

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING DECISION NOTICE – PERMISSION**

**S6/2013/0354/FP**

**Change of use of ground floor accommodation from residential to dentist surgery at No.5 Birchwood Avenue and single storey rear extension (No.5 and 7 Birchwood Avenue) to create extended dental surgery at No.7 Birchwood Avenue. Creation of 2 bedroom flat at first floor level following change of use of first floor accommodation at No.7 Birchwood Avenue from existing dental surgery use with existing ground floor access to No.5 Birchwood Avenue retained along with existing parking space and front garden. New disabled parking space and vehicular access to dental surgery at No.7 Birchwood Avenue**

**at: 5 + 7 Birchwood Avenue HATFIELD**

Carriage Return

**Agent Name And Address**

Mr P Dolling  
69 Fairfield  
Gamlingay  
SANDY  
SG19 3LG

**Applicant Name And Address**

Mr D Patel  
Dental Surgery  
7 Birchwood Avenue  
HATFIELD  
AL10 0PL

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 01/03/2013 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details: 1:1250 Site Location Plan & BSH/PL3-03 Rev A & BSH/PL3-04 Rev A & BSH/PL3-05 Rev A & BSH/PL3-06 & BSH/PL3-07 Rev A received and dated 1 March 2013 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the local planning authority.

PRE DEVELOPMENT

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3. 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 unless otherwise agreed in writing by the local planning authority. The landscaping details to be submitted shall include:-

- a) means of enclosure and boundary treatments
- b) hard surfacing, other hard landscape features and materials
- c) 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
- d) 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 Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. Before the premises are occupied all on-site vehicular areas shall be surfaced in a manner to the local planning authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

## POST DEVELOPMENT

5. The brickwork, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension/alterations shall match the existing dwelling, unless otherwise approved in writing by the local planning authority.

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

6. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons 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 shall 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 shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the

## Continuation ...

interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

7. Unless otherwise agreed in writing by the local planning authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 0830 and 2000 hours Mondays to Saturdays (inclusive) and not at all on either Sundays, Bank or National Holidays and no customer shall be permitted to be on the premises outside of these times.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

### REASONS FOR APPROVAL

The proposal has been considered against the National Planning Policy Framework, and Local Development Plan Policies SD1, GBSP2, R3, R5, H3, R19, M14, H3, D1, D2,, D7, D8 & D9 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also 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 inspected at these offices).

### INFORMATIVES:

1. That applicant is informed that if the development hereby approved requires further air handling equipment or air conditioning units to be re-sited, these changes area likely to require planning permission.
2. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
3. The highway authority require the construction of the vehicle cross-over to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
4. Damage to grass verges - Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

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**Date:** 26/04/2013

A handwritten signature in black ink, appearing to read 'TH', followed by a long horizontal stroke.

Tracy Harvey  
Head of Planning