



# BioPark Planning Appeal

## Proof of Evidence

### Welwyn Garden City Society

## The Planning Balance

Mr Clive Wilson MRICS

### Introduction

1. I am Clive Wilson and I have prepared this proof of evidence on the Planning Balance for the BioPark Appeal proposal APP/C1950/W/22/3294860.
2. I have been a resident of Welwyn Garden City for 25 years and a former Chair of the WGC Society. By profession, I am a Chartered Member of the Royal Institution of Chartered Surveyors. Like many residents, I believe that the Proposal will be detrimental to the cherished Garden City.
3. At the outset I confirm that I am not against redevelopment, **providing it is compliant with Local and National planning policies.**
4. This Planning Balance weighs the evidence and is presented on the following pages:

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## The Planning Balance Summary

5. The adverse impacts of the Appeal Proposal are so significantly damaging to the town and contrary to Council policies that they outweigh the Presumption in Favour of Sustainable Development. These adverse impacts (referenced to the Decision Notice) include:
  - Reason for Refusal 1: Housing Tenure and Mix
    - Too little affordable housing which is non-compliant with Local Policy. This policy was enforced on the neighbouring Mirage site at Planning Appeal. The mitigation offered should be dismissed as the Appellant should have reflected Local Policies in the price paid for the site.
      - i. Too much small size accommodation (1 & 2 bedroom flats) which are already oversupplied in the locality and is in conflict with the Objectively Assessed Housing Need (OAN).
      - ii. The applicable policies for this reason for refusal include: Emerging Local Plan Policy SP7 and Development Policy H7 in the existing Local Plan, SHMA Update of 2017 and NPPF Paragraph 60.
  - Reason for Refusal 2: Car Parking and Transport
    - i. Too little car parking which will adversely impact on neighbours. The mitigations offered are insufficient and in the case of the temporary bus service, excessively short-term.
    - ii. Excessive increase in the number of occupants on the site which will cause adverse transport issues. The offered mitigations are insufficient.
    - iii. The applicable policies for this reason for refusal include: Policy H2 of the District Plan: "Location of Windfall Residential Development"; Policy EMP2 of the District Plan; the Parking Guidance SPG; the interim Policy for Car Parking Standards and Policies SP 4, SADM 2 and SADM 3 of the emerging Local Plan; saved policy M14 on 'Parking Standards for New Development'; the Parking Guidance SPG; and the Interim Policy for Car Parking Standards.
  - Reason for Refusal 3: Architecture, Character and Appearance
    - i. Too high and too bulky for its setting in the Garden City and non-compliant with local policy and Garden City Principles. Too damaging to the townscape in height and massing as stated by the representation from Historic England.

- ii. Excessive housing density for its setting and non-compliant with local policy and Garden City Principles.
  - iii. Too little usable outdoor space which will cause misery for residents and adversely impact upon neighbours. Non-compliant with local policy and Garden City Principles.
  - iv. Fails to respect the local precedent that change of use (from Employment to Housing) necessitates a lowering in building height.
  - v. The applicable policies for this reason for refusal include: Policies D1 & D2 of the District Plan; Policy SP9 of the Emerging Local Plan; Policy SADM15 of the emerging Local Plan; Broadwater Road West SPD and NPPF paragraphs 43, 130 and 134 as well as TCPA Garden City Principles.
- 6. For the reasons given above, the Appeal proposal fails to comply with the relevant development plan policies. There are no material considerations that individually or cumulatively outweigh this finding. Therefore, the Appeal should be dismissed.**

## Presumption of Sustainable Development

- 7. The Society accepts that the Council cannot demonstrate a 5-year supply of deliverable housing sites and paragraph 11 of the NPPF is therefore engaged, where planning decisions should apply a presumption in favour of sustainable development, provided the adverse impacts of such developments do *not* outweigh their benefits.
- 8. The adverse impacts of the Appeal Proposal are so significantly damaging to the town and contrary to Council policies that the Appeal should be dismissed.
- 9. The guidance of the NPPF is to apply a presumption in favour of sustainable development and grant planning permission (where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date), unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole<sup>1</sup>.
- 10. The Society does not object to the principle of the redevelopment of the site but objects to the current scheme because of its adverse impacts.

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<sup>1</sup> Para 11d, NPPF

## Welwyn Hatfield Borough Council Local Plan & Policies

11. I am concerned to ensure that the presumption in favour of sustainable development does not change the statutory status of the Council's development plan and its emerging development plan as the starting point for decision-making<sup>2</sup>
12. The Council's current Local Plan was adopted before the publication of the NPPF, but that does not make it out of date<sup>3</sup>.
13. The NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years and should then be updated as necessary<sup>4</sup>. This review and updating is currently in process at the Council with the creation of the Emerging Local Plan and it should be untenable to argue that the existence of the Council's Emerging Local Plan renders all the currently adopted policies as therefore out-of-date and of no weight.
14. Accordingly, the Inspector should:
  - give due weight to Council policies predating the NPPF, per para 219 of NPPF
  - give weight to the Council's emerging plans, per paragraph 48 of the NPPF
  - give weight to the Council's design codes, per para 129 of the NPPF
  - give significant weight to local design policies, per para 134 of the NPPF
15. In central areas and areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan.
16. The NPPF says it is important to support economic growth<sup>5</sup> and this requires a balanced approach to housing. Providing a geographically isolated development of overwhelmingly 1- and 2-bed flats, with no direct links to adjacent communities and with inadequate provision for families is an unbalanced approach to community planning, and it will lead to economic and social dislocation. It is untenable to argue that the centre of Welwyn Garden City can be covered in 1- & 2-bed flats and that when people want to start families, they can 'move North', e.g. to north Hertfordshire & beyond. But this is *exactly* the statement Society members have heard from

<sup>2</sup> Para 12, NPPF

<sup>3</sup> Para 219, NPPF

<sup>4</sup> Para 33, NPPF

<sup>5</sup> Para 81, NPPF

representatives of one of the developers of a nearby Broadwater Road West site and it reflects a profound indifference to the needs of the community.

17. The NPPF states that significant weight should be given to Local Design Policies. These include the precedent set on the neighbouring Mirage site which is in the low level building height zone for the area that is further away from the railway access - refer to Appendix A. This has meant that the change of use from Employment to Housing requires a reduction in building height - refer to Appendix C.
18. Consequently, the Inspector should give weight to the need to support economic growth, per paragraph 81 of the NPPF. Businesses need employees and families are their vital & sustainable line of support. Providing little or no family accommodation on this site will undermine economic growth and tend to undermine the community.

## **Appeal Proposal contrary to Local Plan Policy SP7**

19. There is a substantial & growing need for both affordable & social family housing in Welwyn Hatfield and this is an essential part of development policy H7 in the existing Welwyn Hatfield Local Plan and policy SP7 in the emerging Local Plan.
20. Policy SP7 aims to provide a range of homes for different households to create sustainable, inclusive and mixed communities in the future and the Appeal proposal conflicts with this policy on the type and mix of housing, in the following respects:
  - The development will comprise 88% '1- and 2-bed flats', compared to the Council's objectively assessed housing need ('OAN') of only 37%.
  - The development will comprise only 12% '3- & 4-bed dwellings', compared to the Council's OAN of 63%.
  - The Council has identified the town urgently needs family homes and using the BioPark area to build such an over-development of 1- & 2-bed flats, will unjustifiably increase the pressure on the remaining parts of the town to provide 3- & 4-bed dwellings, especially as the Shredded Wheat developments already have approval (planning application ref 6/2018/0171/MAJ ) to build 1,359 '1- & 2-bed' flats nearby and the developers are seeking to increase these approved figures.
  - The range of homes in the proposal should include single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes. For larger sites like the BioPark, there should be a greater opportunity to deliver such a broader mix. Housing on such large sites should reflect the council's latest evidence of housing

need and market demand and contribute towards meeting the varied needs of different households. The proposal fails to do so, in all aspects.

- As part of the overall housing target, a proportion of new homes built in the borough shall be for affordable housing. Affordable housing will be sought with 30% affordable homes on sites such as BioPark – but the proposal only offers 10% affordable housing.
- As part of the overall housing target, an increase in dwellings shall be supported to help meet the varied housing needs of an ageing population, through the provision of a range of housing options such as sheltered housing, flexi-care, extra-care, assisted living and other forms of supported housing, provided such developments are located in accessible locations. According to Council policy, around 5% of all new housing should comprise housing that is specially designed for older people, but the proposal offers little or nothing in this regard.

## **Appeal Proposal contrary to District Plan Policy EMP2**

21. The Appeal site is subject to Policy EMP2 of the District Plan, the Parking Guidance SPG, the interim Policy for Car Parking Standards and Policies SP 4, SADM 2 and SADM 3 of the emerging local plan and the Council's SoC details the breaches of these policies.
22. Policy EMP2 requires planning proposals to:
  - avoid having an unacceptable impact on the local transport infrastructure,
  - avoid harming the amenities of any nearby residential properties
  - provide adequate parking, servicing & access.
23. The proposal will only have 226 spaces for 289 dwellings, with little or no provision for on-street parking.
24. I believe that car parking provision in the Appeal application is grossly inadequate by WHBC's standards (saved policy M14 on 'Parking Standards for New Development', the Parking Guidance SPG, and the interim Policy for Car Parking Standards).
25. The BioPark site is in 'Zone 2' for the purposes of the Parking Guidance SPG and the parking standards are:
 

○ For 1-bedroom dwellings	0.75 space/dwelling
○ For 2-bedroom dwellings	1 space per dwelling
○ For 3-bedroom dwellings	1.5 spaces per dwelling

Applying these standards to the proposed 289 dwellings at the BioPark leads to a requirement for 278 spaces for residents, as shown in the table below:

Dwelling Type	No of Dwellings	WHBC Parking Std	Spaces
1-bed	129	0.75	97
2-bed	126	1.00	126
3-bed	26	1.50	39
4-bed	8	2.00	16
	<b>289</b>		<b>278</b>

The Proposal provides details of its parking provision on page 97 of its Design & Access Statement:

Type of Parking Space	Number
Basement standard residential	148
Basement wheelchair residential	29
Surface residential	20
<b>Total Residential Parking</b>	<b>197</b>
Commercial parking	6
Car Club bay	1
Visitor parking	22
<b>Total Parking</b>	<b>226</b>

The Proposal's provision of only 197 residential parking spaces compared to the Council's guidelines of 278 spaces will lead to acute problems for residents onsite and in neighbouring areas.

26. The provisions for visitor and disabled parking are also inadequate.
27. The Mirage site, recently built on Broadwater Road and immediately adjacent to the BioPark, has 248 spaces for 207 dwellings, plus a further 20-30 additional spaces of unplanned street parking, making a total of over 270 spaces. Despite this higher level

of parking provision, ‘Mirage’ residents say, in a recent opinion poll, that their parking arrangements are inadequate. An up-to-date study on local car parking has been produced in our Proofs of Evidence. Secondly, none of the roads on the Mirage site have been adopted by the Council – it is all private land and is not available for parking by non-residents such as the BioPark residents.

28. Applying the levels of parking provided at other local developments, such as ‘Mirage,’ would lead to the BioPark planning application needing to provide 315 car parking spaces – 90 (+40%) more than currently proposed. As the Car Parking Proof shows the neighbouring parking study demonstrates that even at this level, there will be problems for residents.

## **Appeal Proposal contrary to Policy H2 of the District Plan: “Location of Windfall Residential Development”**

29. The Appeal site is subject to Policy H2 of the District Plan: “Location of Windfall Residential Development”
30. The increase in occupation and floor area on the site will have adverse impacts including transport difficulties. The internal floor area (+62%) and the number of occupants (+42%) are greatly increased over the capacity on the current site - see Appendix D]
31. The adverse impacts are elaborated upon in the Hertfordshire County Council representation and Councillor Russ Platt’s Proof of Evidence

## **Appeal Proposal contrary to District Plan Policies D1 & D2**

32. The Council goes into extensive detail in its SoC on the breaches of Policies D1 & D2 of the District Plan, which requires that a proposed development be of a high quality of design and that it respects and relates to the character and context of the area in which it is proposed.
33. Accordingly, the Appeal should also be dismissed because the Proposal contradicts National Design Guide, particularly paragraph 43 which states:
 

*“Well-designed new development is integrated into its wider surroundings, physically, socially, and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including....*

  - *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form, and scale.*

- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details, and materials of new development.”*

34. The Proposal is higher and much bulkier than the existing building outline as noted in Mr Richmond Bauer's evidence.
35. The Proposal also fails to comply with the Council's 'Broadwater Road West Supplementary Planning Document' ('SPD'), (Appendix 4 of the Council's Statement of Case), in being higher than the permitted maximum height of 5 storeys. The SPD continues to be the valid policy for the area.
36. Consequently, the Proposal will cause irreversible harm to the local area and the townscape, as it will forcibly implant an intense high-rise development into an area characterised by low-rise dwellings built in line with the Broadwater Road West SPD – refer to Appendix A.
37. The Proposal seeks to construct 289 dwellings on the 1.24 hectares site, resulting in an average density of 233 dph, which is three times the density suggested in the Broadwater Rd West SPD, of 75dph. The proposal provides accommodation for 852 persons, equivalent to 687 persons/hectare.
38. The BioPark Proposal's **housing density** is 30% greater than the Wheat Quarter site, next to the railway station, which was approved in 2018.
  - The Wheat Quarter site (planning application 6/2018/0171/MAJ) was approved for 1,454 units on its North & South sites (4.5ha and 3.6ha respectively)<sup>6</sup>. This is an average of 179 units/ha.
  - The Appeal Proposal comprises 289 units on the 1.24 ha BioPark site<sup>7</sup>. This is an average of 233 units/ha and 687 residents/ha.
  - I believe this proposed housing density of 233 units/ha is contrary to WHDP Policy H6 which states, "*The Council will require all residential developments of 5 or more dwellings to be built at densities of 30 to 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan*".
39. The BioPark Proposal's **population density** is 21% greater than the Wheat Quarter site, which was approved in 2019:
  - The Wheat Quarter site was approved for 4,586 bed spaces on the North & South sites of 8.1ha<sup>8</sup>.This is an average of 526 residents/ha.

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<sup>6</sup> Details per the 'WGC Unit Schedule, North Site' & 'WGC South Site Area Schedule Rev P2' documents 2018

<sup>7</sup> Per pages 13 & 65 of Design & Access Statement for Broadwater Gardens, Dec 2020

<sup>8</sup> Details per the 'WGC Unit Schedule, North Site' & 'WGC South Site Area Schedule Rev P2' documents 2018

- The Appeal Proposal comprises 852 bed spaces on its 1.24 ha site<sup>9</sup>. This is an average of 687 residents/ha.
  - Such intense overdevelopment is completely at odds with traditional garden city estate planning.
40. At 9 storeys high, the application is contrary to Emerging Local Plan Policy SP9, because it will be an excessively tall building, out-of-place and surrounded by low-rise buildings & structures. Policy SP9 states, “*proposals for taller buildings should “positively respond to the following matters within their design solution: clustering with other existing or proposed taller buildings within the immediate and wider area; long distance views; impact on skyline, townscape, historic assets and landscape; shadowing; relationship and interaction with the street and human scale*”.
41. The BioPark site is in Peartree ward, which is the most deprived ward in Welwyn Hatfield. Congested, high-density living is one of the inner-city problems that the Garden City was designed to overcome & eradicate forever. As one objector to the planning application noted, ‘*I moved out of London to get away from high density housing. Now I find that it is proposed to follow me.*’
42. The Proposal has insufficient open space for its residents. This assessment uses the definition of “open space” as provided in the NPPF: “*All open space of public value.... which offer important opportunities for sport and recreation and can act as a visual amenity*”
43. The allocation of roof space and balcony spaces as usable spaces is erroneous and fails to comply with LPA Policy Guidance.
44. The Proposal has external ‘open’ space that is sandwiched between two blocks of 8 and 9 storey buildings. The presence of the tall buildings on either side of the ‘open’ space means that the quantity of sunlight and daylight will be severely compromised. The area is also overlooking the busy, noisy railway line. For these reasons, the proposed uses for these outdoor areas will be unsuitable.
45. Key learnings from the Covid Pandemic have included the importance of excellent quality outdoor space. This is lacking in the Proposal. This need has yet to be fully documented into updated policy directives, but it should be taken account of in the decision process.
46. The Proposal will lead to significant harm to the neighbourhood as residents, finding the outdoor space arrangements to be insufficient, will overspill into surrounding areas.

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<sup>9</sup> Per pages 13 & 65 of Design & Access Statement for Broadwater Gardens, Dec 2020

## Appeal Proposal contrary to Policy SADM15 - Heritage Assets

47. Policy SADM15 of the emerging Local Plan states,

*"Proposals which affect designated heritage assets and the wider historic environment should consider the following:*

1. *The potential to sustain and enhance the heritage asset and historic environment in a manner appropriate to its function and significance.*
  2. *Successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.*
  3. *Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.*
  4. *Architectural or historic features which are important to the character and appearance of the asset (including internal features) should be retained unaltered.*
  5. *The historic form and structural integrity of the asset are retained; and*
  6. *Appropriate recording of the fabric or features that are to be lost or compromised takes place and is deposited into the Historic Environment Record."*
48. Welwyn Garden City is a town that is notable as one of the most comprehensive examples of a garden city in the UK<sup>10</sup>, and an application is being prepared for world heritage status, but this Appeal proposal - because of its poor design and city centre location - could prejudice that initiative. Consequently, the Inspector should give great weight to conserving this heritage asset, as per paragraph 199 of the NPPR and sub-points 2 and 3 (our numbering) from policy SADM15 shown above:
- *Successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.*
  - *Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.*
49. The representation by Historic England confirms that the height, bulk and massing are excessive.

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<sup>10</sup> English Heritage – English Garden Cities- page 17