

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b><u>S6/2008/0256/FP</u></b>
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**NOTATION:**

The site is located within the Green Belt as designated by the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site comprises of a detached single storey metal framed building which is set back from the road.

The building is currently used for storage and for the parking of cars and has double doors at the front to provide access. There is also a side door which enters a small corridor with a door to the main hall and small wc.

Behind this building is a timber framed stable building which does not form part of the application site for the change of use, but is currently in the same ownership as the application building.

An open area of grassed land is behind this stable building (shown outlined in blue on the location plan) and this is not also included in the application site, but currently in the same ownership.

**DESCRIPTION OF PROPOSAL:**

The application is seeking Full Planning permission for a change of use to a church and for additional parking to the property which would provide 5 parking spaces.

**PLANNING HISTORY:**

S6/2007/0057/FP - Change of Use from D1 (Chapel) to C3 (Residential dwelling) with single storey side extension, demolition of existing stables and ancillary landscaping - granted 12/03/07

S6/2001/0486/FP - Erection of a new stable block after demolition of existing granted 25/06/01

S6/1998/1051/FP - Extension to side of former chapel, in connection with use for domestic vehicle storage - granted 11/01/99

S6/1998/0034/FP - Demolition of existing chapel and construction of a new detached bungalow - withdrawn 26/01/98

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPG17 : Planning for Open Space, Sport and Recreation

PPG24: Planning and noise

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development

GBSP1 – Definition of Green Belt

GBSP2 - Towns and specified settlements

M14 - Parking standards for new developments

D1 - Quality of design

D2 - Character and context

D5 - Design for movement

D8 - Landscaping

CLT14 - Places of Worship

R19 - Noise and Vibration Pollution

R20 - Light Pollution

Welwyn Hatfield District Plan, Supplementary Design Guidance (Statement of Council Policy), February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

## **CONSULTATIONS**

No comments received.

## **TOWN /PARISH COUNCIL COMMENTS**

Do not object only comment that there should be a restriction on the hours of operation.

## **REPRESENTATIONS**

The application was advertised by site and neighbour notification letters. No responses have been received.

Notification expired 05/03/08

## **DISCUSSION:**

**The main issues are**

### **1) Whether the proposal complies with Green Belt Policy**

**2) The principle of a place of worship in this location including the impact on residential amenity and the provision of parking.**

1) Whether the proposal complies with Green Belt Policy

Policy RA1 and PPG2 are relevant.

The proposal is the re-use of an existing rural building which has already been granted planning permission for a new dwelling. This previous planning permission is a material planning consideration as the principle for the re-use of the building for alternative uses has already been accepted and that the building is suitable for such adaptation.

Green Belt policy supports proposals for uses which preserve the openness of the Green Belt and it is considered that the impact from this proposal would not be any significantly greater than that which would result from its conversion to a dwelling.

The proposal therefore complies with Policy RA1 and the requirements of PPG2.

2) The principle of a place of worship in this location including the impact on residential amenity and the provision of parking.

Policy CLT14 is relevant along with PPG17.

Local plan policy CLT14 has 3 criteria to be met which are:

i). adequate parking and provision for parking. Highway have not objected to the proposal and the provision of 5 parking spaces is considered to comply with Policy M14 and the parking standards given in the Supplementary Planning Guidance on the area of the meeting hall which is proposed.

ii) the issue of the impact on the residential amenity is relevant and policy R19 and R20 are relevant along with Policy D1 and the guidance given in the accompanying SDG and PPG24.

The main issue is considered to be noise as the building is not to be extended and no overlooking would result from the existing windows.

This is a rural location and although the residential properties are well spaced, there are houses directly opposite the site which are the closest to the existing building. The Councils' Environmental Health Department have not objected to the application, however, they would request that an acoustic survey is done and that any mitigating measures to improve the sound insulation of the existing building are carried out if this survey shows that this is necessary.

The question of hours of use is particularly relevant, and the applicants have indicated that they would accept limited hours for early Sunday morning and Monday evening.

These hours could still have an impact on the adjoining neighbours if the visitors to the church made excessive noise when arriving at the premises at this time, however, appeal decisions for other fellowships have shown that this group have operated successfully in much more densely populated residential neighbourhoods

without any problems. On this basis it would be reasonable to support the application on the basis it is only for a church and not for any other use in the D Use Class and that it is a personal permission solely for this fellowship.

Subject to these conditions the proposal would comply with the above amenity policies.

iii) Visual amenity – no changes are proposed to the external appearance of the building and subject to a planning condition asking for landscaping the proposal complies with Policy D1

## **CONCLUSION:**

The application complies with the above policies subject to the conditions below.

## **RECOMMENDATION: APPROVAL AND CONDITIONS**

1. C.2.1 Standard Time Limit 3 Years
2. C.13.1 Approved Drawings : 0672/1 & 0672/2A - both received and date stamped 11/02/08
3. The use hereby permitted shall be carried on only by 'The Brethren Christian Fellowship'. When the premises cease to be occupied by the Fellowship the use hereby permitted shall cease.

REASON: The site is located in an area where the protection of residential amenity of adjoining neighbours is required by Policy D1 of the Welwyn Hatfield District Plan and the accompanying Supplementary Design Guidance (February 2005) and Planning Policy Statement 1 (Delivering Sustainable Development) and PPG17 (Planning for Open Space, Sport and Recreation) and PPG24 (Planning and noise).

4. The building shall not be used outside the following hours:

Sundays: 05.45 - 07.15

Mondays: 18.15 - 20.15

REASON: The site is located in an area where the protection of residential amenity of adjoining neighbours is required by Policy D1 of the Welwyn Hatfield District Plan and the accompanying Supplementary Design Guidance (February 2005) and Planning Policy Statement 1 (Delivering Sustainable Development) and PPG17 (Planning for Open Space, Sport and Recreation) and PPG24 (Planning and noise).

5. The building shall be used for the purposes of a church, and for no other purpose (including those falling within Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory Instrument revoking and re-enacting that Order with or without modification).

REASON: To enable the local planning authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity, parking and highway issues in accordance with Policies D1,

D2 and M14 of the Welwyn Hatfield District Plan 2005 and National Planning Policy contained in PPS1 (Delivering Sustainable Development, PPG13 (Transport) and PPG24 (Planning and Noise).

6. No equipment (either internally or external) for the amplification of music (apart from amplification of voice for the hard of hearing internally in the church) shall be installed on the premises.

REASON: The site is located in an area where the protection of residential amenity of adjoining neighbours is required by Policy D1 of the Welwyn Hatfield District Plan and the accompanying Supplementary Design Guidance (February 2005) and Planning Policy Statement 1 (Delivering Sustainable Development) and PPG17 (Planning for Open Space, Sport and Recreation) and PPG24 (Planning and noise).

7. All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

REASON: In the interest of highway safety and free and safe flow of traffic and to comply with PPG13.

8. Other than the windows shown on the approved drawings to which this planning permission relates, no further windows shall be inserted into the ground floor elevations or roof lights into the roof slopes of the building hereby permitted a change of use without the prior written consent of the local planning authority.

REASON: To ensure that the residential amenity of the adjoining neighbours is safeguarded and to comply with Policy R19 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 24 – Noise and Planning.

9. Before first occupation of the approved development, the proposed new access onto Bell Lane shall be completed and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

REASON: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with PPG13.

10. The area set aside for car parking shall be laid out and surfaced with materials in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority (no unbound material will be accepted for the proposed access and parking areas ), before the buildings hereby permitted are first occupied and shall be retained permanently there after for the accommodation of visitors/users of the church and shall not be used for any other purpose.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety and to ensure that the noise generated by loose gravel/shingle would not harm the residential amenity of the adjoining neighbours and to ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety and to comply with PPG13

(Transport) and Policy R19 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 24 (Planning and Noise).

11. 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. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) existing trees, hedges or other soft features to be retained
- b) planting plans, including specifications 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 Planning Policy Statement 1- Delivering Sustainable Development.

12. Prior the commencement of development, there shall be submitted to the Council for their written approval a scheme setting out the proposed measures to mitigate the noise associated with the internal use of the church which shall include:

- a) a noise survey report which shall indicate the expected future level of noise associated with the use of the church and the mitigating measures to be designed into the new building to reduce this to acceptable levels for the nearest adjoining neighbours. These measures are likely to require that a level of 5 db above the background noise level is not exceeded at the boundary closest to the nearest dwelling.
- b) the technical construction details proposed to achieve these mitigating measures including any wall/roof insulation, types of double glazing to relevant windows and the detailing of door openings. Details of any proposed internal and external ventilation and/or air conditioning systems. These works shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the residential amenity of the adjoining neighbours is safeguarded and to comply with Policy R19 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 24 – Noise and Planning.

13. Details of any external lighting which is to be fixed to the external surface of the building hereby approved are to be submitted to the Local Planning Authority for approval in writing. The lighting shall be installed in accordance with the approved details. No further lighting shall be added unless without prior approval from the Council.

REASON: To ensure that the residential amenity of the adjoining neighbours is safeguarded and to comply with Policy R20 of the Welwyn Hatfield District Plan 2005 and Planning Policy Statement 1 – Delivering Sustainable Development.

## **REASON FOR APPROVAL**

The proposal has been considered against National Planning Policy PPS1, PPG2, PPG17 and PPG24 and local development plan policies SD1, GBSP1, GBSP2, M14, D1, D2, D5, CLT14, R19 and R20 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. 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. This permission does not extend to the erection of any freestanding lighting columns on the application site which will require a separate approval.
- 2. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
- 3. Vehicular parking for site operatives (provision for delivery and storage of materials) clear of the highway should be provided within the application and such provision shall be retained and kept available during construction of the development.
- 4. Advertisement Consent maybe required for new external signage.

**Signature of author..... Date.....**