town.

- 10.113 The Statement of Significance by KM Heritage (February 2015) describes how Louis de Soissons prepared designs for the factory between March and July 1924 and the factory opened in March 1926. The construction methods used were innovative in that it was amongst the first buildings in Britain to be constructed using the flat-slab construction method which had been pioneered in Europe and taken up in America. This involved the use of sliding shutters which were deployed to enable the casting of the concrete silos to continue day and night.
- 10.114 Historic England (June 2015) note that the factory, as it is now, is the product not merely of the initial phase of construction but of subsequent expansion in the 1930s and 1950s and also of alteration in the 1960s. These expansions included a later single storey production floor in the 1930s and additions for offices and other functions in the 1950s.
- 10.115 What is now proposed for the listed buildings that form the Shredded Wheat complex is, essentially, to reduce the Shredded Wheat factory back to its original form and to adapt those original buildings to be used for primarily offices, in the case of the multi-storey production building, and adapting the original silos for use as a hotel with two residential apartments in the attic space above. In order to achieve this, extensive works of demolition, alteration and restoration would be required. These works would involve the demolition of the single storey production hall and the silos added in 1937-9 and the further extensions and office ranges of the 1950s, as well as the demolition of 27 silos constructed after the original range. It is also proposed to reinstate the original entrance to the east of the multi-storey production building and to recreate the partly landscaped area in front of this principal elevation. It is also proposed to restore the elevations of the multi-storey production building, removing various additions that have taken place as well as the green panels, applied in the 1960s, and areas of brickwork which were inserted to reduce the size of windows. Further, the structure would be repaired and the original combination of painted concrete and brickwork and panels of tiling would be restored. The assortment of later windows would be removed and new Crittal windows would be inserted to the original pattern.
- 10.116 Internal alterations to the multi-storey factory building would be confined to the creation of an atrium within the heart of the building, necessitating the removal of parts of the floors, and the installation of services grouped in blocks. It is proposed to take a similar approach to the Grain House and Boiler House with both buildings being stripped of later additions and restored essentially to their original appearance. They would be re-fenestrated in the same way as the main production building.

- 10.117 In terms of the silos that it is proposed to retain, extensive works are required in order to adapt them for the proposed use as a hotel. The interior would be re-ordered to provide circulation, hotel rooms and bathrooms and this would require the creation of floors, the insertion of lifts and stairs and the creation of fenestration. In terms of the fenestration, narrow, continuous bands of vertical windows are proposed to be set deep within the most recessed parts of the elevations.
- 10.118 As can be understood from the description given in the previous paragraphs, the proposed works to the listed buildings on the site would be extensive. In terms of the impact of the proposals on the setting of the listed buildings, ongoing advice has been received from both Historic England and the Council's own Conservation Officer. In order to understand the impact of the proposals on the setting of the listed buildings, the proposals across the entire site must be considered.
- 10.119 Advice from Historic England (HE), in respect of both the application as originally submitted and the amended proposals, takes the form of written advice dated 9 June 2015 and 2 October 2015. Whilst HE was consulted on the 201 amendments to the scheme, no further comments were made. In their advice it is noted that the proposals form a large scale development which has significant implications for the historic environment of the town, the listed factory buildings and the character and appearance of the conservation area. Further HE note that the masterplan for the town envisaged a civic and commercial centre for the town on the west side of the railway lines balanced by a factory area on the east. The proposed development is for a mixed use, although largely residential and would erode the clarity of de Soissons' original masterplan and would thereby result in a degree of harm. HE do helpfully note however that the Council would have already considered this matter of principle when it chose to adopt the SPD for the site, setting out a mixed use approach. Consideration should also be given to the more recent developments in this part of town which have included a number of 'permitted development' residential schemes as well as retail and pub uses and their consequent effect on the character of this part of the town.
- 10.120 HE raise concerns regarding the overall scale and form of the new-build elements in the northern part of the site (phase 1) and the implication that this would have for the visual supremacy of the silos of the shredded wheat factory. Since those comments were made, further efforts have been made by the applicant to address this issue, including the reduction in the height of building 6B from 8 storeys to 6 storeys as well as the reduction in height of the podium to block 2. Both of these changes to the scheme enhance the available views of the listed buildings from the railway footbridge and from Bridge Road itself, as well as serving to reduce the height of the buildings which would surround the listed range meaning that they are less competitive in views.
- 10.121 HE note that the character and appearance of the Welwyn Garden City Conservation Area is that of predominantly low-rise housing laid out in tree lined streets with a similar loose-knit and modestly scaled commercial district forming the town centre. HE note that, whilst the proposal does involve some

degree of terraced housing, the range of apartment blocks above podia would dominate its appearance and, in their view, be fundamentally contrary to the established character of the town. HE would favour a development based on terraced house forms laid out in traditional streets and squares that would better reflect the established form and grain of the town.

10.122 HE conclude that, in their opinion, the scale, form and massing of the new build elements may result in some degree of harm to the significance of the Shredded Wheat factory and the Welwyn Garden City Conservation Area as a result of adverse impacts on their setting. It is for the Local Planning Authority to be satisfied that the overall quantum of development is the minimum necessary to secure a financially viable and deliverable redevelopment for this brownfield site. The views of the Council's own Conservation Officer, in respect of the setting of the listed building are similar.

10.123 In respect of the proposed works to the listed buildings themselves, advice from Historic England (HE) is largely supportive, except with regard to the proposed demolition of the 27 later silos. HE acknowledge that, whilst the historic fabric of the buildings and, to some degree, their significance would be affected by the alterations that are required for conversion and demolition, the approach to the majority of the complex is broadly appropriate. HE set out that, having assessed the significance of the factory complex, the loss of the later production floor and offices would not materially harm the significance and special interest of the factory. With regard to the 27 silos which are proposed to be demolished it is the view of HE that this loss would materially harm the significance and special interest of the factory complex.

10.124 These comments in respect of the setting of both the listed buildings and the conservation area and the works to the listed building itself have been considered carefully. In respect of the conservation area, it is considered that the proposed scheme would represent a significant departure from the prevailing character of that area. However, the conservation area boundary is located on the opposite side of the east coast mainline railway line. This means that those elements of the conservation area that are closest to the site are the rear elevation of the Howard Centre shopping mall, the surface car park at Osborn Way and Hunters Bridge multi-storey car park. It is considered that in terms of interaction with the conservation area, this would be limited, although it is noted that views to the site would be achievable from some other parts of the conservation area. Also, whilst the character of the conservation area itself may be of low rise housing of a loose knit density, this site is not in the conservation area, it is on the edge and forms a transition to the wider employment area of the town.

10.125 In terms of the setting of the listed buildings, paragraph 128 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting". The applicant has done this in the form of the submitted Heritage Statement.

10.126 The applicant has advanced the case that, rather than causing harm to the setting of the listed buildings, the proposed development has been

designed to ensure that the remaining listed structures are better revealed both architecturally and in terms of use and ensuring that they become a key focal point of the masterplan. The spaces around the listed buildings have been designed to give visitors, users and occupiers a better appreciation of the complex and the use of these spaces is designed to create activity and vibrancy. The proposed new Goodman Square adjacent to the Boiler House/Grain House and silos will be a key public space linking the east and west of the town, with the listed structures forming the principal backdrop. The de Soissons Gardens to the eastern front of the Production Hall will reinstate a formal open space, providing the setting for the reinstated grand entrance to the building and restoring the integrity of that frontage. It is also the view of the applicant that the design rationale for the new buildings on the site has been drawn from historic Garden City principles. Building heights have been considered to ensure that the dominance of the listed factory buildings is maintained and opened up in a way not seen since the 1930s.

10.127 With regard to the proposed demolition of the 27 silos the applicant states, the architects for the scheme undertook a masterplan study of how the scheme would have to change if all of the silos were retained. This showed that a wide range of design changes would be required including; the omission of building 7B, resulting in the deletion of 26 residential units and 253sqm of A3/A4 floor space, due to its location on the site of the later silos. A lowering of the height of the surrounding buildings would also be required. In order to preserve the setting of the additional retained silos, the architects also anticipate that building 7D would have to be shortened, likely to lead to the loss of a further 4 or 5 residential units. It is also suggested that the majority of the 5 four storey town houses in block 7, fronting Louis de Soissons Gardens would be significantly affected by overshadowing from the silos, both internally and externally in their garden areas. It is suggested that the microclimate in the immediate area would also be adversely affected. 2 four storey town houses in block 6 would also be omitted in order to maintain the formal nature of the space. The loss of these townhouses would also result in reduced overlooking of the Louis de Soissons Gardens public space. The retention of the silos would allow for the creation of two additional penthouse apartments.

10.128 To summarise, the retention of all of the silos is predicted to result in the loss of 38 residential units from the scheme, the creation of 2 new penthouses and the loss of between 380 and 680sqm of A3/A4 floorspace.

10.129 The views of both the applicant and Historic England and others have been considered carefully. On balance, the conclusion is drawn that some harm would be caused to the setting of the listed factory complex. Existing views of the listed buildings would be compromised to some degree both from the railway bridge, Bridge Road and to some extent Broadwater Road. However, this harm is considered to be less than substantial. It is never going to be the case that these buildings will be seen once again in the context in which they were originally set out, that being with a connection to large open spaces and the countryside beyond, and we must be realistic about the nature of this large, vacant brownfield site, close to the centre of the town. Having

said that, it is considered that the remaining silos, once restored along with the Production Hall and other retained buildings, will continue to dominate the factory composition particularly when viewed from the west. It is also the case that the significance of the original buildings on the site has been compromised somewhat by the later additions to the buildings. It is considered that the proposed scheme has been designed to better reveal elements of the listed buildings. It is considered that only very modest harm would be caused to the setting of the Welwyn Garden City Conservation area, for the reasons set out above.

10.130 This leaves consideration of the level of harm caused to the listed buildings themselves. The view of Historic England is that the proposals are flawed in respect of the grain silos. They consider that the proposed demolition of the later silos would outweigh benefits to the significance of the shredded wheat factory that would follow from other aspects of the work. They express the view that, whilst this harm would be serious, it would not be “substantial harm” in the terminology of the NPPF.

10.131 Paragraph 131 of the NPPF states that *“local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness”*.

10.132 Paragraph 132 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight.... Any harm or loss should require a clear and convincing justification”*.

10.133 If it is accepted that the proposed demolition of the 27 silos would cause harm to the significance of the heritage asset, but that this harm is less than substantial, then paragraph 134 of the NPPF is engaged. This paragraph states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use”*.

10.134 The public benefits of the proposed scheme are many and varied. Firstly, the scheme will help to deliver the regeneration of a brownfield site, close to the centre of the town, which has been vacant for 9 years. It would help to deliver the aims of the Council’s adopted Broadwater Road West SPD. The scheme will deliver up to 850 new dwellings, and forms a key part of projected housing delivery in the Borough. There will be significant improvements to the built environment within and around the site, including high quality public spaces and high quality landscaping. The scheme will also deliver community benefits in the form of a community centre building, skatepark, healthcare facility and local jobs both during and post construction. The core 1920s listed buildings would be retained, refurbished and put to a

viable new use enabling their conservation for the future. The site would be opened up through a series of public spaces and improved permeability and connectivity and the public more widely would be able to enjoy the restored listed buildings. The scheme would enable significant improvements to the surrounding highway network and a wide range of biodiversity improvements.

- 10.135 All of the factors set out above must be weighed against the less than substantial harm that would be caused by the demolition of the 27 silos and the later factory complex extensions
- 10.136 Protecting and enhancing the historic environment is one part of the environmental role of the planning system and in turn, the environmental role is one of three, along with the economic role and the social role, which together form the three dimensions of sustainable development, as envisaged by paragraph 7 of the NPPF. The NPPF advises that *“these roles are mutually dependent and that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including; making it easier for jobs to be created, moving from a net loss of bio-diversity to a net gains, replacing poor design with better, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes”*.
- 10.137 The proposed scheme would deliver all of these positive improvements as envisaged by the NPPF, including to the historic environment, by virtue of the restoration of the original listed buildings and their conversion to a viable future use. It should be borne in mind that the applicant has demonstrated the likely effect that the retention of all of the silos would have on the scheme, including the loss of a number of residential units. The applicant has demonstrated, and had verified by the Council, the limited viability of this scheme. The retention of all of the existing silos on the site is considered likely to compromise that overall viability to a level that would compromise the scheme as a whole, a matter which is covered in more detail later in this report.
- 10.138 The significance of the listed buildings would be harmed by the demolition of the later 27 silos and this would be contrary to one of the aims of the SPD for the site. However, when compared with the range of other benefits that would result from the scheme it is considered that this harm is outweighed.
- 10.139 It is noted that Policy R27 ‘Demolition of Listed Buildings’ of the Welwyn Hatfield District Plan 2005, which takes a criteria based approach, includes a requirement for “clear and convincing evidence that it is not practicable to continue to use the building for its present or previous use and that no viable alternative uses can be found, and that preservation in some form of charitable or community ownership is not possible”.
- 10.140 In terms of the criteria based approach of Policy R27 of the District Plan, it is considered that for point the key point outlined above, the approach that has been taken by the applicant is that demolition of the later additions to

the listed building would be beneficial to the preservation and enhancement of the heritage asset as a whole and therefore alternative uses, for the elements to be demolished, have not been sought. Given that Historic England have taken the view that, with the exception of the later silos, the proposed works to the listed building are generally supported, this is considered to be a reasonable approach. With regard to the later range of silos that are proposed to be demolished, evidence has not been provided to show that these have been marketed for an alternative use. However, the applicant has provided evidence to show that the retention of these 27 silos would compromise the remainder of the scheme to the extent that viability would be adversely affected. This, on a scheme that is already shown to be on the edge of viability. A judgement must therefore be taken as to whether the harm is justified by the other benefits, a conclusion that has been reached elsewhere in this report.

10.141 To conclude on heritage matters, it is considered that, whilst some harm to the listed buildings, and their setting, would be likely to result from the proposed scheme, this harm would be less than substantial. The public benefits of the proposals have been weighed against the identified harm and found to outweigh that harm. Having said that, the proposals do represent a viable new use for the retained elements of the listed buildings. It is acknowledged that these listed buildings are a landmark in the town and add to the character and identity of Welwyn Garden City as a place. It is considered that the proposed scheme will help to preserve this character by restoring the buildings, putting them to a viable new use, and maintaining key views of the site. It is considered appropriate that the works to restore the listed buildings should be controlled by condition and linked to a reasonable point in the occupation of the wider development. This is a justified approach and one which learns from the difficulties that have been faced with the former Roche administration building on the site to the south.

6. Highways, Parking and Public Transport

10.142 This section of the report will consider the impact of the proposals on the surrounding highway network, the proposed on and off site highway improvement works, proposed levels of car and cycle parking and public transport provision, including information on the proposed upgrading of the pedestrian bridge over the railway and accessing the railway station.

10.143 The first point of note in this section is that Highways England has been consulted, in terms of the impact on the strategic road network, and has advised that they offer no objection to the scheme on that basis.

Highway Improvements.

10.144 The applicant has worked in a proactive and ongoing basis with Hertfordshire County Council (HCC) as highways authority in order to ensure that both the modelling and trip generation and distribution that has been used has been as they would wish to see. A detailed Transport Assessment (TA) has been submitted by the applicant, along with a range of further technical notes. In particular, it has been agreed between the applicant and HCC

Highways that a comparison between the proposed scheme, combined with the existing Pall Mall and Roche developments, against a theoretical scheme that would comply with the SPD for the site, would be an appropriate basis on which to consider highway impacts.

- 10.145 Hertfordshire Highways has provided comments on the application, but officers have also been involved in ongoing discussions regarding the scheme and its evolution over the last two years.
- 10.146 The TA has considered the impacts of the proposed development on a number of junctions in the vicinity of the site. This analysis has established where junction operating capacities may be exceeded in future years, and what mitigation measures could be implemented in order to overcome that impact. Each junction has been modelled using the ARCADY software, a computer package which serves to predict likely impacts of the development.
- 10.147 Bridge Road/Osborne Way/Wigmores Roundabout – this junction is predicted to operate within capacity in all future years with development traffic during both the AM and PM peak hours.
- 10.148 Bessemer Road/Centra Park Roundabout - this junction is predicted to operate within capacity in all future years with development traffic during both the AM and PM peak hours.
- 10.149 Broadwater Road/Hydeway Junction (as existing) – At this junction it is noted that the Hydeway arm would operate over capacity in the PM peak hour in 2020 and 2025. However, this modelling took place when unrestricted parking was still allowed on Hydeway which will not be available in future. Junction improvement works are proposed as part of the development and this will involve increasing the kerb radii on the western arm of Hydeway and the whole junction becoming a raised table.
- 10.150 Broadwater Road/Osborn Way/Stanborough Road Roundabout – At this junction it is noted that the Stanborough Road arm will operate over the desired capacity in the AM peak by 2020 and 2025. The maximum delay would be just over a minute. The mitigation measures proposed are to widen the entry width of the Stanborough Road arm to 8.5 metres. This will allow the arm to operate within capacity in both peaks in all the future year scenarios tested.
- 10.151 Broadwater Road/Broadwater Crescent/A1000 Chequers Roundabout (as existing) – this junction is shown to be operating over capacity in all future years. The mitigation measures proposed in this case are to provide additional flare lengths on both the Broadwater Road and A1000 Chequers arms, thus enabling an increase in capacity and reducing queuing and delay to an acceptable level.
- 10.152 Alongside these relatively minor localised junction works, more extensive highways alterations and improvements are proposed along the length of Broadwater Road, and at the Broadwater Road/Bridge Road/Bessemer Road junction.

- 10.153 Broadwater Road is classified as a primary distributor road and therefore, in traffic terms, its role continues to be strategic. The planning application proposals would represent a major shift in the character of this road from majority industrial to a mix of employment and residential uses. As a result of this, and pre-application discussions between the applicant, Hertfordshire Highways and the Council, it was agreed that the nature of Broadwater Road should be considered for improvements and a more shared use character of the highway in line with the wider change in the character of the area. This has resulted in the extensive off site highway scheme which will link to the proposed new junction at Broadwater Road/Bridge Road/Bessemer Road.
- 10.154 The proposed change to Broadwater Road includes reallocating carriageway width to cycle/footways to provide an improved environment for pedestrians and cyclists. Typically, the existing carriageway will be narrowed to 6.75 metres to allow for the construction of a 4 metre wide foot/cycle way on both sides. The scheme is shown, in principle, on TPA drawing number 1309-14 PL137.
- 10.155 The applicant has submitted two versions of this scheme, with and without a centre line road marking, as has recently been introduced in Old Hatfield on Great North Road. The removal of the centre line is considered to have the effect of reducing traffic speeds and providing a more attractive street scene. The highway authority considers that both options are feasible and a final decision will be made as the final design is agreed.
- 10.156 Other off site measures proposed include the creating of a flat topped road hump, to the south of the pair of bus stops on Bessemer Road, close to the Post Office depot. This feature would mark the start of the Broadwater Road improvements scheme.
- 10.157 The northern access to the site itself, between blocks 6 and 7 would be a priority junction with a ramp up at the rear of the Broadwater Road footway into a shared surface. This would provide access to the large basement car park underneath blocks 6 and 7.
- 10.158 The access points between blocks 8 and 9 and 9 and 10 would form simple priority junctions and have been designed as minor access roads.
- 10.159 The southernmost access to the site would involve the creation of a large raised section of carriageway on Broadwater Road and incorporates the existing controlled crossing and the new access.
- 10.160 Two further raised table junctions are proposed at Broadwater Crescent and Holywell Road.
- 10.161 As well as these extensive works along the length of Broadwater Road, it is proposed that Bridge Road will also be improved. The works to Bridge Road, between Broadwater Road and the Wigmores North roundabout, involve the reduction in its width in order to provide a central section which can be used to enhance the street scene. The proposals indicate that this will

involve a planted central section and the introduction of flat top speed reduction tables, located to coincide with pedestrian crossing points. These design features are yet to be agreed in detail by Hertfordshire Highways as this will be established through the detailed design process and the Section 278 Agreement.

- 10.162 Hydeway is perhaps the most important junction and stretch of road that is affected by the proposed development. Hydeway is a busy and important route which connects Broadwater Road via a pedestrian footbridge to the Howard Centre, the railway station and the town centre beyond. It is proposed that Hydeway will continue to fulfil this important role. The off-road cycle lane facilities incorporated into the new Broadwater Road layout will connect to shared use footways on Hydeway. Taxi parking will also be provided throughout the centre section of the road and, short term, high/regular turnover parking bays will be provided to incorporate the 'kiss and ride' function as well as longer term parking at different times of the day. The road will operate as a one way loop with a turning area provided at one end. The extent of the turning area will be marked by bollards, which will be retractable to allow for service vehicle access.
- 10.163 There has been ongoing discussion between Welwyn Hatfield Borough Council (WHBC), Hertfordshire Highways and the applicant regarding parking enforcement along this road. At present, the road forms part of the public highway and so parking enforcement would fall to WHBC to undertake. This matter has been discussed with the Parking Manager who has advised that capacity does not currently exist for this street to be patrolled with the frequency that would be required as a result of the development. To address this problem, all parties have agreed that it may be best for the road to be 'stopped up' and for the management and enforcement of parking in this area to become the responsibility of the on site management company. On this basis, it is necessary for the Section 106 Agreement for this development to incorporate measures to insure that in perpetuity access for the public along Hydeway in order that access to the pedestrian bridge is maintained.
- 10.164 Turning to the internal road layout, the applicant has advised that no part of the internal road network will be offered to the highway authority for adoption as a public highway. The developer will be required to put into place a permanent arrangement for the long term maintenance of such areas and the use of private road name plates which will include notification of the private nature of these roads.
- 10.165 This brings consideration back to the Broadwater Road/Bridge Road/Bessemer Road junction and the proposed works in that location. At present this busy junction is signal controlled and currently experiences congestion on a frequent basis. The application proposes the creation of a shared surface roundabout junction. In order to maximise the benefits and apply the principles of shared surface it is necessary to naturally achieve driver/pedestrian/cyclist interaction. To ensure that an appropriate environment is provided for this, the existing three lanes of entry to the traffic signals will be reduced to single lane entries to the shared surface roundabout.

- 10.166 As might be imagined, this proposed level of change at the junction was initially met with apprehension. The applicant carried out traffic modelling of the replacement roundabout junction, the results of which suggested that it could operate with the current and predicted level of traffic. However, modelling, it was acknowledged, should only be considered as one of the tools to assess the junction. Following positive results from the modelling a practical experiment was carried out in early 2015. In this experiment the traffic lights were turned off and replaced by temporary traffic management to simulate the roundabout scenario. This took place over a three week period with various scenarios. The applicant has provided a technical note to analyse the outcome of the experiment, however the conclusions drawn were that the roundabout was able to accommodate traffic flows that were generally reflective or higher than the signalised junction accommodated during baseline surveys and that pedestrian numbers crossing the junction improved as the number of lanes was reduced.
- 10.167 Alongside this, extensive consultation was undertaken, the results of which demonstrated overwhelming support for the new layout.
- 10.168 The main problem highlighted during the trials was the ability of pedestrians to cross. There is a strong existing pedestrian desire line across all arms of the junction and this is anticipated to increase. As such, it is accepted that zebra crossings, one vehicle back from the roundabout entry, on each arm may be required in order to achieve the required pedestrian and driver interaction.
- 10.169 To conclude on the proposed works to the public highway, these works are supported in principle by the Highway Authority, and it is anticipated that they will serve to improve the way in which the local highway network functions. As the proposed off site works will be on the adopted public highway they will need to be constructed to the Hertfordshire County Council standards (Roads in Hertfordshire Design Guide). Any enhanced materials to be used will be subject to a normal commuted payment as part of a legal agreement. The highway works will be delivered through planning conditions and via Section 278 of the Highway Act. It is anticipated that all of the off site highways works will be completed prior to any occupation given that they are such an integral element of the scheme.
- 10.170 The applicant has provided estimated costings for the range of highway improvements and alterations that have been outlined above. It is estimated that the cost will be approximately £4.2m, a significant investment in the local highway infrastructure, albeit the need for this is largely generated by the proposed development.

Car Parking

- 10.171 Turning to the issue of car parking, this has been a challenging matter to address with this scheme. At the very start of consideration of redevelopment on this site, it was proposed that a relatively high ratio of 1.5 spaces per dwelling should be achieved across the development, with additional parking facilities for the office, commercial and leisure uses. The

majority of this proposed car parking was to be delivered via the creation of two large underground car parks, one on each phase. Following lengthy discussions surrounding the overall viability of the scheme, and what could be done to improve this, such that other infrastructure priorities might be addressed, the overall level of car parking has been reduced to an average of 1.02 spaces per residential unit, reducing to 0.93 spaces per unit if the car club and rentable spaces are included. As a point of comparison, the adjacent Taylor Wimpey scheme was approved with 223 spaces for 209 dwellings, an average of 1.06 spaces per dwelling.

10.172 The NPPF actively seeks to promote sustainable transport measures and to reduce the need to rely on the private car. Paragraph 34 sets out that “decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised”. The site is located immediately next to the train station, providing mainline services to London, Cambridge, Peterborough and beyond, with Thameslink services expected to start in 2018. The Welwyn Garden City bus station is located on the other side of the railway, and easily accessed, and all of the leisure and retail opportunities of the town centre are a short walk away. Alongside these factors, there is the potential for residents of the new development to work within walking distance, either in the town centre, the wider employment area or on the site itself. This site is, in locational sustainability terms, as good as it gets in Welwyn Garden City.

10.173 The residential car parking would be split as follows:

- 700 allocated car parking spaces
- 87 visitor car parking spaces
- 27 car club spaces; and
- 52 car parking spaces for rent

10.174 The overall reduction in car parking on site has come about as a result of the decision to delete the proposed underground car park in phase 2. This is a significant cost saving for the scheme which will be covered in detail in the viability section of this report.

10.175 What this means for the delivery of car parking spaces is that 617 spaces will be delivered as part of phase one, principally due to the large underground car park that forms part of that phase, and a further 249 spaces delivered in phase 2. That is not to say that phase 1 will have all the parking, and more, than it could possibly need. Parking will be shared out between the phases as they are constructed in accordance with the submitted parking strategy and this will be managed by the site management company.

10.176 In accordance with the aims of paragraph 35 of the NPPF, 25% of the available parking spaces will be suitable for electric vehicle charging, with a further 25% suitable for conversion in future if required. The proposed car club would work on the basis that vehicles kept in these spaces would be available for rent for a period of time, say a half day, day or weekend. This type of

scheme has become increasingly popular, particularly in urban areas and with residents who commute by public transport and do not need to keep a vehicle of their own.

10.177 157 commercial car parking spaces will be provided for the range of commercial uses proposed with some spaces designated for each use. The use of these commercial spaces and the residential spaces will be managed by the management company who will take appropriate enforcement action if required. A car park management plan will be provided to residents and employers at the site, and potential property purchasers will be made aware whether their property has an allocated parking space, and where that will be located.

10.178 41 motorcycle parking spaces are also proposed, equating to one space per 20 units, a level of provision which is above the level of motorcycle use indicated within 2011 Census data.

10.179 The amount of car parking proposed is considered to be acceptable, having regard to the nearby public transport available and the location of the site close to town centre amenities. However, it is considered prudent to seek a mechanism to deal with any overspill car parking from the site, in to surrounding streets, if this were to happen. In order to mitigate against this outcome the applicant has agreed to pay for pre and post full occupation car parking surveys, as well as the commitment to fund a Controlled Parking Zone (CPZ) in surrounding streets, should this be deemed necessary. The cost of the parking surveys is £15,000 and the implementation of a CPZ estimated at £20,000. This totals £35,000 which would be secured through the Section 106 Agreement and is detailed in the agreed heads of terms attached to this report at Appendix 1.

Cycle Parking

10.180 A total of 1,092 cycle parking spaces will be provided within the development. Of these, 848 secure cycle spaces will be provided for the residential units within the site. These will be located within the car parking area for each of the individual residential blocks to ensure that the cycle parking is located in the most convenient and secure location for residents to access.

10.181 There will be 54 cycle spaces allocated for the office and crèche use and a further 176 cycle spaces within the public realm. Of these, 104 spaces will be located along Hydeway, 52 within Goodman Square and 20 spaces at the entrance to the healthcare facility. All of these spaces will be available for employees, customers, visitors and commuters.

10.182 The Council is aware that cycle parking for commuters is an issue in this location, given access to the bridge over to the train station. The applicant has agreed to consider further whether additional cycle parking facilities can be provided, and this will form the basis of a recommended condition.

Access to the Railway Station

10.183 The applicant has submitted a concurrent planning application (reference 6/2016/0457/FULL) for the re-furbishment and improvement of the pedestrian bridge over the railway from the end of Hydeway to where it adjoins the railway station. The proposed works are for the upgrading of the surface, improved lighting and the repainting of the bridge. These works are not in the gift of the applicant to deliver as the bridge belongs to Network Rail. It has been established that Network Rail would like to see these improvements to the bridge, but the works will be delivered by them rather than the applicant. That said, the applicant has committed to a Section 106 obligation of £150,000 towards these important works which are necessary due to the likely increase in volume of pedestrians using the bridge.

10.184 The comments of Welwyn Hatfield Access Group in respect of access to the station have been noted, although it is not possible to answer all of those points at this stage.

Travel Plan

10.185 Section 4 of the National Planning Policy Framework deals with promoting sustainable transport. Paragraph 36 states that “a key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan”.

10.186 The applicant has submitted a Framework Travel Plan and Hertfordshire County Council Travel Plan Team consider it to be acceptable. It is accepted that given the partly outline nature of the application, the Travel Plan is not fully developed but it does identify the requirement for the appointment of a travel plan coordinator. The Travel Plan includes targets encouraging a shift towards non-private car modes of travel and includes provisions in respect of measures aimed at promoting such modes, the details of which would be provided to new residents. Other measures and initiatives that will be included and promoted in the scheme include a car share scheme, promotion of a car club, facilitation of electric vehicle charging, secure cycle parking provision and improvements to the highway for pedestrians and cyclists.

10.187 The County Council support the Travel Plan subject to conditions requiring the submission of an overarching Travel Plan and approval of individual plot travel plans as well as a travel plan monitoring contribution of £6,000.

7. Living Conditions

10.188 This section of the report will consider the impact of the proposals on the living conditions that would be created within the development, and any impact on neighbouring occupiers. Attention will focus on the issue of daylight and sunlight as well as overshadowing. In a high density scheme of this type these are the key issues in regard to living conditions. 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.

- 10.189 With regard to daylight and sunlight levels within the development, this has been considered in detail in the GL Hearn Daylight and Sunlight report and the subsequent addendum. This report only looks in detail at phase 1 of the development where room uses and window locations are known. The report analyses the daylight and sunlight levels to a sample of habitable rooms within the proposed flats and townhouses using a range of different room types and layouts from each elevation of the blocks.
- 10.190 In respect of daylight levels received, the Average Daylight Factor (ADF) assessment has been used. ADF is a way of assessing the internal natural lighting levels. The analysis provided by the GL Hearn report shows that 233 of the 306 rooms assessed (76%) would meet the ADF recommendations for that specific room type. It is stated that this level of compliance is commensurate with expectations for a scheme of this scale and nature. Of the rooms that transgress this requirement a number are combined living/dining/kitchen rooms which receive 1.5-2% ADF. An ADF of 1.5 complies with guidance for living and dining rooms and only marginally transgresses the 2% ADF for kitchens.
- 10.191 With regard to daylight distribution, the submitted analysis shows that 291 of the 306 rooms tested (95%) will see daylight penetration to over 80% of the room area, in accordance with Building Research Establishment (BRE) guidelines. This includes 185 of the 194 living/kitchen/dining rooms. It is suggested that these figures demonstrate an exceptionally high level of compliance for a development of this type.
- 10.192 In respect of sunlight levels, the Annual probably Sunlight Hours (APSH) test has been used to assess sunlight amenity to the sample of rooms. Rooms on northerly elevations have also been used even though they would have no expectation of sunlight.
- 10.193 The majority of rooms and windows which transgress the guidelines for annual sunlight are located beneath balconies. However, balconies are an important amenity feature and the balconies themselves are likely to receive good levels of sunlight which would give a sunlit appearance within the rooms.
- 10.194 The analysis of this data shows that 144 rooms will comply with the BRE report guidance for sunlight amenity and 177 will comply with the guidelines for winter sunlight amenity. 181 of the 306 rooms tested will have at least one window that faces within 90 degrees of due south and are considered to have a reasonable expectation of sunlight amenity.
- 10.195 With regard to overshadowing the GL Hearn report considered 69 amenity areas within the proposed scheme including 59 private amenity areas at first floor and above the car park areas, with 10 communal areas at ground, first and fourth floor level. The analysis shows that all 10 of the communal amenity areas will receive at least 2 hours of direct sunlight on March 21st to

in excess of 80% of their areas. This is well in excess of the recommended 50%.

- 10.196 45 (76%) of the private amenity areas assessed will also fully comply with the BRE guidelines. The 14 amenity spaces that would transgress are all located to the north of buildings.
- 10.197 When considering the issues of daylight and sunlight to habitable rooms in a high density scheme such as this an element of pragmatism is required. It is important that an applicant does all that they can in the design of a scheme to orientate habitable rooms such that they will achieve as much natural daylight and sunlight as is practicable in the scheme. However, for high density schemes it is inevitable that this will not always be fully achievable in all cases. The levels predicated to be achievable in this scheme are considered to be acceptable and likely to result in acceptable living conditions within the scheme. This approach accords with the foreword to British Standard BS 8206-0:1992 which, amongst other things, states that *"lighting is only one of many matters that influence fenestration...the best design for a building does not necessarily incorporate the ideal solution for any individual function. For this reason, careful judgement should be exercised when using the criteria given in the standards for other purposes, particularly town planning control"*
- 10.198 With regard to overshadowing, it is considered that, for the majority of amenity areas, and where practicable, the scheme has been designed to achieve acceptable conditions.
- 10.199 In respect of the impact of the proposals on the living conditions of neighbouring occupiers, the main consideration is the relationship with occupiers of the apartment buildings to the south of phase 2. Representations have been received from a small number of the occupiers of these apartments, principally regarding the proposed composting facilities that are proposed on the site, close to the site boundary with their properties. They have expressed concern about odour and other environmental health issues that they consider may arise.
- 10.200 The relationship between phase 2 of the development and the neighbouring site cannot, at this stage, be fully understood. This is because, whilst the parameters for phase 2 are set at this stage, all matters except access are reserved.
- 10.201 Having said that, consideration can be given to the issue of the composting store location, which is not fixed as a result of the reserved matters. As the location is not fixed, it may be possible for the exact location to be amended at the point at which the reserved matters are considered or, alternatively, if it is proposed to locate it close to other properties, measures such as screening and a maintenance scheme can be agreed.
- 10.202 Potential impacts on the living conditions of the residents of the scheme from noise, be that from transport or other uses within and around the

scheme, have been considered elsewhere in this report. As such, conditions have been recommended.

10.203 It is considered that relationships with all other residential properties in the locality are likely to be acceptable.

10.204 In order to protect the living conditions of future occupiers of the development, and in order to maintain the design integrity of the scheme, it is proposed to remove permitted development rights from those residential properties that would otherwise benefit from them. The reason for this is that extensions and alterations to those properties, and which would normally not require a specific planning permission, could be harmful both to the living conditions of other occupiers, and the appearance of the development itself. It is considered to be an appropriate measure in this case given the high density nature of the development.

8. **Other Matters** (Flood Risk, Environmental Health Matters, Waste and Recycling, Ecology, Environmental Sustainability)

10.205 It is proposed to deal with a wide range of matters in this section, not all are related but each clearly worthy of attention in this report.

Flood Risk and Drainage

10.206 Managing flood risk and associated pollution is an important part of the planning system. Detailed advice in these matters has been given to the Council by the Environment Agency and Hertfordshire County Council in its role as the Lead Local Flood Authority (LLFA). The applicant has submitted a detailed Flood Risk Assessment (FRA) and two further addenda to that document following consultation and negotiation with the LLFA and Thames Water. The FRA details both soft and hard Sustainable Urban Drainage (SUDS) methods which will be incorporated within the development. Agreed levels of water discharge to the sewerage system have also been established. These measures have been designed to reduce surface water run-off rates from the site to 'greenfield' run off rates. This is achieved by the wide-scale use of SUDS techniques which will reduce and delay surface water flows. Methods proposed include large areas of soft landscaping, such as The Weave, brown and green roofs and a geo-cell layer beneath the podium level planting to allow for surface water detention. The site is not suitable for the use of soakaways due to two dissolution features (sink holes) which have been found at the site. Despite the SUDS measures that have been proposed, it will still be the case that some surface water will discharge to the public sewer. At the request of the LLFA, the applicant, and Thames Water have agreed discharge levels that are to the satisfaction of the LLFA and are detailed in the Flood Risk Assessment and Drainage Strategy Addendum Report 2 (July 2016).

10.207 Alongside the management of surface water, the management of foul water must also be considered. Consultations have taken place with Thames Water and Affinity Water. The foul water drainage solution identified incorporates attenuation via storage in order to mitigate against restricted

capacity of the downstream sewer network. This system allows for 24 hour storage capacity with controlled (timed and flow rate) discharge.

10.208 The application site is located in an Environment Agency Source Protection Zone three (SPZ3) and over a principal aquifer for drinking water. The site is also known to be historically contaminated and indeed some decontamination works have already taken place. The applicant has submitted a phase 1 Environmental Assessment and this has been considered by the Environment Agency. The Environment Agency is satisfied that, subject to recommended conditions, this document can form the basis for further site investigation and a remediation strategy to be implemented on the site.

Ecology

10.209 The applicant has submitted a detailed Ecological Assessment Report as well as a supporting Ecological Enhancement Strategy and a Phase 1 Habitat Survey and these have been considered by colleagues at Hertfordshire Ecology. The existing ecological value of the site is, unsurprisingly, low. There are no statutory or non-statutory designated sites of nature conservation importance within the site, with the nearest being Sherrardspark Wood Local Nature Reserve (LNR), approximately 875m to the north west. The nearest non-statutory designated site is Twentieth Mile Bridge Allotments County Wildlife Site (CWS) approximately 220m to the south/south west. It is considered that neither the LNR or the CWS will be affected either during or post construction. The site does not contain any definitive Habitat(s) of Principal Importance in England, listed under Section 41 of the Natural Environment and Rural Communities Act (2006) (NERC). Three faunal species listed as being 'Species of Principal Importance in England' were recorded within the site during the survey work that was undertaken, however it is considered highly unlikely that any local populations of these three species are reliant upon the site. The vast majority of the small/very small slow-worm population has been translocated outside the development footprint. A number of semi-mature trees and an area of grassland in the north west section of the site are to be retained, where possible, due to their raised ecological value. Invasive plants which currently occupy the site will be removed using approved techniques.

10.210 Opportunities for ecological enhancement within the site as part of the development have been detailed in the Ecological Enhancement Strategy. This will include all of the detailed soft landscaping work, including wildflower planting, semi-natural grassland, native shrubs and native hedgerow as well as bat boxes, Sparrow terraces, hedgehog nesting dome, bird and insect boxes, a Stag Beetle loggery and a purpose built nesting platform for Peregrine Falcon at the site. This final mitigation measure is important as in 2014 a pair of Peregrines was recorded nesting on the northerly facing walkway of the grain silos. There was evidence of the pair attempting to breed during spring 2014, although no evidence of any young. Nevertheless, a mitigation strategy was drawn up and an artificial nest tower was erected at the site in February 2015. Whilst it is understood that the Peregrines have not

been seen at the site since that time, an integrated nesting platform is still considered to be an appropriate mitigation method.

- 10.211 Specifically with regard to bats, which are a European Protected Species (EPS), surveys have shown that bats are not currently present at the site. Each of the buildings remaining on the site have been assessed for their bat roosting potential and all have been found to have low/negligible potential for bat roosts. The few trees that remain at the site have also been considered and also found to have negligible potential.
- 10.212 Natural England has been consulted on the application and have raised no objection, whilst referring the local planning authority to their standing advice on protected species. This standing advice has been considered, as has the suggestion of biodiversity and landscape enhancements, which would be a benefit from the proposed scheme.
- 10.213 Having regard to all of this, it is considered that the proposals would not have a negative impact on the natural environment or on existing biodiversity features on the site. In fact it is considered that the proposals, once fully implemented, would serve to improve the biodiversity characteristics of this part of the town.

Waste and Recycling

- 10.214 Turning to waste and recycling facilities on the site, detailed proposals for this are shown for phase 1, for phase 2 this will form part of the reserved matters although it is anticipated that it will be reflective of phase 1.
- 10.215 Storage facilities for communal waste and recycling receptacles are shown on the submitted drawings. Each block of apartments would be served by facilities and it is proposed that the site management company would manage the collection of waste from the communal bins to the collection points on the relevant day. The site Waste Access Strategy sets out that there will be 15 waste collection points all of which have been located as close to the perimeter of the site as possible and allow access and egress in a forward gear. The location of the collection points has also been chosen to minimise the distance that waste operatives will be required to drag the bins on collection day.
- 10.216 The Council's Community and Environment team has been consulted on the application and have advised that the apartment buildings would have their waste collected on a weekly basis with the proposed townhouses being served on a fortnightly basis. A detailed specification of the number and type of refuse bins that would be required has been provided, as well as a cost for this, which will be included with the S106 Agreement.
- 10.217 Having regard to the detail provided, and comments from Hertfordshire County Council Highways and the Council's Community and Environment team, the proposed facilities would be acceptable for the residential units.

- 10.218 With regard to the proposed commercial premises on the site, each of these has also been shown with its own waste and recycling storage areas. The collection of this waste would also be managed by the management company but may be undertaken by a commercial waste and recycling company.
- 10.219 As well as waste and recycling needs arising from the proposed development once completed, a significant amount of waste material is likely to arise during the demolition and construction period.
- 10.220 Hertfordshire County Council Minerals and Waste team have commented on the application, and the proposed measures for dealing with demolition and construction waste set out in Chapter 6 of the Environmental Statement. Paragraph 6.37 of that document states that a Site Waste Management Plan (SWMP) will be produced detailing how waste will be disposed and managed during demolition and construction. The County Council has expressed its support for this approach and have emphasised that the SWMP should include detailed information covering both waste arisings during the demolition and construction phases, including an estimate of the quantity of each waste type. This approach is supported and a planning condition will be included requiring a SWMP which will be passed to the County Council for consideration before such a condition is discharged.

Environmental Sustainability

- 10.221 This section of the report deals with the sustainability measures that have been proposed as part of the development. The Broadwater Road West Supplementary Planning Document (SPD) expresses a strong preference for renewable technologies to be used at the site, where possible. In particular a Combined Heat and Power facility is considered to be appropriate, although it should be borne in mind that this was envisaged as part of a scheme to redevelop the whole SPD site.
- 10.222 The applicant has submitted an Energy Statement which considers the various technologies that are available and whether they would be appropriate for use on this development. Technologies considered but discounted include wind turbines, ground source heat pumps, solar water heating, photovoltaics and bio-fuel boilers. However, it is considered that Combined Heat and Power (CHP) units can be used to serve the base heating and hot water demand for each residential block and the hot water demand for the hotel and gym. Alongside this, Air Source Heat Pumps can be installed on the roof areas of the commercial units, town houses and the silo residential units.
- 10.223 Alongside these headline sustainability features, the applicant has also proposed a number of other passive and energy efficient design measures. These include passive infrared and occupancy sensitive lighting controls, energy efficient display lighting, zonal thermal and lighting controls, variable speed pumps and fans, energy metering and pipework and ductwork thermal insulation. Alongside this a cooling strategy has been designed featuring improved glazing and shading as well as the use of mechanical ventilation where required.

10.224 It is also proposed that water efficient fixtures such as low flow taps and dual flush toilets will be used as well as water collection systems which rely on rainwater only and will provide sustainable irrigation for soft landscaping, thus reducing potable water consumption. The applicant has also stated that all dwellings have been designed to achieve, what was, Code for Sustainable Homes Level 4 and Lifetime Home Standards and all non-residential buildings to achieve BREEAM excellent rating.

10.225 These measures go some way to addressing the environmental role of sustainable development as measures to mitigate and adapt to climate change and are considered to be a positive aspect of the scheme.

Environmental Health Matters

10.226 The key issues that have been considered from a public protection angle of environmental health include noise, both during and post construction, lighting levels, odour from food premises, contaminated land and air quality.

10.227 The applicant has submitted an acoustic assessment and matters related to noise have been covered in the environmental statement which shows that noise sensitive receptors have been taken into account. It is likely that the construction process, and all that this process entails, will generate a significant amount of noise. It may also be the case that, once operational, noise will be generated by items such as air conditioning units, extract systems and others. The Council's Environmental Health Officers have recommended a series of conditions related to both the construction process and the completed scheme. In particular, the applicant will be required to submit a Construction Environmental Management Plan (CEMP) for approval, and this will set out the measures that will be implemented during the construction phase to manage noise issues. There will also be a condition which will require the developer to submit a scheme for approval, prior to commencement, which details how the occupiers of the proposed development will be protected from traffic noise, railway noise and noise from other uses on the site such as deliveries to the commercial premises.

10.228 Noise from plant and equipment from other uses on the site will also be controlled by condition as will the transfer of noise from the proposed A1 and A3/A4 uses where they are located in the same building as proposed residential uses. There are two recommended conditions controlling the hours of operation of these premises. It is proposed that the A1, D1 and D2 uses on the site shall only be open to the public between 06.30hrs and 22.00hrs each day and the A3 and A4 uses between 06.30hrs and 23.00hrs each day. The latter would also be required to clear any outdoor seating within 30 minutes of these closing hours. This is a precautionary approach to opening hours given the proximity of residential properties. In the case of the A4 use in particular and probably some of the A3 uses, they are also likely to require a premises licence, which presents a further opportunity to control hours. It may be that, once end users have been identified, the Local Planning Authority is approached to consider alternative hours to those set out in this application. Should that be the case, such applications can be considered on their merits.

10.229 Lighting is proposed in numerous locations around the site and is likely to be both domestic and commercial in nature. This will also be controlled by condition requiring that a scheme be submitted for approval, prior to commencement of each phase, setting out the details of the proposed external lighting to be used.

10.230 With regard to contamination, the Council's Environmental Health Officers have a slightly different concern to that expressed by the Environment Agency (EA). Whilst the EA is more concerned with the effects of contamination on groundwater, the Council must consider the effect of contamination on the ground itself and whether or not a safe residential environment can be created. Conditions have been recommended to control this and where any overlap between these conditions and those required by the EA exists, this has been addressed in the wording of the conditions.

9. Viability, Planning Obligations and the Section 106 Agreement

10.231 This section of the report will consider issues associated with the financial viability of the scheme, the planning obligations heads of terms that have been agreed for the Section 106 Agreement and other planning gain from the development. The agreed Heads of Terms for this development are set out in Appendix 1.

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

(a) restricting the development of the land in any specified way; requiring specific operations to be carried out in, on, under or over land;

(b) requiring the land to be used in any specified way, or

(c) requiring a sum or sums to be paid to the authority on a specified date or dates periodically.'

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

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

10.234 With regard to development viability, developers will normally be expected to pay all of the planning obligations identified as being required and

meeting these three tests, and to deliver a policy compliant proportion of affordable housing, in this case 30%.

10.235 However, as set out in the Council's Planning Obligations Supplementary Planning Document (SPD), the Council recognises that in certain market conditions, the overall level of contribution attributed to a scheme can affect the financial viability of a development proposal. In these circumstances an applicant would be expected to submit a viability appraisal and to pay for the Council to have this appraisal independently checked and verified.

10.236 Further to this, paragraph 173 of the NPPF states that *"...to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*.

10.237 Further advice is available in the National Planning Practice Guidance (NPPG) both with regard to how viability should be considered in decision-taking generally, and specifically with regard to brownfield sites.

10.238 In respect of brownfield sites the NPPG states that *"local planning authorities should seek to work with interested parties to promote the redevelopment of brownfield sites, for example Local Enterprise Partnerships. To incentivise the bringing back into use of brownfield sites, local planning authorities should:*

- *Look at the different funding mechanisms available to them to cover the potential costs of bringing such sites back into use*
- *Take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable"*

10.239 Specifically on how planning obligations should be considered in decision-taking, the NPPG advises that: *"in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability"*

10.240 In the context of this advice and the policy position that it creates, the Council was informed by the applicant that the scheme that has been designed is not viable to deliver if it is required to deliver 30% affordable housing, as well as the requested planning obligations payments.

- 10.241 In August 2015 the applicant submitted a Financial Viability Appraisal prepared by Savills. The Council appointed Colliers International to independently assess this appraisal, to subject it to sensitivity testing and to verify both the inputs and the outputs that were generated. The conclusions that had been reached by Savills were, broadly, supported by Colliers. The appraisal submitted at that time included no allowance for affordable housing and approximately £1.8m towards other planning obligations payments. Colliers found that the development was well short of achieving what is the accepted profit benchmark of 20% profit on cost.
- 10.242 At that stage a number of suggestions were made as to how the viability of the scheme could be improved, these included an increase in the density of residential accommodation on phase 2, a reduction in the amount of basement car parking and the removal of the office accommodation and its replacement with an industrial or self-storage unit.
- 10.243 At that time, two of the options were dismissed. It would not be appropriate for an industrial or self-storage unit to be located in the listed building, surrounded by residential uses. Increasing the density of development on phase two was not considered to be appropriate at that time.
- 10.244 This left the consideration of a reduction in the amount of basement car parking being proposed. The basement car park proposed on phase 1 is, largely, already in existence. However, the basement car park that was originally proposed on phase 2 would have to be 'dug out' at significant cost. It was suggested by officers that the applicant consider the extent to which the removal of this second basement car park would improve the viability of the scheme and whether this would enable the provision of some affordable housing and for the applicant to pay the other planning obligations being sought.
- 10.245 The applicant considered this and put forward amendments to the scheme which would remove the basement car park on phase 2, would deliver 35 units of affordable housing, which equates to 10% of phase 1 and just over 4% of the whole scheme. The affordable units would be located in building 6B on phase 1. The applicant also agreed to meet the other planning obligations being sought by the Council and agreed to the inclusion of a viability review mechanism in the S106 Agreement. A viability review mechanism would, should planning permission be granted, require the developer to provide an updated Financial Viability Appraisal at the submission of the reserved matters for phase 2. This would enable the Council to consider again whether the scheme could support an increase in affordable housing provision, having regard to changes in market conditions such as sales values, build costs etc.
- 10.246 As a considerable amount of time has passed between the applicant's first Financial Viability Appraisal and the time of the writing of this report, the Council has requested that the applicant provide an addendum to their appraisal. The applicant has done this and the Council has, once again, had this reviewed by Colliers.

- 10.247 The applicant has agreed that the Council can publish information from the submitted viability work, and so some specific figures have been included here.
- 10.248 The updated viability appraisal was submitted by Savills for the applicant at the end of February 2017. The Council then instructed Colliers to review the report and to give a view on the inputs that had been used and the likely levels of profit that may be derived from the scheme.
- 10.249 The evidence provided by Savills shows that the Gross Development value (GDV) had increased between 2015 and 2017 by approximately 2% or £6m. It also showed that, whilst the construction costs have increased, finance costs have reduced and therefore the development costs are almost the same as when the scheme was assessed in 2015. Therefore, it is forecast that the scheme would generate an increased profit of approximately £6.5m (increase) but that this would not be enough for the scheme to be considered viable as it would result in only 10% profit on costs, up from 8% in 2015.
- 10.250 This evidence has been considered by Colliers and a particular point of disagreement noted in respect of predicted sales values, which is discussed in more detail below.
- 10.251 The information in respect of sales values in the Savills appraisal has been informed by values from Collinson Hall, a local Welwyn Garden City based estate agent. The report states that *"prices have clearly increased since the last appraisal... the nearest comparables in the Taylor Wimpey site have seen an increase of 30% in the £ per square foot rate achieved for the apartments"*. This growth has been partly explained by these properties 'underachieving' and that the growth is in part due to the 'prospect' of the Shredded Wheat factory being developed. Collinson Hall suggest that comparable properties are achieving between £450-£500 per sq.ft, however the subject scheme is likely to outperform this. They have therefore picked a 'base rate' of £510 per sq.ft. This represents growth of 4.5% from the price used in the 2015 appraisal (blended at £488 per sq ft, or 3% growth from the estimated base value of £495 per sq ft).
- 10.252 In their work for the Council, Colliers have considered a number of factors in respect of likely sales values, including market movement, key comparable sites and towns and the accessibility of the site.
- 10.253 Colliers agree with Collinson Hall that the residential market has improved since the 2015 report. *"Data from the Land Registry demonstrates that average house prices in Welwyn Hatfield borough have increased by 13.72% between August 2015 and December 2016 (the latest data available) from an average of £331,028 in August 2015 to £376,447 in December 2016. The average value of a property (according to Land Registry) when Collinson Hall submitted their last report (January 2015) was £307,231 and when Savills submitted their report (February 2015 – albeit using Collinson Hall figures) was £308,205. This equates to 22.53% and 22.14 respectively in the submission of those reports. Colliers suggest therefore that, whilst Collinson Hall are correct that values have increased, growth of 3% in values is not*

consistent with wider market growth. It is understood that site specific factors are often more important and that general market performance is not always an accurate indicator of value growth for a specific site but, nevertheless, this demonstrates the context of the market”.

10.254 Colliers continue that *“If 13.72% growth is applied to the values used in Colliers original assessment of the scheme in 2015 (£490 per sq ft) then a value of £55 per sq ft is derived. If 22.53% growth is applied to the value of £448 per sq ft used in the Colinson Hall report, this generates a value of circa £598 per sq ft”.*

10.255 Colliers also agree with Savills and Collinson Hall that *“the market on the east side of the railway, particularly the Taylor Wimpey site has been ‘underperforming’ as the vacant Shredded Wheat site is an eyesore and does detract from the area. Colliers note that units on the Taylor Wimpey scheme have recently achieved £498 per sq ft and that this is the key comparable for residential values on the Shredded Wheat site”.* Colliers state that they *“believe that units on the scheme will achieve a greater premium than £5 per sq ft (1%) above these values as they were achieved before any work commenced on the Shredded Wheat site and that the Taylor Wimpey scheme is a smaller housing scheme whereas the Shredded Wheat scheme is a large, mixed use, regeneration project which has the critical mass to improve the area and benefit from ‘place-making’ and the value uplift associated with this”.*

10.256 Colliers have also considered comparable towns and that data that can be derived for similar unit types in those towns. It is accepted that St Albans (£650-£750 per sq ft) commands somewhat of a premium. However Hertford (£500-£550 per sq ft, Borehamwood (£534-£550 per sq ft) and Potters Bar (£550-£600 per sq ft) are considered to be comparable locations.

10.257 Finally, the accessibility of the scheme has been considered based on a Nationwide report (dated August 2014) submitted with the original Savills report in 2015. This suggests that there are value premiums associated with proximity to train and tube stations. It is suggested that a value premium of 10.5% is achieved for residential properties within 250m of a station and 7.6% if within 500m. The Shredded Wheat site is adjacent to Welwyn Garden City railway station, with many of the properties within 250m of the train station and all of them within 500m.

10.258 Colliers conclude by suggesting that a value of circa £550 per sq ft is likely to be achieved, based on evidence from comparable towns and schemes, the location of the site, the benefits from regeneration, amenities and critical mass and the removal of the blight of the existing site.

10.259 This results in a discrepancy between the blended base value of £502 per sq ft contained in the Savills report for the applicant, and Colliers belief that an average of circa £550 per sq ft can be achieved. This equates to approximately 10% difference in values.

10.260 Alongside this issue of sales values, it should be noted that Colliers have not, on this occasion, been commissioned by the Council to fully consider all of the costs estimates put forward by the Council. This work was done in 2015, and broad agreement on likely costs was agreed at that time. On this occasion Colliers have noted that *"we believe the construction cost increase looks broadly fair and we have adopted these costs in our appraisal"*. However they go on to state that *"the costs of £247 per sq ft appears to be high from broad experience of development projects"*.

10.261 This discussion then leads to consideration of profit, both in terms of what an acceptable level of profit might be, as well as the level of profit that might be expected to be achieved in this scheme.

10.262 The target level of profit to be achieved from a development will, inevitably, vary between developers and dependent on site specific circumstances. However, a useful benchmark was set out by in the appeal decision in the case of Land at The Manor, Shinfield, Reading (Appeal ref: APP/x0360/A/12/2179141), an appeal decision made in 2013. Whilst the circumstances of the case were different to the application at the Shredded Wheat factory the Inspector noted that *"the appellants supported their calculations by providing letters and emails from six national housebuilders who set out their net profit margin targets for residential developments. The figures ranged from a minimum of 17% to 28%, with the usual target being in the range of 20-25%.....Due to the level and nature of the supporting evidence, I give it great weight. I conclude that the national housebuilders' figures are to be preferred and that the figure of 20% of GDV, which is at the lower end of the range, is reasonable"*. If weight is given to this assessment made by a Planning Inspector, then a profit target of 20% of Gross Development Value (GDV) is fair.

10.263 At the Council's request, Colliers have considered the matter of profit benchmarking again in their 2017 report (Appendix 2) and have advised that *"the applicant would like to use a profit benchmark of 25 profit on cost (20% profit on GDV). This was the benchmark they used in February 2015. We suggested that 20% profit on cost is fair and used that for our assessment in August 2015. There is no 'evidence' to demonstrate that one approach is more appropriate than the other"*.

10.264 As a result of this, Colliers have suggested a staggered/blended profit benchmark should be adopted. This would be:

20% profit on GDV on the private residential accommodation

15% profit on GDV on the commercial accommodation

6% profit on GDV on the affordable housing (lower profit required because of the lower risk in delivery – developer effectively working as a contractor for a RSL).

10.265 Colliers advise that the blended rate set out above results in a target profit of 19.08% on GDV. In the Savills report they have stated a target profit

on cost of 25%, which equates to profit on GDV of 20%. This is level of profit is sought across the development as a whole.

10.266 The evidence provided by Savills in their two appraisals indicates that the scheme would deliver 7.69% profit on GDV in 2015 and 9.16% profit on GDV in their 2017 update. Colliers own work indicates that the scheme, including 35 units of affordable housing, would have delivered 8.68% profit on GDV in 2015 and 19.35% profit on GDV in 2017.

10.267 It can be seen from these figures that, even with the higher sales values and blended benchmark profit target adopted in the Colliers work, the scheme sits very much on the margins of viability at 19.35% profit on Gross Development Value (GDV) against a target of 19.08%. If the Savills report were adopted then the scheme would fall substantially short. The latest report on the viability of the scheme produced by Colliers, for the Council, is attached as Appendix 2 to this report. The conclusion of the Colliers report is that the scheme is just viable with 35 units on site and that, on this basis, the proposed provision of affordable housing is appropriate, if it is accompanied by a viability review mechanism to capture any potential increase in value in the future. It is important to note that the main difference, between the Savills work for the applicant and the Colliers work for the Council, is the assumed improvement in sales values. There is approximately 10% between the two parties, which is significant, particularly given the very fine margins by which Colliers make the scheme viable. It would only take a very small movement within this 10% for the scheme to drop below the Colliers viability threshold.

10.268 In the light of the advice that has been received from the Council's viability consultants, a decision must be made as to whether or not to accept a reduced proportion of affordable housing and what alternatives there might be that could deliver more.

10.269 The proposed scheme is, by the standards of Welwyn Garden City, already of a high density. The proposed scheme would be constructed with the use of a high quality palette of materials and would deliver high quality public spaces and facilities. As well as this, the applicant has agreed to the payment of planning obligations as set out further on in this report.

10.270 The Council could seek to set aside the design and material quality that has been proposed and could seek to increase the density of the development further. Alternatively, the Council could seek to set aside some of the other planning obligations that are being sought. However, to do this would almost certainly render the scheme unsustainable.

10.271 It is considered that, given the location of the scheme, its size and its visual prominence both to residents and people passing through the town, it would not be appropriate to compromise on the quality of the design or the materials that have been proposed.

10.272 When considering the viability of this scheme, weight must be given to the abnormal costs and other benefits that it is anticipated that the scheme will deliver. Costs associated with the restoration of the listed buildings are

predicted to be high and the costs of delivering the higher quality of materials that has been specified must also be taken into account along with the extensive off site highways works.

- 10.273 In the light of the analysis given above, consideration turns to the proposed range of planning obligations contributions that have been agreed. Obligations have been sought where service providers have been able to provide a policy compliant justification for the monies. Each obligation will be set out by service area, an explanation of the proposed project will be provided along with an indicative figure. However, it should be noted that the exact figures that will be paid to some of the service areas may ultimately change depending on the exact mix of dwelling types to be provided on phase 2.
- 10.274 **Affordable Housing** - The applicant has proposed the delivery of 35 units of affordable housing across the scheme, this equates to 10% on phase 1 and just over 4% of the whole scheme. This is the amount of affordable housing which would be 'guaranteed' at the time of taking a decision on this application. The units would be delivered in a single block in phase 1 and would form building 6B in the north of the site. The units would be provided as an intermediate tenure, most likely affordable rent. A viability review mechanism to re-assess the viability of the scheme has been agreed. This will require the re-submission of viability evidence at the point of submission of reserved matters for phase 2. Consideration will then be given as to whether the development can support any further affordable housing provision.
- 10.275 The precise wording of the viability review mechanism has yet to be agreed between the Council and the applicant, although the principle of such a mechanism is accepted. It is proposed that officers, with specialist legal and viability advice, will negotiate the final form of wording for the mechanism.
- 10.276 **Education** – Extensive negotiations have taken place between the applicant and the developer with regard to the appropriate level of education contributions, particularly in respect of primary education. The reason for this is that the majority of this scheme is comprised of one and two bedroom apartments, a form of development that is generally considered to yield lower numbers of children. Agreement on this matter has now been reached and it is estimated that the peak yield of children from the development will be 112.
- 10.277 In terms of Primary school education, and based on the indicative dwelling mix provided by the applicant, the contribution agreed is £2,385,728. This is based on a table set out by the County Council which includes a cost per dwelling type. This is a bespoke table of figures which has been devised for a specific project in this part of Welwyn Garden City and it was also used for the recent planning applications at the former Xerox buildings.
- 10.278 The primary school contributions would be put towards the project of re-providing the existing Peartree School on the adjacent site. It is proposed that Peartree School would be expanded from a single form of entry to three forms of entry to take account of the predicted growth in primary school children arising from both this development and others planned in the local

area. The reason that the contribution is considerably higher than the County Council's usual Planning Obligations Toolkit figures is because of the higher costs associated with delivering a new school building. These costs include an element of land assembly costs.

- 10.279 With regard to Secondary school education, matters are more straightforward in that it is proposed to use the standard County Council Planning Obligations Toolkit figures. Based on the dwelling mix provided by the applicant, this would result in a contribution of £574,130. It is proposed that this contribution is directed to the expansion of Stanborough Secondary School to up to 7 forms of entry.
- 10.280 **Other County Council Services** – Hertfordshire County Council is responsible for delivering a range of other services towards which planning obligations are being sought. These are all being sought in accordance with the Planning Obligations Toolkit and the figures given here are all based on the dwelling mix provided by the applicant.
- 10.281 Youth provision (£14,852) would be directed to the re-furbishment of part of the Monks Walk Youth Win at Monks Walk school for the provision of IT facilities. Library services (£104,517) would be directed towards the provision of a 'CreatorSpace' on the first floor at Welwyn Garden City Library. Nursery provision is also sought from this development, however this has been included in the primary school new build costs. A Childcare contribution is also sought, however, as it is proposed to provide a day nursery in the proposed development, the contribution has been limited to £10,000 towards the start-up costs of this facility. Along with these services, the County Council also requires the provision of fire hydrants across the site and this will also form a clause of the Section 10 Agreement.
- 10.282 **Community Centre** – The applicant is proposing to deliver a community centre building on the site as part of block 2 on phase 1. The building would be 757sqm of floor space and would be delivered to core and shell. It is then proposed that the Council would benefit from a six month 'lockout' period in which to find users for the premises. If the Council is not successful in this then the developer would be entitled to find community use users of their own. Officers will seek for measures within the Section 106 agreement that will provide the Council with an element of control over the eventual users of the premises, should the Council be unable to find an occupier. This is to ensure that the ultimate user of the premises is for the benefit of the wider community. This provision is justified by the Council's Planning Obligations Supplementary Planning Document, the requirements of the Broadwater Road Supplementary Planning Document and the applicant's own ambition to deliver a high quality mixed use scheme which also benefits the local community.
- 10.283 **Indoor and Outdoor Sports** – Consultation responses in respect of indoor and outdoor sports provision have been received from Sport England and from the Council's internal service providers. Sport England has objected to the proposed development on the basis that they do not consider that it makes adequate provision for indoor and outdoor sports in the locality. They

also state that they consider the proposed skate park and play areas to be appropriate only for informal play, rather than organised sports.

10.284 Policy OS2 'Playing Pitch Provision' of the Welwyn Hatfield District Plan 2005 requires, amongst other things "in areas where there is a lack of playing pitch provision, substantial new developments (0.4 hectares and above) will be expected to contribute towards the provision of new facilities". This policy links to the Council's Planning Obligations SPD which states at paragraph 3.59 that "... on developments of 300 dwellings or more, where there is evidence of need, the Council will look to the applicant/developer to provide outdoor sports facilities and sports pitches, on site, in line with the Council's local standards set out in the adopted Sports Facilities Strategy (2011)". A similar approach is also set out for indoor sports provision.

10.285 In respect of outdoor sports it is accepted that it is not practical for playing pitches to be provided on this site due to the way in which such an approach would compromise the development. Evidence has been sought in order to justify a financial contribution towards off site outdoor sports provision. The Council's Community Partnership Manager has provided detail of a project at Welwyn Garden City Rugby Club which is seeking to provide upgraded and remodelled changing and clubhouse facilities to allow for combined, men's, women's and junior rugby to take place thus making better use of the existing outdoor playing pitch facilities. A contribution of £150,000 has been agreed.

10.286 With regard to indoor sports provision, no projects have been identified. However, it is the case that the proposed development would include the provision of a gym as well as dance and fitness studio space. Whilst the objections of Sport England who, in this case, are a non-statutory consultee are noted, a planning obligations payment towards indoor sports provision can only be justified where a specific project, meeting all of the relevant tests, can be identified. It is also important to note that regard would need to be paid to the viability challenges presented for this development.

10.287 **Healthcare** – As with education, extensive work has taken place with colleagues at both NHS England and East and North Hertfordshire Clinical Commissioning Group (CCG). These discussions have focussed on agreeing monetary figures as well as specific projects for those funds to be directed to.

10.288 The NHS bodies in Hertfordshire have traditionally used a formula based approach in order to calculate the level of planning obligation monies that will be sought from new development. This involves using an average of 2.4 residents per dwelling and then multiplying this by the identified costs of medical services. However, in the case of this application, this has been challenged by the applicant due to the proposed dwelling mix and the likely numbers of occupants that would result. In order to look into this further, officers in the Council's Planning Policy team have run a review of the proposed dwelling mix against the 2011 Census data. This shows that an occupation rate of 1.875 persons per dwelling is more likely, having regard to Census data by number of habitable rooms in each dwelling type.

- 10.289 Following the establishment of this revised average occupation figure, officers have re-calculated the amounts of money that can be justified by the NHS bodies accordingly. This means that the development would now contribute £412,100 towards General Medical Services (GMS), that is essentially GP practices, and £140,000 towards Community Healthcare services, services like mental health care facilities. With regard to the Community Healthcare contribution, the project identified is the reconfiguration of Rosanne House in Welwyn Garden City in order to increase capacity. A number of alternative projects have been identified for the GMS contributions including potential expansion projects at either the Garden City Practice, The Peartree Practice or Hall Grove Group Practice. The NHS bodies have requested that any funds secured from the proposed development are secured on the basis that they can be used to essentially repay the NHS for monies that will have already been spent on these projects before the proposed development is liable to make its contributions. The reason for this is that these projects are likely to take place in the short term to deal with both existing shortfalls in capacity, and to build in extra capacity to deal with new patient registrations arising from this development.
- 10.290 **Pedestrian Railway Bridge** – As mentioned earlier in this report, there is a concurrent planning application being considered by the Council for the upgrading of the pedestrian footbridge from the end of Hydeway, within the application site, to the railway station and the Howard Centre beyond. That application proposes to upgrade the railway bridge in terms of the surface, lighting and decoration and also to connect it to a new pedestrian concourse within Block 1 which would also feature a lift and new stairs up to the bridge. This element of the scheme is a high priority of the Broadwater Road West SPD. This project is not in the gift of the applicant to deliver as they do not own the bridge, which is within the ownership of Network Rail. The applicant has proposed a monetary contribution towards the works of £150,000 and it is proposed to include this within the Section 106 Agreement for this application.
- 10.291 **Waste and Recycling** – The Council's waste and recycling team has considered the development proposals and provided a cost to provide refuse and recycling bins for the whole of the residential element of the site. This figure is £47,970 and will be spent on the provision of those facilities.
- 10.292 **Car Parking Survey** – As detailed earlier in this report, due to the nature of the proposed car parking provision at the site, and to mitigate against any off site parking issues arising in the surrounding streets, the applicant has agreed to fund two parking surveys at the site. The first would take place prior to the occupation of the development to establish a baseline set of data, with the second survey taking place at an agreed point in the future to assess whether or not car parking in the surrounding roads has been made worse as a result of the development. The applicant has also agreed to fund a Controlled Parking Zone (CPZ) should it be established that such a measure is required. The two surveys have a cost of £15,000 attached to them, with a further £20,000 for the CPZ if required.
- 10.293 **Other Matters Included in the S106 Agreement** – Other matters to be included in the agreement include monitoring fees for the travel plan

(£6,000) and the S106 Agreement itself (£5,000 index linked), As well as this the quantum of play space, open space and allotments will be established as well as measures for the management and maintenance of the non-adopted public spaces on site. It is understood that each occupier of the site will be required to pay a management charge towards the upkeep of the public and communal spaces. The restoration works to the listed building will also be included in the S106 Agreement.

10.294 One item that might normally be found in a Section 106 Agreement of this type, but that is not included in this case is a contribution towards highway improvements. The reason for this is that extensive off site highway improvement works are proposed as part of the development scheme and these will need to be delivered by way of a Section 278 Agreement. Given the cost of these measures it is not considered appropriate to make a further charge towards highway improvements. The applicant has provided a cost estimate of the highway works that are proposed to be delivered as part of the scheme. The approximate cost is £4.2m, which will result in the significant benefits outlined earlier in this report.

10.295 Negotiations regarding precise trigger points for the various contributions, that is the point in the development construction when the monies must be paid, are ongoing and are subject to agreement between the applicant, Hertfordshire County Council and officers of Welwyn Hatfield Borough Council prior to the completion of the Section 106 Agreement.

10.296 How the Council responds to the proposed level of affordable housing and the mix of planning obligations and other benefits that would be generated by the scheme, is a key factor informing the final decision on this application. Officers consider that the scheme delivers a wide range of significant benefits. These benefits have been set out elsewhere in this report but there is merit in repeating them here. The scheme would deliver 850 new homes for the borough through the early part of the plan period of the new plan. The scheme would also deliver the required planning obligations contributions towards education, libraries, youth, outdoor sports, the refurbishment of the railway bridge, healthcare, waste and recycling and for car parking surveys. As well as this, the scheme would deliver a community use building on site, a skate park, high quality landscaping scheme and a wide range of major highway improvements off site including a completely remodelled junction at Broadwater Road/Bridge Road/Bessemer Road. Further the scheme would represent high quality design with the use of high quality materials. This is an important factor to be considered as, if planning permission is granted, what is built in this location will be a major feature of the centre of Welwyn Garden City for many years to come and it is considered that this is something that should not be compromised. Finally, consideration should be given to the works to restore the listed buildings, a local landmark, to a high quality alternative use and the creation of a number of areas of open space for use by the wider public.

10.297 An approximate calculation can be performed which estimates a Section 106 value per dwelling on the site. The overall package of S106 measures and highway improvements is estimated to be £8.3m. If this is

divided by the maximum number of dwellings that would result on the site it results in an approximate average figure of £9,700 per dwelling. It should be borne in mind however that the precise figures will only be known once the exact mix of dwelling types across the whole scheme is understood, however it presents a useful yardstick.

10.298 Set against the benefits outlined above is the very low level of provision for affordable housing. Just over 4% (35 units) and a mechanism for reviewing this at reserved matters stage on phase 2 is, to most minds, disappointing. However, due consideration must be given to the policy advice outlined above and the fact that the applicant has provided, and the Council has tested, viability appraisal work for the scheme.

10.299 The view that is taken on the balance between the benefits and the inadequacy outlined above is one that will be made individually by those required to consider it. However, officers are of the mind that, in this case and in the specific circumstances of this site, the benefits prevail.

10. Does the Proposal Achieve Sustainable Development?

10.300 The National Planning Policy Framework (NPPF) sets out what the government considers to be the three dimensions to sustainable development as economic, social and environmental and that these dimensions give rise to the need for the planning system to perform a number of roles. It is worth considering the government's view of the function of these roles as set out in the NPPF.

10.301 The **economic** role is about *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*.

10.302 The **social** role is about *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's need and support its health, social and cultural wellbeing”*.

10.303 The **environmental** role is about *“contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”*.

10.304 Paragraph 8 of the NPPF sets out that *“these roles should not be taken in isolation, because they are mutually dependent.....therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*

- 10.305 It is considered that the proposed scheme would be successful in performing an economic role. The development would contribute to the quality of the local economy by delivering much needed new housing, as well as office and other commercial floorspace. Alongside this, the development makes provision for contributions towards improvements to local infrastructure to be delivered, both on site by the developer, and off site by other public service providers.
- 10.306 The proposed scheme clearly performs a social role in its provision of up to 850 new homes, a large proportion of the identified needs of Welwyn Hatfield borough. It is however true to say that only a limited proportion of these new homes would not be 'affordable' and thus able to meet the needs of that part of the housing market. However, the scheme would result in the delivery of high quality improvements to the built environment and would provide new and improved local services to help meet the needs of this new community, including the community centre, crèche and retail and leisure opportunities.
- 10.307 The environmental role of the scheme is more nuanced. There would be clear enhancements to the natural and built environment by reason of improvements to the ecological value of the site, measures to remove contamination which currently exists at the site and a variety of measures to help tackle climate change. With regard to the historic environment, protection would be afforded in the form of the retention and refurbishment of the earliest sections of the listed building as well as improvements to their setting. However, as set out earlier in the report, some harm would result from the demolition of later elements of the listed buildings.
- 10.308 These separate roles are, as envisaged by the NPPF, mutually dependent on this site. The improvements to the natural, historic and built environment should serve to improve the lives of people in the local community. The economic growth that will be generated by the site, both in terms of jobs and expenditure should help secure higher standards of living and prosperity in the town. It is considered that, having regard to all aspects of the proposals, the scheme would, on balance, serve to achieve sustainable development, as envisaged by the NPPF.

Planning Conditions

- 10.309 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that

condition were not to be imposed. If it would not, then the condition needs special and precise justification.

- 10.310 Given the nature of this application, it is perhaps inevitable that a considerable number of planning conditions are proposed. Some of these are required to mitigate specific matters that are identified in the Environmental Statement, and others to control other aspects of the scheme and to ensure the delivery of an acceptable scheme in planning terms.

11 Conclusion

- 11.1 The redevelopment of the whole of the Broadwater Road West site has been an ambition of the Council since the adoption of the District Plan in 2005. This ambition was turned into a vision with the production of the Broadwater Road West Supplementary Planning Document in 2008.

- 11.2 Since that time there has been a failed planning application for the redevelopment of the site for a retail led mixed use scheme. That refusal led to the re-evaluation of the site by the landowner and subsequently to the submission of the planning application that is now before the Council.

- 11.3 The vision that the Council holds for the site, and was set out earlier in this report, is:

“To deliver an energetic and pioneering development which integrates the spirit of the garden city with the very best of high quality 21st Century design, seizing the opportunity to enhance the local environment and create a sustainable, supported neighbourhood of an appropriate scale, which successfully integrates with the local community”

- 11.4 With a development of this size and complexity it is inevitable that there will be different perspectives on the success of the scheme in meeting this vision. However, when the proposals are considered in the round, it is felt that the scheme does deliver on the key objectives.

- 11.5 The proposals would deliver high quality, 21st century, architecture and landscape design that would be complimentary to the heritage assets on the site but would serve to lift the appearance of the wider area on this side of the railway line. The re-use of the site would deliver energy and activity to a large part of the town and would deliver significant improvements to the local environment. Integration between the site and the town as a whole would be enhanced through improvements to connectivity to the town centre and railway station, Bridge Road, Broadwater Road and more widely with the proposed highway improvement scheme. The proposal would deliver up to 850 new homes on a brownfield site, in a mixed use development including community facilities such as shops, cafes, bars and a community centre and opportunities for informal play and horticulture.

- 11.6 It is true that the proposed scheme is disappointing in terms of the amount of affordable housing that is guaranteed at this stage and, in this sense, the proposals do fall short of the aspirations of the Council.

- 11.7 Most importantly, the proposed scheme would achieve the twin benefits of restoring the original range of buildings which formed the Shredded Wheat factory complex, maintaining them as a landmark in the town, and it would breathe new life into a large redundant site, close to the centre of Welwyn Garden City.
- 11.8 The many benefits of the scheme that have been set out in this report are considered to clearly outweigh the negative elements that have been identified.

12 Recommendation

- 12.1 That planning permission is granted subject to the following conditions; to the applicant entering the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure set out in Appendix A; and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the submitted phase 1 Environmental Assessment (Delta-Simons ref 2342.17 V2) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect groundwater. The site is located in a source protection zone three (SPZ3) over a principle aquifer for drinking water. The site is known to be historically contaminated and in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority

for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

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 written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • 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 part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part 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, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. 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.

5. 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 Management Plan shall include details of:

- Construction vehicle numbers, type, routing;
- Traffic management requirements;
- Construction and storage compounds (including areas designated for car parking);
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- Provision of hoarding around the site
- Provision of measures to protect retained trees
- Noise control measures to minimise noise and vibration
- Dust control measures

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way and the amenity and living conditions of the wider public in accordance with the mitigation measures set out in the Environmental Statement.

6. Prior to the commencement of any works to the Listed Buildings, the applicant shall submit to, and have approved in writing by, the Local Planning Authority a detailed specification for the proposed works. Drawings shall be provided at 1:20 scale for typical elevations and sections and 1:5 for sectional details.

The submitted specification shall include:

- i) A schedule of repairs to the listed building;
- ii) INTERNAL

- A method statement for removing buildings, walls and forming openings in floors;
- Details and samples of materials to be used, including the interior finish;
- Precise details of new staircases, alterations to existing staircases, lifts; WC accommodation;
- new floors (including finishes and protection of existing finishes); ceilings, exposed services and/or ducts/suspended ceilings/raised floors;
- internal insulation and finishes;
- partitions, opening doors/frames;
- secondary windows;
- Heating and ventilation installations (strategic drawings
- Conservation, retention and recording of historic grain chutes etc in silo building;

iii) EXTERNAL

- External envelope including windows and doors;
- Repairs and decoration of existing concrete and steel fabric;
- Chimney vent stacks, grilles and all enclosure of plant;
- Antennae and solar installations;
- Steps, ramps, flush thresholds and handrails;
- Repair, re-furbishment and re-glazing of historic metal windows

The approved specification shall be implemented in full, prior to the occupation of the 200th residential unit, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the works to the listed building are undertaken in an appropriate manner and timeframe in accordance with Section 12 of the National Planning Policy Framework and Policy R27 of the Welwyn Hatfield District Plan 2005..

7. Notwithstanding the submitted Ecology Report (BMD.219.RP.EA.003) and the Ecology Enhancement Strategy (drawing number BMD.219.DR.P703), prior to the commencement of any works of demolition and each phase of the construction of the development, the applicant shall submit to and have approved in writing by the Local Planning Authority a Landscape and Ecology Management Plan. The plan shall include:
 - i) a strategy for the visual inspection of all trees with bat roost potential as identified in the Ecology Report
 - ii) a strategy for a watching brief of all buildings to be demolished and with bat roost potential
 - iii) the exact nature, number and location of species features such as, but not limited to, bat boxes, sparrow terraces, hedgehog domes, to be included within the development
 - iv) the detail of the wildflower mix to be used as well as the locations for its use

The approved details shall then be implemented in full on site in accordance with the timescales set out in the submitted plan.

REASON: To ensure that the development has a positive impact on the ecological value of the site, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005.

8. With regard to conditions 9 - 45 (inclusive) 'Commencement of development' excludes archaeological investigations, ecological surveys or investigations, ground condition investigations and intrusive site surveys and other enabling works, demolition works, site clearance, soil storage, remedial works in respect of contamination or any other adverse ground conditions, erection of any temporary means of enclosure and land raising.

REASON: to facilitate the timely delivery of the development and to assist with development viability.

9. Details of the access, appearance, landscaping, layout, and scale of phase 2 (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on that phase and the development shall be carried out in accordance with the approved details.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

10. Application for approval of the reserved matters shall be made to the Local Planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

11. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

12. Prior to commencement of development, detailed drawings of all highway works including details of the internal road layout and all materials to be used for hard surfaced areas including roads, cycleways, footpaths and car parking shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the highways are constructed to the current Highway Authority's specification and that all highway areas are built to adoptable standards

13. a) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on TPA drawing titled, Octabout Design Proposals Option A, numbered TPA Drawing 1309-14 PL129 has been submitted to and approved in writing by the Local Planning Authority.

b) Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Part a of this condition shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the development does not have an unacceptable impact on safe and free flow of the pedestrian and highway network.

14. a) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on TPA drawing titled, Broadwater Road Proposed Improvements with Centre Line, numbered TPA Drawing 1309-14 PL137 , Drawing 1309-14 PL108 and Drawing 1309-14 PL120 has been submitted to and approved in writing by the Local Planning Authority.

b) Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Part a of this condition shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the development does not have an unacceptable impact on safe and free flow of the pedestrian and highway network.

15. a) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on TPA drawing numbered TPA Drawing 1309-14 PL109 Rev H and PL134 Rev A (Option 3) has been submitted to and approved in writing by the Local Planning Authority.

b) Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Part a of this condition shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the development does not have

an unacceptable impact on safe and free flow of the pedestrian and highway network.

16. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

17. Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following: -
 - i) Roads, footways, cycleways, foul and on-site water drainage.
 - ii) Roads and footway.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays.
 - v) Access arrangements.
 - vi) Parking provision in accordance with adopted standard.
 - vii) Loading areas.
 - viii) Turning areas.

REASON: To ensure satisfactory development of the site

18. a) The development hereby permitted shall not be occupied until an Overarching Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, such Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance'

b) No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan referred to in Part a of this condition as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that the development is as sustainable as possible

19. Notwithstanding the approved plans, the development shall not be occupied until details of additional, publically available, cycle parking have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall

then be implemented in full prior to the first occupation or use of the 100th dwelling and retained in perpetuity.

REASON: To ensure that adequate and managed public cycle parking is available in the vicinity of the railway station bridge.

20. The development permitted by this planning permission shall be carried out in accordance with the flood risk assessment (FRA) and drainage strategy addendum report 2 produced by ICIS design dated July 2016 and the following mitigation measures as detailed within the FRA.

1) The surface water run-off generated by the development must not exceed of 310 l/s during the 1 in 100 year + climate change event.

2) Attenuation must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. Above ground Sustainable Urban Drainage measures (SUDS) such as green and brown roofs, rain gardens, ponds, swales, and permeable pavements must be prioritized during the detailed design stage. 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 (LPA) and retained in perpetuity.

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1) Detailed drainage plan showing the location, size and engineering details of the proposed Sustainable Urban Drainage measures (SUDS), pipe runs, manholes etc.

2) Detailed surface water run-off and volume calculations for 1:100 year + climate change event are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year + climate change event.

3) Details of future maintenance of the drainage scheme.

REASON: To ensure that the site can effectively be drained and maintained during the lifetime of the development.

22. Prior to occupation of any part of the development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect groundwater. This condition ensures that all contaminated material identified on site has been removed or remediated in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

23. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect groundwater as the site is known to be historically contaminated, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect groundwater. Soakaways and infiltration features through contaminated soils are unacceptable as they create new pathways for pollutants to migrate into groundwater, mobilising contaminants already in the subsurface and causing further pollution, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

25. Prior to the commencement of the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating a scheme to protect the proposed development from traffic noise, railway noise and that associated with other uses on the site which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in

BS 8233:2014 and the ventilation standards within Approved Document F of the Building Regulations. The mechanical ventilation system shall provide a ventilation rate of at least the purge rate within Approved Document F (4 air changes per hour) when required to maintain thermal comfort.

REASON – To protect the occupants of the new development from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

26. At least six months before any part of the commercial development takes place the applicant shall submit to, for approval in writing by, the Local Planning Authority a scheme of sound insulation for the commercial buildings. Thereafter, the buildings shall not be occupied until the approved scheme has been fully implemented and thereafter retained in perpetuity.

REASON - to protect the occupants of nearby residential properties from noise disturbance, in accordance with policy R19 of the Welwyn Hatfield District Plan 2005.

27. At least six months prior to the installation of any plant and equipment the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to noise from plant and equipment to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (proposed and existing) (using the methodology outlined within BS4142:2014). Any plant and equipment subsequently installed shall be in accordance with the approved details.

Reason –to protect the amenity of the residents and other nearby residential properties, in accordance with policy R19 of the Welwyn Hatfield District Plan 2005

28. At least six months prior to the installation of any lighting on the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams). 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 of the future residents of the site and existing residential properties in the near vicinity to the development, in accordance with policy R20 of the Welwyn Hatfield District Plan 2005.

29. Deliveries to the commercial/industrial units are to not take place outside the hours of 7am and 9pm on Monday to Saturday and 10am to 2pm on Sundays.

REASON –to protect the amenity of nearby residential properties, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

30. A scheme of odour control for the commercial buildings with kitchen extract systems shall be submitted to and approved in writing by the Local Planning Authority at least six months prior to installation. Thereafter, the buildings shall not be occupied until the approved scheme has been fully implemented.

REASON –to protect the amenity of nearby residential properties (existing and proposed) in accordance with Policy R18 of the Welwyn Hatfield District Plan 2005.

31. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved by, the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

32. No piling shall take place without the express written consent of the Local Planning Authority and until evidence to show that there is no resultant unacceptable risk to groundwater and a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: In order to protect local underground sewerage utility infrastructure and to avoid the creation of new pathways for pollutants.

The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

33. The construction of each building shall not commence until samples of the materials to be used in the construction of the external surfaces of the each building hereby permitted 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 unless otherwise agreed in writing by the local planning authority.

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.

34. Prior to the commencement of development on block 5, as shown on drawing number 2455-T-00-0099-ZXX Rev 02, the applicant shall submit to, and have approved in writing by, the local planning authority a scheme of measures to reduce wind shear around the east end of the silo building and the two building

entrances on the north side of the silo building. The approved details shall be implemented on site, and maintained in perpetuity, prior to the first occupation of any dwelling or premises within blocks 4, 5, 6 or 7 as shown on drawing number 2455-T-00-0099-ZXX Rev 02.

REASON: To ensure an acceptable level of pedestrian comfort in these locations, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and to deliver the mitigation measures identified in the Environmental Statement.

35. Notwithstanding the submitted Landscaping Scheme and Landscaping Plans, prior to the commencement of development on each block, the applicant shall submit to, and have approved in writing by, the local planning authority, a phased landscaping delivery plan. The approved plan for each block shall be implemented in full prior to the end of the first planting season following the first occupation of each block.

Reason: In order to ensure the delivery of an acceptable scheme of landscaping in accordance with policy D8 of the Welwyn Hatfield District Plan 2005.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - H of Part 1 of Schedule 2 or Classes A and B of Part 2 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 3 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of the vitality of the nearby town centre in accordance with Policy TCR3 of the Welwyn Hatfield District Plan 2005.

38. Prior to the occupation of Phase 1, the applicant shall submit to, and have approved in writing by, the local planning authority, a boundary treatment scheme to be implemented along the boundary between phase 1 and phase 2 in the event that phase 1 is completed before development on phase 2 is commenced.

REASON: In the interest of maintaining a high quality design environment, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

39. The premises falling within Use Classes A1, D1 and D2 hereby approved shall only be open to the public between 06.30hrs to 22.00hrs.

Reason: In order to protect the living conditions of local residents, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

40. The premises falling within Use Classes A3 and A4, hereby approved, shall only be open to customers between 06.30hrs and 23.00hrs. Any customers remaining in the buildings or outdoor seating areas after these hours shall leave the premises not later than 30 minutes after the stated closing hours.

REASON: In order to protect the living conditions of local residents, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

41. Prior to the commencement of development on Block 3, the developer shall provide to, and have approved in writing by, the Local Planning Authority, full details of the proposed pedestrian bridge from Block 3 to Bridge Road. The submitted details shall include details of construction type and methodology, bridge dimensions and materials. The approved details shall then be implemented in full on site.

REASON: To ensure that the new bridge is of a design and appearance which is suitable to the development, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

42. Prior to the commencement of development on each block, the applicant shall submit to, and have approved in writing by, the Local Planning Authority, a schedule of sustainability measures to be included in that block. The approved schedule shall then be implemented in full and maintained.

REASON: To ensure the delivery of sustainability measures as set out in the application documents, and to accord with the aims of the Broadwater Road West Supplementary Planning Document 2008, Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

43. All new dwellings on the site shall be constructed to Lifetime Homes Standards, as set out in the submitted Planning Statement.

REASON: To ensure that the development is capable of meeting the needs of all age groups and to accord with the requirements of Policy H10 of the Welwyn Hatfield District Plan 2005.

44. Prior to the first occupation of any of the retained Listed buildings, the applicant shall submit to, and have approved in writing by, the Local Planning Authority a Listed Building Management and Maintenance Plan. The approved plan shall then be implemented in full on site in perpetuity.

REASON: In order to ensure that the Listed buildings are maintained in an appropriate manner following the completion of the development in accordance with Chapter 12 of the National Planning Policy Framework.

45. Prior to the commencement of development on Block 1, the applicant shall submit to, and have agreed in writing by, the Local Planning Authority, full details of the proposed railway bridge pedestrian lift, including a management and maintenance plan as well as details of the hours of operation. The agreed details shall be implemented in full.

REASON: In order to ensure that the lift is available for public use at all times following installation and to accord with Policy M5 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

46. 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
2455-T-01-0021-DXX	05	Block 1 - Elevations & Sections	29 March 2016
2455-T-01-0001-D01	05	Block 1 - First Floor Plan	29 March 2016
2455-T-01-0000-D00	05	Block 1 - Ground Floor Plan	29 March 2016
2455-T-01-0002-D02	05	Block 1 - Roof Plan	29 March 2016
2455-T-01-0020-DNO	06	Block 1 - Elevations	29 March 2016
2455-T-02-0035-AEA	06	Block 2 - Building A Detailed Elevation East	29 March 2016
2455-T-02-0036-BWE	06	Block 2 - Building B Detailed Elevation West	29 March 2016
2455-T-02-0021-Z01	08	Block 2 - First Floor Plan	29 March 2016
2455-T-02-0024-Z04	07	Block 2 - Fourth Floor Plan	29 March 2016
2455-T-02-0020-Z00	08	Block 2 - Ground Floor Plan	29 March 2016
2455-T-02-0026-Z06	06	Block 2 - Roof Plan	29 March 2016
2455-T-02-0022-Z02	07	Block 2 - Second Floor Plan	29 March 2016
2455-T-02-0023-Z03	07	Block 2 - Third Floor Plan	29 March 2016
2455-T-02-0030-AXX	06	Block 2 - Building A Elevations	29 March 2016
2455-T-02-0025-Z05	07	Block 2 - Building A North, South, East, West Block 2 - Fifth Floor Plan	29 March 2016

2455-T-03-0024-Z04	07	Block 3 - Fourth Floor Plan	29 March 2016
2455-T-03-0020-Z00	07	Block 3 - Ground Floor Plan	29 March 2016
2455-T-03-0025-Z05	08	Block 3 - Fifth Floor Plan	29 March 2016
2455-T-03-0021-Z01	07	Block 3 - First Floor Plan	29 March 2016
2455-T-03-0032-ZNO	05	Block 3 - North Elevation - Detailed	29 March 2016
2455-T-03-0033-ZEA	05	Block 3 - East Elevation - Detailed	29 March 2016
2455-T-02-0031-BXX	07	Block 2 - Building B Elevations East, West, North-East & North-West	29 March 2016
2455-T-03-0030-ZXX	05	Block 3 - North, South & West Elevations	29 March 2016
2455-T-03-0022-Z02	07	Block 3 - Second Floor Plan	29 March 2016
2455-T-03-0026-Z06	06	Block 3 - Sixth Floor Plan	29 March 2016
2455-T-03-0023-Z03	07	Block 3 - Third Floor Plan	29 March 2016
2455-T-03-0027-Z07	03	Block 3 - Roof Plan	29 March 2016
2455-T-06-0021-AXX	05	Block 6 - East & West Elevation	29 March 2016
2455-T-06-0045-AXX	05	Block 6 - Building 6A Detailed Elevation East	29 March 2016
2455-T-06-0046-BXX	05	Block 6 - Building 6B Detailed Elevations	29 March 2016
2455-T-06-0004-Z04	07	Block 6 - Fourth Floor Plan	29 March 2016
2455-T-06-0000-Z00	08	Block 6 - Ground Floor Plan	29 March 2016
2455-T-06-0020-ZXX	05	Block 6 - North & South Elevation	29 March 2016
2455-T-06-0001-Z01	07	Block 6 - First Floor Plan	29 March 2016
2455-T-06-0002-Z02	07	Block 6 - Second Floor Plan	29 March 2016
2455-T-06-0030-ZXX	05	Block 6 - Sections	29 March 2016
2455-T-06-0007-Z07	07	Block 6 - Seventh Floor Plan	29 March 2016
2455-T-06-0006-Z06	07	Block 6 - Sixth Floor Plan	29 March 2016
2455-T-06-0023-ZXX	05	Block 6 - South & West Elevation	29 March 2016

2455-T-06-0003-Z03	07	Block 6 - Third Floor Plan	29 March 2016
2455-T-06-0024-ZXX	04	Block 6 - Town House & Building 7D Elevations	29 March 2016
2455-T-06-0005-Z05	07	Block 6 - Fifth Floor Plan	29 March 2016
2455-T-06-0025-AXX	04	Block 6 - Perimeter Building Elevations	29 March 2016
2455-T-06-0008-Z08	07	Block 6 - Roof Plan	29 March 2016
2455-T-07-0047-BXX	05	Block 7 - Building 7B Detailed Elevation	29 March 2016
2455-T-07-0048-DXX	05	Block 7 - Building 7D Detailed Elevation	29 March 2016
2455-T-07-0025-AXX	03	Block 7 - Building A Side Elevations	5 April 2016
2455-T-07-0021-ZXX	05	Block 7 - East & West Elevations	29 March 2016
2455-T-07-0046-CXX	05	Block 7 - 4 Storey Townhouses C Detailed Elevation	29 March 2016
2455-T-07-0000-ZB1	06	Block 7 - Basement Level Plan	29 March 2016
2455-T-07-0044-AXX	05	Block 7 - Building 7A Detailed West Elevation	29 March 2016
2455-T-07-0002-Z01	07	Block 7 - First Floor Plan	29 March 2016
2455-T-07-0005-Z04	07	Block 7 - Fourth Floor Plan	29 March 2016
2455-T-07-0001-Z00	07	Block 7 - Ground Floor Plan	29 March 2016
2455-T-07-0006-Z05	06	Block 7 - Fifth Floor Plan	29 March 2016
2455-T-07-0030-ZXX	06	Block 7 - Sections	29 March 2016
2455-T-07-0007-Z06	06	Block 7 - Sixth Floor Plan	29 March 2016
2455-T-07-0004-Z03	07	Block 7 - Third Floor Plan	29 March 2016
2455-T-07-0045-CXX	05	Block 7 - Townhouse C - Detailed Elevation	29 March 2016
2455-T-07-0008-Z07	05	Block 7 - Roof Plan	29 March 2016
2455-T-07-0003-Z02	07	Block 7 - Second Floor Plan	29 March 2016
2455-T-02-0012-ZCC	07	Blocks 2 & 3 - Section BB and CC	29 March 2016
2455-T-02-0040-ZXX	05	Blocks 2 & 3 - West & East Elevations	29 March 2016

2455-T-02-0001-Z01	07	Blocks 2 & 3 - First Floor Plan	29 March 2016
2455-T-02-0000-Z00	06	Blocks 2 & 3 - Ground Floor Plan	29 March 2016
2455-T-02-0010-ZAA	07	Blocks 2 & 3 - Section AA	29 March 2016
2455-T-06-0022-ZXX	05	Block 6 - East & West Elevation	29 March 2016
2455-T-07-0022-ZXX	05	Block 7 - East & West Elevations	29 March 2016
2455-T-07-0020-ZXX	07	Block 7 - North & South Elevations	29 March 2016
2455-T-07-0023-ZXX	06	Block 7 - North & South Elevations	29 March 2016
2455-T-04-0009-ZO9	03	Blocks 4 & 5 - Eighth Floor Plan	25 February 2015
2455-T-04-0006-ZO6	03	Blocks 4 & 5 - Fifth Floor Plan	25 February 2015
2455-T-04-0002-ZO2	03	Blocks 4 & 5 - First Floor Plan	25 February 2015
2455-T-04-0021-ZXX	04	Blocks 4 & 5 - East & West Elevations	25 February 2015
2455-T-04-0000-ZOO	03	Blocks 4 & 5 - Lower Ground Floor	25 February 2015
2455-T-04-0041-ZXX	03	Blocks 4 & 5 - Main Grand Entrance Stair	25 February 2015
2455-T-04-0020-ZXX	03	Blocks 4 & 5 - North and South Elevations	25 February 2015
2455-T-05-0022-ZXX	04	Blocks 4 & 5 - North & South Elevations	25 February 2015
2455-T-04-0005-ZO5	03	Blocks 4 & 5 - Fourth Floor Plan	25 February 2015
2455-T-04-0030-ZXX	04	Blocks 4 & 5 - Sections	25 February 2015
2455-T-04-0008-ZO8	03	Blocks 4 & 5 - Seventh Floor Plan	25 February 2015
2455-T-04-0010-Z10	03	Blocks 4 & 5 - Roof Plan	25 February 2015
2455-T-04-0003-ZO3	03	Blocks 4 & 5 - Second Floor Plan	25 February 2015
2455-T-05-0023-ZXX	03	Blocks 4 & 5 - Silo Courtyard Elevations	25 February 2015
2455-T-04-0007-ZO7	03	Blocks 4 & 5 - Sixth Floor Plan	25 February 2015
2455-T-04-0004-ZO4	03	Blocks 4 & 5 - Third Floor Plan	25 February 2015
2455-T-04-0040-ZXX	03	Blocks 4 & 5 - Typical Facade Detail	25 February 2015
2455-T-04-0001-ZO1	03	Blocks 4 & 5 - Upper Ground Floor	25 February 2015

2455-T-00-0004-ZXX	09	Masterplan - Car Access	29 March 2016
2455-T-00-0007-ZXX	06	Masterplan - Development Phasing	29 March 2016
2455-T-00-0006-ZXX	09	Masterplan - Pedestrian & Cycle Access	29 March 2016
2455-T-00-0005-ZXX	09	Masterplan - Service & Delivery Vehicle Access	29 March 2016
2455-T-00-0020-ZXX	08	Masterplan - Section Location	29 March 2016
2455-T-00-0015-ZXX	10	Phase 2 Parameter Plan	15 June 2016
2455-T-00-0014-ZXX	04	Site Plans - Existing - Full Extent	25 February 2015
2455-T-00-0001-ZXX	03	Site Plans - Existing Site Plan Indicating Phase 1 & 2	25 February 2015
2455-T-00-0027-Z01	05	Demolition - First Floor Demolition	25 February 2015
2455-T-00-0030-Z04	05	Demolition - Fourth Floor Demolition	25 February 2015
2455-T-00-0026-Z00	05	Demolition - Ground Floor Demolition	25 February 2015
2455-T-00-0033-ZXX	05	Demolition - North & South Elevations	25 February 2015
2455-T-00-0032-Z06	05	Demolition - Roof Plan Demolition	25 February 2015
2455-T-00-0028-Z02	05	Demolition - Second Floor Demolition	25 February 2015
2455-T-00-0025-ZXX	03	Demolition - Site Plan Demolition	25 February 2015
2455-T-00-0029-Z03	05	Demolition - Third Floor Demolition	25 February 2015
2455-T-00-0034-ZXX	05	Demolition - East & West Elevations	25 February 2015
2455-T-00-0031-Z05	05	Demolition - Fifth Floor Demolition	25 February 2015
BMD.219.DR. P001	B	Landscape - Illustrative Landscape Masterplan	29 March 2016
BMD.219.DR. P003	A	Landscape - Illustrative Site Sections - Sheet 1	29 March 2016
BMD.219.DR. P004	A	Landscape - Illustrative Site Sections - Sheet 2	29 March 2016
BMD.219.DR. P005	A	Landscape - Illustrative Site Sections - Sheet 3	29 March 2016
BMD.219.DR. P100	C	Landscape - Overall General Arrangement	29 March 2016
BMD.219.DR. P101	C	Landscape - Detailed GA - Sheet 1 of 4	29 March 2016

BMD.219.DR. P102	C	Landscape - Detailed GA - Sheet 2 of 4	29 March 2016
BMD.219.DR. P103	C	Landscape - Detailed GA - Sheet 3 of 4	29 March 2016
BMD.219.DR. P104	C	Landscape - Detailed GA - Sheet 4 of 4	29 March 2016
BMD.219.DR. P105	C	Landscape - Vertical Landscapes	29 March 2016
BMD.219.DR. P301	B	Landscape - Planting Plan - Sheet 1 of 4	29 March 2016
BMD.219.DR. P302	B	Landscape - Planting Plan - Sheet 2 of 4	29 March 2016
BMD.219.DR. P303	B	Landscape - Planting Plan - Sheet 3 of 4	29 March 2016
BMD.219.DR. P304	B	Landscape - Planting Plan - Sheet 4 of 4	29 March 2016
BMD.219.DR. P401	B	Landscape - Sections - Sheet 1 of 7	29 March 2016
BMD.219.DR. P402	B	Landscape - Sections - Sheet 2 of 7	29 March 2016
BMD.219.DR. P403	B	Landscape - Sections - Sheet 3 of 7	29 March 2016
BMD.219.DR. P404	B	Landscape - Sections - Sheet 4 of 7	29 March 2016
BMD.219.DR. P405	B	Landscape - Sections - Sheet 5 of 7	29 March 2016
BMD.219.DR. P406	B	Landscape - Sections - Sheet 6 of 7	29 March 2016
BMD.219.DR. P902	A	Landscape - Tree Protection Plan	29 March 2016
SP106	B	Transport - Hydeway East Access	27 February 2015
SP107	B	Transport - Hydeway Junction	27 February 2015
SP108	B	Transport - Hydeway East Access	27 February 2015
SP109	B	Transport - Hydeway Junction	27 February 2015
SP110	A	Transport - Hydeway Junction access	27 February 2015
SP112	A	Transport - Hydeway Hammerhead	27 February 2015
SP113	A	Transport - 12m RDV - Hydeway Hammerhead	27 February 2015
SP114	A	Transport - Car & Taxi in Hydeway	27 February 2015
SP115	A	Transport - Car reversing in Hydeway	27 February 2015
SP116	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015

SP117	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP118	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP119	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP120	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP121	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP123	C	Transport - Refuse Vehicle and Fire Tender	27 February 2015
SP126	C	Transport - Car Park Block 6	27 February 2015
SP127	C	Transport - Car Park Block 7	27 February 2015
SP128	B	Transport - Car Park Block 7	27 February 2015
SP129	B	Transport - Car Park Block 2	27 February 2015
SP130	B	Transport - Car Park Block 2	27 February 2015
SP131	A	Transport - Car Park Block 8	27 February 2015
SP133	A	Transport - Car Park Block 9	27 February 2015
SP134	A	Transport - Car Park Block 10	27 February 2015
SP135	A	Transport - Car Park Block 11	27 February 2015
SP136	A	Transport - Car Park Block 12	27 February 2015
SP137	A	Transport - Car Park Block 1	27 February 2015
SP138	A	Transport - Path Analysis - Coach	27 February 2015
		Transport - Transport Assessment Figures	27 February 2015
VS101	B	Transport - Visibility Splays at Octabout	27 February 2015
VS102	B	Transport - Visibility Splays at Hydeway	27 February 2015
VS103	C	Transport - Visibility Splays at Bridge Road Access	27 February 2015
VS104	C	Transport - Visibility on Bridge Road Access	27 February 2015
VS105	D	Transport - Visibility on Network Rail access Road	27 February 2015

VS106	B	Transport - Visibility on Broadwater Road	27 February 2015
VS107	B	Transport - Visibility at Southern Access	27 February 2015
101	B	Transport - Network Rail Access Road	27 February 2015
EL103	D	Transport - Public Transport Accessibility	27 February 2015
PL106	A	Transport - Proposed Junction Layout	27 February 2015
PL108		Transport - Proposed Junction Layout - Broadwater Rd - Chequers	27 February 2015
PL109	H	Transport - Proposed Broadwater Road Improvements	27 February 2015
PL111	G	Transport - Bridge Road Improvements	27 February 2015
PL112	E	Transport - Site Accessibility Map	27 February 2015
PL113	C	Transport - Pedestrian Accessibility	27 February 2015
PL114	D	Transport - Off Road Cycle Accessibility	27 February 2015
PL116	C	Transport - Vehicular Accessibility	27 February 2015
PL117	C	Transport - Servicing-Refuse- Emergency Vehicles plan	27 February 2015
PL120		Transport - Proposed road layout (Broadwater-Osborn Way - Stanborough Road)	27 February 2015
SP101	B	Transport - Path Analysis - Bridge Road	27 February 2015
SP102	B	Transport - Path analysis - Bessemer Road	27 February 2015
SP103	B	Transport - Path Analysis Bridge Road East	27 February 2015
SP104	B	Transport - Path Analysis Broadwater Road	27 February 2015
SP105	B	Transport - Hydeway East	27 February 2015
2455-T-00-0017-ZXX-05	05	Masterplan - Phase 2 publicly accessible & private amenity space	29 March 2016
2455-T-00-0018-ZXX-05	05	Masterplan - Phase 2 building typologies	29 March 2016

2455-T-00-0021-ZXX-08	08	Masterplan - Site Sections - AA,BB,CC & DD	29 March 2016
2455-T-00-0022-ZXX-08	08	Masterplan - Site Sections - EE,FF & GG	29 March 2016
2455-T-00-0023-ZXX-09	09	Masterplan - Site Sections - HH, II & JJ	29 March 2016
PL134	C	Transport - Hydeway Proposed Highway Boundaries (Rev C)	29 March 2016
PL137		Transport - Broadwater Road Proposed Improvements (With Centre Line)	29 March 2016
PL138		Transport - Bridge Road Proposed Improvements (With Centre Line)	29 March 2016
PL140		Transport - Bridge Road Proposed Improvements (Without Centre Line)	29 March 2016
2455-T-00-0099-ZXX-02	02	Masterplan - Phase 1	29 March 2016
2455-T-00-0024-ZXX-08	08	Masterplan - Site Levels	29 March 2016
2455-T-00-0050-ZXX-04	04	Site Elevations - Phase 1 Elevations, AA BB CC	29 March 2016
2455-T-00-0060-ZXX-06	06	Masterplan - Ground Floor Uses & Active Frontages	29 March 2016
PL139		Transport - Broadwater Road Proposed Improvements (Without Centre Line)	29 March 2016
BMD.219.DR. P305	A	Landscape - Planting Plan - Block 2A	29 March 2016
BMD.219.DR. P407		Landscape - Sections - Sheet 7 of 7	29 March 2016
BMD.219.DR. P701		Sustainable Drainage Strategy Plan and Section	29 March 2016
BMD.219.DR. P702		Sustainable Drainage Strategy Plan and Section	29 March 2016
BMD.219.DR. P703		Ecology Enhancements Strategy	29 March 2016
BMD.219.DR. P704		Ecology enhancements	29 March 2016
BMD.219.DR. P705	A	Overall General Arrangement Amendments	29 March 2016

Phase 2 Design Code Revision V6 dated 27 May 2016
Phase 2 Landscape Design Code BMD.219.RP.LDC.006 dated March 2016
Environmental Statement by Waterman Infrastructure and Environment dated
March 2016

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

Informatives:

1. Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset

Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway

infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

2. It is noted in the Environmental Assessment that Japanese Knotweed is present on site. It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.

The Environment Agency code of practice is available online here:
<https://www.gov.uk/government/publications/japanese-knotweed-managing-on-development-sites>

3. Contamination

The Environment Agency advise that you should:

1. Follow the risk management framework provided in 'CLR11, Model procedures for the management of land contamination':
<https://www.gov.uk/government/publications/managing-land-contamination>

2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' and the land contamination sections in the Environment Agency's 'Groundwater Protection: Principles and Practice (GP3)' document:
<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination> <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

3. Refer to the additional information on the land contamination technical guidance pages on the GOV.UK website:
<https://www.gov.uk/government/collections/land-contamination-technical-guidance>

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with:

- BS 10175:2011 A1:2013 Code of practice for the investigation of potentially contaminated sites
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
- BS ISO 5667-18:2001, BS 6068-6.18:2001 Water quality. Sampling. Guidance on sampling of groundwater at contaminated sites

The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

4. Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- i) excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- ii) treated materials can be transferred between sites as part of a hub and cluster project
- iii) some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- ? Duty of Care Regulations 1991
- ? Hazardous Waste (England and Wales) Regulations 2005
- ? Environmental Permitting (England and Wales) Regulations 2010
- ? The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

5. You are advised to contact the Public Health and Protection Department of the Governance Directorate on 01707 357242 in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Health and Safety at Work etc Act 1974 .
6. You are advised to contact the Public Health and Protection Department of the Governance Directorate on 01707 357242 in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Food Safety and Hygiene (England) Regulations 2013.
7.
 1. 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
 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.
8. 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.

Positive and proactive statement

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

OR

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

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly

relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Together with drawing numbers and positive and proactive statement.

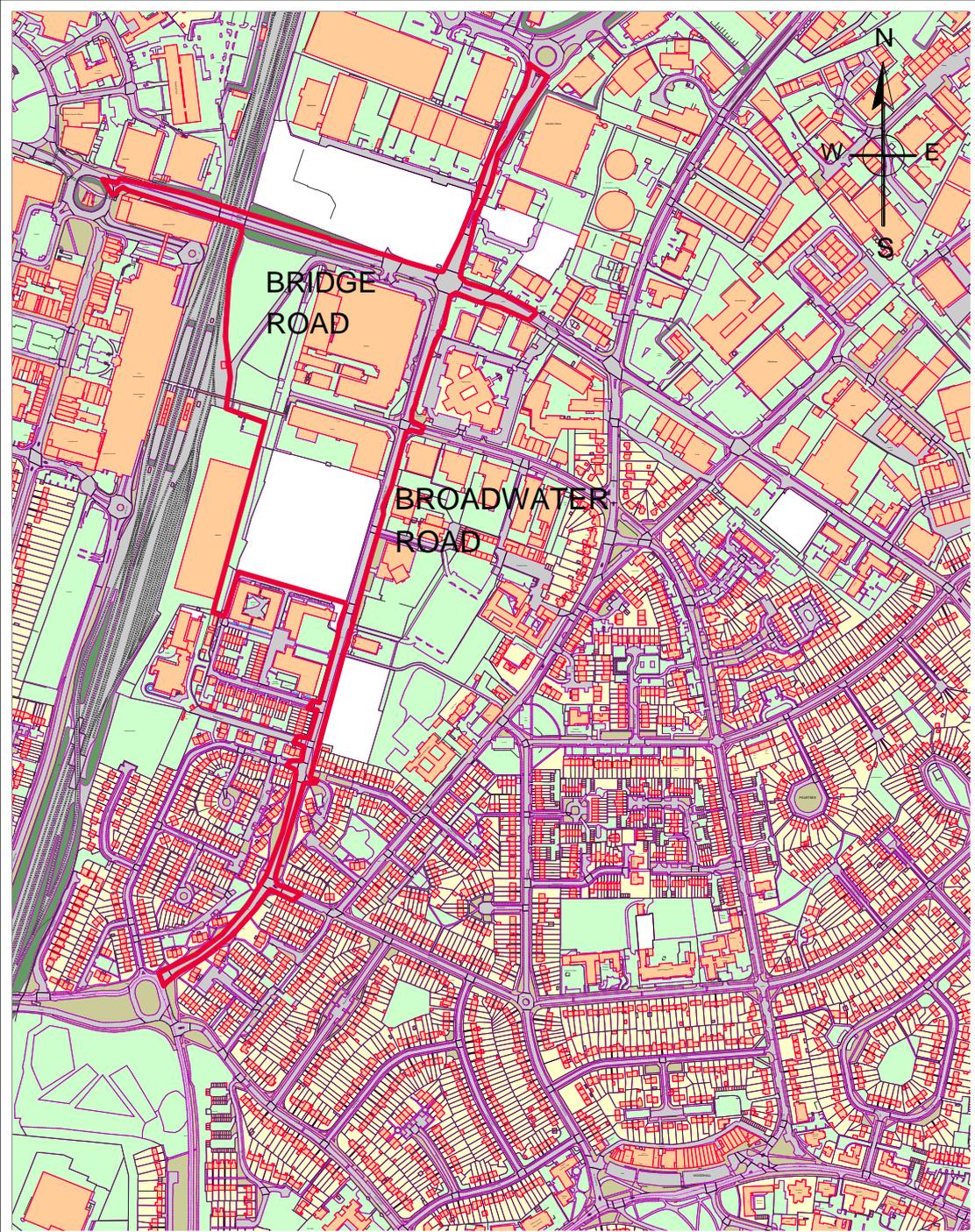
Chris Carter, (Planning)

Date: 17 March 2017

Background papers

Appendix 1 - Section 106 Agreement Heads of Terms

Appendix 2 – Colliers International Viability Assessment Update: Review March 2017



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Former Shredded Wheat Factory, Bridge Road, Welwyn Garden City	Scale: DMC
	Project: DMC Meeting	Date: 2017
Drawing Number: N6/2015/0293/LB & N6/2015/0294/PP		Andrew Windscheffel
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