

Mr A McPheat
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

Application No: 6/2019/1299/VAR

Date of Refusal: 13 February 2020

WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:

Development: Variation of Condition 52 (provision of open space and play space) on planning permission 6/2018/0171/MAJ to remove the skate park

At Location: Former Shredded Wheat Factory Welwyn Garden City
AL8 6UN

Applicant: The Wheat Quarter

Application Date: 3 June 2019

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,

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
	P1	Location Plan	20 June 2019

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).



Colin Haigh
Head of Planning

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of The Town and Country Planning Act.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier. •
- As this is a decision to refuse permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render

the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.