

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 31 JANUARY 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

N6/2010/3120/DC3

REDEVELOPMENT OF FORMER SPLASHLANDS COMPLEX TO INCLUDE:
PHASE 1: CONSTRUCTION OF HIGH ROPES ADVENTURE COURSE,
SUPPORTING TICKET KIOSK AND CLEARANCE OF FORMER LIDO AREA AND:
PHASE 2: REDEVELOPMENT OF FORMER LIDO SITE TO PROVIDE A WET
PLAY AREA, EXTENSION AND REFURBISHMENT OF EXISTING TOILET BLOCK
TO PROVIDE A CAFE, EDUCATION ROOM, TICKET OFFICE, LANDSCAPING,
ASSOCIATED CAR PARK ACCESS AND HIGHWAYS IMPROVEMENTS

APPLICANT: Welwyn Hatfield Borough Council

(Handside)

1 Site Description

- 1.1 The application site forms part of Stanborough Lakes which are located on Stanborough Road and are owned by Welwyn Hatfield Borough Council and managed by Finesse Leisure Partnership Trust, with a 25 year lease. Stanborough Park includes a freely accessible public open space, two lakes and the River Lea, nature reserves and woodland. In addition, Stanborough Lakes provides visitors with access to facilities and activities which includes an information point, water activities, cafe, restaurant and car parking. Stanborough Lakes is located on both sides of Stanborough Road.
- 1.2 The application site is located to the north of Stanborough Road and covers an area of approximately 3.85ha. It includes land occupied by the former open air pool complex, the Lido area, which originally had changing rooms, kiosk and other buildings on the site which have mainly been demolished. This area is fenced on all sides and accessed via a pedestrian gate from the car park. A toilet block which remains in use, is located in the southwest corner of the lido area, accessed from the footpath adjacent to the playground.
- 1.3 The application site is relatively flat although there is terracing within the lido area which was associated with the former changing huts and sun deck. The pool was infilled with what is reported to be site won materials including soils and rubble from the demolition of associated site buildings.
- 1.4 The existing northern car park is also within the application site which is accessed via a single track off Stanborough Road. The car park is sited to the front of the former lido area and has 293 parking spaces. There is a public right of way (004) within the site which travels along the vehicular access road.
- 1.5 To the west of the application site is the River Lea which borders the site and the A1 (M) further beyond, which is in an elevated position. To the south of the site lies Stanborough Road. The park continues to the north of the site and industrial and residential buildings lie to the east.

- 1.6 The site is slightly undulating with an overall slope direction to the southwest towards the lido and the River Lea. In the north west of the site is a large grassed mound, which originated following the excavation of the boating lands as a means of disposing of excavated materials and to provide interest within the park.

2 The Proposal

- 2.1 This application seeks planning permission for the redevelopment of the Splashland Complex, which is shown on the Proposals Map of the District Plan, to provide a wet play area including an education room, cafe and toilet facilities. In addition, a high ropes facility is proposed to the north of the wet play area, which is also on the Splashland Complex. Alterations are also proposed to the vehicular access and Stanborough Road.
- 2.2 The development has been split into two phases. Phase 1 includes the high ropes scheme and phase 2 includes the wet play area. The applicant outlines that it is envisaged that each phase will be constructed in different stages with Phase 1 works scheduled for 2013 and Phase 2 to be constructed at a later date.

Phase 1

- 2.3 The high ropes scheme would be located to the north of the wet play area and adjacent to the River Lea. It would consist of a low level trek and a high level trek with viewing decks, zip wires and walkways. A central tower is proposed which would include abseiling facilities and would have a maximum height of 13m. The high ropes facility would also be supported by a ticket kiosk building located at the entrance to the high ropes course which would provide a ticket booth and be used for the storage and distribution of equipment. This building would be single storey and would have a floorspace of 115sqm.
- 2.4 Phase 1 of the development also includes the clearance of the former lido site, which is currently overgrown and derelict. These works would include vegetation clearance and the demolition and removal of derelict foundations and surface feature and objects above and below ground. The finished work would comprise re-grading to match existing levels, top soiling and seeding to grassland.

Phase 2

- 2.5 The wet play area would be located on land which was the former lido area. It would include a sunken barge and splash pool, slides, sun terraces, shallow water, water pumps, educational play area, timber board walks around the site and a junior adventure play area including timber climbing structures, platforms, bridges, tunnels and slides which would be surrounded by boulders and climbing and viewing platforms.
- 2.6 Five pyramid towers are proposed where four of these would incorporate slides. These towers would vary in height to a maximum of approximately 9m. In addition, three climbing structures have been proposed and would have a maximum height of about 3.3m and would be constructed from timber. They would all look towards a sand pit within the centre of this part of the site.
- 2.7 To the south east, grass sun facing terraces would be formed in the embankment. At the top of the embankment there would be 15 changing

rooms in the form of brightly coloured beach huts providing changing facilities for water play. These would have a height of approximately 2.35m and width and depth of approximately 1.2m and 1.2m respectively.

- 2.8 The existing toilet block would be extended to form a pavilion which would act as a visitor centre for Stanborough Park. It would be located at the entrance of the wet play area and would include an information desk, cafe, and teaching space. This building would be single storey and designed with a flat roof where it would have a floorspace of 445sqm.
- 2.9 Access into the site would be retained from Stanborough Road although the access would be improved by widening the existing junction. In addition, a dedicated turning head within the northern part of the site for coaches, refuse vehicles and general maintenance vehicles is proposed. This would include two coach bays and a dedicated footway from the coach bays to the proposed pavilion building. In addition a shared surface is proposed to the front of the pavilion building.
- 2.10 The car park would retain the existing 293 car parking spaces however it would be rearranged to make more efficient space outside the pavilion building and provide 16 disabled spaces. In addition cycle parking for 38 cycles would be provided.
- 2.11 An area to the west of the former lido area is proposed for a flood compensatory storage area.

3 Planning History

- 3.1 N6/2010/1354/PA: Pre-application advice given for the redevelopment of Splashlands. Informal officer's advice was given on the 20 September 2010. This provided general advice and outlined that the site was located in Green Belt where the proposal would need to comply with PPG2 and policy CLT 3 of the District Plan. The advice also outlined that the site lies partially between Flood Zone Level 2 and 3a but the majority of the scheme would appear to be a water compatible use.
- 3.2 N6/2009/0897/PA: Splashlands feasibility study. 20 May 2009.
- 3.3 N6/2006/0757/FP: Installation of pay and display payment machines, lighting, cctv and signage. Approved 03/08/2006.
- 3.4 N6/1999/0483/FP: Use of land for Sunday car boot sales. Approved. 26/07/1999.
- 3.5 N6/1995/0604/FP: Erection of single storey building for use as offices and public toilets. Approved 28/09/1995.
- 3.6 N6/1992/0135/FP: Construction of Crazy golf course. Approved 16/04/1992.
- 3.7 225/81: No description or information found.
- 3.8 4143/71: Refreshment kiosk: Approved 11/1/72.
- 3.9 150/63: Extension to swimming pool: Approved 20/3/1963.
- 3.10 2343/67: Site for Recreation grounds. Approved 8/4/1968.

3.11 1397/49: Filter House of Lea Valley Swimming Pool. Approved 15/11/1949.

4 Planning Policy

4.1 National Planning Policy Framework

4.2 Hertfordshire Structure Plan Review

4.3 Hertfordshire Minerals and Waste Plan

4.4 Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP1: Green Belts

R1: Previously Developed Land

R2: Contaminated land

R3: Energy efficiency

R4: Renewable energy sources

R5: Waste management

R7: Protection of ground and surface water

R11: Biodiversity and development

R15: Wildlife sites

R17: Trees, woodland and hedgerows

R19: Noise and vibration pollution

R29: Archaeology

IM2: Planning Obligations

M1: Integrating transport and land use

M2: Transport assessments

M4: Developer contributions

M5: Pedestrian facilities

M6: Cycle routes and facilities

M8: Powered two wheelers

M14: Parking standards for new development

D1: Quality of design

D2: Character and context

D7: Safety by design

D8: Landscaping

D9: Access and design for people with disabilities

D11: Design statement

D12: Development briefs

RA10: Landscape Character Areas

RA21: leisure and Tourism in the Countryside

RA25: Public Rights of Way

CLT2: New and Expanded Leisure Facilities

CLT3: Splashlands

4.5 Supplementary Design Guidance, February 2005

Design Principles

General Design Guidance

Sustainability checklist

Design Statements

4.6 Supplementary Planning Guidance, Parking Standards, January 2004

4.7 Council's Assessment of Open Space, Outdoor Sport and Recreation 2009

5 Constraints

5.1 The site lies within the Green Belt, an Area of Archaeological Importance, Flood Plains 2 and 3, Former Splashlands Complex and a Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005. In addition, there is a public right of way (004) which passes through the application site.

6 Representations Received

6.1 This application has been advertised by site notice, newspaper notice and neighbour notifications.

6.2 Five representations on the initial consultation have been received which include representations from 5 Stanborough Cottages, Elm Walk, Amethysts Walk, Welwyn Hatfield Access Group and Welwyn Garden City Society.

6.3 Summary

- Concerns with regard to parking and increased congestion on nearby roads;
- Concerns with regard to noise and disturbance from people walking through to Splashlands during the day and the noise from Splashlands itself;
- Concerns about the impact on Amethyst Walk and Lemsford Lane;
- Concerns with parking and consideration of a resident parking facility outside 5 Stanborough Cottages; and
- Provision of adequate parking spaces should be provided otherwise our road become inundated with traffic and litter.

6.4 Welwyn Garden City Society request that those trees to be removed and replaced by new trees in appropriate location and that the reports concerning swallow holes in this area will be taken into account. The Society hopes that these swallow holes will not affect the proposed new structure of Splashlands.

6.5 Welwyn Hatfield Access Group are solely concerned to see that appropriate provisions are included at the site and its approaches to enable all members of society to benefit from the facilities. They sought confirmation from the applicant regarding the ticket office, the teaching room, refreshment seating and high ropes unit.

6.6 A further consultation concerning the amended plans was undertaken on 20 December 2012 and one representation has been received from Stanborough School.

6.7 Summary

- Supports the proposal for both phases;
- The development will remove an eyesore but will introduce an interesting new sports facility;
- Hope that adequate provision will be made for the school to use the facility for the benefit of our students;

- We would like to be involved in future discussions about the facility as there may be benefits for each of us working together.

7 Consultations Received

- 7.1 Hertfordshire County Council Transportation Planning and Policy Department** – The applicant has provided insufficient information to enable Hertfordshire County Council as highway authority to fully assess the impact of the proposal on highway safety and capacity.
- 7.2 Hertfordshire County Council Archaeology** – The proposed development is unlikely to have an impact on significant archaeological deposits, structures or features. No comments will therefore be made.
- 7.3 Herts Biological Records Centre** – Some works have the potential to disturb or harm species and therefore conditions are recommended.
- 7.4 Hertfordshire County Council Rights of Way** – The plans do not show the correct line of the footpath 004 at the entrance onto Stanborough Road. The intended works would appear to partially interfere with the public right of way. In principle there are no particular objections providing the surface does not substantially interfere with the line of the path and that no further fencing obstructs the line of the path indeed some sort of controlled crossing in the immediate vicinity of two public footpaths crossing this busy route are an advantage.
- 7.5 Environment Agency** – No objections subject to conditions concerning the development is constructed in accordance with the Flood Risk Assessment and that a scheme for surface water drainage is submitted.
- 7.6 Natural England** – No objections given the nature and scale of this proposal.
- 7.7 Environmental Health** – No adverse comments to make.
- 7.8 Council's Landscaping Team** – It is difficult to assess the impact of the development on the trees as information is conflicting. Concerns are raised with regard to the Arboricultural report which needs to correlate to tree removals, the lack of information regarding the root barrier protection, the fencing around the high ropes which is too close to the trees and the bonded gravel surface within the high ropes.
- 7.9 Thames Water** – No objections.
- 7.10 Highways Agency** – No objections.
- 7.11 Veolia Water** – The Company does not have any water services or other interests in the vicinity of the site.
- 7.12 Fire Protection** – No comments received and consultation expired on 4 April 2012.
- 7.13 Council's Client Services** - No comments received and consultation expired on 4 April 2012
- 7.14 Hertfordshire Constabulary** - No comments received and consultation expired on 4 April 2012

- 7.15 **Herts and Middlesex Wildlife Trust** – No comments received and consultation expired 25 March 2011.
- 7.16 **English Heritage** – No comments received and consultation expired on 25 March 2012
- 7.17 **Sports England** – No comments to make on the application.
- 7.18 **Play England** – No comments received and consultation expired on 4 April 2011.
- 7.19 **Edf Energy** - No comments received and consultation expired on 25 March 2011.
- 7.20 **Transco** - No comments received and consultation expired on 25 March 2011.
- 7.21 **British Gas** - No comments received and consultation expired on 25 March 2011.
- 7.22 **Welwyn Garden City Chamber of Trade** - No comments received and consultation expired on 25 March 2011.
- 7.23 **HCC Minerals and Waste Department** - No comments received and consultation expired on 30 March 2011.
- 7.24 Amended plans have been received and a further consultation was undertaken on 20 December 2012. The comments received from this are outlined below.
- 7.25 **Hertfordshire County Council Transportation Planning and Policy Department** – No objections subject to conditions. In addition a Section 106 Agreement to secure a financial contribution of £30,000 is required.
- 7.26 **Council's Landscape Department** – No objections subject to conditions concerning tree protection and further details for planting scheme.
- 7.27 **Hertfordshire County Council Archaeology** – No comments received and consultation expired on 9 January 2013.
- 7.28 **Herts and Middlesex Wildlife Trust** – No comments received and consultation expired on 9 January 2013.
- 7.29 **Herts Biological Records Centre** – The ecological report contains sufficient information for the Local Planning Authority to make a fully informed decision where no objections are made to the enhancements proposed. It is advised that the recommendations are conditioned in total, ideally incorporated within a Landscape Management Plan.
- 7.30 **Environment Agency** – No objections subject to two conditions which are split into Phase 1 and Phase 2.
- 7.31 **Natural England** – No objections.
- 7.32 **Environmental Health** – The contaminated land report indicates no significant issues.

The acoustic assessment indicates that the noise from this development should not result in disturbance or nuisance at the nearest noise sensitive premises and do not exceed the levels in BS8233 or BS4142.

In view of the above no objections are raised and no recommendations in respect of conditioning. It is suggested however an informative is added concerning food safety and health and safety enforcement at the site.

- 7.33 Thames Water** – No objections.
- 7.34 Council's Client Services** – Assume no impact on refuse and recycling collections.
- 7.35 Hertfordshire County Council Rights of Way** – No objections.
- 7.36 Hertfordshire Constabulary** - No comments received and consultation expired on 9 January 2013.
- 7.37 Fire Protection** – No comments received and consultation expired on No comments received and consultation expired on 9 January 2013.
- 7.38 English Heritage** – No comments received and consultation expired on 9 January 2013.
- 7.39 Highways Agency** – No comments received and consultation expired on 9 January 2013.
- 7.40 Sports England** – No comments received and consultation expired on 9 January 2013.
- 7.41 Play England** – No comments received and consultation expired on 9 January 2013.
- 7.42 Veolia Water** – No comments received and consultation expired on 9 January 2013.
- 7.43 Edf Energy** - No comments received and consultation expired on 9 January 2013.
- 7.44 Transco** - No comments received and consultation expired on 9 January 2013.
- 7.45 British Gas** - No comments received and consultation expired on 9 January 2013.
- 7.46 Welwyn Garden City Chamber of Trade** - No comments received and consultation expired on 9 January 2013.
- 7.47 HCC Minerals and Waste Department** - No comments received and consultation expired on 9 January 2013.

8 Discussion

- 8.1 This application is presented to the Planning Control Committee as Welwyn Hatfield Borough Council is the applicant.
- 8.2 The main issues for to be considered are;

1. The principle of the development;
2. The impact of the development on the character and appearance of the locality and openness of the Green Belt;
3. Impact to the residential amenity;
4. Highway Safety and Parking;
5. Landscaping;
6. Protected Species;
7. Sustainable Development;
8. Archaeology;
9. Right of Way;
10. Financial Contributions; and
11. Other Material Considerations

1. The principle of the development

- 8.3 Paragraph 14 of the National Planning Policy Framework (NPPF) refers to the presumption in favour of sustainable development, which should be seen as a golden thread running through decision taking. For decision taking this means approving development proposals that accord with the development plan without delay.
- 8.4 The application site is located on land that is designated as Green Belt where the National Planning Policy Framework (NPPF) is applicable. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Three exceptions to this include;
- *the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land in it;*
 - *the extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building; and*
 - *limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.*
- 8.5 The proposed high ropes and wet play development would provide appropriate outdoor recreational facilities on land which forms the Splashland Complex and is predominately previously outdoor recreational developed land. The high ropes ticket kiosk would be a small single storey building with a floorspace of 115sqm which would be essential to the high ropes facilities providing a ticket office and storage space for the equipment. In addition, the proposed changing facilities with a floorspace of 50sqm would also be necessary for the running of the facility. Therefore the high ropes and play equipment on the former lido site would not conflict with paragraph 89 of the NPPF subject to the caveats that the openness of the Green Belt is preserved and the proposal does not conflict with the purposes of including land in it.
- 8.6 In addition, the extensions to the existing toilet block to form the pavilion building would include toilets, a cafe, teaching space and information desk and

would have a floorspace of 445sqm. Whilst these would also be considered buildings necessary to the development, the NPPF also outlines in paragraph 89 that an extension or alteration of a building is acceptable provided that it does not result in disproportionate additions over and above the size of the original building.

- 8.7 In this instance, a consideration is required of the original buildings on the site. Taking the Splashlands toilet as an original building in its own right, the proposed development would increase this from 200sqm to 445sqm which would be a substantial increase. The changing rooms would reduce however from 970sqm to 50sqm of floorspace.
- 8.8 However, there is no specific guidance on how to assess whether a proposal should include all buildings originally on the site. Whilst it is appreciated that these buildings were spread around the complex, it is considered appropriate to include them all as one, given they are on the same complex and their distance between each other. In this event, the applicant provides no information of the original buildings on site. Notwithstanding this, from a consideration of the planning history, it is reasonable to assume that at least the changing facilities would appear to be original together with the former Splashland toilet block on site, which are both shown on the council's historic records for the site, albeit they are now demolished. Together these had a floor space of 1170sqm.
- 8.9 The pavilion building would have a floorspace of 445sqm which would be less than the original buildings on the complex, at 1170sqm and would therefore represent appropriate development in the Green Belt in accordance with the NPPF.
- 8.10 Furthermore, the proposed development in phase 1 also includes the clearance of the former lido site, which is currently overgrown and derelict. These works would include vegetation clearance and the demolition and removal of derelict foundations and surface features, objects above and below ground. The finished work would comprise re-grading to match existing levels, top soiling and seeding to grassland, which would not conflict with the NPPF.
- 8.11 In addition to the NPPF, the District Plan was adopted in April 2005, where the NPPF allows for 12 months from the day of publication of the NPPF, to give full weight to relevant policies adopted since 2004. Therefore the relevant policies in the District Plan remain a material consideration.
- 8.12 The site is located on land which is the former Splashland Swimming Complex which is outlined on the Proposals Map which forms part of the District Plan. Policy CLT3: Stanborough Park; of the District Plan is applicable. This policy states that it will support proposals for the redevelopment of the Splashlands Complex for new leisure facilities provided they have no greater impact on the openness of the Green Belt and the purposes of including this land within it than the development which existed on the site at the time of the closure and do not occupy a greater footprint or exceed the height of the existing buildings which existed on the site at the time of the closure of the swimming complex. Therefore subject to these criteria there is no objection to the principle of the development.

- 8.13** In addition to the above, Policy RA21 of the District Plan is applicable which refers to Leisure and Tourism in the Countryside. This policy allows proposals for recreational development subject to the;
- i. The proposed use is in accordance with Green Belt polices;
 - ii. The proposed uses would not have an adverse effect on the amenity of neighbouring properties, nor the character and other environmental assets of the countryside;
 - iii. The proposal would be accessible by means of passenger transport, cycleway, footpaths and bridleway;
 - iv. Existing buildings are re-used if possible;
 - v. New buildings that are permitted in accordance with (i) should reflect the local rural character in terms of design, massing and materials; and
 - vi. Any new development must be acceptable in terms of its impact on the highway network, including highway safety.
- 8.14** In this instance, as outlined above the proposed development is not inappropriate development in the Green Belt and complies with criteria (i). With regard to the remaining criteria of this policy these are assessed in the sections below.
- 8.15** Policy CLT2 is also applicable which refers to new and expanded leisure facilities. This policy outlines that the preferred location for new leisure facilities is in the district's two town centres. It outlines that where there are no suitable sites in the town centres, but there is a clear need for the facility, the council may consider proposals in edge of centre locations, at district or neighbourhood centres or in other areas with high accessibility by public transport. In all cases the council will only permit proposals for new or expanded leisure facilities where all of the following criteria are met;
- i. The facility would not adversely affect the vitality and viability of the two town centres;
 - ii. There is no harmful impact on the amenities of nearby residential properties and other uses;
 - iii. It will not cause unacceptable traffic nuisances in terms of noise or traffic generation;
 - iv. The development is in keeping with the scale and character of the surrounding building and area; and
 - v. The site is easily accessible by passenger transport, walking and cycling.
- 8.16** The proposed development is a suitable outdoors use and given its size and scale, it is considered that a pragmatic approach is required where it would be more suited to a location outside the two town centres of the Borough. Notwithstanding this it is located in close proximity to Welwyn Garden City, where it is not considered that it would adversely affect the vitality and viability of the centre given the nature of the use and that there are no other facilities similar to this within close proximity of the site. With regard to the remaining criteria of this policy, these are assessed in the sections below.
- 8.17** Therefore subject to the proposal meeting the criteria set out above, where an assessment is made in the below sections, there is no objection to the principle of the development.

2. The proposals impact upon the character and appearance of the locality and openness of the Green Belt

- 8.18 The application site's designation as the former Splashland Complex, which is outlined in Policy CLT3 of the District Plan, recognises that previously there was development which had been built within the boundaries which was an important built leisure facility for the district. Therefore this policy allows for future leisure facilities on this site subject to it being well planned and not having a greater impact than the existing uses previously on the site at the time of the closure of the swimming pool complex.
- 8.19 In this instance, it is therefore important to understand the former buildings and structures of the site. The appearance of the previous buildings and structures on the site has been considered in the Design and Access Statement, which shows the historic context. It outlines that the Lido opened in 1935 and the facility comprised of changing rooms, a cafe, a swimming pool, sand pits, paddling pools, fountains and sun terraces. The swimming pool area was surrounded by a concrete pavement with a diving platform and wooden huts for changing. The Lido was enlarged in the 1960's making the pool concrete construction, with public facilities and ancillary buildings. Improvements were made to the children's facilities with the provision of learner pools, separate paddling areas, sand areas and water fountain. Further improvements were made to the buildings in 1964. Two flumes were also erected on the site however it is unclear when these were built. To the north of the Lido area is the foundations of a building, although it is not clear what the building was used for.
- 8.20 In the 1990s, groundwater drainage issues and resulting subsidence caused the reassessment of the facility's viability. Due to the limited use of the pool and the high cost of repairs, the site was closed and fenced off in the 1990s. Part of the old Splashlands swimming complex is currently derelict and inaccessible to the public, which forms the lido area.
- 8.21 Policy CLT3 allows for the redevelopment of the Splashland complex subject to the following criteria;
- It should have no greater impact on the openness of the Green Belt and the purposes of including this land within it than the development which existed on the site at the time of the closure of the swimming complex
- 8.22 The proposed wet play part of the development, which forms part of Phase 2, would be sited within the former Lido area and would utilise the area which is previously developed. Given the previous uses on this Lido area which included flumes and changing huts and the swimming pool where the development is broadly based on the previous footprint, it is considered that this would not have a greater impact on the openness or purposes of the site than what existed at the time of the closure of the swimming complex.
- 8.23 In addition, the proposed pavilion building would form an extension to the existing toilet block. Whilst the toilet block was granted planning permission in 1995 and the Complex closed in the 1990s, the applicant confirms that this was on site at the time of the closure of the Splashlands Complex. The extensions would have a height of approximately 4.75m and would continue a similar height and design of the existing toilet block and other buildings previously on the site in this location which included a toilet block with a

floorspace of 85sqm. The pavilion building would have a floorspace of 445sqm, where the existing and previous buildings in this location had a floorspace of 283sqm. Therefore, whilst the proposed development would increase the floorspace, it would be over a similar footprint, infilling the space formerly between these buildings. In any event the proposed development would have a reduce footprint than the previous structures on the site. Subsequently, given the floorspace and height of the proposals they are not considered to have a greater impact on the Green Belt than the existing buildings which existed at the time of the closure of the swimming pool complex.

8.24 The high ropes facility would be sited to the north of the wet play area and would include the highest structures proposed on the site with a height of approximately 13m. Plans submitted of the former layout of the Splashland Complex show a structure in this location at one time although no detailed information has been submitted of this. Notwithstanding this, the high ropes development has not been located entirely over the footprint of this structure and therefore there would be a spread of development across the site. However, given the size and nature of the proposal which would be a suitable open air facility which would incorporate timber posts arranged around the site together with the erection of a small building, it would not have a greater impact upon the openness or the purposes of the Green Belt than what was previously on the site.

8.25 This is further supported by pictures within the Design and Access statement and visuals which have been submitted of the proposed development. When viewed with the existing mature trees surrounding the site, the development is not considered to appear any more prominent or out of place or impact on the openness of the Green Belt than the previous development that was on the Splashland Complex.

8.26 Overall, it is considered that the proposed development, as a result of its nature and size is not considered to be any more obtrusive on the openness and purposes of the Green Belt than the development which was previously on the site.

Any new buildings should not exceed the height of the buildings which existed on the site at the time of the closure of the swimming complex

8.27 The former Splashlands complex comprised several buildings and two waterslides, which can be seen from photographs submitted in the supporting documents for the application. The height of the buildings at the time of closure is estimated to have been around 4m. The beach huts however comprised of pitched roofs with gables facing towards the swimming pool. There is an existing toilet block on the site which is single storey and would be retained and incorporated into the current proposals.

8.28 The proposed extension to the existing toilet block would be single storey and designed with a flat roof, which would form the pavilion building. This would have a maximum height of 4.75m which would be approximately 0.75m higher than the former buildings on site. Whilst appreciated that the height of this building would be higher than the previous buildings on the site, given that their overall footprint and scale would be reduced from the buildings on the site, and that the increase in height would be minimal at only 0.75m higher, it is considered not sufficient to warrant the refusal of the application on this

basis alone. In any event, paragraphs 8.43 to 8.46 clearly demonstrate that there is a deficiency for recreational facilities within the borough which the development would fulfil. Therefore the need for the proposal and the benefits it would bring to the Borough, clearly outweigh any harm associated with the proposal to the Green Belt, which would warrant very special circumstances, if required.

- 8.29 The proposed changing rooms would be single storey and designed with a pitch roof where they would have a minimal height of approximately 2.4m. In addition, the proposed high ropes kiosk would be 3.3m which would be approximately 0.7m lower than the former buildings.
- 8.30 Two water flumes used to be within the lido area and from the submitted photos would appear to be relatively high, where the applicant estimates them to have reached a height of 14m. The tallest structure on site would be the abseiling tower at 13m, which would be lower than the height of the flumes formerly on the site.

New buildings should not occupy a greater footprint of the site than the buildings which existed on the site at the time of the closure of the swimming complex.

- 8.31 The applicant outlines in the Planning Statement that the former buildings on the Complex at the time of the closure, which included the toilet block, changing rooms, plant rooms, Splashland toilet facilities and some unknown structures had a floor space of 1,623sqm which would be reduced to 642sqm. Officers have no information to dispute any of these calculations, however from the drawing entitled Historic Buildings Footprints, it is not clear where the unknown structures referred to are located for the above calculations. Therefore taking the floorspace of the known elements only, this equates to a former floorspace of 1468sqm.
- 8.32 The proposed development would include buildings along the entrance to the wet play area, changing huts, high ropes tower structure and a high ropes kiosk. Their combined resultant floor area would be 642sqm. Therefore, the proposed development would have less floorspace/footprint than the buildings which formerly existed on the site.
- 8.33 Therefore, the proposal would comply with policy CLT 3 of the District Plan.
- 8.34 Notwithstanding the above and compliance with policy CLT3, the NPPF outlines that the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries is acceptable as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land in it. In addition, it also allows limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 8.35 In this instance, the development site consists of an open area of land some of which is previously undeveloped where the openness of the Green Belt in this location is essentially being maintained. The proposed development incorporates development which would extend across the site where it would have a variety of heights with the maximum being 13m for the high ropes

together with an extension to the existing toilet block and the erection of a new building for changing facilities associated with the high ropes.

- 8.36 The proposed high ropes and wet play equipment would as a result of their form and height be visible from the surrounding area and would extend and spread the building development onto land which is undeveloped. However due to their nature and size, the uses are ancillary to open air sports uses where they would be an unobtrusive form of development which would integrate appropriately with the existing landscape and would preserve the openness and purposes of the Green Belt.
- 8.37 Turning to the proposed high ropes kiosk, it is considered that whilst this would be a new building in the Green Belt, this would provide for the essential needs of the outdoor ropes course and is modest in scale and design and would be appropriately sited. It is therefore considered that it would not conflict with Green Belt policy. In addition, the proposed pavilion building, given its siting and scale, which would be single storey and located over the footprint of a former building on the site, is also considered to maintain openness and the purposes of the Green Belt in accordance with the NPPF.
- 8.38 With regard to the impact of the development on the visual amenities and character of the Green Belt, policies D1 and D2 of the District Plan are also relevant which aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area.
- 8.39 The proposed development would be visible from a number of locations around the site which are publicly accessible, including public rights of way and the mound to the north of the application site where views down onto the development will be available. The proposed high ropes facilities has been designed to take into account the ground levels of the site, where the development would be located on the lower land levels and would be adjacent to the landscape along the River Lea. This stretch of the park has several tall trees which range from 12m to 18m in height. The abseiling tower would be the highest structure on the site at 13m and would be broadly the same height as the surrounding trees, and therefore the development would be able to integrate appropriately with the surrounding trees and landscape. This equipment would also blend into the landscape by the use of appropriate materials including timber, which the equipment would almost entirely be constructed from and steel, which would be painted green. In addition, bark mulch would be used for the ground covering ensuring that it would not appear unduly prominent within the landscape. In addition, the pavilion building would have a combination of cedar wood cladding, render and translucent cladding together with a green roof which would help soften the views down onto the building from the escarpment.
- 8.40 A perimeter fence is proposed around the high ropes which would have a height of 3m, which would be its minimum height to restrict intruders into the site. It would be green in colour, which would also maximise its potential for blending with the natural surroundings.
- 8.41 Whilst the wet play area would include brightly coloured beach huts, a large proportion of the development within this phase would also be constructed from timber integrating approximately into the landscape. In addition, the

proposed extension to the toilet block to form the pavilion building would be low level and would not appear unduly prominent within the landscape.

- 8.42 Whilst the proposal would be viewed from more distant viewpoints, as a result of the nature of the proposed development, which predominately would contain adventure equipment constructed from timber and low level single storey buildings, together with the existing trees and vegetation surrounding the site, the development would blend into the existing landscape and would not be unduly conspicuous or detract from the general character and visual amenities of the locality. No objections are therefore raised with regard to the NPPF and policies D1, D2, RA10 and RA21 of the District Plan.
- 8.43 Notwithstanding the above, the applicant has sought to demonstrate the need for the development and outlines that it would provide leisure facilities for residents of the Borough. The applicant outlines that the scheme is intended to deliver an important community facility for all ages in the front of an activity that is not currently available within a reasonable distance for the residents of the Borough. They outline that the closest examples of a high ropes or zip wire is in Ware. Although there is a facility under construction in Stevenage. Accordingly the proposed development will assist in meeting a gap in provision locally and will also lead to a more sustainable pattern of development for those currently travelling some distance to access they type of recreation facility proposed.
- 8.44 The council has undertaken an Open Space, Outdoor Sport and Recreation Assessment. The findings of this report outlines that Stanborough Park is an important park in the Borough providing formal and informal recreations opportunities. The consultation identified that Stanborough Park is an area of open space that people would visit more frequently than their local facilities, where the site clearly has a borough wide significance. The report continues to outline that children's plays areas are most problematic where the design and quality of certain play areas, particularly at Stanborough Park where criticised. Equally the lack of provision for teenagers was criticised and comments revealed a demand for further provision of facilities suitable for older children and teenagers.
- 8.45 Therefore, there is a clear lack of facilities within Welwyn Garden City and the Borough for children and young people. The proposed development would help towards improving this deficiency and it is considered that the proposal would provide a much needed recreational facility for Welwyn Garden City and for the Borough.
- 8.46 In addition, the proposed development would also provide employment opportunities contributing to building a competitive economy.
- 8.47 In conclusion, the proposed development would comply with the NPPF and Policies CLT3, D1, D2, RA10 and RA21 of the District Plan, where it would also provide much needed leisure and recreational facilities for the Borough meeting local deficiencies together with employment opportunities. Therefore, no objections are raised to the principle of the development.

3. Impact to residential amenity

- 8.48 The application site is located approximately 290m from the nearest residential property, which is within Amethysts Walk to the east of the application site. Given this distance, the proposed development would not impact on the

residential amenity of the occupiers of this property or any other neighbouring property in terms of an overbearing impact, loss of privacy or loss of light.

- 8.49 However, the nature of the development could give rise to noise and disturbance where the predominate noise source would be from children and people shouting and enjoying themselves whilst using the proposed equipment. The applicant has submitted a noise report with the application which compares between the existing and proposed operational phase development scenarios. It outlines that in the worst case, internal noise levels from activities at the site along with car parking and the use of the site access road are predicted to be within BS 8233 'reasonable' criteria of 35dBa at all the sensitive receptors with windows open. With windows closed this would reduce to a 'good' criteria of 30dBa.
- 8.50 Therefore, whilst there would be likely to an increase in noise as a result of the proposal, the noise arising from the proposed development would be unlikely to have a detrimental impact on the surrounding and properties. In addition, given the opening hours of the proposed development, it is considered that any noise from the scheme would not cause a detrimental impact, in terms of noise and disturbance, to the nearby residential properties to warrant the refusal of the application.
- 8.51 Therefore no objections are raised with regard to the NPPF and policies RA21, CLT2 which seek to ensure development has no adverse effect on the amenities of neighbouring properties. In addition, no objections are raised with regard to policy D1 of the District Plan which seeks to provide a good standard of design in all new development or policy R19 which refers to noise and vibration pollution and expects that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other lands uses or to be affected by unacceptable noise or vibration from other land uses.

4. Highway Safety and Parking

- 8.52 The application site is located within zone 4 where Local Plan Policy M14 and the Planning Guidance (SPG) on parking are relevant. Policy M14 requires parking provision for new development to accord with the standards in the council's Supplementary Planning Guidance (SPG) on parking, which is a maximum for car parking. In addition, policies RA21 and CLT2 of the District Plan require development to be acceptable in terms of its impact on the highway network and be easily accessible by alternative means of transport other than the car.
- 8.53 With regard to the wet play area and high ropes facilities, the Council's adopted parking standards consider that for places of entertainment /leisure parks for use when individual land use components are known, the amount of parking provided should be decided in each case on individual merits. It continues to state that parking for individual components should be based on the standards set out in the guidance, but with an overall reduction of provision to reflect linked trips on site. The council's standards state that all parking should be shared and an overall reduction of 25% should form the starting point for discussion.
- 8.54 Therefore, on this basis it is considered pragmatic to base the parking on the proposed trip generation within the Transport Assessment. This outlines that

the proposed traffic generation assumes 48 vehicle trips for phase 1 and 264 vehicle trips for Phase 2, totalling 312 for a worst case peak hour. In accordance with the council's standards a reduction of 25% is acceptable due to linked trips which would equate to a requirement of 234 spaces.

- 8.55 Turning to the spaces required for the proposed cafe, the SPG outlines that a cafe should provide 1 space per 5sqm of floorspace of dining area plus 3 spaces per 4 employees. In this instance, the floorspace of the cafe would have 200sqm of floorspace with a maximum of 4 employees, therefore equating to 43 spaces being required.
- 8.56 The SPG requires an education centre to provide 1 space per 9sqm of floor space plus 1 space per full time staff member or equivalent. The proposed teaching room would require a maximum of 6 parking spaces which is based on 50sqm.
- 8.57 Therefore the proposed development would require a total of 283 spaces to be provided on site in accordance with the council's maximum parking standards.
- 8.58 There are three car parks within Stanborough Park which include one to the north of Stanborough Road and two to the south. The northern car park has 280 spaces, 10 disabled and 3 spaces for larger vehicles totalling 293. The southern car parks have 197 spaces and 5 disabled spaces totalling 202.
- 8.59 The proposed development does not propose any increase to the amount of parking currently on site, although the parking arrangement would be slightly altered from its current positions. However, these existing car parks also provide parking for the existing facilities and amenities at Stanborough Lake which also need to be taken into account in the calculations.
- 8.60 In this instance, the Transport Assessment outlines that surveys have been undertaken at peak times in August in the car parks. These surveys indicate that the northern car park had 57 vehicles during the weekend and 100 cars during the weekday peak. The southern car park had 60 cars parked during the weekend and 143 during the weekday peak. Therefore, at the worst peak time in August, the transport statement illustrates that there were 243 cars in the car parks with 252 spaces remaining within both car parks.
- 8.61 Therefore, on this basis, the proposed development requires 283 parking spaces where there would be space for 253 in the peak, which would be a deficit of 31 spaces. However, the above parking standards are maximum standards where the SPG allows, in such locations, a reduction of between 0-25%. In this instance, this would require between 213 and 283 spaces being provided for the development.
- 8.62 In addition, cycle parking would be provided for 38 cycles which would be acceptable in accordance with the council's adopted standards.
- 8.63 The site is located within Welwyn Garden City where there are bus stops on Stanborough Road within close proximity to the entrance to the site. In addition, the Travel Plan sets out ways to reduce the required number of parking spaces on site by encouraging cycling by the provision of up to 38 cycles spaces for both staff and visitors on site, encouraging people to walk and to car share, and encouraging people to use public transport. Part of this involves a contribution of £30,000 towards real time bus information. In addition, given the nature of the development, it is likely that a large portion of

the people using the cafe would also be using other facilities at the site. Therefore on this basis, it is considered that it would be acceptable to allow a reduction of between 0-25% to be provided. Therefore an acceptable amount of parking would be provided for the proposed development in accordance with the council's SPG.

- 8.64 However, it is considered that the provision of a detailed Travel Plan can be covered within the s106 agreement. The aim of the Travel Plan should be to promote access to the site for both visitors and staff by modes other than the private car. The Travel Plan should include for corrective steps and mitigation to be employed in the event that identified targets are not met.
- 8.65 Turning to highway safety, for Phase 1 development, the existing access and junction from Stanborough Road would remain unchanged as it can accommodate the assumed level of trips arising as a result of the Phase 1 development. It is considered that based on the submitted information, there would be no significant detrimental impact as a result of Phase 1.
- 8.66 With regard to Phase 2 development, this would increase the level of trips entering and exiting the site at peak times therefore it is proposed to improve the access at Stanborough Road before the construction of Phase 2. This would include the existing junction being improved and capacity increased. This would involve the existing access into the site being widened to allow access by coaches, a central reservation proposed to prevent right turns in and out of the site and the relocation of the bus stops and the provision of bus lay bys.
- 8.67 In addition, a toucan crossing is proposed to improve pedestrian and cycles access to the site, which has resulted in the relocation of the existing bus stops which are currently outside the site access. Furthermore, to identify available car parking spaces within the car parks, it is proposed to provide variable message signing on both side of the Stanborough Road to indicate the current space capacity of the northern and southern car parks.
- 8.68 The Transport Assessment demonstrates that the proposed development traffic can be accommodated on the existing highway network in 2014. By 2019, the combined development of Phases 1 and 2 begins to impact on the site access, with traffic having difficulty accessing onto Stanborough Road from the site and extremely long queues forming within the site. The Transport Assessment then considers improvements to the access from the site with a revised junction layout and a toucan crossing on Stanborough Road. Although the toucan crossing causes some queuing during the peak period, the highway authority considers that this is not a significant detrimental impact, considering the high level of predicted trip generation.
- 8.69 The proposals to widen Stanborough Road require land outside the existing highway boundary, which is owned by Welwyn Hatfield Borough Council, and this land would need to be adopted as highway as part of the s278 works.
- 8.70 The proposals to provide variable message signing on both sides of Stanborough Road to indicate the spare capacity in the car park should prevent drivers making unnecessary u-turns at the adjacent roundabouts and would form part of the S278 highway works.
- 8.71 It is proposed to improve pedestrian access into the development by providing a signal controlled crossing of Stanborough Road and improved footways into

the site. Currently there is limited footway into the site from Stanborough Road and pedestrians share the route with cars using the car park site and the improved provision of footways into the site linking with bus stops is to be welcomed as it will encourage use by pedestrian and bus passengers.

- 8.72 It is considered that these provisions are acceptable and the proposal would not have an impact on highway safety and therefore no objections are raised with regard to the NPPF and policies M14, CLT2 and RA21 of the District Plan or the SPG.

5. Landscaping and Trees

- 8.73 With regard to landscaping, in accordance with policies R17 and D8 of the District Plan, a proposal should seek to ensure that trees and vegetation are protected. In addition, all development should include landscaping as an integral part of the overall design. The retention and enhancement of existing key landscape features will be expected.
- 8.74 An arboricultural report was commissioned and submitted which contains a survey of the existing trees, their condition, management recommendations and tree protection strategies for the trees during the implementation and post development of the design proposals. The report shows that a total of 30 trees, in both phases would be removed as part of the proposal which mainly include those trees which have disease, decay, self seeding, low and poor amenity value. However there are a few higher quality trees that would need to be removed. Overall, there are no objections to the tree removal and loss of tree covers would be able to be compensated for in the proposed landscaping for phase 2.
- 8.75 Phase 1 works are minor and the scheme has been designed to minimise tree loss within this phase. Therefore the main issues with Phase 1 development include the protection of the retained trees throughout the development. Details of protective fencing and special construction methods to be used together with the storage of materials on site are supplied in the tree report which are acceptable. The development would be conditioned to be built in accordance with this.
- 8.76 Phase 2 outlines further tree removal. The existing poplar trees in the car park would be maintained under both phases. In this instance, no objections are raised to the loss of the trees. It is considered that the loss of the trees within the site has been justified through the arboricultural survey.
- 8.77 With regard to landscaping, no new planting is proposed in Phase 1 with the exception of grass seeding to the former lido site, as part of the clearing up. This is considered to adequately enhance the landscape of the area until phase 2 is constructed.
- 8.78 With regard to phase 2, soft landscaping is proposed within the wet play area which would include a mix of trees, hedging, shrubs, natural groundcovers, bamboos and grasses. The scheme provided however does not adhere to native plant species and improving poor habitats. The scheme consists of non native exotics such as *Yucca elephantipes*, the various bamboos and laurel hedging. The scheme as it currently stands would jar with the surrounding landscape and would not enhance the species poor habitats as suggested above

- 8.79 The site is located within the Mimshall Valley Landscape Character Area where policy RA10 seeks an 'improve and conserve' approach. The strategy for this area includes expanding woodland, planting of woodlands to screen features such as urban edges and roads, use of indigenous species, encourage the retention and replanting of hedgerows. This is also reflected within policy D8 of the District Plan which requires landscaping proposals to enhance existing key landscape features.
- 8.80 Therefore whilst HRBC raise no objections to the proposals, the proposed planting scheme does not establish native plant species to enhance the value of habitats within Stanborough Park. Therefore a revised landscape plan is required to include native species which could be conditioned and would therefore accord with policies RA10 and R17 and D8 of the District Plan.

6. Protected Species

- 8.81 The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 8.82 Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).
- 8.83 In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states;

a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."

- 8.84 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:
- "Deliberate capture or killing or injuring of an EPS"
 - "Deliberate taking or destroying of EPS eggs"
 - "Deliberate disturbance of a EPS" including in particular any disturbance which is likely –
 - (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong

- “Damage or destruction of a EPS breeding site or resting place” (applicable throughout the year).
 - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
 - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
 - e.g. dormice nest (breeding site or resting place (where it hibernates)
- 8.85 In some circumstances a person is permitted to ‘derogate’ from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict “derogation” tests can be met:
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
- 8.86 Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should;
- a) Consider whether an offence to an EPS is likely to be committed by the development proposal
 - b) the answer is yes, consider whether the three “derogation” tests will be met.
- 8.87 Ecological Surveys have been conducted and have found no evidence of ecological features at the site, although a number of recommendations are made in order to ensure the preservation and, where possible enhancement of the ecological assets of the site which are outlined in Section 5 of the report. The recommendations include appropriate measures to displace any possible reptiles on site prior to clearance of the lido area, bat boxes to be installed prior to development and no trees to be felled unnecessarily and vegetation to be removed outside the nesting season. These recommendations would assist in minimising the risks of development to the surrounding environment and act to safeguard and enhance the existing ecological values of the site in accordance with Policy R11. In addition, no objections are raised from HBRC, Natural England and Herts & Middlesex Wildlife Trust. Therefore, subject to the development being built in accordance with the ecological survey, which would be conditioned, it is unlikely that an EPS offence will occur and it is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

7. Sustainable Development

- 8.88 The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. These measures include that the land is previously developed, the use of sustainable materials, the use of local sources for its water supply and waste disposal, that ground and surface water will be allowed to drain naturally using

soakaways and Sustainable Urban Drainage Systems (SUDS), that the development will provide water saving details and so forth. Given the nature of the development, it is considered that these measures would be sufficient to achieve a sustainable development and no objections are raised with regard to Policy R3 of the District Plan.

8. Flood Risk Assessment

- 8.89 The NPPF, at paragraph 94, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk. The Framework aims to direct development away from areas at highest risk of flooding but where development is necessary, making it safe without increasing flood risk elsewhere. Due to the size and nature of the scheme a Flood Risk Assessment (FRA) has also been prepared and submitted. which accesses the appropriateness of the proposed development given its environmental context. The application site ranges through Flood Risk Zones 1 to 3. Low lying areas of the site adjacent to the River Lea fall within Zone 3, whilst higher areas of the site further away from the river fall within Zone 1.
- 8.90 The site is considered appropriate for the proposed development types, the majority of which is considered water compatible. The new cafe building is considered 'less vulnerable'. The development proposal will employ sustainable drainage techniques to minimise surface water discharge so as not to increase current off site discharge rates.
- 8.91 No objections are raised with regard to flood risk subject to conditions which will reflect the phasing of the development and the development therefore complies with the NPPF and policy R3 of the District Plan.

9. Archaeology

- 8.92 Hertfordshire County Council Archaeology considers that the proposed development is likely to have an impact on heritage assets and therefore makes no comments. Therefore no objections are raised with regard to Policy R29.

10. Ground contamination

- 8.93 A Desk Study Report has been submitted which outlines that there are no major issues. The site Investigation concluded that there is no evidence of contamination on site therefore no objections are raised with regard to Policy R2.

11. Right of Way

- 8.94 Public right of way (004) passes through the application site and crosses the site at the entrance from Stanborough Road. The works to the junction as part of Phase 2 would result in alterations to the surface of the right of way but not to its actual route. Therefore no objections are raised with regard to Policy RA25 of the District Plan which seeks to promote the maintenance and improvement of the public rights of way network in the district. In addition no objections are raised to policy RA21, which outlines that a proposal should be accessible by means of passenger transport, cycleway, footway and bridleway.

12. Developer Contributions

- 8.95 As outlined above a sustainable highways contribution has been requested of £30,000 in accordance with policies M4 and IM2 of the District Plan. At the time of writing the report, no S106 agreement has been submitted with these amounts to comply with Policies M4 and IM2 of the District Plan. Therefore, it is considered that if the S106 agreement is not submitted by the time of the committee meeting with the above contributions, the applicant is given three months to complete the agreement.

13. Other Material Considerations

- 8.96 Waste Management: Hertfordshire County Council Waste Department have not responded to the consultation. However as there will be some site clearance, it would be reasonable to let the applicant know that in accordance with the County Waste Local Plan to request that materials are recycled and re-used as appropriate. Accordingly a note to the applicant is advised.
- 8.97 Phased Development. The applicant has outlined that the proposed development would be phased with Phase 1 including the high ropes scheme and regarding of the former Lido Area and Phase 2 being the wet play area and highways works. No objections are raised with regard to this phasing and it is considered that conditions can be worded appropriately to reflect this.

9. Conclusion

- 9.1 The application site is located within the Green Belt where the proposed development is appropriate development and cause no impact to the openness, purposes or visual amenities and character of the Green Belt. In addition, the site is located on the former Splashland Complex where Policy CLT3 allows for its redevelopment subject to three criteria which, the proposed development would comply with. In addition to the above, the applicant outlines that there are clear benefits of the proposal which include the provision of recreational facilities for the residents of the Borough. In addition, the proposed development provides appropriate recreation and community facilities in accordance with Policies RA21 and CLT2 of the District Plan.
- 9.2 In addition to the above, the proposal would maintain the amenity of adjoining residents and would not impact unduly on their residential amenity. The proposal would also maintain an adequate level of parking on site for the existing and proposed uses and subject to highway improvements for Phase 2, would not result in a detrimental impact to highway safety.
- 9.3 No concerns are raised with regard to the impact of the development on archaeology, land contamination, surface water drainage or flooding. Whilst the proposed landscaping for Phase 2 of the development is not appropriate this can be conditioned to ensure a revised scheme is submitted. In addition, the proposal would adequately meet the aims of Policy R3 of the District Plan. Furthermore, the development is such that there is not a reasonable likelihood of EPS being present on site not would an EPS offence be likely to occur.
- 9.4 With regard to the contributions requested, it is considered that subject to the submission and completion of the S106 agreement with the requested amounts, the proposal would meet policies M14 and IM2 of the District Plan.

10. Recommendation

- 10.1 It is recommended that planning permission be approved subject to the satisfactory completion of a s106 legal agreement for the following matters and subject to the following conditions:-

Sustainable Transport contribution £30,000; and
Detailed Travel Plan

11 **Conditions**

1. C.2.1 - Time limit for commencement of development
REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. C.13.1 - The development/works shall not be started and completed other than in accordance with Drawing Nos. 1000 & 1001 & 1004 Rev A & 1005 & 1008 & 1009 & 1010 & 1011 & 1012 & 1015 Rev C & 1016 & 1017 & 1018 & 1019 & 1020 & 1021 & 1022 & 1023 Rev A & 1100 Rev A & 1101 & 1102 & 1103 & 1104 & 1105 & 1106 & 1107 & 1108 & 1109 & 1015 & 1111 & 1112 & 1113 & 1114 & 1115 & 1116 & 1024 Rev A & A067207-1-001 Rev A & A067207-1-005 & A067207-1-006 Rev A & A067207-1-007 Rev A & A067207-1-008 Rev A & A067207-1-010 Rev A & A067207-1-011 & A067207-1-012 & A067207-1-AR- 001 & A067207-1-AR- 002 & A067207-1-PI- 001 & A067207-1-PI- 002 received and dated December 2012
REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

PHASE 1 Conditions

Pre Development Phase 1

3. The materials submitted for the proposed development in Phase 1, which includes a timber pole for the structure and elements, olive green box profile corrugated roof sheets, decking for the tower and viewing areas and timber cladding, braces and joists for the artificial climbing wall are acceptable external surfaces for the development in Phase 1 hereby permitted. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed without the prior written consent of 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, D2, RA21 and CLT2 of the Welwyn Hatfield District Plan 2005.

4. The fencing around the proposed high ropes shall be dark green, RAL 6005. Subsequently the development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure a satisfactory appearance which does not detract from the visual amenities and character of the Green Belt, in accordance with the National planning Policy Framework and policies D1, D2, CLT2 and RA21 of the Welwyn Hatfield District Plan 2005.

5. No development of Phase 1 shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. details of car parking arrangements for vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing and information, where appropriate
 - v. siting and details of wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. Construction vehicle numbers, type, routing;
 - viii. Traffic management requirements;
 - vv. Cleaning of site entrances, site tracks and the adjacent public highway;
- REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with the national Planning Policy Framework and Policies D1, RA21, CLT2 and M14 of the Welwyn Hatfield District Plan 2005.

6. C.9.16: Lighting details (No development of Phase 1)

7. No equipment, machinery or materials shall be brought onto the site for the purposes of Phase 1 development until the measures for tree protection as detailed within the Arboricultural Survey reported by Quaiife Woodlands dated 24 December 2012 have been implemented and retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance within this condition and the ground levels within those areas shall not be altered nor shall any excavation be made without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.
- REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies D8, R17 and RA10 of the Welwyn Hatfield District Plan 2005.

8. The development which forms Phase 1 hereby permitted shall not be carried out other than in accordance with the approved Flood Risk Assessment A067207, version 5 produced by WYG Engineering, dated 17 December 2012 and the following mitigation measures detailed within:

1. Compensatory floor storage on the site to a 1 in 100 year
2. Finished floor levels are set no lower than 63.91m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provide in accordance with the National Planning Policy Framework and policy R8 of the Welwyn Hatfield District Plan 2005.

9. The development which forms Phase 1 hereby permitted shall not be implemented other than in accordance with the recommendations which are set out in the Ecological Survey Report Chapter 5 dated 14 December 2012. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with the National planning policy Framework and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.
10. C.11.3 – If protected species discovered during works
11. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, other than those shown within the Quaife Woodland report received and dated 24 December 2012 without the prior consent in writing of the Local Planning Authority.
REASON: The existing trees represent an important visual amenity which the Local Planning Authority consider should be maintained to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District plan 2008.
12. Before first occupation of phase 1 of the development details of the car parking management arrangements shall be submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use in accordance with the National Planning Policy Framework and Policies M14, RA21 and CLT2 of the Welwyn Hatfield District Plan 2005.

Post Development for Phase 1

13. The turfing comprised in the approved details of landscaping for phase 1 shall be carried out in the first planting and seeding seasons following the clearing of the former Lido site. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

PHASE 2 Conditions

Pre-Development for Phase II

14. C.5.2: Submission and approval of Materials (No development of phase 2)
15. C.4.1: Notwithstanding the submitted landscaping plan, no development of Phase 2 shall take place until full details on a suitable scale plan on hard and soft landscape works for the phase 2 have been submitted to and approved in writing by the Local Planning Authority. The landscaping details to be submitted shall include:-

- a) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
 - b) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - c) details of siting and timing of all construction activities to avoid harm to all nature conservation features; and
 - d) management and maintenance details
16. No equipment, machinery or materials shall be brought onto the site for the purposes of Phase 2 development until the measures for tree protection as detailed within the Arboricultural Survey reported by Quaife Woodlands dated 24 December 2012 have been implemented and retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance within this condition and the ground levels within those areas shall not be altered nor shall any excavation be made without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies D8, R17 and RA10 of the Welwyn Hatfield District Plan 2005.
17. No trees shall be felled, lopped, topped, damaged or otherwise destroyed, other than those shown within the Quaife Woodland report received and dated 24 December 2012 without the prior consent in writing of the Local Planning Authority.
REASON: The existing trees represent an important visual amenity which the Local Planning Authority consider should be maintained to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District plan 2008.
18. C.9.16: Lighting details (Phase 2)
19. The development which forms phase 2 hereby permitted shall not be implemented other than in accordance with the recommendations which are set out in the Ecological Survey Report Chapter 5 dated 14 December 2012. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with the National planning policy Framework and Policies R11 and R16 of the Welwyn Hatfield District Plan 2005.
20. C.11.3 – If protected species discovered during works (Phase 2)
21. C.8.5 – Secure Cycle Storage (Phase 2)
22. The development which forms Phase 2 hereby permitted shall not be carried out other than in accordance with the approved Flood Risk

Assessment A067207, version 5 produced by WYG Engineering, dated 17 December 2012 and the following mitigation measures detailed within:

1. Compensatory floor storage on the site to a 1 in 100 year plus climate change standards is to be provided during phase 2 of the development based in the details shown on drawing No. A067207-5-10B, which provides an indication of the required floodplains storage under phase 2, and drawings A067207-5-122 & 123 which show proposed earthworks to achieve the required floodplain storage following development
2. Finished floor levels are set no lower than 63.91m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provide in accordance with the National Planning Policy Framework and policy R8 of the Welwyn Hatfield District Plan 2005.

23. No development of phase 2 works shall commence until a 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 together with details of how the scheme shall be maintained and managed after completion, has been submitted to and approved in writing by the Local Planning Authority. The phase 2 scheme shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent the increased risk of flooding in accordance with the National Planning Policy Framework and policy R8 of the Welwyn Hatfield District Plan 2005.
24. No development of Phase 2 shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. details of car parking arrangements for vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing and information, where appropriate
 - v. siting and details of wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. Construction vehicle numbers, type, routing;
 - viii. Traffic management requirements;
 - vv. Cleaning of site entrances, site tracks and the adjacent public highway;REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with the national Planning Policy Framework and Policies D1, RA21, CLT2 and M14 of the Welwyn Hatfield District Plan 2005.

Pre-Occupation for Phase II

25. Before first occupation of Phase 2 development hereby permitted, the highway works as shown in principle on Drawing No. A067207-1-001A shall be completed and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.
Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with the National Planning Policy Framework.
26. C.8.9 – No occupation until parking and cycle spaces laid out (Phase 2)
27. Before first occupation of phase 2 of the development details of the car parking management arrangements shall be submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use in accordance with the National Planning Policy Framework and Policies M14, RA21 and CLT2 of the Welwyn Hatfield District Plan 2005.

Post Development for Phase 2

28. C.4.2: Implementation of landscaping Planting (Phase 2)

INFORMATIVES:

1. Where works are required within the public highway to facilitate vehicle access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
2. The applicant is advised that if it is the intention to request the Hertfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then the application should contact Mid West Hertfordshire Area Office to discuss the technical and legal requirements. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. As from 6th April 2008 a site waste management plan is required by law for all construction projects that are worth more than £300,000. This aim is to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken. Projects over £500,000 may require further information. However a good practice template can be found at www.smartwaste.co.uk or www.wrap.org.uk/construction/toolsandguidance/sitewastemanagementplanning/

[index.html](#). For further information on this, please contact Hertfordshire County Council on 01992 556254.

4. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of ground water. Were the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The ca be contact on 0845 850 2777.
5. There is a public right of way (004 Welwyn Garden City) at the entrance to the site. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse affects to the surface from traffic, machinery or materials (especially overfills of cement & concrete) to be made good by the applicant to the satisfaction of this Authority. All materials to be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.
6. INF1 – Other legislation
7. INF3 – Food Hygiene and Safety Standards
8. INF11 – Damage to grass verges
9. INF12: Pre commencement conditions
10. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage byelaws, 1981. The prior written consent of the Environment Agency is required for any proposed works or structures, un, under over or within eight metres of the top of the bank of the River Lea, designated a 'main river'.
11. Landscaping Informative

Summary of reasons for grant of permission

The proposal has been considered against the National Planning Policy Framework, and Development Plan policies SD1, GBSP1, R1, R2, R3, R4, R5, R7, R11, R15, R17, R19, R29, IM2, M1, M2, M4, M5, M6, M8, M14, D1, D2, D7, D8, D9, D11, D12, RA10, RA21, RA25, CLT2 and CLT3 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. 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).

Sarah Smith, (Strategy and Development)

Date 8 January 2013

