



Town and Country Planning Act 1990
PLANNING DECISION NOTICE – REFUSAL

N6/2010/2055/MA

Full Planning Permission for part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to provide retail (A1 & A3), business (B1), heritage centre (D1), energy centre, new leisure centre building and Civic Square building including residential and retail (A1 to A5).

Associated alterations to existing vehicular and pedestrian access and highway layout within and around the site, including the creation of two vehicular access ramps to basement parking, hard and soft landscaping, the provision of a civic square, park, public and private open space, pedestrian walkways to include the upgrade of the existing pedestrian footpath over the railway line and associated enabling works.

Outline Planning Permission for development of land to the west and south of the shredded wheat factory to comprise the following uses: Retail (A1 & A5), business (B1), hotel (C1), residential, to include: houses, flats, care home and YMCA (C2 & C3); doctors surgery and pharmacy (D1); with all matters reserved apart from means of access

at: Former Shredded Wheat Factory Complex and Land Adjoining at Broadwater Road West WELWYN GARDEN CITY

Agent Name And Address

Mr H Sowerby
DP9
100 Pall Mall
LONDON
SW1Y 5NQ

Applicant Name And Address

Spennhill Regeneration Ltd
C/O Agent

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 30/09/2010 and shown on the plan(s) accompanying such application.

The reason(s) for the Council's decision to refuse permission for the development is/are:-

1. The submitted PPS4 Retail Assessment has failed to demonstrate to the satisfaction of the Local Planning Authority that the applicant has complied with the requirements of policies TCR1 and TCR3 of the Welwyn Hatfield District Plan 2005 and Policy EC15(d)(i), (ii), (iii) and (iv) of PPS4 - Planning for Sustainable Economic Development in respect of the sequential approach. The applicant has also failed to demonstrate that each of the town centre options has been thoroughly assessed as a sequentially preferable alternative to the application site. The application therefore, fails to satisfy

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the requirements of policy LA3 of the East of England Plan, 2008 policies TCR1 and TCR3 of the Welwyn Hatfield District Plan 2005 and Policy EC15.1 (a), (b) (c) and (d) of PPS4 and therefore should be refused permission in accordance with Policy EC17.1 (a) of PPS4.

2. The proposals by virtue of the inclusion of the retail store would have a significant adverse impact on public and private investment in Welwyn Garden City town centre, the vitality and viability of Welwyn Garden City town centre and on in centre trade/turnover. The proposal would therefore be contrary to policies TCR1, TCR3 of the Welwyn Hatfield District Plan 2005 and Policy EC17.1 (b) (in accordance with the requirements of EC16.1 (a), (b) and (d)) of PPS4. The applicant has failed to prove to the satisfaction of the Council that material considerations exist that warrant approval of the application proposals contrary to these policies.

3. In urban design terms, the proposal is unacceptable, principally because of:

1. The urban structure and scale of development in the northwestern part of the site;
2. The safety and legibility of key pedestrian/ cycling routes and connections;
3. The role, safety, and activity associated with key spaces in the public realm;
4. The landscape character of key spaces and the residential area.
5. Quality and appropriateness of soft landscaping proposals.

Accordingly it fails to secure a high quality and inclusive design which takes the opportunities available for improving the character and the quality of the area and the way it functions. In relation to the outline application, the illustrative material in the two Design and Access Statements fails to establish future principles that can be used to fix principles of design for the outline application and therefore, fails to secure the future quality of these parts of the development. The proposal is therefore contrary to Policy EC10.2 (c) of PPS4 'Planning for Sustainable Economic Development', policies ENV6, ENV7 of the East of England Plan, 2008, the provisions of D1, M1, M5, M6, D4, D6 and D8 of the Welwyn Hatfield District Plan 2005, the Broadwater Road West Supplementary Planning Document 2008, the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005, and the relevant provisions of Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

4. The proposal, for a form of retail development for which there is no demonstrable need would deny the Council:

1. The opportunity to make the most efficient use of land for housing on what is a sustainable location and would as a consequence result in more land being released from the Green Belt than is necessary.
2. The delivery of the Pall Mall site in accordance with the SPD.

Furthermore, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that an SPD compliant scheme cannot be delivered and accordingly this proposal has a significant adverse impact on the ability to deliver an allocated site outside of the town centre in accordance with the development plan and therefore the retail element would take land which is designated for other uses. The proposal is therefore contrary to policies H1, H2, LA1 of the East of England Plan, 2008, part vii of Policy TCR3, EMP2 and EMP3 of the Welwyn Hatfield District Plan and Policy EC17.1.b

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(in accordance with EC16.1.c.) of PPS4.

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5. The proposal, by virtue of the site layout and traffic arising from the proposed development has a significant adverse impact on highway safety, capacity and free flow of traffic of the surrounding highway network. In relation to the issue of capacity analysis, the applicant has also failed to demonstrate that the proposed mitigation measures can:

- (i) Adequately offset the potential increases in demand.
- (ii) Feasibly and reasonably be delivered.

Furthermore, the applicant has failed to demonstrate to the satisfaction of the Highway Authority Local Planning Authority satisfactory measures to promote wider sustainable travel measures. The proposal therefore fails to comply with Policy EC17.1.b (in respect of EC10.2.b) of PPS4 'Planning for Sustainable Economic Growth', PPG13 'Transport', the Hertfordshire Local Transport Plan 2011- 2031, Policies T1, T3, T8, T9, T14 of the East of England Plan, 2008 and Policies TCR3, EMP3, M1, M5, M14, D1 and D5 of the Welwyn Hatfield District Plan 2005 and the Broadwater Road West Supplementary Planning Document, 2008.

6. The overprovision of car parking for the Tesco store, and the failure to demonstrate satisfactory measures to promote wider sustainable transport measures would result in a scheme that would encourage increased car travel. This is contrary to the aims and objectives of PPG13, Transport (as amended) and in addition, is contrary to the objectives set out in the adopted District Plan to reduce dependency on the car and encourage modes of travel that have less adverse environmental impact. The car parking provision for the store is therefore contrary to Supplementary Planning Guidance Parking Standards (January 2008) and Policy M14 of the Welwyn Hatfield District Plan 2005

7. The failure to meet the minimum car parking standards for the residential area as set out in the adopted Supplementary Planning Guidance Parking Standards (January 2008) would have adverse impacts on the safety, quality and character of the residential areas and would therefore fail to comply with Policies EMP3, D1 and M14 of the Welwyn Hatfield District Plan, the Broadwater Road West Supplementary Planning Document 2008 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005 (Statement of Council Policy).

8. The applicant has failed to satisfy the sustainability aims of the plan and to secure the delivery of the physical, social and community infrastructure, necessary to make the development acceptable in planning terms and directly related to the proposal by failing to secure, to the satisfaction of the Local Planning Authority planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy IM2 and M4 of the Welwyn Hatfield District Plan 2005.

Date: **11/01/2012**



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Tracy Harvey
Head of Planning