

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 26 MAY 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/2359/MAJ

51 GREAT NORTH ROAD, HATFIELD, AL9 5EN

CREATION OF A 15 APARTMENTS, ALTERATIONS TO THE WINDOWS AND  
ADDITION OF DORMER WINDOWS, NEW BACK ENTRANCE TO THE BUILDING  
AND ANCILLARY DEVELOPMENT

APPLICANT: Mr M Quinn

(Hatfield East)

**1 Site Description**

- 1.1 The application site is situated between Great North Road (A1000) to the west and the East Coast Mainline Railway to the east. To the south of the site is the multi storey car park which serves Hatfield Railway Station. To the north is a car park and loading area associated with 61 Great North Road which is occupied by GE Healthcare for purposes falling within Use Class B, which encompasses offices, research and development, industrial process and storage or distribution. To the north east of the application site, on the opposite side of Great North Road, is a Grade II listed building known as North Place. Also on the opposite side of the Great North Road, to the south east, is a residential development of 25 flats known as Northcotts. This building dates from the 1970's and is three storeys in height with a flat roof.
- 1.2 The application building is two storeys in height and is believed to have been built in the early 1990's. It was previously used as offices, however, it has been vacant for some time and now has deemed planning consent for conversion to residential use and the creation of 10 dwellings, following the Council's decision (ref. S6/2015/1147/OR) that prior approval is not required. This development is permitted pursuant to Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**2 The Proposal**

- 2.1 The proposals would provide accommodation for a total of 15 dwellings. These would comprise 8 one bedroom apartments and 7 two bedroom apartments.
- 2.2 The proposed 15 dwellings is an increase of 5 dwellings from the form of development envisaged by the application for prior approval. This is facilitated by the use of the building's roof space, which is considerable in size, and provides the scope to create a further 3 apartments. In addition, the reorganisation of the accommodation on the building's ground and first floors would allow for the creation of a further dwelling on each.

- 2.3 These additional dwellings can only be created through alterations to the building. The roof apartments are enabled by the addition of dormer windows, to provide natural light. The addition of a second staircase, as the existing staircase is located in the corner of the building, and due to the shape of the roof, it would not be able to provide access to this area. Alterations would also be made to the building's windows, in order to create a more logical internal arrangement. At present the windows on the first floor are nearly continuous, broken only by pillars after every sixth pane. The number of windows would be reduced, with additional walls in between, in order to allow for the addition of internal partitions at more logical intervals. This would make the first floor windows match those on the ground floor. The greater flexibility that this would give the internal arrangements would allow for the creation of the additional apartments on each of the ground and first floors. It is also proposed to replace the existing windows with new ones, to improve their acoustic and thermal performance, and also to create a uniform appearance to the building's fenestration.
- 2.4 These changes were not possible under the application for prior approval, as the process does not allow for works which would constitute development, as these require a separate planning permission.

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

- 3.1 This application is presented to the Development Management Committee because the proposed development would represent a departure from the development plan and it is recommended for approval.

### **4 Relevant Planning History**

- 4.1 S6/2015/1147/OR – Prior approval for the change of use from office (B1a) to residential (C3) to create no10 units (23/07/2015)

### **5 Planning Policy**

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance 2005
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 and Interim Policy for Car Parking Standards 2014
- 5.5 Planning Obligation Supplementary Planning Document Feb 2012

### **6 Site Designation**

- 6.1 The site lies within the town of Hatfield and Employment Area EA4 as designated in the Welwyn Hatfield District Plan 2005. The application building is approximately 100m from Old Hatfield Conservation Area 37m from a Grade II listed building

## **7 Representations Received**

7.1 One representation in support of the proposal was received from a resident of Bluebell Way. Two objections have been received from residents of Northcotts and Endymion Road. Their comments may be summarised as:

7.2 Support:

- The development makes the best use of existing space left vacant
- Design will improve a dated property in a historic area
- Support for the allocation of parking and bike racks, along with landscaping
- The roof conversion will improve the look of the building

7.3 Objections:

- Poorly designed, incongruous development in an area full of character and high quality design
- Concern over the close proximity to the railway in terms of noise levels
- No cycle storage

## **8 Consultations Received**

8.1 **Hertfordshire County Council Development Services:** No planning obligations are sought taking into account the pooling restriction, the scale of the development and its likely impact on a service.

8.2 **Hertfordshire County Council, Environmental Resource Planning and Welwyn Hatfield Borough Council Contract Services:** No objection

8.3 **Network Rail and Thames Water:** No objection subjected to informatives

8.4 **Welwyn Hatfield Borough Council Environmental Health:** No objection subject to suggested conditions

8.5 **Welwyn Hatfield Borough Council Conservation Officer:** Objection which can be summarised as - The proposed dormers which face the road would be very large and out of scale with the North Place (No.82). Whilst the dormers facing the railway line would not impact on the setting and could therefore be left as designed, I would recommend amendments to those facing east, south and north. It should be possible to give the impression of a split into two parts by recessing a central section, so that the impression would be of two paired dormers in each location. This would be easy to achieve in the bedrooms but would result in some loss of convenience in the living and dining spaces. However, given the location of the buildings, this would be a reasonable balance against the need to respect the setting of the nearby heritage assets, given the strength of NPPF advice in this regard. As submitted, the proposals would cause some harm to the setting of the nearby heritage assets but if amended as discussed, the harm would be more limited and acceptable on balance.

## **9 Town / Parish Council Representations**

9.1 Hatfield Town Council did not respond to consultation.

## **10 Analysis**

10.1 The main planning issues to be considered are:

1. **Whether the proposed development is acceptable in principle (Local Plan Policies GBSP2, SD1, R1, EMP1, EMP2, H2 & NPPF )**
2. **Would the significance of designated heritage assets be conserved or enhanced (GBSP2, D1, D2, SDG & NPPF)**
3. **Impact on the residential amenity of future occupiers and neighbouring occupiers (Local Plan Policies D1, R19, SDG & NPPF)**
4. **Access, impact on the highway network and parking provision (Local Plan Policies M14 & NPPF)**
5. **Other material planning considerations**
  - i) **Contaminated Land (R2 & NPPF)**
  - ii) **Flood Risk / Surface Water Flooding (R10 & NPPF)**
  - iii) **Planning Obligations (IM2 & SPD & NPPF)**

### **1. Whether the proposed development is acceptable in principle**

- 10.2 The site is located in a designated employment area (EA4 Beaconsfield Road Employment Area). Saved Policy EMP2: Acceptable Uses In Employment Areas states that, in designated employment areas, proposals for uses other than Classes B1 (offices, research and development, light industrial process), B2 (general industry) and B8 (storage or distribution) should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs.
- 10.3 Policy EMP2 of the District Plan does allow for the change of use of employment land to alternative uses, if it can be demonstrated that the land is no longer required for current or future employment needs. In most instances, applications are accompanied by an economic study which may demonstrate that the site has been unoccupied for a number of years and although a marketing exercise may have taken place, there has been little or no interest in the site from potential purchasers or tenants. In this instance, although the building has been vacant for some time, no evidence of marketing had been submitted with the application.
- 10.4 Notwithstanding the above, the application building benefits from deemed planning consent for conversion to residential use and the creation of 10 dwellings, following the Council's decision (ref. S6/2015/1147/OR) that prior approval is not required. This development is permitted pursuant to Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is also of note that Class O allows for the change of use of B1 Office buildings and any land within its curtilage to residential use. In this case the curtilage of the building included the associated areas of parking and landscaping.
- 10.5 The applicant has submitted photographs which show that the approved change of use and works of conversion are well under way within any previous office layout and associated structure having been removed and new services, including internal drainage, have been installed to support the residential use. In light of the above, it is clear that any previous Class B1 office use of the building has ceased and in terms of Policy EMP2, the employment use has already been lost.
- 10.6 Bearing the above in mind, whilst the proposal may involve residential development on land within the Employment Area which would ordinarily be

contrary to policy, the application building has already started the process of changing use to residential under permitted development rights. Conversion works are already well under way and it may be the case that there has already been a lawful change of use of the building to residential (although the only way to clarify is through a Certificate of Lawful Use). As such, given these very particular circumstances the proposal to add a further 5 apartments in addition to the 10 authorised apartments is acceptable in principle. The use of the land for employment purposes has, effectively, already been lost and so Policy EMP2 carries little weight in this instance.

- 10.7 Whilst it would usually be necessary to consider whether or not this is a suitable site for 15 dwellings, in accordance with Policies SD1 (Sustainable Development), R1 (Maximising Use of Previously Developed Land) and H2 (Windfall Housing Development), as discussed above, this site is already being converted to residential use and so the proposed 15 apartments on what is previously developed land and within a sustainable location (within walking distance of the railway station, bus station and town centre, services and employment opportunities) is acceptable.
- 10.8 The proposal would not be contrary to policies H2, SD1 and R1 and is considered to represent sustainable development in accordance with the National Planning Policy Framework (NPPF). Taking all of the above into account, there is no objection in principle to the further residential development of this site.

## **2. Would the significance of designated heritage assets be conserved or enhanced**

- 10.9 The application building is not listed and is not within a conservation area but is approximately 37 metres and 100m away from each respectively. It is, however, necessary to consider the impact of the proposal on the setting of North Place which is a Grade II listed building. North Place is situated to the north east of the application site, on the opposite side of Great North Road and comprises a late 17<sup>th</sup> century house which is set back considerably by a wide sweeping drive, and much screened from the road by planting.
- 10.10 The NPPF makes it clear that one of the key dimensions of sustainability is protecting and enhancing the historic environment (paragraph 7) and that one of the twelve core principles which underpin both plan making and decision taking is that planning should conserve heritage assets in a manner appropriate to their significance (paragraph 17). This means that development which fails to adhere to the historic environment policies set out in the NPPF would not be sustainable development and the guidance emphasises the very great weight which the Government gives to the proper protection of our shared built heritage.
- 10.11 The NPPF includes no specific presumption in favour of either conservation or preservation of a heritage asset and the tests set out in paragraph 134 identify that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Furthermore, Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take into account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

10.12 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.

10.13 The Council's Conservation Officer objected to the proposal on the grounds that the proposed dormers which face the road would be very large and out of scale with North Place (No.82). The conservation officer acknowledged that the dormers would break up the large expanse of roof that already exists and that North Place also features dormers. However, his recommendation is that amendments are made to the dormers which face east, south and north to give the impression of a split into two parts by recessing a central section, so that the impression would be of two paired dormers in each location. The applicant considered the suggested amendment but has requested that the application be determined as submitted.

10.14 The presence and width of the road and the spacing around the listed building, which includes well established planting, form a context for its immediate setting. The application building, along with others on the western side of the road, is part of a more recently-established urban character, which is distinct from the east. The application building and the proposed dormers, are visually and symbolically separated from the east by the road and would be unlikely to cause any significant harm to the setting of the listed building. The listed building would still be appreciated and understood for its historic character. For these reasons, it is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset.

10.15 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, the location of the development would be highly accessible for local amenities and public transport and would provide an additional five residential units over the prior approval. The additional accommodation would support local shops and services, all in line with paragraphs 30, 37, 58 and 70 of the NPPF. Although the Council has identified sufficient housing supply, the provision of five additional units of housing would make a small but valuable contribution to local housing supply; this is a clear benefit as it reduces pressure on housing land take elsewhere, including land that is within the Green Belt. The application site is previously developed land (brownfield land) in one of the most sustainable locations. On balance, it is considered that the proposed development affords benefits which would outweigh the less than substantial harm to the setting of the listed building.

10.16 In summary, it is considered that there are public benefits arising from the proposal that would outweigh the less than substantial harm caused to the significance of the listed building. The design of the proposal is of acceptable quality subject to planning conditions requiring details of materials, landscaping, windows, doors, etc to be agreed by the Local Planning Authority. As such, the proposal complies with Section 12 of the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

### **3. Impact on the residential amenity of future occupiers and neighbouring occupiers**

10.17 Saved Policy D1 and the Council's Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development. All new development should not cause a loss of light to or unduly dominate adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

10.18 Saved Policy R19 deals specifically with noise and vibration pollution and states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land users. The NPPF makes reference to the Government's Noise Policy Statement for England that applies to all forms of noise. The basis of the strategy is to promote good health and good quality of life through effective management of noise within the Government's Policy on sustainable development. The noise policy in effect follows the Environmental Noise Directive 2002/49/EC which seeks to protect people from the adverse effects of noise. Available health based guidelines have also been published by the World Health Organisation on Night Noise Guidelines for Europe.

10.19 This application provides the Council with an opportunity to impose planning conditions relating to the mitigation of noise generated by the adjacent railway and road which cannot be imposed under the prior approval process. The submitted Noise Assessment by Cass Allen Associates demonstrates that this noise can be suitably attenuated through the provision of new glazing and ventilation.

10.20 Environmental Health were consulted on the proposal and did not object subject to a suitable condition to ensure that the development is carried out and completed in accordance with details to be approved by the Local Planning Authority relating to noise attenuation/mitigation measures and the proposed mechanical ventilation systems.

10.21 No objections were received from neighbouring occupiers or the Town Council on amenity grounds. Giving consideration to the scale of the proposal and the separation distance from neighbouring properties, it is considered that the extension would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. In this respect, no objections are raised with regard to Local Plan Policy D1, R19 the SDG or the NPPF.

### **4. Access, impact on the highway network and parking provision**

10.22 The application site benefits from an existing access and vehicle crossover from the Great North Road, and no alterations are proposed in this regard. Typically a

residential development of this scale would lead to a lower number of peak hour vehicular trips than a similar sized office use. Furthermore, the application site is within a sustainable location, within walking distance of a range of shops and services and with good access to public transport. The site is well situated to benefit from Hatfield railway station and the new bus/taxi interchange which is situated approximately 160m to the south. Accordingly given the above considerations, the creation of 15 flats is not considered likely to result in a material increase or a material change in traffic in the vicinity of the site compared to the existing use.

- 10.23 In terms of parking provision, the Council's interim policy for car parking states that the standards set out in Supplementary Planning Guidance (SPG) will be treated as a guideline, but not a minimum or maximum. The Council no longer wishes to impose the restraint which maximum standards imply, and it now allows for flexibility to suit the needs of individual developments.
- 10.24 For 1 bedroom dwellings, the SPG indicates a maximum provision of 1.25 spaces each, and for 2 bedroom dwellings, the maximum standard is 1.5 spaces each. This level of provision can be lower in sustainable locations, such as the application site. However, the nature of the standards indicate flexibility in this regard.
- 10.25 The proposed development would provide 8 no. one bedroom apartments, and 7 no. two bedroom apartments. The guidance indicates that this would equate to a maximum provision of 20.5 parking spaces. The application site currently contains 35 car parking spaces, and following the construction of the bin store, it will still contain 32 spaces (including 2 disabled spaces), which is more than adequate to meet the need generated by the building's residential use.
- 10.26 The Parking SPG also indicates a minimum standard of one cycle parking space per dwelling. This level of provision would be met. Cycle parking would be located within an enclosed and secure storage area. This is intended to encourage people to use their bicycles, as they will be sheltered from the weather and be secure.
- 10.27 The proposal would, therefore, not adversely affect pedestrian or vehicle safety in the vicinity and would be in accordance with the Local Plan Policies and the NPPF in this regard.

## **5. Other material planning considerations**

- 10.28 *ii) Flood Risk / Surface Water Drainage*  
The application site is not located within flood zone 2 or 3 and the area is not known to have critical drainage problems. The Lead Local Flood Authority were consulted on this proposal and removed their initial objection following the review of the Drawing No. PRC/2642/300, which shows the existing water drainage scheme, submitted with the additional information. The applicant has provided sufficient detail to demonstrate that the proposed development will not increase flood risk on site or elsewhere and that the capacity of the current drainage scheme will not be detrimentally affected. The site currently drains to three linked soakaways located within the car park. The proposed development will not modify the working of the existing system, there will be no increase in impermeable surfaces and the existing drainage will remain unchanged. The applicant's drainage consultant has confirmed that the current drainage system



drainage is operating satisfactorily and that drainage covers and yard gullies can be lifted for inspection and removal of any silt build up.

10.29 *ii) Contaminated Land*

It is expected that remediation would have taken place prior to the development of the existing building. On this basis it is unlikely that any contamination will be found, however, due to the previous use of the surrounding land it is still there may still be some potential for contamination. For this reason it is recommended that an unexpected finds condition be placed on the application in accordance with Local Plan Policy R2 and the NPPF.

10.30 *iii) Planning Obligations*

Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122, which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

10.31 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and, therefore, it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012. National policy is set out at paragraphs 203-205 of the NPPF.

10.32 The Council's Planning Obligations Supplementary Planning Document (SPD) triggers the provision of waste and recycling facilities, Green Space and Play Facilities linked to a development of this nature.

10.33 The provision of 2 No. 1100 litre bins and a mini recycling bank system, the bins at a cost of £390 plus VAT and the cost of the manufacture and installation of a mini recycling bank is £560 plus VAT. These elements are justified and in accordance with the Planning Obligations SPD.

10.34 In terms of the Green Space and Play Facilities, this development triggers a contribution of £1,459.12 and £3,827.20 respectively (subject to indexation from Q1 2012). Hatfield Town Council has identified St Albans Road East Play Area, the nearest recreation ground to the to the application site, which would benefit from some new equipment. Hatfield Town Council will be able to confirm a list of specific projects following their Leisure Committee meeting on the 25<sup>th</sup> May 2016. Officers will need to confirm that whether their request meets the CIL regs test and will report verbally to the Development Management Committee.

10.35 The Planning Obligations SPD also notes that a monitoring fee is required, which equates to 5% of the total value of the planning obligation, capped at a maximum

of £5,000. Provision for a monitoring fee (5% of total contributions) equates to £344.72.

- 10.36 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL regs.
- 10.37 The applicant has agreed the planning contributions outlined above and at the time of writing this report, a draft legal agreement had been produced.
- 10.38 *iv) Houses in Multiple Occupation:*  
Since 12<sup>th</sup> January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.
- 10.37 As a result of the Direction, it is considered appropriate and reasonable to a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that conditions are attached.
- 10.39 The National Planning Practice Guidance (NPPG) governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both Officers and Members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

## **11 Conclusion**

- 11.1 The application building benefits from deemed planning consent for conversion to residential use and the creation of 10 dwellings, following the Council's decision (ref. S6/2015/1147/OR) that prior approval is not required. This development is permitted pursuant to Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 11.2 This application proposes to increase the number of dwellings which the building could provide, from 10 to 15, by making a more efficient use of the existing accommodation, and adding dormer windows and converting the roof to provide new accommodation.
- 11.3 Whilst the proposal will involve residential development on land within the Employment Area which would ordinarily be contrary to policy, the application building has already started the process of changing use to residential under permitted development rights. Conversion works are already well under way and

it may be the case that there has already been a lawful change of use of the building to residential (although the only way to clarify is through a Certificate of Lawful). As such, given these very particular circumstances the proposal to add a further five apartments in addition to the 10 authorised apartments is acceptable in principle.

- 11.4 The application building is not listed and is not within a conservation area but is approximately 37 metres and 100m away from each respectively. It is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset and therefore the limited harm should be weighed against the public benefits of the proposal. On balance, it is considered that the proposed development affords benefits, in terms of housing supply and sustainability, which would outweigh the less than substantial harm to the setting of the listed building.
- 11.5 The impacts of the proposal have also been considered in terms of the impact on the amenity of future occupiers and neighbours, access, highway capacity, parking provision and other material considerations. In conclusion, subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, Supplementary Parking Guidance, the Interim Policy for Car Parking and the relevant chapters of the National Planning Policy Framework.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Legal Agreement on or before the 29 July 2016 to secure the following obligations:

£1,608 – Refuse and Recycling Facilities  
£1,459.12 – Green Space (subject to indexation from Q1 2012)  
£3,827.20 – Play Facilities (subject to indexation from Q1 2012)  
£344.72 – Monitoring Fee (subject to indexation from Q1 2012)

### Conditions

1. C.30.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details:

15\_242\_PL01 & 15\_242\_PL02 & 15\_242\_PL03 & 15\_242\_PL04 &  
15\_242\_PL05 & 15\_242\_PL06 & 15\_242\_PL07 & 15\_242\_PL08 &  
15\_242\_PL09 & 15\_242\_PL010 & 15\_242\_PL011 & 15\_242\_PL012 &  
15\_242\_PL013 & 15\_242\_PL014 & 15\_242\_PL015 & 15\_242\_PL016 &  
Noise Assessment RP01-15308 REV 2 received and dated 20 November  
2015

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

2. The development hereby permitted shall be used for Class C3 dwellinghouse[s] only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or

any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: The Article 4 Direction covering Hatfield removes the Class I permitted development rights to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

### 3. 6.1 Samples of Materials

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005.

### 4. 6.6 Roof Lights

No development shall commence until details of the proposed roof/sky lights have been submitted to and approved in writing by the Local Planning Authority. Subsequently the roof/sky lights shall be implemented and retained in accordance with the approved details and shall not be changed.

REASON: The proposal contains insufficient information in regards to the detailed design of the roof lights and this is required in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

### 5. 6.7 Windows and Doors

No development shall commence until detailed drawings of the new and/or replacement windows (including proposed roof lights) and doors including a section of the glazing bars and frame moulding and clearly showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill details have been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall take place and be retained in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

### 6. No development shall take place until precise, large scale drawings showing the detailed finish of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Dormer elevations and sections (1:20 scale)
- (b) Dormer sectional details (1:5 scale)

Subsequently, the development must not take place other than in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

#### 7. 3.1 Scheme of Landscaping

No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- (b) means of enclosure and boundary treatments;
- (e) hard surfacing, other hard landscape features and materials;
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### 8. Glazing and Mechanical Ventilation

Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority details of the glazing scheme and ventilation systems required to be installed to meet the internal noise levels within BS8233:2014 and the ventilation standards within Approved Document F of the Building Regulations (taking into account the information from noise assessment RP01-15308 REV 2). The mechanical ventilation system shall provide a ventilation rate of at least the purge rate within Approved Document F (4 air changes per hour) when required to maintain thermal comfort.

REASON: To protect the residential amenity and living conditions of future occupier in accordance with Local Plan Policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### POST-DEVELOPMENT COMMENCING

#### 9. Contaminated Land Unexpected Finds

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within five working days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to 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 and approved conclusions must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved remediation scheme.

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 Policy R2 and R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### 10. 5.1 Implementation of Landscape Planting

All planting seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards.

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

#### PRIOR TO OCCUPATION

#### 11. 12.1 Bin Storage/Recycling

Prior to occupation details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the visual amenity of the area and the residential amenity of adjoining and future occupiers in accordance with Policies GBSP2, D1, D2, IM2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### 12. 8.5 Secure Cycle Storage

Prior to occupation details of the location, design and specification of secure cycle storage on site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle storage shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure that there is adequate bicycle storage provision, encouraging alternative modes of transport, in accordance Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance Parking Standards 2004 and the National Planning Policy Framework.

### **Positive and proactive statement**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 Councils website or inspected at these offices).

### **Informatives**

1. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
1. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
2. Obstruction of public highway land: 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
3. Road deposits: 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by Telephoning 0300 1234047.

12.2 OR REFUSE if a S106 Agreement is not completed on or before 29 July 2016 for the following reason:

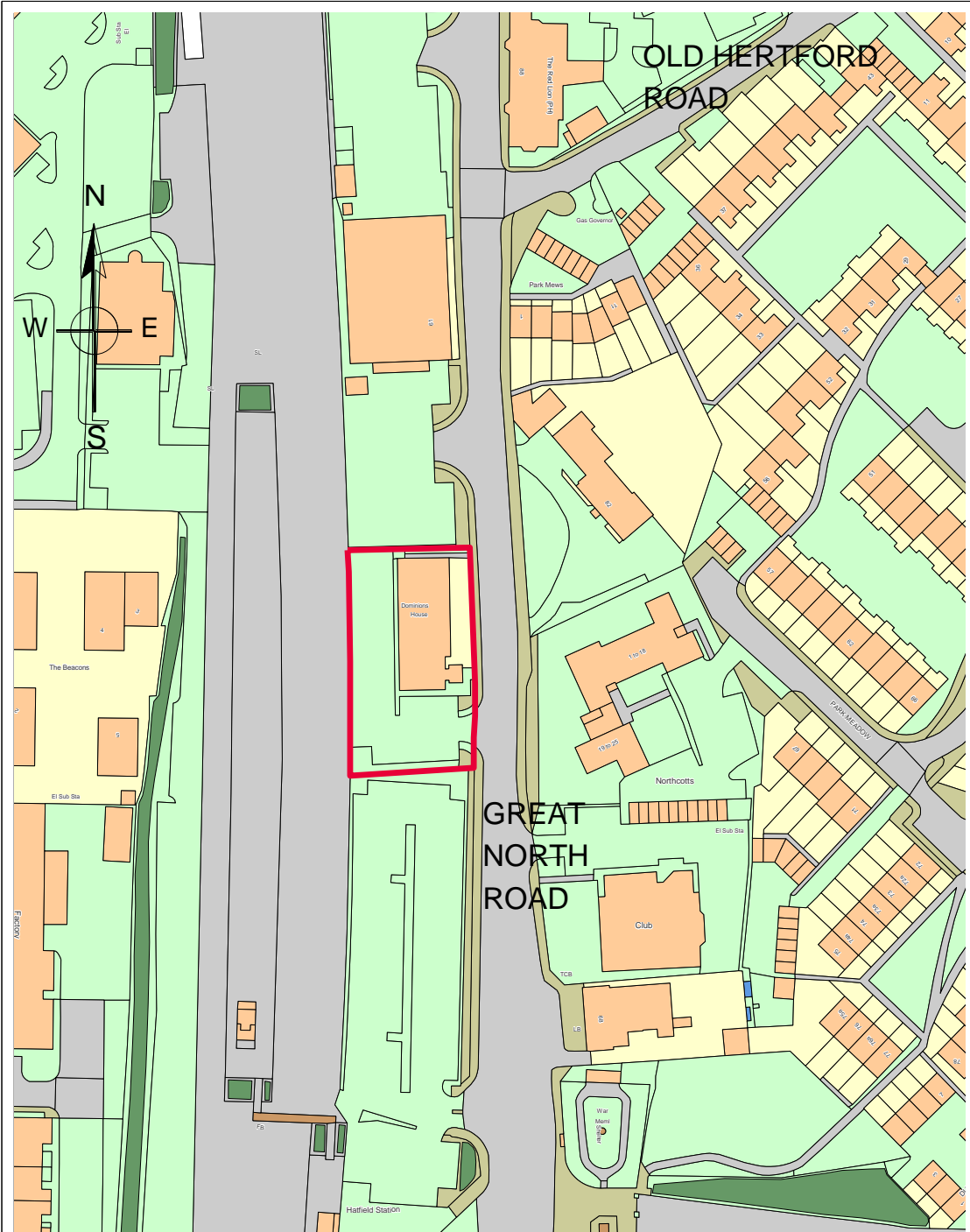
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

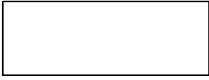
*Mark Peacock*, (Strategy and Development)

Date: 11.05.2016

Application Expires: TBC





 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: <b>51 Great North Road, Hatfield</b>	Scale: DNS
	Project: <b>DMC Meeting</b>	Date: 2016
	Drawing Number: <b>6/2015/2359/MAJ</b>	Drawn: <b>Andrew Windscheffel</b>
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