

Part I

Executive Member: Councillor S. Boulton

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 18 JULY 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/0857/MAJ

STANBOROUGH PARK, NORTH STANBOROUGH PARK, STANBOROUGH ROAD  
AL8 6DF

REMOVAL OF EXISTING CHILDREN'S PLAYGROUND AND REINSTATEMENT  
OF GROUND AS PARKLAND; CONSTRUCTION OF NEW PLAYGROUND  
INCLUDING SPLASH PAD WITH ASSOCIATED CHANGING ROOM FACILITY;  
KIOSK; FENCING AROUND COMPOUND; OUTDOOR GYM EQUIPMENT;  
DRAINAGE; EARTHWORKS AND LANDSCAPING

APPLICANT: Welwyn Hatfield Borough Council

(Handside)

**1 Site Description**

- 1.1 The application site is located within Stanborough Park North, which is to the north of Stanborough Road and covers an area of approximately 1.086ha. The surrounding area is predominantly grass parkland with associated car parking, which is accessed via an access road from Stanborough Road. A high ropes course is also within Stanborough Park North, to the north of the application site. There is a public right of way (004) adjoining the site to the east, which travels from Stanborough Road and through this side of the park. The western side of the site is bordered by the River Lea and the A1 (M) is further beyond this, which is in an elevated position.
- 1.2 The site includes land occupied by the former open air pool complex, the Lido area. That swimming pool complex was opened to the public in the 1970s until its closure in the 1990s and subsequent demolition. That has all been demolished and the only building remaining on the site is a toilet facility and kiosk which are located in the southwest corner of the former lido area. The toilet facility is currently undergoing renovation which was granted planning permission under application reference 6/2019/0119/FULL.
- 1.3 The former Lido area has been infilled and grassed over and now forms part of the wider grass parkland and is not visually separated. To the west of the former lido area, is a children's play area which adjoins the boundary with the River Lea, which forms part of the application site.
- 1.4 The site is a relatively flat piece of land which has some undulation which levels out to form a plateau descending gradually towards the River Lea.

## **2 The Proposal**

- 2.1 The applicant seeks planning permission for a new splashpad and adventure playground on the former Lido area. This would include associated changing room equipment facilities, a kiosk, filtration plant equipment that would be grouped together with the existing toilet block in a compound to the south of the site. The existing playground would be removed and replaced by an informal seating area with the remainder of the land reinstated as parkland and surrounded by a wild flower meadow. Outdoor gym equipment and a sports area are also proposed to the north of the proposed splashpad.
- 2.2 The splashpad would be located within the former lido area and would include a variety of water play facilities including jets. The underground tanks for the splashpad would be located within the former lido swimming pool chamber that remains underground. The filtration plant is to be located within the proposed compound area of the existing toilet block/kiosk.
- 2.3 The existing playground would be replaced adjacent to the proposed splashpad facility. The playground would feature a range of play equipment including an explorer ship, Butterfly seasaw, Dolphin springer, Surprise basket, Spica 3, Spinner bowl, Supernova, Five way swing, swings, multi spinner carousel, Forest Lake boat with floor, steeping pod, musical pipes play panel and a forest lake boat, which would be suited to all ages and abilities. The equipment would have a natural character and a nautical theme. The applicant confirms that there would be no charge for using the wet and dry play facilities and outdoor gym equipment. The area would be open all year round during the daytime, albeit the splashpad is likely to be a more seasonal facility with most of the use expected to occur from Easter to September.
- 2.4 Surrounding the splashpad and play area equipment, would be sheltered seating together with mounded landforms providing a sense of enclosure together with informal play areas. The mounded landforms would include a 500mm high timber sleeper retaining wall. This area would all be enclosed by a 1.1m high bow top fence.
- 2.5 The existing toilet block on the site is undergoing refurbishment which was granted planning permission under reference 6/2019/0119/FULL. That application extends the toilet block to form a compound that would include an enlarged secure enclosure containing a new refreshments kiosk, changing rooms, storage for seasonal events, water play plant, the existing substation and a bin storage area. These would be enclosed by a continuous facade wrapping around this compound. To the front of this compound, cycle parking is proposed together with planting.
- 2.6 The entrance into the splashpad would be gained to the north of the existing toilet block. A paved arrival space would be created with benches and an area to meet.
- 2.7 To the north of the proposed splashpad would be a new fitness area with fitness and cross fit equipment including magnetic bells, suspension trainer and net and a final piece of equipment that combines 3 outdoor gym facilities.

To the east of this would be a level lawn that would provide a location for informal ball games.

- 2.8 The existing pedestrian footpath through the site would be retained and reinforced with flowering specimen trees. Additionally the existing open lawn area adjacent to the River Lea would be retained for picnics and seasonal events.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because this is a major application and the applicant is Welwyn Hatfield Borough Council.

### **4 Relevant Planning History**

- 4.1 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. Approved 5 March 2013. Extant Phase 2 permission.
- 4.2 6/2019/0119/FULL: Alterations to toilet block. Approved 2 April 2019.

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2019 (Framework)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

### **6 Site Designation**

- 6.1 The site lies within the Metropolitan Green Belt, an Area of Archaeological importance, Floodplains 2 and 3, Former Splashlands Complex and Welwyn Fringes and Middle lea Valley West Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005. In addition, there is a public right of way (004) which passes alongside the application site.

### **7 Representations Received**

- 7.1 The application was advertised by means of site notice, press notice and neighbour notification letters. Five representations have been received from occupiers in Park Road, Butterwick Way, Haldens, Lady Grove and Knightsfield, which may be summarised as:
- Concerns with the age range;
  - Supports the application as there is a lack of facilities and this will benefit the town;
  - Will there be any way to make Welwyn Garden City residents priority users of the new facilities? On weekends like the one just past the park receives a lot of visitors from nearby towns. I sometimes struggle to even get a parking space. I hope it won't be the same for the splash park;
  - WGC has no swimming pool and the public keep requesting one. Could that be considered as part of this space development?; and
  - Would it not be better to keep some play equipment in a separate area to the splash wet area?

## **8 Consultations Received**

- 8.1 Welwyn Hatfield Borough Council Landscape Department, Welwyn Hatfield Public Health and Protection, Environment Agency, Lead Local Flood Authority, Hertfordshire County Council Transportation Programmes and Strategy raise no objections to the development subject to conditions.
- 8.2 Hertfordshire Gardens Trust, Highways England, Hertfordshire Constabulary, Natural England, Place Services, Hertfordshire Archaeology and Hertfordshire County Council Growth team raise no objections.
- 8.3 No response has been received from the following consultees;
- Herts & Middlesex Wildlife Trust;
  - Herts Biological Records Centre;
  - Welwyn Hatfield Borough Council Client Services;
  - Hertfordshire Rights of Way North and South;
  - Rambler's Association;
  - Affinity Water Ltd;
  - Cadent Gas Ltd;
  - Welwyn Garden City Chamber of Trade;
  - Thames Water;
  - Welwyn Hatfield Access Group;
  - Herts Sports partnership; and
  - Sports England.

## **9 Background**

- 9.1 The site has an extant planning permission, reference N6/2010/3120/DC3, (the 2010 application). That permission granted approval of a high ropes adventure course and a wet play area which were in two distinct phases. The first phase included the high ropes adventure course together with the

clearance of the remaining structures within the lido site and its reinstatement as level ground and parkland. Phase 2 included the redevelopment of the former Lido site to provide a wet play area, extension and refurbishment of an existing toilet block to provide a café, education room, ticket office, landscaping and associated car parking.

- 9.2 That application covered an area of 3.85ha which comprised of the former lido site, the existing car park and playground. Phase 1 has been completed.
- 9.3 Phase 2 included a wet play area on the former lido area included a sunken barge and splash pool, slides, sun terraces, shallow water, water pumps, educational play area, timber board walks 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.
- 9.4 Five pyramid towers form part of that scheme which would vary in height to a maximum of approximately 9m. Additionally, the existing toilet block would be extended to form a pavilion which would act as a visitor centre for Stanborough Park.
- 9.5 The high ropes adventure course, Phase 1, has been constructed. Therefore the permission has been implemented. Phase 2 is an extant permission, which can be implemented at any time. This is a material consideration which holds significant weight in the determination of this application.

## **10 Analysis**

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. Principle of Development within the Green Belt**
    - i. Whether the proposal constitutes inappropriate development**
    - ii. Openness of the Green Belt**
    - iii. Purposes of the Green Belt**
    - iv. Policy CLT3: Stanborough Park**
    - v. Extant Permission**
    - vi. Conclusion**
  - 2. Quality of design and impact on the character and appearance of the area**
  - 3. Impact to residential amenity of nearby residents**
  - 4. Highway safety and Car Parking**
  - 5. Landscaping and Trees**
  - 6. Ecology and Protected Species**
  - 7. Flooding and Drainage**
  - 8. Other Material Considerations**
    - i) Archaeology**
    - ii) Land Contamination**
    - iii) Public Right of Way**
    - iv) Environmental Impact Assessment**
  - 9. Conclusion**

## 1. Principle of Development within the Green Belt

### Whether the proposal constitutes inappropriate development

- 10.2 The application site is located on land that is designated as Green Belt where the National Planning Policy Framework (the Framework) is applicable. Part of the site, which includes the splashpad, proposed play equipment and gym, pitch and kiosk building, are also located on land that forms part of the 'Splashland Site' which is identified within the District Plan's Proposals Map as Policy CLT3. That policy allows for the redevelopment of this site subject to certain criteria.
- 10.3 The Framework seeks to control development within Green Belts and it sets out a general presumption against inappropriate development. It provides that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances.
- 10.4 Paragraph 145 of the Framework outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt other than in the case of specified exceptions. The proposed development includes buildings that would be used for the provision of outdoor recreation and therefore the following exceptions in paragraph 145 of the Framework are applicable which are;
- *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as it preserves the openness of the Green Belt and do not conflict with the purposes of including land within it;*
  - *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

This is echoed by Policy SADM34 of the emerging Local Plan, which is also a material consideration.

- 10.5 The application site forms part of Stanborough Park and is recreational parkland. There is an existing high ropes facility located to the north of the site. The proposed development would add a further visitor attraction to the site with ancillary paraphernalia which would constitute an appropriate facility for outdoor recreation in the context of paragraph 145 of the Framework.
- 10.6 The former lido area and swimming pool have been filled in and the site is now grassed over and open to the remainder of Stanborough Park. It is not considered that the site falls within the definition of Previously Developed Land (PDL) as defined in the Glossary to the Framework, which amongst other things, outlines that PDL excludes parks.
- 10.7 The existing toilet block has a footprint of approximately 85sqm. A compound is proposed around this toilet block which visually would be seen as an

extension to the building. This compound would incorporate the necessary ancillary structures for the splash pad, which would include the plant and infiltration equipment for the splashpad, associated changing facilities and kiosk together with bin provision and inclusion of the existing storage container in Stanborough Park that houses the seasonal kiosk. The existing electricity substation would also be included within the compound to improve the site's visual appearance. Whilst the resulting size of this compound would appear to be disproportionate at an increase of floorspace to approximately 258sqm. This would include the existing toilet block, storage container and electricity station at Stanborough Park. The existing storage container that exists at Stanborough Park would be removed from the park and the use would be rationalised into the replacement kiosk within the compound area, improving the openness of the Green Belt. The remaining elements within the proposed compound consisting of the plant, bin provision, change facilities and kiosk provide for the essential needs of the outdoor play areas proposed and are modest in scale. Its location by the existing toilet block and providing an entrance into the splashpad, would be appropriately sited and would consolidate all the existing and proposed uses to one location limiting the impact to the openness of the Green Belt. Overall, it is considered that the proposed extension to this toilet block is a proportionate increase, the requirement of this building is necessary for the splashpad and it would not have a material impact on the openness of the Green Belt. No objections are therefore raised in the context of paragraph 145 of the Framework with regard to the bullet point associated with an extension of a building.

- 10.8 The proposal also includes hard surfacing to form the splashpad and areas of raised ground levels to provide informal seating areas. Other forms of development are cited in paragraph 146 of the Framework, as not inappropriate in the Green Belt, provided these preserve its openness and do not conflict with its purposes.
- 10.9 Accordingly, paragraphs 145 and 146 of the Framework both require an assessment of the development on the openness and the purposes of the Green Belt.

#### Openness of the Green Belt

- 10.10 Paragraph 133 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.11 There is no definition of openness in the Framework but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. The physical presence of any above ground development would to some extent diminish the openness of the Green Belt regardless of whether or not it can be seen.
- 10.12 The existing play area would be removed and this part of the site would be given over to an informal seating area and wildflower meadow. The proposed splashpad and adventure playground would be located close to the proposed

compound and would comprise a range of play equipment structures predominately made from timber. There would be a couple of steel lattice elements within the splashpad that would spray water. These would all be within a contained area close to the proposed compound building.

- 10.13 The proposed pirate ship is the largest piece of play equipment measuring 6.4m x 4.4m with an overall height of approximately 8.9m. A water spray would have a height of 4.5m. All other equipment and sails would be under 3.5m in height. The proposed play equipment and wet play structures are considered a reasonable and expected size for play areas and as a result of their size, design as an open structures, and siting would allow for views through and between the different parts. Additionally, the proposal includes the removal of the former playground area and the play equipment and its return to open parkland, albeit some seating areas reducing the built form on this part of the site.
- 10.14 The proposed extension of the toilet block would provide the storage of the ancillary structures and equipment that are necessary to house the plant and infiltration equipment for the splashpad together with the associated changing facilities and kiosk. The existing storage container that houses the seasonal kiosk would be removed from the park and the use will be rationalised into the replacement kiosk sited within the compound area. These would all be enclosed by a fence at a height of approximately 2.8m wrapping around the edge of these structures and designed to visually appear as a single building.
- 10.15 The proposed compound would provide for the essential needs of the outdoor play areas proposed and is modest in scale and design. Its siting around the existing toilet block providing an entrance for the splashpad, would be appropriately sited. Its increase in size from the existing toilet block is considered to be a proportionate increase to the size of the existing toilet building and would consolidate all the existing and proposed plant and equipment and would not have a material impact on the openness of the Green Belt.
- 10.16 The proposed development would also comprise of raised earthworks, approximately 0.5m, around the splashpad to provide interest and informal seating opportunities. Given the existing undulating levels of the park together with the extent of the alterations proposed, it is not considered that this would materially impact on the openness of the site.
- 10.17 The dry and wet play areas would be surrounded by a bowtop fence of a height of 1.2m which would be relocated from the existing play area. This would be at a height that was under than which required planning permission. Nevertheless given its height and design no objections are raised in this regard.
- 10.18 Accordingly, on balance, whilst there would be an increase in built form from what is currently on the site, it is considered that it would not have a material impact on the openness of the Green Belt.

#### Purposes of the Green Belt

10.19 Paragraph 134 outlines the five purposes of Green Belt which are;

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.20 The proposal would not lead to unrestricted sprawl of a large built-up area and would not merge neighbouring towns together. It would also not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration. However, the main impact that this development would have would be to the third bullet point, which is to assist in safeguarding the countryside from encroachment.

10.21 The proposed development would predominately be located on land which is open and undeveloped but on land that is designated within the District Plan as forming the 'Splashland Site'. The development would spread built form onto this land. However, the scale and size of the proposals is not excessive and would be set against vegetation and the existing high ropes facility within a more widely undulating topography. Additionally the proposal would include the relocation of the existing playground area and that former area reinstated as grassland and an informal seating area, together with the relocation of the existing storage container.

10.22 Furthermore, the designation of the site as the former 'Splashpad Site' allows development on this former Lido area and together with the extant 2010 application, which allowed a more intensive form of development across the entire 'Splashland Site' with multiple pieces of equipment having a height of 9m together with a large building also having a greater width, depth and height to that currently proposed, it is considered that it would not sprawl or encroach the development onto land which serves the purposes of Green Belt to warrant a refusal in this regard.

#### Policy CLT3: Stanborough Park

10.23 In addition to the Framework, the site is identified on the Proposal's Map of the District Plan as the 'Splashland Site' and is covered by Policy CLT3 Stanborough Park. That policy states; *'the Council will grant planning permission for proposals for the redevelopment of the Splashland Site, as separately identified on the proposals map, 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;*
- *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; and*

- *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’.*

10.24 The Lido opened in 1935 and measured 100ft by 40ft with a depth of between 3 and 6ft at its deepest. It had a concrete terrace around with a diving platform and changing facilities in the form of wooden huts. The 2010 application outlined that the facility comprised of changing rooms, a café, a swimming pool, sandpits, paddling pools, fountains and sun terraces. In the 1960s the pool was enlarged and rebuilt in concrete with various ancillary buildings including changing rooms and the public toilet block. The facilities extended to learner pools, areas of sand, a water fountain and paddling areas.

10.25 By 1970, the facility had been updated again to a lake land park with additional structures and facilities. This included large water slides, which the 2010 application outlined had a height of 14m. The applicant understands that when the lido site closed in the 1990s, it had an area of approximately 0.5ha with a total of 1,613sqm floorspace of ancillary buildings and structures on the site, which were spread across the entire site area. The highest structures were the water slides.

10.26 With regard to the criteria within Policy CLT3, this is assessed below.

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

10.27 The proposed development is broadly based on the previous footprint and contained within the site boundaries, albeit the informal seating area and wildflower meadow, which are located on the site of the existing playground. That playground is proposed to be relocated to the former ‘Splashland Site’.

10.28 The previous uses on this Lido area included flumes, changing huts and the swimming pool and were spread around the ‘Splashland Site’. The proposed compound to the toilet block would result in additional floorspace of approximately 173sqm (258sqm with the existing toilet block). Together with the existing play equipment structures, gym equipment and seating this would have a footprint less than what was previously on the site. Whilst footprint is not the only assessment if a development impacts on the openness and purposes, an assessment is also required of the overall bulk and scale of the development. In this instance, the proposed development includes an extension to the existing building, which would be approximately 21.7m x 16m with a height of 3m. This would be lower than the height of the existing toilet block which is approximately 3.4m. The proposed pirate ship would be the largest structure measuring approximately 8.9m in height. This would be less than what was previously on the site with the former flumes reaching a height of approximately 14m.

10.29 Accordingly, it is considered that as a result of the size and nature of the proposals, this would not have a greater impact on the openness or the

purposes of the site than what existed at the time of the closure of the swimming complex.

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

- 10.30 The former 'Splashlands Site' comprised several buildings and two waterslides. The 2010 application estimated the height of the buildings at the time of closure to be around 4m and the height of the waterslides to be around 14m. The proposed extension to the toilet block would be single storey and designed with a flat roof and would form a compound. It would have a height of approximately 2.7m and would be lower than the height of the existing toilet block on the site. The proposed pirate ship would be the highest structure at 8.9m with a water spray having a height of 4.5m and the remaining equipment and development all being 3.5m or lower. Therefore, the development would not exceed the height of the buildings which existed in the site at the time of the closure.

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

- 10.31 The 2010 application outlines that at the time of the closure of the complex, the former buildings included the toilet block, changing rooms, plant rooms, splashland toilet facilities and some unknown structures, had a floor space of approximately 1,623sqm. That application outlines that *'whilst officers have no information to dispute any of these calculations, however from the drawing entitle 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'*.
- 10.32 The proposed compound building, including the existing toilet block, would have a footprint of 258sqm. Combined with the proposed play and gym equipment and splash pad structures, with the largest being the pirate ship having a footprint of 28.16sqm, this would be below the footprint of the buildings that occupied the site at the time of closure.
- 10.33 Overall, it is therefore considered that the proposed development would not conflict with any of the criteria listed within Policy CLT3.

Extant permission

- 10.34 The extant 2010 application is a material consideration in the determination of this application which holds significant weight and is described above in Section 9. That permission allowed a more intensive form of development across the entire Splashland Site, with multiple pieces of equipment having a height of 9m which were spread across the former Lido area and took up a greater footprint. The height of the equipment is less with the pirate ship

being the highest at a height of 8.9m. All other equipment and sails are under 3.5m in height, albeit one water spray at a height of 4.5m.

- 10.35 Additionally the approved buildings were larger having a greater width, depth and height to that currently proposed. They had a footprint of approximately 642sqm compared to the proposed compound of 258sqm plus together with the equipment with the largest being the proposed pirate ship at approximately 28sqm.
- 10.36 The proposed development is less intensive and requires significantly less built form to be constructed across the former Lido area than the extant permission. Accordingly, if it was considered that this proposed development did have some impact on the openness and purposes of the Green Belt, this extant permission is a relevant fall back consideration, which allowed a significantly greater form of development than what is currently proposed. This proposed development reduces the amount of built form on the site, which would reduce any impact to the purposes of the Green Belt.

### Conclusion

- 10.37 Accordingly it is considered that the proposed development is appropriate development in the Green Belt when considered against the Framework, which would not materially impact on the openness or the purposes of the Green Belt. This echoes policy SADM34 of the emerging Local Plan. Additionally, policy CLT3 of the District Plan is relevant which allows for the redevelopment of the 'Splashland Site' subject to certain criteria. The proposed development would comply with these criteria and would not occupy a greater footprint, or be higher than the existing buildings on the site at the time of closure nor would it impact on the openness or the purposes of the Green Belt at the time of the closure. Further to this, there is an extant permission (2010 application) on the site for a splash park, which would be a more intensive form of development than that which is currently proposed. Accordingly, when considering the above, it is considered that the proposal complies with the appropriate Green Belt policy.
- 10.38 Whilst officers have taken the view that this is appropriate development in the Green Belt which complies with the Framework and policies CLT3 of the District Plan and Policy SADM34 of the emerging Local Plan, the proposed development would provide recreational facilities for the borough. The Open Space, Outdoor Sport and Recreation study from 2009 has found that within this ward the level of formal children's play provision is below the recommended standard: 0.07 ha per 1000 population compared to the recommended standard of 0.2 – 0.3 ha per 1000 population. Therefore the proposal will help where there is a deficiency for recreational facilities within the borough which the proposed development would fulfil. Therefore the need for the proposal and the benefits it would bring to the borough, together with the extant permission, would clearly outweigh any harm associated with the proposal to the Green Belt, which would warrant the very special circumstances, if required.

10.39 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 for recreation development subject to the following criteria;

- i. The proposed use is in accordance with Green Belt policies;
- ii. The proposed use would not have an adverse effect on the amenities of neighbouring properties, nor the character and other environmental assets of the countryside;
- iii. The proposal would be accessible by means of passenger transport, cycleways, footpaths and bridleways;
- 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.

10.40 As outlined above, the proposed development is appropriate in the Green Belt and complies with criteria i), iv) and v) of Policy RA21. With regard to the remaining criteria these are assessed in the sections below.

## **2. Quality of design and impact on the character and appearance of the area**

10.41 District Plan Policies D1 and D2, Emerging Local Plan Policy SP9 and the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. These policies are in line with the National Planning Policy Framework (NPPF) in that planning should require good design.

10.42 The site's designation as the former 'Splashland Site' by Policy CLT3 recognises that previously there was development within the boundaries of this former Lido area and was an important built facility for the provision of recreational activities for the District.

10.43 The proposed development would be visible from a number of locations around the site, including right of way 004 which runs alongside the eastern boundary of the site together with views from the north.

10.44 The proposed kiosk together with the changing rooms, refuse storage area plant associated with the proposed water features and existing substation and toilet block would be grouped together and enclosed by a fence. The existing storage container that houses the seasonal kiosk would be removed from the park and this would be rationalised into the replacement kiosk sited within the compound area. This proposed compound area, which would form the entrance into the splashpad, would be surrounded by a fence of a unified height and would be clad in materials with a strong horizontal emphasis. The northern and western elevations would use materials that have previously been agreed as part of application 6/2019/0911/FULL to refurbish the existing toilet block. Those materials are a mixture of Rockkpanel's Woods Ceramic Oak and Rhinestone Oak panels which combine the benefits of wood with the

much longer lasting qualities of stone, creating an almost perfect replica of natural timber and a varied appearances. The remaining elevations, which face into the splash pad and the car park (southern and eastern elevations) would be timber clad and treated to be the same colour as the other elevations. A condition would be required to ensure this. Overall it is considered that the proposed entrance into the site would form a coherent form of development which would consolidate the structures into one location.

- 10.45 The proposed splashpad would be divided into two areas, a toddler and a family area. The toddler area would consist of a range of waterplay products such as jet streams, water jellies and magic mist and would include two steel pole structures that would be stainless steel. The family area would consist of more interest and dynamic ground jets and team sprays.
- 10.46 The proposed dry play equipment would be separated from the splashpad by a low height fence. This play equipment would be constructed from Robinia hardwood providing a natural feel for the park environment. The proposed pirate ship is the most significant piece of play equipment and would act as a central focus to the play area. It would provide a visual barrier between the splashpad and the car park. It would be constructed from timber and would predominantly be a muted colour, although elements of colour would be on it creating interest. Surrounding this would be a number of other pieces of play equipment constructed predominately from Robinia Hardwood and suited to the park environment.
- 10.47 The surfacing of the splashpad, play area and gym area would be a muted natural palette. The splashpad and play area would have a consistent rubber surface with subtle changes of colour defining the play and wetplay areas. Modest areas within the splashpad would be highlighted using dark blue surface to represent stream and puddle play features with the remaining areas being beige or Classic Blend. The arrival space and seating zones would be surfaced using coloured tarmac with a natural buff and grey tones emulating natural gravels. The surface of the gym area would also be a rubber surface of beige colour. Overall it is considered that the proposed play equipment and wet play areas would be appropriately designed and materials would be predominantly natural timber. The ground materials are muted and subtle colours to help maintain an attractive and visually pleasant area. This would be seen against the backdrop of the high ropes course and beyond this the surrounding trees and landscaping.
- 10.48 With regard to the range of timber benches, picnic tables, informal seating, shade structures located throughout the space, this is appropriately designed within the context of the site.
- 10.49 The proposed fencing around the splashpad and play area would be a 1.1m high hoop top fence which would be re-used from the existing pay area fence where possible. Its proposed height, whilst not requiring planning permission, is not excessively high and its design is appropriate for this location.
- 10.50 Accordingly, the proposal would represent a good quality of design and respect and relate to the character and appearance of this area in accordance

with the Framework, Policies D1, D2, D8 and RA21 of the District Plan 2005, Emerging Local Plan Policy SP9 and Supplementary Design Guidance 2005.

### **3. Impact on living conditions and the residential amenity of adjoining neighbours**

- 10.51 With regard to the impact on the amenity of adjoining neighbours, Policy D1 requires a high standard of design and Policy R19 requires noise and disturbance to be minimised.
- 10.52 The main concern from this proposal would be from noise and disturbance from children and people shouting and enjoying themselves whilst using the development . Additionally noise would also come from the ancillary equipment necessary for the Splashpad. The previous 2010 application raised no concerns in this respect.
- 10.53 The application site is approximately 250m from the nearest residential property, which are within Amethysts Walk and Sefton Close to the east of the site. Given this distance, together with the size of the proposal and its associated usage which is generally in the daytime, it is considered that the proposal would not give rise to an undue level of noise and disturbance to the occupiers of neighbouring residential properties. However, in the event of an approval, it is considered relevant to ensure that noise levels from ancillary equipment associated with the Splashpad, shall be 10dB below the background noise level at the nearest residential properties, which can be conditioned.
- 10.54 Accordingly no objections are raised with regard to the Framework and policies RA21 (ii), D1 and R19 which seeks to ensure that development has no adverse effect on the amenities of neighbouring properties and provide a high standard of design.

### **4. Highway Safety and Car Parking**

#### Highway Safety

- 10.55 The 2010 application, which included the Wet Play Facility and construction of a pavilion building with changing huts, an education room a café and the toilet block refurbishments, was envisaged by Herts Transportation Programmes and Strategy (HCCTPS) as a major facility and a destination activity in its own right that would serve the park and the cafe but would also allow for private access direct from the coach drop off. All trip generation with the supporting Transport Assessment that accompanied that application had regard to the expected attendance at the park identified within that support feasibility study.
- 10.56 This application is accompanied by a Transport Assessment (TA) prepared by Mayer Brown, dated June 2019. The current proposed development is significantly reduced to the 2010 application and it is now considered that the proposed wet play facility is an additional feature and ancillary to the enjoyment of Stanborough Park. The TA relies on the fact that the proposal would not result in significant, unique, new trips to Stanborough Park and

would provide an improved visitor experience for those already attending the site. Such a presumption is considered acceptable, with similar facilities within Hertfordshire considered to operate in a similar fashion.

- 10.57 To establish existing levels of trips to the site the TA has utilised parking beat surveys of usage of the car parks. The northern and southern car parks provide for around 490 parking spaces. The 2010 application presented that the peak parking occupation in the car parks combined was between 15:30-15:45 on a Saturday (August 2012) with 100 of the spaces being occupied and 15:00-15:15 of a weekday with 211 of the spaces being occupied. The use of August figures would represent school holiday usage and a peak time. The latest parking data was obtained in 2018 and in August this shows a daily average of 146 cars parked in the car park.
- 10.58 Whilst the use of monthly data removes ability to appreciate weekday/weekend variance, the data presented appears reasonable and calculations would suggest that level of use between 2012 and 2018 has not significantly changed.
- 10.59 Additionally, the site's location is close to the centre of Welwyn Garden City and accessible by cycling and walking. A bus stop is also located at the vehicular entrance of the site from Stanborough Road providing alternative ways to travel than the car. The development proposals are therefore not considered to have a material impact on the existing levels of trips on the local network.
- 10.60 Access to the site would be via Stanborough Road and along the existing vehicular access into the site which is accessed from Stanborough Road by way of a left in/left out access. That access road leads to the North Side Car Park. No changes are proposed to the existing access road or parking facilities at the North Side and they are suitable in width and alignment and there are no obstructions to visibility. As such the existing service arrangements and car park at the site will be unaffected by the development proposals.
- 10.61 The TA identifies that there are opportunities to improve pedestrian facilities across the site access to the Northern Car Park and also that pedestrian accessibility into the park at this point is limited in terms of width and shared with vehicles entering the site. The TA outlines that there are opportunities that exist to improve such conditions through the provision of footway/cycle way along the northern edge of the car park access road from the footway along Stanborough Road to the car park's height restriction barrier, with the provision of a pedestrian crossing over the access road at that location bringing pedestrians and cyclists directly into the car park. Additionally a pedestrian dropped kerb crossing point incorporating tactile paving across Stanborough Road would also be provided. Beyond this point all routes feature traffic calming (speed cushions) and the interaction of pedestrians and vehicles would be considered to be at lower speeds. These requirements are able to be conditioned and delivered prior to the proposed development being in use.

- 10.62 A Construction Management Plan also accompanies the application and provides indicative details of the management for the construction phase of the build. This outlines that a designated area within Stanborough Park car park will be used as the site compound, consisting of office and storage facilities. The operating hours for the building would be Monday to Friday 08:00 to 17:00. Access would be from Stanborough Road.
- 10.63 The Eurobins would continue to be collected via the park access road. The compound has direct access onto the car park/collection area to maintain the status quo. Any service vehicles for the splashpad would use the existing access road and car park. The established emergency vehicle access is unaffected by the proposals.

### Car Parking

- 10.64 The site is located within zone 4 where the District Plan requires parking provision for new development to accord with the standards in the Council's supplementary Planning Guidance on Parking (SPG). Additionally policy RA21 of the District Plan also requires 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.
- 10.65 The use class of the proposal is not one that is listed within the Council's SPG. Therefore the amount of parking provided should be decided in each case on individual merits. The Council have also produced an Interim Policy for Car Parking. This outlines that the Council has agreed to treat its existing car parking standards as guidelines rather than maximums. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal its size context and its wider surroundings as well as the NPPF guidance. It clearly outlines that the onus is on developers to demonstrate through transport information that a greater or lesser level of car parking provision is appropriate.
- 10.66 The application site does not include any area for car parking and relies on using the existing northern car park that serves Stanborough Park North which is to the south of the site. That car park has 280 parking spaces, 10 disabled spaces and 3 spaces for larger vehicles, totally 293 spaces. The additional southern car park, serving Stanborough Park South, has 197 spaces and 5 disabled spaces totalling 202. These existing car parks provide around 490 parking spaces for the existing recreational facilities and amenities at Stanborough Park.
- 10.67 The applicant is relying on those spaces to provide for the spaces for this proposed facility and does not propose to increase the number. It is considered pragmatic to base the parking on the proposed trip generation as set out within the TA. This outlines that as a result of the nature of the site, the majority of trips to the site occur during warmer months and in the school summer holiday periods. The latest parking data from the 2010 application illustrated that throughout peak periods occupation in the car parks combined

established a maximum car parking occupancy of 22.2% on Saturdays and 42.6% of the spaces on weekdays.

- 10.68 The TA in support of this application utilises car parking data from the car park, and utilises 2018 parking figures. That data shows the monthly peak car park usage in August being 4,521 (a daily average of 146 cars, around 36.5%), before parking usage falls rapidly in September to 723 cars and 693 in November.
- 10.69 As referred to above, it is not considered that the level of use between 2012 and 2018 has significantly changed. Whilst the high ropes facility has been implemented, the traffic generation assumed that this would generate 48 vehicle trips for the high ropes and the 2018 figures reflect its usage. Given the existing usage of the car parks and significant levels of spare parking capacity, together with the ancillary nature of the proposed development to Stanborough Park, it is considered that the existing car parks will provide sufficient parking for the proposed development with the existing uses. Additionally, the sites location is within walking and cycling distance of the Welwyn garden city and is accessible by public transport with bus stops located at the site entrance from Stanborough Road.
- 10.70 In addition to parking, 12 cycle parking spaces would be provided via six cycle stands which would be located to the front of the compound building.

### Conclusion

- 10.71 The proposed development is unlikely to be attract a significant number of people, especially when compared with the 2010 application. It is an ancillary facility to Stanborough Park with the majority of the trips being linked with existing users of Stanborough Park. Accordingly, the additional number of trips associated with the proposed development is unlikely to have a detrimental impact to highway safety. Additionally, the existing car parks that serve both Stanborough park north and south provide an appropriate level of car parking provision.
- 10.72 In the event of permission being granted, conditions would be required which would include the access, turning areas and parking spaces being laid out and off site works including pedestrian facilities and double yellow lines together with. Accordingly, no objections are raised with regard to policies M14, D1 and RA21 (iii) and (vi) or the Framework.

## **5. Landscaping and Trees**

- 10.71 The site lies within the Welwyn Fringes and Middle Lea Valley West Landscape Character Area. It is an urban fringe belt around the flanks of Welwyn Garden City and its characteristics include gently undulating land with parkland as a dominant local feature. Policy RA10 requires development to contribute to maintaining and enhancing the local landscape character area. Additionally Policies D8 and R17 require landscaping schemes to use materials that respect the character of the area and the retention of existing trees, hedgerows and woodland respectively.

- 10.72 A planting strategy accompanies the application along with a landscape management and maintenance plan. This deals with both the proposed development area and the reinstatement of the existing playground to parkland and wildflower areas. The landscape proposals consists of tree, shrub and perennial planting, paved areas and wildflower planting. The planting seeks to maximise the potential for good quality green and hard spaces and to improve the bio-diversity and nature conservation value of the site through the use of native and nectar rich planting. Whilst it was considered that further tree planting could be provided within the proposed splashpad area reducing the need for some of the proposed sails providing shade, a decision was made by the applicant to not locate trees close to the play area/splashpad for maintenance reasons and safety reason from leaf fall onto the play equipment and the wet play drainage/filter system. Given the impact of the leaves, this amendment has not been pursued especially as the proposed sails are not intended to be displayed permanently and can be erected to suit weather conditions.
- 10.73 The plans include a wildflower meadow. Additionally large parts of the former Lido area and the seating area would be grassed. Areas of ornamental planting within the Lido site and to the side of the compound are proposed which would enhance the value of the site.
- 10.74 The site does not fall within a Conservation Area and the trees on site are not protected. A tree report accompanies the application and outlines that no trees are directly within the footprint of the proposed works and that the proposal would not require the removal of any trees. There are existing trees around the curtilage of the Lido site and to the front of the existing playground area. Certain works will be required within the Root Protection Areas (RPA) of a number of trees on the site, including removal of existing surfaces, provision of new surfaces, provision of new planting and installation of seating areas. Where proposed works encroach onto the root protecting zones, a no dig methodology would be adopted. The proposed groundworks in the vicinity of the trees would comprise permeable paving as part of the drainage strategy for the site. Additionally protective fencing will be erected to ensure that the health of the trees is retained. However, that tree report mentions the need to submit a detailed Arboricultural Method Statement in order to ensure the retained trees are protected during the course of development and that the above methods of tree protection are implemented throughout the construction.
- 10.75 Overall the proposed development would maintain the prevailing landscape quality, character and conditions and the proposed development would be acceptable being a compatible recreational use within a parkland setting. For this reason, the development complies with Policies D1, D8, RA10 and RA21 (ii) of the District Plan, Policy SADM16 in Welwyn Hatfield Borough Council Draft Local Plan 2016 and the Framework.

## **6. Ecology and Protected Species**

- 10.76 A phase 1 extended habitat survey dated March 2019 has been carried out and accompanies the application. This concludes that there are no ecological

constraints to the development. The two buildings that have the potential for bat roosts within the site include the storage unit and existing toilet block. Recommendations for the toilet block include further surveys to ascertain if this building is used by roosting bats. However, there are no alterations to these buildings as part of this application. Alterations to the existing toilet block have been granted planning permission under a separate application, 6/2019/0119/FULL, where Herts Ecology made no objections to the proposal.

- 10.77 Herts Ecology have not provided any comments to the consultation. Natural England have made no objections to the proposal. Given the conclusions of the phase 1 extended habitat survey and the recommendations within that report, it is considered that subject to the development being undertaken in line with the recommendations within the extended habitat survey, which can be conditioned, no objections are raised.
- 10.78 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment and Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 10.79 Overall no objections are therefore raised with regard to Policies R6 and R11 of the District Plan or the Framework.

## **7. Flooding and Drainage**

- 10.80 The site lies partially between Flood Zone level 2 and 3a but the majority of the scheme would be a water compatible use. A Flood Risk Assessment dated 1 April 2019 accompanies the application which outlines that the new development would incorporate a Sustainable Drainage System (SuDS) to manage rainfall on site and ensure that runoff is not increased elsewhere. Attenuation will be provided within the voids of the porous sub base to the permeable resin bond gravel surfacing. Due to the slope of the site check dams will be incorporate within the permeable paving to enable the storage volume to be mobilised. All attenuation features will be tanked with an impermeable geomembrane to prevent runoff from the development contaminating the underlying ground water.
- 10.81 Detailed advice has been provided to the Council by Hertfordshire County Council in its role as the Lead Local Flood Authority (LLFA) and the Environment Agency (EA). Whilst the EA raise no objections, the LLFA initially confirmed there was no objection subject to conditions. However on receipt of further drainage information to address their suggested conditions, the LLFA objected to that information. That objection outlined that the information did not provide a suitable base for an assessment to be made of the flood risks arising from the proposed development. They considered that as the updated information, which includes underground permavoid tanks, did not provide

updated modelling to support this, they would raise an objections. Additionally, the red edge of the site location plan has altered to include the access drive and no information on the drainage management of the surface water run-off from the access road has been submitted.

- 10.82 However given that the principle of the drainage information is acceptable to the LLFA, they have reconsidered the information submitted. That drainage information is based upon permeable paving features, permeable paving with sub base storage, two permavoid tanks storage and discharge into a main river through a swale structure. Surface water calculations have been provided and ensure that the drainage strategy caters for all rainfall events upto and including 1 in 100 plus 40% for climate change with 2 l/s discharge to the River Lea. Therefore subject to conditions no objections are received.
- 10.83 With regard to the alterations to the site location plan and the inclusion of the access drive to Stanborough Road, this was amended during the course of the application in regard to a technical issue. The requirements for the site location plans is that the application site should be edged clearly with a red line and include all land necessary to carry out the proposed development including land required for access to the site from a public highway. There is no alteration proposed to the access drive, and it would be unreasonable to expect the applicant to improve its drainage. Accordingly the concerns raised by the LLFA with regard to the access drive are not being pursued.
- 10.84 In conclusion, subject to conditions, it is considered that no objections are raised with regard to Policies R7 and R8 of the District Plan or the Framework with regard to drainage and flooding.

## **8. Other Material Considerations**

### *i) Archaeology*

- 10.85 The site has been heavily disturbed by quarrying, landscaping and devolvement. Therefore, the development is unlikely to have an impact on heritage assets of archaeology interest and no objections are raised with regard to the Framework or Policy R29 of the District Plan.

### *ii) Land contamination*

- 10.86 Policy R2 of the District Plan outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment.
- 10.87 The application includes a Desk Study Report undertaken by WYG for the previous application in 2010, dated May 2010. Additionally a Ground Investigation Report accompanies this application dated 2019.
- 10.88 The previous use of the development site as a lido and the subsequent uncontrolled demolition of this facility presents the possibility that contamination may be present at the site that could potentially be mobilised

during construction to pollute controlled waters. Controlled waters are sensitive in this location due to the shallow water table and close proximity of the River Lea.

- 10.89 The information present in the Desk Study Report from WYG in May 2010 provides confidence that it will be possible to suitably manage the risks posed to controlled waters by this development. Further detailed information will however be required before the proposed development is undertaken, which can be conditioned. From the basis of this investigation and assessment from the Council's Environmental Health department and the Environment Agency, it has been concluded that the use of an appropriate condition would ensure that proposed development would not pose an unacceptable risk to human health.

*ii) Public Right of Way*

- 10.90 Public right of way (004) runs alongside the site and the vehicular access drive from Stanborough Road. The right of way is to the west of the entrance from Stanborough Road and meets the access road at the first vehicular access into the car park. The proposed development on the former Splashland Site would be alongside the right of way, however it would not extend onto the right of way. Whilst highway improvements are proposed to alongside the access drive to improve the footway/cycle way into the site up to the car park height; restriction barrier, this would not detrimentally impact on the right of way. No objections are therefore raised with regard to policy RA25 of the District Plan, which outlines permission will not be granted for development in the countryside which adversely affects the convenience, safety, setting and amenity of an existing definitive public right of way.

*v) Environmental Impact Assessment*

- 10.99 Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. The proposal is outside of the scope of the Regulations and an EIA is therefore not required.

**9. Conclusion**

- 10.100 The Framework refers to the presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 11 of the Framework outlines that for decision taking this means approving development proposals that accord with an up to date development plan without delay. In this instance, when considering the proposal against Green Belt policy contained in the Framework and Policy SADM34 of the emerging Local Plan, the

principle of the proposed development is appropriate within the Green Belt where there is no material impact to the openness or the purposes of the Green Belt. Additionally the proposal is on land that is the former 'Splashland Site' and complies with Policies CLT3 and RA21 of the District Plan.

10.101 With regard design and appearance of the development, car parking and highway safety, landscaping, neighbour amenity, flood risk and drainage, contamination and ecology no concerns are raised subject to the inclusion of suitable conditions on the permission.

## **11 Recommendation**

11.1 It is recommended that planning permission be approved subject to the following conditions:

### **PRE COMMENCEMENT**

1. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

#### **(a) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and the strategy must include the following components:

1. A preliminary risk assessment which has identified;
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potential unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information or a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in

(3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintained and arrangements for contingency action.

Accordingly the approved details shall be implemented.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(c) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition a, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(d) Long Term Monitoring and Maintenance

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Subsequently the agreed details shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained 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 with 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: To protect the existing trees, shrubs and vegetation during the construction of the development in accordance with Policies D1 and D8 of the Welwyn Hatfield District Plan.

3. The development hereby permitted shall not be carried out other than in accordance with the approved surface water drainage assessment carried out by Conisbee, drawing number 171116-CON-X-00-DR-C-1000, Rev T3 titled Drainage Strategy received 4 July 2019 and the following mitigation measures detailed within the Flood Risk Assessment:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 171 m<sup>3</sup> (or such other storage volume agreed by the Local Planning Authority) of total storage volume in permeable paving with sub-base features and permavoid tanks.

3. Discharge of surface water from the private drainage on site into the River Lea.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the National

Planning Policy Framework and Policies R7 and R8 of the Welwyn Hatfield District Plan.

4. The development hereby permitted shall not be carried out other than in accordance with the Construction Method Statement by Potter Raper Partnership dated April 2019.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. The development hereby permitted shall not be carried out other than in accordance with the recommendations in the Extended Phase One Habitat Assessment by Tim Moya Associated dated March 2019.

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 Policy R11 and R16 of the Welwyn Hatfield District Plan 2005.

#### **PRE-STAINING**

6. Prior to the staining of the southern and eastern elevations of the compound building, a sample shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved details shall be implemented prior to the first use of the development hereby approved.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019

#### **PRE OCCUPATION**

7. No occupation of the development hereby permitted shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

1. Final detailed as built drainage layout including the location and provided volume of storage of all Sustainable urban Drainage System features, pipe runs and discharge points; and

2. Detailed drawings of all Sustainable Urban Drainage Systems features included within the drainage strategy.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with the National Planning Policy Framework and Policies R7 and R8 of the Welwyn Hatfield District Plan.

8. Prior to the occupation of the development hereby permitted, the cycle stands hereby permitted shall be installed and the cycle stands retained as such in perpetuity.

REASON: In order to ensure that there is adequate provision for secure cycle parking accommodation, encouraging alternative modes of transport in accordance with Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

9. Notwithstanding the details indicated on the submitted drawings hereby approved, prior to the first use of the development hereby approved, a detailed scheme for the provision of appropriate footway links between the site and the Stanborough Road junction and improvements to pedestrian facilities across the Stanborough Road access shall be submitted to an approve in writing by the Local Planning Authority. These approved details shall also be implemented prior to the first use of the development.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan and the National Planning Policy Framework.

## **POST DEVELOPMENT**

10. No infiltration of surface water drainage into the ground beneath the site is permitted other than with the written consent of the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

11. Noise from plant and equipment associated with the development hereby permitted shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below they background if evidence is provided which shows no tonality or other noticeable characteristics). This noise level must be maintained for the life of the development.

REASON: To protect the amenity of residents in the locality in accordance with policies D1 and R19 of the Welwyn Hatfield District Plan.

12. The northern and western external elevations of the compound building hereby permitted shall be clad in Ceramic Oak and Rhinestone Oak.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

13. The tarmac areas shown on the approved drawings shall not be anything other than a natural buff and grey tones emulating natural gravels.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

14. All agreed landscaping comprised in the details of landscaping submitted as part of the application shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D2 and D8 of the Welwyn Hatfield District Plan 2005.

15. The landscape management and maintenance of the site shall not be carried out other than in accordance with the details agreed in the Landscape Management & Maintenance Plan by Turkington Martin dated March 2019.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11, D1 and D8 of the Welwyn Hatfield District Plan 2005.

16. DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
TM386L04	A	Site Location	5 June 2019
TS19-029D\1		Topographical Survey	9 April 2019
TS19-029D\2		Topographical Survey	9 April 2019
TM386L01	#	Illustrative GA	9 April 2019
TM329LS01	#	Proposed Sections	9 April 2019
TM386L02	A	Materials GA	5 June 2019
TM386L03	#	Planting GA	9 April 2019
M9731_SK01 0		Proposed Elevations	9 April 2019

M9731_SK01 3		Proposed Elevations	9 April 2019
M9731_SK01 2		Proposed Plans	9 April 2019
171116- CON-X-XX- DR-C-2000	P6	Proposed Site Levels & Contours	9 April 2019
171116- CON-X-XX- DR-C-2100	P4	Cross Sections	9 April 2019
171116- CON-X-XX- DR-C-7003	P3	Summary of Earthworks Analysis - Cross Sections – Sheet 1	5 July 2019
171116- CON-X-00- DR-C-1000	T3	Drainage Strategy	4 July 2019
171116- CON-X-00- DR-C-1010	P1	171116-CON-X-00-DR-C- 1010	5 June 2019
TM386L07		Materials Schedule	6 June 2019
CAS-27062- R7Y0X3-01		Robinia Explorer Ship-X Large	3 July 2019
CAS-27062- R7Y0X3-02		Triple Swing and Butterfly Seesaw	3 July 2019
CAS-27062- R7Y0X3-03		Five Way Swing and Dolphin Springer	3 July 2019
CAS-27062- R7Y0X3-04		Forest Lake Boat, Multiple Spinner, Supernova	3 July 2019
CAS-27062- R7Y0X3-05		Spica, Spinner and Surprise Basket	3 July 2019
CAS-270662- RY0X3-06		Dragon Sunshine and Musical Pipes	3 July 2019
CAS-27062- R7Y0X3-07		Cottage Sunshade	3 July 2019
CAS-27062- R7Y0X3-08		Cross training Coni 1 and 3	3 July 2019
2677_90		7395 Plux Cane	3 July 2019
2677_91		7790 Helico	3 July 2019
2677_92		0555 Aqua Dome	3 July 2019

171116- CON-X-XX- DR-C-7005	P1	Summary of Earthworks Analysis - X Sections - Sheet 2	5 July 2019
171116- CON-X-XX- DR-C-7002	P3	Summary of Earthworks Analysis	5 July 2019

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

## **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).

### **Informatives**

#### 1. Waste Permit:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506917/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf)

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

#### 2. Flood Risk Activity Permit

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Lea, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at

[www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits). Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk).

### 3. Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

### 4. Storage of Materials

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

### 5. Public Right of Way

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

6. Mud and Debris

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

7. Construction Standards

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide 126 (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Sarah Smith (Development Management)  
Date 1 July 2019



 <p>Welwyn Hatfield</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	<b>Title:</b> Stanborough Park, North Stanborough Park		<b>Scale:</b> DNS
	<b>Project:</b> Development Management Committee		<b>Date:</b> 2019
	<b>Drawing Number:</b> 6/2019/0857/MAJ		<b>Drawn:</b> Emma Small
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