

Mark Westcott
45 Welbeck St
Marylebone
London
W1G 8DZ

Application No: 6/2020/3420/MAJ

Date of Refusal: 16 September 2021

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

Development: Demolition of existing buildings and construction of 289 residential units (Use Class C3) and community hub (Use Class E/F.2), with public realm and open space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.

At Location: Biopark, Broadwater Road, Welwyn Garden City AL7 3AX

Applicant: HG Group

Application Date: 22 December 2020

1. The proposed housing tenures and mix (including affordable housing) would fail to meet the objectively assessed need (OAN) for housing in the borough and would not contribute to creating a sustainable, inclusive and mixed community. As such, the application is contrary to Policy SP 7 of the emerging local plan.
2. The application, including the Transport Assessment, fails to provide sufficient evidence that the transport impact, car parking and proposed transport mitigation strategy shall achieve sustainable transport objectives and shall not result in any unacceptable impact. As such, the application is contrary to Policy H2 of the District Plan, the Council's Parking Guidance SPG and interim Policy for Car Parking Standards and Policies SP 4, SADM 2 and SADM 3 of the emerging local plan.
3. The proposal by reason of its form, height, bulk, scale and massing does not achieve high quality design. The proposed Development also does not respect or relate to the character and context of the local area and fails to maintain, enhance or improve the character of the existing area. As such, the application is contrary to Policies D1 and D2 of the District Plan and the Broadwater Road West SPD, Paragraphs 130 and 134 of the NPPF and Policy SP 9 of the emerging local plan.

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
CD-GA-E-03	PL 1	Blocks C & D Courtyard Elevations	21 December 2020
CD-GA-P-L01-L04	PL 1	Blocks C & D First to Fourth Floor Plan	21 December 2020
CD-GA-P-L05	PL 1	Blocks C & D Fifth Floor Plan	21 December 2020
CD-GA-P-L06	PL 1	Blocks C & D Sixth Floor Plan	21 December 2020
CD-GA-P-L07	PL 1	Blocks C & D Seventh Floor Plan	21 December 2020
CD-GA-P-R08	PL 1	Blocks C & D Roof Plan	21 December 2020
CD-GA-S-01	PL 1	Blocks C & D Sections	21 December 2020
CD-GA-S-02	PL 1	Blocks C & D Sections	21 December 2020
AB-GA-E-01	PL 1	Blocks A & B Elevations	21 December 2020
AB-GA-E-02	PL 1	Blocks A & B Elevations	21 December 2020
AB-GA-E-03	PL 1	Blocks A & B Courtyard Elevations	21 December 2020
AB-GA-P-B01-01	PL 1	Blocks A & B Basement L01 Plan 01	21 December 2020
AB-GA-P-B01-02	PL 1	Blocks A & B Basement L01 Plan 02	21 December 2020
AB-GA-P-B02	PL 1	Blocks A & B Basement L02 Plan	21 December 2020
AB-GA-P-L01-L05	PL 1	Blocks A & B First to Fifth Floor Plan	21 December 2020
AB-GA-P-L06	PL 1	Blocks A & B Sixth Floor Plan	21 December 2020
AB-GA-P-L07	PL 1	Blocks A & B Seventh Floor Plan	21 December 2020
AB-GA-P-L08	PL 1	Blocks A & B Eighth Floor Plan	21 December 2020

AB-GA-P-R09	PL 1	Blocks A & B Roof Plan	21 December 2020
AB-GA-S-01	PL 1	Blocks A & B - Section Sheet 01	21 December 2020
AB-GA-S-02	PL 1	Blocks A & B - Section Sheet 02	21 December 2020
CD-GA-E-01	PL 1	Blocks C & D Elevations Sheet 01	21 December 2020
CD-GA-E-02	PL 1	Blocks C & D Elevations Sheet 02	21 December 2020
S-GA-E-01	PL 1	Proposed North Site Elevation	21 December 2020
S-GA-E-02	PL 1	Proposed East Site Elevation	21 December 2020
S-GA-E-03	PL 1	Proposed South Site Elevation	21 December 2020
S-GA-E-04	PL 1	Proposed West Site Elevation	21 December 2020
E-GA-E-01	PL 1	Block E Elevations Sheet 01	21 December 2020
E-GA-P-L01	PL 1	Block E First Floor Plan	21 December 2020
E-GA-P-L02-L04	PL 1	Block E, Second to Fourth Floor Plan	21 December 2020
E-GA-P-L05	PL 1	Block E Fifth Floor Plan	21 December 2020
E-GA-P-L06	PL 1	Block E Sixth Floor Plan	21 December 2020
E-GA-P-R07	P 1	Block E Roof Plan	21 December 2020
E-GA-S-01	P 1	Block E, Sections, Sheet 01	21 December 2020
E-GA-S-02	P 1	Block E Sections Sheet 02	21 December 2020
F-GA-E-01	PL 1	Block F Elevations Sheet 01	21 December 2020
F-GA-P-L02-L03	PL 1	Block F Second and Third Floor Plans	21 December 2020
F-GA-P-R04	PL 1	Block F Roof Plan	21 December 2020
F-GA-S-01	PL 1	Block F Sections Sheet 01	21 December 2020
GA-EX-L00-OS	PL 1	Location Plan	21 December 2020
GA-LS-01	PL 1	Proposed Long Section 01	21 December 2020
GA-LS-02	PL 1	Proposed Long Section 02	21 December 2020
GA-SP-B01	PL 1	Proposed Site Plan Basement Level 01	21 December 2020

GA-SP-B02	PL 1	Proposed Site Plan Basement Level 02	21 December 2020
GA-SP-L02	PL 1	Proposed Site Plan Second Floor	21 December 2020
GA-SP-L03	PL 1	Proposed Site Plan Third Floor	21 December 2020
GA-SP-L04	PL 1	Proposed Site Plan Fourth Floor	21 December 2020
GA-SP-L05	PL 1	Proposed Site Plan Fifth Floor	21 December 2020
GA-SP-L06	PL 1	Proposed Site Plan Sixth Floor	21 December 2020
GA-SP-L07	PL 1	Proposed Site Plan Seventh Floor	21 December 2020
GA-SP-L08	PL 1	Proposed Site Plan Eighth Floor	21 December 2020
GA-SP-L09	PL 1	Proposed Site Plan Roof Level	21 December 2020
GA-SP-M	PL 1	Site Plan Masterplan	21 December 2020
GA-SP-N	PL 1	Proposed Site Location Plan	21 December 2020
G-GA-E-01	PL 1	Block G, Elevations, Section 01	21 December 2020
G-GA-P- L00-L01	PL 1	Block G Ground and First Floor Plans	21 December 2020
G-GA-P- L02-R03	PL 1	Block G Second Floor and Roof Plans	21 December 2020
G-GA-S-01	PL 1	Block G, Sections, Sheet 01	21 December 2020
BG-EX-L09		Building 33 Existing Fourth Floor Plan	21 December 2020
BG-EX-L07		Building 33 Existing Second Floor Plan	21 December 2020
BG-EX-L08		Building 33 Existing Third Floor Plan	21 December 2020
BG-EX-L05		Buildings 33, 34 & 35 Existing Ground Floor Plans	21 December 2020
BG-EX-L06		Buildings 33 & 35 Existing First Floor Plans	21 December 2020
BG-EX-B01		Building 30 Existing Basement Plan	21 December 2020
BG-EX-L01		Building 30 Existing First Floor Plan	21 December 2020

BG-EX-L04		Building 30 Existing Fourth Floor Plan	21 December 2020
BG-EX-L00		Building 30 Existing Lower Ground and Ground Floor Plans	21 December 2020
BG-EX-L02		Building 30 Existing Second Floor Plan	21 December 2020
BG-EX-L03		Building 30 Existing Third Floor Plan	21 December 2020
BMD.20.04 4.DR.P302	A	Planting Plan – Ground Floor (Sheet 2 of 2)	21 December 2020
BMD.20.04 4.DR.P303	A	Planting Plans – Roof Gardens (Sheet 1 of 2)	21 December 2020
BMD.20.04 4.DR.P304	A	Planting Plans – Roof Gardens (Sheet 2 of 2)	21 December 2020
BMD.20.04 4.DR.P401	A	Landscape Sections (Sheet 1 of 3)	21 December 2020
BMD.20.04 4.DR.P402	A	Landscape Sections (Sheet 2 of 3)	21 December 2020
BMD.20.04 4.DR.P403	A	Landscape Sections (Sheet 3 of 3)	21 December 2020
BMD.20.04 4.DR.P301	A	Planting Plans – Ground Floor (Sheet 1 of 2)	21 December 2020
41949-01-1	A	Topographical Survey	21 December 2020
41949-01-2	A	Topographical Survey	21 December 2020
41949-01-3	A	Topographical Survey	21 December 2020
41949F-01	A	Sub Basement Floor Plan	21 December 2020
41949F-02	A	Basesment Floor Plan	21 December 2020
L 9989/1-6	0	Existing Elevations 6	21 December 2020
L 9989/1-7	0	Existing Elevations 7	21 December 2020
L 9989/1-8	0	Existing Elevations 8	21 December 2020
L 9989/1-9	0	Existing Elevations 9	21 December 2020
L 9989/1-10	0	Existing Elevations 10	21 December 2020
L 9989/1-1	0	Existing Elevations 1	21 December 2020
L 9989/1-2	0	Existing Elevations 2	21 December 2020
L 9989/1-3	0	Existing Elevations 3	21 December 2020
L 9989/1-4	0	Existing Elevations 4	21 December 2020
L 9989/1-5	0	Existing Elevations 5	21 December 2020
104		Existing Sections	21 December 2020

BMD.20.04 4.DR.P001	C	Overall General Arrangement Plan	21 December 2020
BMD.20.04 4.DR.P002		Landscape Masterplan	21 December 2020
BMD.20.04 4.DR.P104	B	Detailed General Arrangement – Roof Gardens (Sheet 2 of 2)	2 August 2021
BMD.20.04 4.DR.P102	B	Detailed General Arrangement – Ground Floor (Sheet 2 of 2)	2 August 2021
BMD.20.04 4.DR.P103	B	Detailed General Arrangement – Roof Gardens (Sheet 1 of 2)	2 August 2021
BMD.20.04 4.DR.P101	C	Detailed General Arrangement – Ground Floor (Sheet 1 of 2)	2 August 2021
GA-SP-L00	PL 2	Proposed Site Plan Ground Floor	16 February 2021
GA-SP-L01	PL 2	Proposed Site Plan First Floor	16 February 2021
AB-GA-P-L00	PL 2	Blocks A & B Ground Floor Plan	16 February 2021
CD-GA-P-L00	PL 2	Blocks C & D Ground Floor Plan	16 February 2021
E-GA-P-L00	PL 2	Block E Ground Floor Plan	16 February 2021
F-GA-P-L00-L01	PL 2	Block F Ground and First Floor Plan	16 February 2021

Informative(s)

1. You are advised that, had the Council been minded to grant planning permission, this would have been subject to the completion of an appropriate agreement under section 106 of the Town and County Planning Act 1990 (as amended) in order to make the development acceptable in planning terms.

Chris Dale

Christopher Dale
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 1990.
- 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 within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.