

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2019/1299/VAR
Location: Former Shredded Wheat Factory Welwyn Garden City
 AL8 6UN
Proposal: Variation of Condition 52 (provision of open space and play space)
 on planning permission 6/2018/0171/MAJ to remove the skate park
Officer: Ms Clare Howe

Recommendation: Refused

6/2019/1299/VAR

Context	
Site and Application description	<p>The site lies within the Wheat Quarter redevelopment site, in Welwyn Garden City. The strategic site occupies a central position, to the east of the main railway line bounded by Broadwater Road, Bridge Road and Hyde Way and land adjoining the railway.</p> <p>The site is adjacent to the raised pedestrian footbridge which provides access to Welwyn Garden City train station, beyond to Howard Centre shopping mall and then serving as a gateway to the town centre.</p> <p>The site is currently accessed from Bridge Road, or via a pedestrian access off of Hydeway.</p> <p>The proposed development seeks to remove the wording 'skate park' from condition 52 of planning permission 6/2018/0171/MAJ. The applicant proposes that condition 52 would be re-worded as follows:</p> <p><i>No development above ground level in a phase or block shall take place until a scheme for the provision of all open space and play space in the relevant phase or block has been submitted to and approved by the local planning authority in writing. The scheme shall include:</i></p> <p><i>(i) details of the location and design of all open space and play space in that phase or block including (where relevant) all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park;</i></p> <p><i>(ii) a phasing programme for the provision of such areas and facilities;</i></p> <p><i>(iii) details of the access arrangements for members of the public to and boundary treatment of the open space and play space in that phase;</i></p> <p><i>(iv) details of the ongoing management and maintenance arrangements for the open space and play space in that phase including the means of funding and the body responsible for such management and maintenance in perpetuity. The approved scheme ("the Open Space Scheme") shall be carried out as approved.</i></p> <p><i>2. No more than 50% of the dwellings on a phase or block of the development shall be occupied until all open space and play space</i></p>

	<p><i>(including, where relevant to the phase, all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) required by the Open Space Scheme for that phase has been laid out and completed fully in accordance with the Open Space Scheme approved by the local planning authority for that phase.</i></p> <p><i>3. From its completion, all open space and play space (including, where relevant to the phase, all informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) shall be managed and maintained in accordance with the relevant Open Space Scheme in perpetuity.</i></p> <p><i>4. The land on which the open space and play space has been laid out comprising part of the development (including, where relevant to the phase, all land comprising informal public open space and amenity areas, play space areas and facilities, the sensory garden, the skate park) shall not be used for any use or purpose other than as public open space and amenity areas and public play space respectively in accordance with the relevant Open Space Scheme and the approved public access arrangements and boundary treatment shall be retained at all times in accordance with the relevant Open Space Scheme unless otherwise agreed with the local planning authority.</i></p> <p><i>REASON: To ensure that adequate supporting facilities are available for the occupants of the development.”</i></p> <p>As stated within the applicant’s cover letter dated 18th May 2019, this application seeks to change the wording of condition 52 to reflect the changes to the Community Bridge Building (formerly known as the ‘Network Rail TOC Building’) area.</p> <p>These changes were subject to a full planning application (ref 6/2019/1330/FULL), which sought permission for the alterations and amendments to planning permission 6/2018/0171/MAJ, for the erection of a five-storey community bridge building (1,257m²) for flexible use (b1/d1/d2 use classes), incorporating a minimum of 338 square metres of D2 use class floor space, the removal of the skate park.</p> <p>That application was refused at Development Management Committee in December 2019 for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development, by virtue of the loss of the skate park, would result in there being a lack of provision for older children and teenagers to ‘hang out’ within the wider strategic site, contrary to Policy EMP3 of the Welwyn Hatfield District Plan, the Broadwater Road West Supplementary Planning Document and the National Planning Policy Framework. 2. The proposed development provides no parking, which would result in dispersing onto nearby highways creating an adverse highway impact, contrary to Policies D1 and M14, the Supplementary Planning Document on Parking and the National Planning Policy Framework.
<p>Constraints (as defined within WHDP 2005)</p>	<p>LBC - LISTED BUILDING Architect Louis de Soissons. Two concrete ranges - Distance: 0</p> <p>LBC - LISTED BUILDING 1938-40 by Otto R Salvisberg of Zurich in - Distance: 14.33</p> <p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0</p>

Wards - Peartree - Distance: 0
CP - Cycle Path (Cycle Facility / Route) - Distance: 3.01
CP - Cycle Path (CYCLEABLE ROW / AGREEMENTS) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866201) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866243) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866562) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866596) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866280) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866620) - Distance: 0
FM30 - Flood Zone Surface Water 30mm (1866671) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2712187) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2711921) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2712551) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2712276) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2712049) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2711779) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2711807) - Distance: 0
FM10 - Flood Zone Surface Water 100mm (2763729) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (74333) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568088) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568778) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567784) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568457) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567790) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568163) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568494) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568507) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568870) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567568) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568230) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568562) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567897) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568917) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567248) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7567906) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568262) - Distance: 0
FM00 - Flood Zone Surface Water 1000mm (7568314) - Distance: 0

	<p>FM00 - Flood Zone Surface Water 1000mm (7569730) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7567674) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7568702) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7568021) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7660626) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7660480) - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>BLR - Brownfield Land Registry(Welwyn Garden City - Broadwater Road West SPD Site (North - Pha) - Distance: 0</p> <p>BLR - Brownfield Land Registry(Welwyn Garden City - Broadwater Road West SPD Site (Central - R) - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: 6/2019/1330/FULL Decision: Refused Decision Date: 15/11/2019</p> <p>Proposal: Alterations and amendments to planning permission 6/2018/0171/MAJ, for the erection of a five-storey community bridge building (1,257m²) for flexible use (b1/d1/d2 use classes), incorporating a minimum of 338 square metres of D2 use class floor space, the removal of the skate park.</p> <p>Application Number: 6/2019/1346/VAR Decision: Decision Date:</p> <p>Proposal: Variation of Condition 55 (childcare facilities within Block 4) to accommodate a crèche/nursery facility D1 Use Class in any non-residential building within the development, and Condition 56 (approved plans) to enable land use flexibility across the non-residential areas, incorporating the amendment to the description of the planning permission 6/2018/0171/MAJ, dated 15th February 2019 to: "Creation of a mixed-use quarter comprising the erection of up to 1,340 residential dwellings including 414 (31%) affordable dwellings (Use Class C3); 114 extra care homes (Use Class C2); the erection of a civic building; the erection of a standalone Use Class B1 building (formerly known as the TOC Building); and alterations, additions and change of use of Grade II Listed Building and retained Silos to provide a minimum of 15,034m² of non-residential floorspace, comprising a minimum of 497m² of health floorspace (Use Class D1), 497m² of community floorspace (Use Class D1), a minimum of 6,162m² of business floorspace (Use Class B1), a minimum of 186m² of creche / day nursery (Use Class D1, and a minimum of 1,683 of flexible retail floorspace (Use Class A1/A2/A3/A4/A5); plus associated car parking, access, landscaping, public art and other supporting infrastructure."</p> <p>Application Number: 6/2019/1347/FULL Decision: Decision Date:</p> <p>Proposal: Extensions and improvements (398m²) to retained original 1920s Silos, Production Hall, Grain Store and Boiler House to enable the creation of an International Art Centre, including enhanced</p>

connectivity and access for flexible use (B1/D1/D2 Use Classes).

Application Number: 6/2019/1788/COND Decision: Decision
Date:

Proposal: Submission of details pursuant to condition 5 (Surface water Discharge) 6 (Drainage System) 52 (Provision of open space/play space) 35 (Delivery of accessible Housing) 13 (Highways) 37 (Vehicle access Point to Pall Mall Site) 50 (Refuse Storage Arrangements) on planning permission 6/2018/0171/MAJ

Application Number: 6/2019/2708/COND Decision: Decision
Date:

Proposal: Submission of details pursuant to condition 3 (penetrative methods) and 4 (borehole management scheme) on planning permission 6/2018/0171/MAJ

Application Number: 6/2019/3179/COND Decision: Decision
Date:

Proposal: Submission of details pursuant to condition 33 (For each block no development shall commence above ground level details of means of enclosure. For each block no premises or dwelling shall be occupied until the approved means of enclosure has been implemented) on planning application 6/2018/0171/MAJ

Application Number: 6/2019/3180/COND Decision: Decision
Date:

Proposal: Submission of details pursuant to condition 49 (labour strategy) on planning permission 6/2018/0171/MAJ

Application Number: 6/2017/2490/EIA Decision: Granted
Decision Date: 17 November 2017

Proposal: Request for a screening opinion at the Former Shredded Wheat Factory, Bridge Road, WGC.

Application Number: 6/2017/2491/EIA Decision: Granted
Decision Date: 13 December 2017

Proposal: Request for a scoping opinion at the Former Shredded Wheat Factory, Bridge Road, WGC.

Application Number: 6/2018/0171/MAJ Decision: Granted
Decision Date: 15 February 2019

Proposal: Creation of a mixed-use quarter comprising the erection of up to 1,340 residential dwellings including 414 (31%) affordable dwellings (Use Class C3); 114 extra care homes (Use Class C2); the erection of a civic building comprising 497 m² of health (Use Class D1), 497 m² of community use (Use Class D1), 883 m² of office (Use Class B1) and 590 m² of retail (Class A1/A2/A3/A4/A5); alterations, additions and

<p>change of use of Grade II Listed Building and retained Silos to provide 5,279 m² of flexible business floorspace (Use Class B1), 270 m² Combined Heat and Power (Sui Generis), 2,057 m² International Art Centre (Use Class D1), 1,235 m² Gymnasium (Use Class D2), 1,683 m² of restaurant/coffee shop/bar (Use Class A1/A3/A4/A5), Creche/Day Nursery (Use Class D1) of 671 m² as well as a Network Rail TOC Building (Use Class B1) of 360 m²; plus associated car parking, access, landscaping, public art and other supporting infrastructure.</p> <p>Application Number: 6/2019/2717/COND Decision: Granted Decision Date: 19 December 2019</p> <p>Proposal: Submission of details pursuant to condition 46 (open access ducting for fibre optic cable to serve a range of next generation access compatible telecommunication services to multi point destinations and all buildings including residential, commercial and community across the development) on planning permission 6/2018/0171/MAJ</p> <p>Application Number: 6/2019/2778/COND Decision: Granted Decision Date: 19 December 2019</p> <p>Proposal: Submission of details pursuant to condition 44 (phasing details) on planning permission 6/2018/0171/MAJ</p> <p>Application Number: 6/2019/2706/COND Decision: Granted Decision Date: 20 December 2019</p> <p>Proposal: Submission of details pursuant to condition 10 (construction method statement) 11 (construction management plan) and 40 (site waste management plan) on planning permission 6/2018/0171/MAJ</p> <p>Application Number: 6/2019/2785/COND Decision: Granted Decision Date: 20 December 2019</p> <p>Proposal: Submission of details pursuant to conditions 23 (car parking management plan) Part B-Phase 1 (blocks 10 and 11) and 24 (delivery and servicing plan) Phase 1 (block 10 and 11) on application 6/2018/0171/MAJ</p> <p>Application Number: 6/2019/2786/COND Decision: Granted Decision Date: 20 December 2019</p> <p>Proposal: Submission of details pursuant to condition 25 (detailed scheme to protect the proposed development of that phase or block from traffic noise, railway noise and noise associated with other uses on the site) on planning application 6/2018/0171/MAJ</p>			
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 18 September 2019		
	Site Notice Expiry Date: 9 October 2019		

	<p>Press Advert Display Date: 26 June 2019</p> <p>Press Advert Expiry Date: 10 July 2019</p>
Summary of neighbour responses	<p>A neighbour objection was received stating the following '<i>Please don't allow The Wheat Quarter to renege on providing a skate park as part of their plan for the Shredded Wheat site; the west side of town needs a skate park as an alternative to the unsafe & destructive use of Sainsbury's piazza and maybe as a slight recompense for unsightly blocks of flats which will be making so much money for the developers.</i>'</p>
Consultees and responses	<p>The following consultees have the following comments:</p> <ul style="list-style-type: none"> • Network Rail raise no objection. • WHBC Public Health and Protection stated that there is no objection to the variation being requested. • Hertfordshire Constabulary commented that if the Skate Park is removed from the plan then I would ask that some other form of external youth facility be substituted. I would prefer a designated and well-designed area be provided, rather than the inappropriate use of public open space. The request to remove the skate park from the plans will not be popular with some people but purely from a crime prevention perspective I have no objection to the proposal. • Place Services Historic Building Advisor stated that the loss of the open space is considered to be negative, this concern in itself is unlikely to have a harmful adverse impact on the setting of the listed building. • Sport England does not object.
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others D3, D4, D5, D6, D7, D8, D9, D10, D11, R27, M1, M2, M3, M5, M6, M8, M9, EMP1, EMP2, EMP3, EMP10, R2, SD1, R1, R3, R5, R7, R10, R11, R17, R18, R19, R20, IM2, OS2, OS3, Emerging Local Plan SP 4, SADM 2, SADM 3, SADM 12, SP 8, SP 9, SP 17, SADM 10, SP 10, SADM 13, SADM 14, SP 11, SP 12, SADM 16, SADM 18 Broadwater Road SPD	
Main Issues	
Principle of Development	<p>The application site falls within Broadwater Road West Opportunity Area and Welwyn Garden City Industrial Area (EA1), therefore Policies EMP2 and EMP3 of the District Plan are relevant.</p> <p>Policy EMP3 of the District Plan identifies the site as an opportunity area of planned regeneration for mixed use development comprising primarily employment, housing, leisure and rail related uses. Policy EMP3 continues stating that development of the site shall also be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed and the Broadwater Road West SPD and include the minimum quantum of Class B floor space.</p>

Policy EMP2 states that development in the designated employment areas, proposed for development within use classes B1, B2 and B8 will be permitted subject to satisfying the criteria within this policy.

These policies are echoed within the emerging Local Plan (eLP) under Policies SP 8, SP 17 and SADM 10 which allocate this site for mixed use development and requires development on this site to conform to the Strategy Diagram as shown in Figure 10 of the policy, as well as, satisfy the principles under this policy.

The principle of development on the strategic site has already been established through the extant permission 6/2018/0171/MAJ. This application solely relates to the area of land, whereby permission has been granted for a skate park, which falls in within a D2 use class (assembly and leisure).

Policy EMP3 of the District Plan identifies the 'site as an opportunity area of planned regeneration for mixed uses.' It continues stating the 'development shall also comply with a Development Brief,' which is Broadwater Road West SPD.

Within the Broadwater Road West SPD it states that the 'Council expect provision of children's play space to meet the NPFA's minimum requirement of 0.8 hectares per 1,000 people, with particular emphasis on provision for children's play in the form of Local Areas for Play (LAP) and Local Equipped Areas for Play (LEAP). It is anticipated that a LEAP and LAP will be required to be provided across the site. Also incorporated within this standard, and reflecting the findings of the Leisure and Community Review should be provision of an area for older children and teenagers to "hang out". Such an area could be developed alongside the provision of dedicated youth facilities'.

The strategic site area, which the application site falls within, totals 85,027m². Within the extant permission (6/2018/0171/MAJ) approximately 44,303m² of open space was granted, which comprised of both formal and informal open space provisions in the form of areas of green space and the urban realm. However, this proposal would result in the loss of the skate park.

A planning application referenced 6/2019/1330/FULL, for *alterations and amendments to planning permission 6/2018/0171/MAJ, for the erection of a five-storey community bridge building (1,257m²) for flexible use (b1/d1/d2 use classes), incorporating a minimum of 338 square metres of D2 use class floor space, the removal of the skate park*, was refused planning permission in December 2019 as a result of the principal of the loss of the skate park. Given the similarities of that application with this application, that decision is a material consideration in the determination of this application which holds significant weight.

That application found that the skate park provided a specific provision for teenagers and children to 'hang out' ensuring the scheme was inclusive in accordance with the SPD and the Framework. The removal of the wording of the skate park would consequently result in the strategic site failing to provide a dedicated area for teenagers and children.

In line with that decision on that planning application, reference 6/2019/1330/FULL, whilst there are open spaces and financial contributions sought from the major application scheme 6/2018/0171/MAJ, the proposed development, by virtue of the loss of

	<p>the skate park, would result in there being a lack of provision for older children and teenagers to ‘hang out’ within the wider strategic site, contrary to Policy EMP3 of the District Plan, the Broadwater Road West SPD and the Framework.</p> <p>This would conflict with the reason on the extant planning permission associated with condition 52 was to ensure adequate supporting facilities were available for the occupants of the development. As stated within the SPD there ‘...should be provision of an area for older children and teenagers to “hang out”. Such an area could be developed alongside the provision of dedicated youth facilities’. Chapter 8 of the Framework also states that decisions should aim to achieve healthy, inclusive and safe places (para. 91).</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene) and the impact of development upon the setting of the Listed Building and</p>	<p>The Framework places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents.</p> <p>District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council’s SDG and are consistent with Policy SP 9 of the eLP and the National Design Guide 2019.</p> <p>Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that the local planning authority shall have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The specific historic environment policies within the Framework are contained within para.184-202. Paragraph192 of the Framework states:</p> <p>In determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) The desirability of new development making a positive contribution to local character and distinctiveness. <p>Paragraph 193 of the Framework outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation and the more important the asset the greater the weight it should be given. Paragraph 195 states that where the harm is considered less than substantial paragraph 196 states that this should be weighed against the public benefits of the proposal. The Framework therefore does allow for a degree of harm to a heritage asset in particular circumstances.</p> <p>Development within the listed building’s setting causes some degree of ‘less than substantial harm’ although this harm would be mitigated further due to the erection of residential blocks between the Shredded</p>

	<p>Wheat factory and the community bridge building proposed.</p> <p>The removal of the wording of the skate park, is in itself unlikely to have a harmful adverse impact on the setting of the listed building and the design of the development as the site would remain open and the Grade II Listed silos remain prominent from views from the railway line. This view is shared by the Place Services Historic Building Officer. As such, the setting of the listed building would not be harmed.</p> <p>This application was submitted alongside a full planning application, 6/2019/1330/FULL, seeking the removal of the skate park and erection of a five-storey community bridge building in its place. This associated application was refused planning permission in December 2019. Accordingly there is no building or proposal in place to replace the skate park and accordingly the removal of the wording 'skate park' from condition 52, would result in this land remaining undeveloped and unused.</p> <p>The area of land that would be left undeveloped is located within a highly sustainable area, adjacent to the town centre and the railway foot bridge, which provides access from the east to the west of Welwyn Garden City to the town centre, railway station and residential areas beyond. It is also located within walking distance to various modes of sustainable transport, such as the railway and bus stops. This development would therefore result in an ineffective use of previously developed land, consequently resulting in a poor design, failing to take the opportunity to improve and complement the character and appearance of the strategic site and wider area. The development would therefore be contrary to Policies R1, D1 and D2 of the District Plan and the Framework.</p>
<p>Impact on neighbours</p>	<p>Paragraph 127 of the Framework seeks high quality design and good standards of amenity for all future occupiers of land and buildings. Policy D1 of the District Plan also requires new development to incorporate the design principles and policies of the SDG.</p> <p>The proposed development seeks to remove the skate park. As the land would be vacant it would not result in an adverse impact upon the amenity of future occupiers.</p> <p>Accordingly, it is considered that subject to compliance with the conditions, the proposed development would not impact unduly on future residents of these properties or existing neighbouring occupants, in line with the Framework and Policies D1 and R19 of the District Plan and the SDG.</p>
<p>Environment Impact Assessment</p>	<p>As an EIA was carried out under the original application, in accordance with Regulation 9 of the Town and Country Planning (EIA) Regulations 2017, the planning authority have evaluated whether further information was needed for the original ES to comply with the EIA Regulations or whether the existing ES is sufficient. As part of this process, the planning authority have considered:</p> <ul style="list-style-type: none"> - The date the original ES was prepared (including changes to baseline environmental conditions such as ecology, transport movements, air quality, committed developments, updates to planning policy etc); and - and the nature of the amendments being sought.

	<p>In this instance, the ES was originally prepared in February 2018. As the proposal seeks to remove the wording of 'skate park', the land would remain in its current form and would not result in an intensification of the site. As such, the amendment sought would not affect the findings of the ES. Therefore, it is concluded that the proposal to remove the wording of 'skate park' would not require the need for a new ES or addendum.</p>
<p>Other matters</p>	<p>This application only seeks to vary condition 52 of the extant permission 6/2018/0171/MAJ by removing any reference to a skate park. Furthermore, the application was approved in March 2019 and there have not been any alterations to planning policies locally or nationally that would differ from the previous scheme. The variation of the planning permission would therefore not result in any adverse impact upon all other planning matters previously assessed within the original planning permission.</p> <p>As such, if planning permission were to be granted the previous conditions concerning matters such as contamination, surface water drainage, flooding, ecology, sound insulation, extract systems, hours of delivery, broadband connectivity, site waste and lighting should be applied.</p> <p>It is reasonable, necessary and appropriate to apply the relevant conditions from the previous scheme, to this application, given that this development could be carried out independently of the wider strategic site and would need to accord with the relevant policies within the District Plan, eLP and the Framework.</p> <p>The submitted plan shows only a red edge around the area where the skate park would be rather than the entire site, as shown on the original application, 6/2018/0171/MAJ. Whilst this application is a variation of the original application, and those plans approved are relevant in this proposal, given the nature of the proposal and it proposes to remove the skate park without proposing any new development and leave as existing, this location plan sets out clearly where that would be and is considered sufficient to assess this proposal.</p>
<p>Planning Obligations</p>	<p>If minded to grant planning permission a supplemental to the unilateral undertaking associated with the extant permission would be required to ensure any planning obligations agreed were to be associated within this section 73 application given that it would be considered a new planning permission. The original obligation is required to include contributions towards primary and secondary education, outdoor sports, waste and recycling, SUDs, travel plan evaluation and support, library, youth, childcare, Rosanne house, general medical services, rail bridge, car parking survey, car parking zone implementation and open space.</p> <p>No legal agreement is in place or has been submitted to demonstrate their commitment to these contributions. It is considered that it is not possible to secure the legal agreement by way of condition. Given the requested contributions are entirely relevant and proportionate to the impact of the proposed development, it is considered that the Council would be acting unreasonably and failing its sustainability objectives were it to not obtain the contributions for this S73 development.</p> <p>Accordingly, it is considered that the proposed development is contrary to policies R5, R7, IM2, M3, M4, M14, EMP10, OS2, OS3, R5, CLT9, CLT10 and CLT15 of the Welwyn Hatfield District Plan and the National</p>

	Planning Policy Framework. Without a legal agreement, this adds another objection.
Conclusion	
<p>To conclude, the proposed development, by virtue of the loss of the skate park, would result in there being a lack of provision for older children and teenagers to 'hang out' within the wider strategic site, contrary to Policy EMP3 of the Welwyn Hatfield District Plan, the Broadwater Road West Supplementary Planning Document and the National Planning Policy Framework.</p> <p>The removal of the wording 'skate park' from condition 52 of planning permission 6/2018/02171/MAJ would also result in an ineffective use of previously developed land, which is located within a highly sustainable area, adjacent the railway and town centre, consequently resulting in a poor design, failing to take the opportunity to improve and complement the character and appearance of the strategic site and wider area. The development would therefore be contrary to Policies R1, D1 and D2 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.</p>	

Reasons for Refusal:

1. The proposed development, by virtue of the loss of the skate park, would result in there being a lack of provision for older children and teenagers to 'hang out' within the wider strategic site, contrary to Policy EMP3 of the Welwyn Hatfield District Plan, the Broadwater Road West Supplementary Planning Document and the National Planning Policy Framework.
2. The removal of the wording 'skate park' from condition 52 of planning permission 6/2018/02171/MAJ would result in an ineffective use of previously developed land, which is located within a highly sustainable area, adjacent to the railway and town centre, consequently resulting in a poor design, failing to take the opportunity to improve and complement the character and appearance of the strategic site and wider area. The development would therefore be contrary to Policies R1, D1 and D2 of the Welwyn Hatfield District Plan, the Supplementary Design Guidance and the National Planning Policy Framework.
3. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required mitigation and monitoring by any method other than a legal agreement and the proposal is, therefore, contrary to Policies R5, R7, IM2, M3, M4, M14, EMP10, OS2, OS3, R5, CLT9, CLT10 and CLT15 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

4.

	Plan Number	Revision Number	Details	Received Date

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mrs Sarah Smith
13 February 2020