

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/01005/FP
APPLICATION Site:	St Audrey's Care Home

NOTATION:

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

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission re-building part of existing boundary wall.

PLANNING HISTORY:

None relevant.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy Framework, March 2012

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005

GBSP2: Towns and Specified Settlements

SD1: Sustainable Development

R3: Energy Efficiency

R29: Archaeology

D1: Quality of design

D2: Character and context

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, 2005

CONSULTATIONS

Hertfordshire County Council Archaeologist – No response (consultation expired 16/07/2012)

TOWN/PARISH COUNCIL COMMENTS

Hatfield Town Council – No response (consultation expired 16/07/2012)

REPRESENTATIONS

The application was advertised by site notice and neighbour notification letters. No representations were received.

DISCUSSION:

The main issues are:

1. The Impact of the Proposed Development on the Historic Character of the Conservation Area and the Setting of Adjacent Listed Buildings
2. Impact on the Residential Amenity of Neighbouring Properties
3. Archaeology Impact
4. Other Material Considerations

1. The Impact of the Proposed Development on the Historic Character of the Conservation Area and the Setting of Adjacent Listed Buildings

The National Planning Policy Framework outlines a presumption in favour of the conservation of the historic environment. The more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation and in many respects, the NPPF follows the detailed framework laid down in PPS5 but without the specific policies. Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which seek high design quality and respect for the character and context of the surrounding area.

The proposal is to re-build an existing retaining wall which has partly collapsed. The wall forms the boundary between the application site and the rear garden of No.5 Church Street, which is a Grade II Listed Building. The wall measures approximately 2.8m in height by 19m in length. However, due to a change in levels, the wall would project just 700mm above the ground level of the rear garden of No.5 Church Street.

The wall would not be easily viewed from the surrounding public areas or parts of the Conservation Area due to its location to the rear of a terrace of properties which form No.5-13 Church Street. In terms of height, scale and locality, it is considered that the proposed replacement wall would appear appropriate in its context and would relate well to the existing pattern of development. The surrounding area is varied in character and most properties have individual designs. Materials generally comprise of red or stock facing brick with lime mortar. Overall the proposal is reflective of traditional development within the locality would and, subject to a condition requiring materials to be agreed prior to the commencement of the development, would adequately maintain the character and appearance of the conservation area. Therefore, the application would meet the design requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. Impact on the Residential Amenity of Neighbouring Properties

No representations have been received from neighbours and Hatfield Town Council did not comment. The property most likely to be affected by the proposed replacement wall is No.5 Church Street which adjoins the application site. Although the overall height of the wall measures approximately 2.8m, due to a change in levels, the wall would project just 700mm above the ground level of the rear garden of No.5 Church Street. Approximately 3m separation distance would be maintained between the wall and an extension to the rear of No.5 Church Street. The proposed rebuilding of the retaining wall would not result in a significant impact on the residential amenity of neighbouring occupiers in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Archaeological Impact

The application site is located within an Area of Archaeological Significance. The proposed development is modest in size and within the footprint of a collapsed wall. It is therefore considered unlikely that the development would impact upon archaeological remains. In these circumstances a condition requiring archaeological investigation would not be reasonable.

4. Other Material Considerations

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

Protected Species: The presence of protected species is a material consideration, in accordance with, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "*a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*" The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however 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. 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 Bill. 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 policy(ies) 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.

CONCLUSION:

The proposed development is considered to be in accordance with the National Planning Policy Framework; policies within the East of England Plan 2008; the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

- 1. C.2.1 – Time Limit
- 2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:1250 Site Location Plan & 2044/S1A & HC/SACH/1 received and dated 11 June 2012

PRE-DEVELOPMENT

- 3. C.5.1 – Sample of Materials to be Submitted and Agreed

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV6, ENV7 and development plan policies GBSP2, SD1, R3, R29, D1, D2, D8 and Supplementary Design Guidance 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).

INFORMATIVES:

None

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