

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/0671/FP
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NOTATION:

The site lies within Old Hatfield Conservation Area and Area of Archaeological Significance as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is currently under construction following the commencement of the 2005 planning permission.

The site is to the west of Hatfield Station and bound by the Great North Road to the east and Park Street to the west. The viaduct is just to the north of the site.

DESCRIPTION OF PROPOSAL:

The application seeks a slight modification of the design of one of the units as granted in 2005. The change comprises a slight movement of the B1 unit to the north by approximately 500mm, provision of a balcony linking this building to the adjoining one to the east and slight modification to the external appearance with a bike store.

The plans have been amended during the course of the application to modify the proximity of the balcony to the adjoining residential buildings to the south.

PLANNING HISTORY:

S6/2005/0432/FP - erection of 8 x 2 bedroom dwellings, 6 x 3 bedroom dwellings, 1 x 1 bed flat and 2 x class b1 units, following demolition of garages – Approved subject to s106

S6/2005/0433/CA - Demolition of class b1 unit within the conservation area – Approved

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005
SD1: Sustainable Development
GBSP2: Towns and Specified Settlements
R3: Energy Efficiency
R29 Archaeology
M14: Parking Standards for New Developments
D1: Quality of Design
D2: Character and Context
D8: Landscaping
EMP8 – Employment Sites outside Employment Area

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Herts County Council (Transport Programmes & Strategy) – will not impact upon highway safety or capacity

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

None, period expired 14th May 2012

DISCUSSION:

The main issues are:

1. Whether the proposed re-siting and modification to the external appearance is acceptable
2. Other material considerations

Background

The application was considered in 2005 and granted permission in 2007 following the completion of a legal agreement. The wider development approved under S6/2005/0432/FP is under construction and therefore the building as approved under that permission could be built. It is therefore appropriate to only consider the changes that would result following the implementation of this permission rather than the principle of the development. This is applicable notwithstanding the changes that have taken place in relation to planning law and policy since 2007.

1. The re-siting of the building is very marginal and in itself would not lead to any adverse affect on existing or future occupiers of the site. It is slightly closer to the adjoining internal access road, leading to parking spaces beyond the development, however their access is not impaired and therefore the re-siting is acceptable.

The design changes include the provision of a balcony/fire escape between the proposed building and the adjoining existing building on Park Lane. The fire escape is for the benefit of the existing dwelling 41 Park Street. The fire escape would pass a window in the proposed building, however as this is to be used as an office, it would not lead to undue loss of amenity.

There would be the potential of people standing on the balcony and looking towards existing buildings to the south. The balustrade/balcony area has been amended during the course of the application to set this away from the nearest property to the south of this development. The separation distance is now sufficiently far away to ensure that any perceived overlooking from people using the fire escape/balcony to access this existing dwelling is minimised. It is now considered that there would be no harm to existing occupiers and therefore compliance with policy.

The other alterations comprising the provision of an external bicycle store is acceptable and the design is such that it would reflect the proposed building and would not harm amenity of existing occupiers of the adjoining dwellings.

2. **Chalk Mining:** As with all developments across Hatfield, the suitability of the development in accordance with the National Planning Policy: Development on Unstable Land needs to be assessed. The site is not within any designated area that has been identified as possibly being at risk of chalk mining. As the development would result in little alteration in terms of weight bearing load upon ground conditions, an informative only is required.

Protected Species The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur, additionally consent has previously been granted (however prior to the 2010 Regs) and is a material consideration. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Act. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

S106 The original permission was granted with a s106 legal agreement. This proposal results in the need to have a modification to the deed to ensure that this development is subject to the original agreement. This has been secured.

CONCLUSION:

The proposed alterations would not result in harm to the amenity of adjoining occupiers and the design of the alterations would result in an enhanced development. The scheme has been amended to overcome original concerns regarding the siting of the balcony. A s106 deed of modification is being completed to secure this amended permission as part of the original scheme.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO COMPLETION OF LEGAL AGREEMENT FOR MODIFICATION TO EARLIER AGREEMENT UNDER APPLICATION S6/2005/0432/FP

Completion of legal agreement – deed of modification

CONDITIONS:

1. C.2.1 Time limit for commencement of development
- 2 C.13.1 Development in accordance with approved plans/details
576-17-SK01 & 576-175 received and dated 20 March 2012
576-17-SK02 A & 576-17-SK03 A & 576-17-SK04 A received and dated 14th May 2012

Post Development

3. The development shall be finished in materials and finish as detailed within the Design and Access Statement, dated 9th March 2012, reference 576, as detailed on page 21 comprising Flemish bond using the Hatfield mix with dark headers, handmade clay roof tiles, timber windows and cast iron rainwater goods. Subsequently, the approved materials shall not be changed without the prior written consent of 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.

4. The hard surfacing shall be finished as approved under planning application S6/2010/1636/DS, unless otherwise approved in writing by the Local Planning Authority. Subsequently, the approved materials shall not be changed without the prior written consent of 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.

5. C.6.8 – Excluding conversion of garages

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV6, ENV7 and T14 and development plan policies SD1, GBSP2, R3, R29, M14, D1, D2, D8 and EMP8 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. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

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