



## Appeal Statement of Case

### **Comet Hotel, St Albans Road West, Hatfield, AL10 9RH**

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## 1.0 Introduction

- 1.1 This appeal statement has been prepared by Alder King Planning Consultants on behalf of Fusion Hatfield Hotels Ltd (the appellant) in response to the decision of Welwyn Hatfield Borough Council (WHBC) to refuse planning permission for the proposed redevelopment of the Comet Hotel, St Albans Road West, Hatfield, AL10 9RH. The application was recommended for approval by officers but refused by Committee.
- 1.2 The application sought permission for:
- “Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of existing rear and side extensions. Erection of 9,586sqm student accommodation (Sui Generis), landscaping and associated works” (LPA Ref: 6/2015/1997/MAJ)*
- 1.3 The Decision Notice stated the following reasons for refusal:
1. The proposed development by virtue of its scale, massing, siting and design would have a detrimental impact upon the character and setting of the listed building resulting in substantial harm that is not outweighed by the conservation of the heritage asset or any other material considerations. The proposal is therefore contrary to Section 12 of the National Planning Policy Framework.
  2. The proposal by virtue of its siting, layout, design, scale and massing would result in an over dominant development, failing to respect the character of this part of Hatfield and due to its scale, design and siting would lead to overlooking of existing adjacent residential properties and an overbearing impact on those properties to the detriment of their residential amenity contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.
  3. The layout of the student accommodation would result in a poor quality standard of amenity space for users of these areas contrary to policy D1 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.
- 1.4 This statement sets out the appellants full grounds of appeal. The submitted evidence will demonstrate:
- The proposed development would not have a detrimental impact on the character and setting of the listed building. Any harm to significance would be less than substantial and would be outweighed by the heritage benefits associated with the development including securing its long term viable use. The works proposed to the listed building were approved and therefore demonstrate that they are of benefit. Furthermore any perceived harm to the setting would be considerably out-weighted by the public benefits associated with the renovation of the Comet Hotel and securing a viable use for the site and delivery of much needed student accommodation as indicated by paragraph 134 of the NPPF.
  - The proposed development would not be harmful to the character of the area. The area is mixed in terms of character and the well-designed proposals would relate to the adjoining land uses including the adjacent residential dwellings, in terms of scale and mass and is appropriately laid and designed to avoid overlooking.
  - The level of amenity space provided would result in a good living environment for student residents, comparable to previously granted schemes and in accordance with policy.
- 1.5 This statement will set out that the principle of development is acceptable in all other respects and the proposals should have been approved in accordance with the officer recommendation.

## 2.0 Appeal Site & Context

- 2.1 The site is a broadly triangular-shaped parcel of land with a site area of 1.6 hectares (3.7 acres). It faces onto the roundabout junction of Comet Way and St Albans Road West in Hatfield, which form the eastern and northern boundaries of the site (respectively). To the south-west of the site are the existing residential streets of Selwyn Drive and Ashby Close.
- 2.2 Within this context, the site forms part of a mixture of commercial and residential uses in the area, of varying heights and character:
- To the north/northeast is the open space and high density commercial buildings associated with the Hatfield Business Park (Bishops Square) commercial development. The buildings within the business park are four storeys in height;
  - To the west/northwest are further high density buildings associated with the University of Hertfordshire de Havilland Campus, which are set in landscaped grounds. The buildings closest to the appeal site are four storeys in height (approx. 16.5 metres);
  - To the west/southwest is lower density detached and semi-detached development along Ashby Close and Selwyn Drive;
  - To the east/northeast is the Galleria which is a high density regional shopping centre for Hertfordshire. The main elevation of the Galleria has an approximate height of 25.5m which equates to 8 storeys.
- 2.3 In a wider sense, the site is a 10 minute walk from the University of Hertfordshire's other main campus at College Lane. There are good transport links including the University owned 'Uno' bus service which operates frequent services between the two campuses and Hatfield train station which is approximately 1.5 miles to the east of the site. Taken together, these add to the sustainability of this brownfield, town centre site. As a result the proposals represent sustainable development in transport terms.
- 2.4 The site is occupied by the Comet Hotel, which is a three star hotel operating under the Ramada Worldwide brand. The Comet Hotel is Grade II Listed, having been added to the Statutory List in 1981.
- 2.5 The original Comet Road House is shaped in a geometric representation of an aircraft. It is a two-storey, brick clad, flat-roofed building with a strong horizontal emphasis, designed by E B Musman and built in the 1930's. It is listed for its Art Deco architectural merit and its historic association with Hatfield New Town and the De Havilland factory and airfield. Additions and alterations to the interior and exterior (including loss of the glass roof lantern) have detracted from the building and reduced its significance as a heritage asset but the original geometric form remains.
- 2.6 The Statutory List describes the building as a, "*pioneer hotel in the modern style*", which was constructed from 1933 to 1936 as a roadside public house and bar for the Benskins (Watford) Brewery Ltd. The building was designed by Ernest Brander Musman (1888-1972) to resemble the shape of an aeroplane in plan form paying homage to the adjoining de Havilland Aircraft Factory and to perpetuate the memory of one of its historically significant planes, the Comet Racer. A copy of the list description is provided at **Appendix 1**.
- 2.7 The functional design brief for the Comet was to provide a road house, comprising a public house with bars, a restaurant and facilities for music and dancing, together with 11 guest bedrooms on the first floor. The two storey Comet Hotel building is constructed in red brick with stone dressings on a steel frame. It has a projecting rounded centrepiece with rounded single storey wings on either side, clearly incorporating the geometric shapes and sharp lines, characteristic of the Art Deco architecture of the inter-war period. The original design incorporated a viewing lantern above the central projecting element, which added a prominent vertical element to the building and is believed to represent a control tower.

- 2.8 The listing (1981) notes that the interior of the building had been altered. In addition, a number of extensions have been carried out that have increased the overall footprint of the building and resulted in the original plan form of the building being compromised. The original service yard at the rear of the building has been partly in-filled to create a reception/foyer area which has removed the screen wall on the east side. It has also screened the original rear elevation where it existed beneath the overbridge extension. The original garages and staff accommodation have been heavily remodelled. This is connected to the large modern hotel building, in the form of a two storey extension. The overall design and materials of these additions stand in stark contrast to the original building and are viewed as very separate and detracting elements.
- 2.9 As a result of these alterations, the Comet Hotel as it stands today provides 128 bedrooms, a bar, function room, and conferencing facilities. The building itself is sited in the northern portion of the site and is orientated towards the Comet Way roundabout (to the north-east). The building is surrounded by 163 car parking spaces provided in tarmacadam and set within the context of a poor quality public realm. The scheme is accessed via two vehicular accesses of Comet Road and St Albans Road West via a left in/left out junction only and two way junction (respectively).
- 2.10 The site itself is relatively flat in nature, as depicted in the topographic survey which accompanies the planning application. The site is level on the northern frontage to St Albans Road West. The listed building is clearly visible but the hotel extension is screened from St Albans Road West by a line of boundary hedges and trees. On the south eastern boundary the land rises up at Comet Way so that the site sits below the level of the road. It is bounded by a grass bank containing a number of mature trees and undergrowth, which form a visual screen. On the western boundary there are mature conifers (around a small substation) and deciduous trees which partly screen the residential properties behind. The trees on the site are not covered by Tree Preservation Orders.
- 2.11 While the site is well connected to pedestrian and cycle routes with surface level pedestrian crossings over the adjacent roads, it is visually and functionally separated from the surrounding uses by the busy roads. It is also separated by close-boarded fencing and trees from the rear gardens of residential properties in Ashbury Close and Selwyn Crescent.

#### Planning History

- 2.12 Listed building consent was sought alongside the application for planning permission subject to the current appeal. The listed building application sought permission for the extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of poor quality additions (LPA Ref: 6/2015/1998/LB). Consent was granted subject to conditions on 4 February 2016. A copy of the decision notice is attached at **Appendix 2**.
- 2.13 There are a number of planning and listed building applications relating to the property; however these generally relate to minor applications for fencing, signage and surveillance cameras and various extensions to the hotel. More significant applications include:
- S6/1992/0233/FP & S6/1992/0252/LB: Alterations and extension including erection of new bedroom block to provide 51 bedrooms and two meeting rooms; single storey extension for laundry room; new entrance lobby and refurbishment; additional car parking facilities – permission granted August 1992; and
  - S6/1999/0798/FP & S6/1999/0799/LB: Demolition of staff block and erection of two storey extension to provide 28 bedrooms and 28 additional car parking spaces after demolition of existing staff block – permission granted November 1999.
- 2.14 A minor but recent application refers to a car washing area within the curtilage of the application site, comprising 6 car parking spaces and a canopy:
- S6/2014/1895/FP - Change of use of land to car washing, valeting (sui generis), works to include erection of a canopy - permission granted November 2014.

- 2.15 Within a wider sense, another relevant application to the determination of this appeal is S6/2010/1206/MA which sought the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace at 46 The Common, Hatfield. This was refused by the Council in October 2010 however the subsequent appeal was allowed (PINS Ref: APP/C1950/A/10/2131919). This scheme provides the only private sector student accommodation in Hatfield, with the remainder being provided on existing university campus sites. A copy of the decision notice is provided at **Appendix 3** and the appeal decision is at **Appendix 4**.

### 3.0 Development Proposals & Reasons for Refusal

- 3.1 The decision notice describes the proposed development as follows:
- “Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of existing rear and side extensions. Erection of 9,586sqm student accommodation (Sui Generis), landscaping and associated works.”*
- 3.2 The proposals seek the high quality refurbishment and extension of the Grade II Listed Comet Hotel (Use Class C1). The renovation would involve the removal of poor quality modern additions, which detract from the setting of the building and the restoration of the original aeroplane shape of the building. The proposals would, in addition, faithfully restore the glass lantern on the roof and significantly improve the setting representing a major heritage benefit.
- 3.3 The erection of a new high quality 90 bed hotel extension is proposed which would connect to the refurbished listed building. The refurbished listed hotel would contain nine beds, a bar, restaurant and function rooms. The hotel, bar and restaurant would be supported by 127 car parking spaces.
- 3.4 The student element of the scheme comprises the erection of four linked buildings, providing purpose built student accommodation. This would include 361 student beds supported by communal facilities such as a gym, cinema room, social and study spaces, a laundry room and communal courtyard providing excellent amenity for residents. The student accommodation will be car free apart from the 4 spaces provided for disabled residents.
- 3.5 The new build elements of the proposals would vary in terms of height and scale but have been carefully designed to respond to the local context. The Comet Way block would be five storeys with a height of 16m, the St Albans Road West building would be four storeys and the rear student blocks and hotel extension would be 3 storeys. This reflects the existing scale and mass of buildings surrounding the site.
- 3.6 A redevelopment of the site as a whole would be underpinned by a comprehensive landscaping scheme throughout the site and particularly along the site boundaries which enhances the setting of the listed building and site as a whole.
- 3.7 The development would provide:
- *A 99 bedroom hotel (Use Class C1) supported by a bar, restaurant and function rooms, provided via the refurbishment of the existing Grade II listed building and a new 2,823 sq. m hotel extension;*
  - *9,283sqm of student accommodation (Use Class Sui Generis) providing 361 bedspaces in studios and twodios together with ancillary communal facilities;*
  - *127 car parking spaces and 12 cycle spaces for the hotel;*
  - *60 cycle spaces for student users;*
  - *A comprehensive scheme of hard and soft landscaping; and*
  - *Drainage, plant and ancillary facilities.*
- 3.8 The appeal application was submitted to WHBC along with a full suite of drawings and supporting documents and was validated on 5 October 2015. The application was referred to Development Management Committee on 4 February 2016 with an officer recommendation to grant permission

subject to conditions. Committee members however resolved to refuse permission (10-4) for the three reasons set out in the Introduction namely:

1. *The proposed development by virtue of its scale, massing, siting and design would have a detrimental impact upon the character and setting of the listed building resulting in substantial harm that is not outweighed by the conservation of the heritage asset or any other material considerations. The proposal is therefore contrary to Section 12 of the National Planning Policy Framework.*
2. *The proposal by virtue of its siting, layout, design, scale and massing would result in an over dominant development, failing to respect the character of this part of Hatfield and due to its scale, design and siting would lead to overlooking of existing adjacent residential properties and an overbearing impact on those properties to the detriment of their residential amenity contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.*
3. *The layout of the student accommodation would result in a poor quality standard of amenity space for users of these areas contrary to policy D1 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.*

- 3.9 The proposals included an application for listed building consent for the extension and refurbishment of the Grade II listed hotel (Use Class C1) following removal of existing poor quality additions (6/2015/1998/LB). The listed building consent was considered under delegated powers and the approval notice issued 4 February 2016.

## 4.0 Planning Policy Context

### The Development Plan

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The local planning authority is Welwyn Hatfield and the Development Plan consists of Welwyn Hatfield District Plan 'saved policies' (adopted 2005).
- 4.3 The Council are currently in the process of producing the Welwyn Hatfield Local Plan which will set out the planning framework for the borough for the period up to 2031. Upon adoption it will replace the existing 'saved' policies of the Welwyn Hatfield District Plan (adopted 2005). The Local Plan Consultation took place in early 2015. The draft plan will be consulted on in summer 2016 and it is anticipated the Local Plan will be adopted in mid-2017.
- 4.4 Whilst the Welwyn Hatfield District Plan was adopted in 2005, it was not adopted in accordance with the Planning and Compulsory Act 2004 as a Development Plan Document, but instead was adopted in accordance with the Town and Country Planning Act 1990 as a Local Plan. Therefore, having regard to the National Planning Policy Framework (NPPF, March 2012) transitory arrangements, the weight to be afforded to policies contained within the Local Plan will be dependent on their degree of conformity with the NPPF, with the latter taking precedence. Paragraph 215 of the NPPF is engaged in this regard.
- 4.5 In this context given the age of the Local Plan, the policies within the NPPF are the most relevant to the determination of the appeal. The saved policies from the Welwyn Hatfield District Plan are relevant where there is conformity with the NPPF however paragraph 14 is engaged. This states that where the development plan is absent, silent or relevant policies are out of date, local authorities should grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

4.6 As set out in the Statement of Common Ground the relevant policies of the District Plan 2005 include:

- SD1 (Sustainable Development), GBSP2 (Towns and Settlements)
- CLT6 (Hotels)
- D1 (Quality of Design), D2 (Character and Context), D8 (Landscaping)
- R1 (Previously Developed Land), R2 (Contaminated Land), R3 (Energy Efficiency), R4 (Renewable Energy), R5 (Waste), R7, R9, R10 (Water Resources), R11 (Biodiversity), R17 (Trees and Woodland), R19 (Noise), R20 (Lighting), R27 (Demolition of Listed Buildings)
- OS3 (Informal Open Space)
- M1 (Integrating Transport), M2 (Transport Assessments), M3 (Green Travel Plans), M4 (Developer Contributions), M5 (Pedestrian Facilities), M6 (Cycling Facilities), M14 (Parking Standards)
- IM2 (Planning Obligations)

#### Other Material Considerations

4.7 It is common ground between the appellant and the Council that the following policy guidance documents are material considerations:

- Welwyn Hatfield District Plan: Supplementary Design Guidance (February 2005)
- The Welwyn Hatfield Local Plan Consultation Draft – January 2015.
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment – 27 March 2015;
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets – 25 March 2015;
- National Planning Practice Guidance (NPPG); and
- National Planning Policy Framework (NPPF) – 27 March, 2012. Relevant Paragraphs of the NPPF include 7-9, 14, 29-41, 49-50, 56-61, 63-66, 95-104 and 128-129, 131-132, 134.

## 5.0 Principal Issues

5.1 Leading from the Council's reasons for refusal, this appeal statement will address the following key issues:

- The level of harm that would be caused to the setting and character of the listed building and whether any harm is outweighed in the planning balance by the heritage benefits derived from the proposals and the wider public benefits of the development in accordance with paragraph 134 and paragraph 14;
- Whether the proposed development would cause harm to the character of this area of Hatfield or would be detrimental to the amenity of the occupants of neighbouring residential properties;



- Whether the proposed development provides adequate student amenity space.

## Heritage

- 5.2 The key issue in respect of the first reason for refusal is the level of harm considered to be caused to the significance of the listed building by the proposed development. Any harm which is considered to be caused to the listed building has to be weighed against the public benefits associated with the refurbishment and restoration including the heritage benefits and wider benefits of delivering new development. The NPPF makes it clear that significance derives from a heritage assets' physical presence, and that setting may contribute to this to a greater or lesser degree.
- 5.3 The NPPF makes it clear that significance derives from a heritage asset's physical characteristics, and that setting may contribute to this to a greater or lesser extent. Historic England GPA 3 paragraph 9 clarifies that "*Setting is not a heritage asset, nor a heritage designation*". It goes on to state that "*Its importance lies in what it contributes to the significance of the heritage asset.*" This implies that not all aspects of setting by definition contribute to the significance of an asset to the same extent or at the same level. The implication is that the preservation of setting does not always preclude change. Indeed, Paragraph 10 of the same document confirms that "*Protection of the setting of heritage assets need not prevent change*", and it goes further to say that "*change may be positive, for instance where the setting has been compromised by poor development*" (paragraph 11). It is in this context that the assessment of change and impact within the setting of the Comet Hotel should be carefully assessed – taking into account, particularly, the extent to which existing poor development and aspects of setting could be enhanced by new development.
- 5.4 The reason for refusal refers to the setting and character of the listed building being harmed by the scale, massing and design of the proposed development. It is therefore clear that the LPA consider the harm relates to the exterior and setting rather than the interior works. Indeed the LPA accepted the proposed internal works are acceptable through the approval of listed building consent for, "*Extension and refurbishment of the Grade II listed hotel (use Class C1) following demolition of poor quality additions.*"
- 5.5 The NPPF requires applicants to clearly describe the significance of any heritage assets affected by a development including any contribution made by their setting. The Heritage Statement submitted with the application provided a detailed significance assessment (Chapter 5). The report sets out that the exterior of the listed building remains largely intact, however a number of extensions which have been carried out have increased the overall footprint and resulted in the original aeroplane plan form being compromised. In terms of heritage value, it is considered that the exterior possesses a good/medium level of significance.
- 5.6 The significance assessment notes that the setting of the listed building has changed dramatically since its construction, and its current condition detracts from the asset's significance. It is harmed by its location and views dominated by highway engineering. The effect being that the building cannot be appreciated from any long range views and it is possible to miss the hotel altogether. It also does not benefit from the utilitarian design of the existing hotel extension to the rear. In summarising the contribution made by the setting to the listed building, it was concluded to be varied between medium and low value. The front of the site was highlighted as having the potential to contribute more positively to the setting and significance whilst the rear of the site due to its remoteness from the listed building is considered of lesser importance.
- 5.7 LPAs should assess the particular significance of any heritage asset affected by a proposal and take this assessment into consideration when considering the impact of any proposal on the heritage asset. The merits or dis-merits of the existing situation need to be robustly assessed and any changes to the structure or setting resulting from a development proposal needs to be weighed in the balance.
- 5.8 It is clear that the existing hotel extension has a significant impact on the setting of the listed building. The removal of this structure is a clear heritage benefit. The proposed hotel extension

in the appeal scheme has been designed to have a very different appearance and impact on the setting compared to the existing extension. The new extension would use reflective glazing which will enable the silhouette of the heritage asset to be enhanced, the choice of this material will ensure the new extension does not compete or contrast with the listed building. The effect of the design of the new element is to bring focus to the historic building. It is therefore considered the removal of the existing extension and its replacement will on balance result in a significant improvement to the setting of the listed building.

- 5.9 The Council's reason for refusal alleges that the proposed works would result in substantial harm. Paragraph 132 of the NPPF sets out that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction or through development within the setting of a heritage asset. Substantial harm to or loss of a designated heritage asset such as the Comet should be exceptional.
- 5.10 The National Planning Policy Guidance (NPPG) provides further guidance in relation to evaluation of harm. It is noted that substantial harm is a high test so may not arise in many cases, *"...in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."* (Reference ID: 18a-017-20140306)
- 5.11 It is highlighted that engagement with the conservation officer was sought throughout the pre-application and application process. The officer's formal response to the statutory consultation highlighted that harm would be caused to the setting of the listed building (attached at **Appendix 5**), but at no point is the level of harm described in detail. However, it is useful to highlight that the response refers to NPPF paragraph 134 (less than substantial harm) rather than 133 (substantial harm). The response fails in its assessment of the significance of the listed building, placing far too high a level given the amount of change that has been undertaken to the building and its setting. No robust assessment of the positive impacts of the proposals is undertaken by the LPA against the guidance of the NPPF. It is considered given the appropriate level of significance and weighing the heritage and public benefits in the balance that the proposed development is appropriate in this context.
- 5.12 The Committee Report is clearer in respect to the level of harm which the Council were attributing to the development proposal. Paragraph 11.22 sets out, *"On balance while some harm to the setting of the listed building is acknowledged it is considered to be less than substantial and the overall proposal is acceptable subject to the benefits being delivered early in the redevelopment of the site as a whole."*
- 5.13 Having regard to the above, it is clear that the Planning Case Officer and Conservation Officer considered that the proposals would result in less than substantial harm to the listed building and that, in the view of the planning officers, this harm is outweighed by the benefits of the proposals. At the post application meeting WHBC Officers confirmed that members clearly thought harm was greater than less substantial (17/02/16 Meeting Minutes attached at **Appendix 6** – including comments from Head of Planning). The level of harm to attribute to the proposals was increased by members at Committee contrary to professional advice and without a full consideration and understanding of the high level test that is required to demonstrate substantial harm and with no real consideration of the balancing exercise required to properly consider development involving heritage assets, namely harm vs benefits.
- 5.14 It is reiterated that the proposed works are considered to result in less than substantial harm to the setting of the listed building. In this context the harm should be weighed against the public benefits of the proposal. This includes securing its optimum viable use. The use of the building within its historic use must be considered a significant heritage benefit. A full list of the heritage benefits associated with the development proposals is included at **Appendix 7**.

- 5.15 Notwithstanding the above it is considered that even if the high test for substantial harm was met, we still believe the substantial public benefits associated with the proposed development outweigh the harm (NPPF, Paragraph 133).
- 5.16 It is accepted that the proposed development would cause some harm to the significance of the listed building. However, harm to the setting would be less than substantial having regard to the tests set out in the NPPF. In this context the significant benefits would far exceed the harm caused. The proposal would secure a viable future for the listed building along with appropriate refurbishments and restorations. The existing hotel extension has a significant negative impact, where the new buildings have been sensitively designed using high quality and appropriate materials. Siting has been well thought out to ensure good separation to the listed building. As identified within the Heritage Statement, the front of the site has the most potential to have a positive impact on the significance of the setting; therefore no new development is proposed forward of the rear building line of the listed building. Significant new landscaping and a reduction in car parking have been included to improve views from this angle. The lower hotel extension and three storey student block behind the hotel would step up to the sides of the site which will ensure views towards the listed building are not interrupted but are framed by the distant new development. The original, iconic lantern at the front of the listed building would be reinstated based on the original drawings located in the RIBA archive, thereby enhancing the building's landmark role as well as its architectural significance.
- 5.17 The wider public benefits of the scheme must also be considered in accordance with paragraphs 134 and 14 of the NPPF. These include the overall investment in the site and improvement from a design and setting perspective when compared to the existing extension. Also, this specifically includes the delivery of new accommodation for students which will in turn relieve pressure of HMOs, new hotel accommodation, related jobs for the construction industry (direct and indirect) and permanent jobs related to the scheme, as well as contributions to the highway and public realm. A full list is provided at **Appendix 8**.

### **Design & Neighbouring Amenity**

- 5.18 The second reason for refusal concerns the design of the new build elements. The refusal reason has two distinct parts. Firstly it is contended that the proposals would fail to respect the character of this part of Hatfield. The second part sets out that the development would lead to a loss of privacy to neighbouring properties. These two parts will be considered in turn below.
- 5.19 In the context of the first part, it is important to reiterate that the area surrounding the site is bounded by areas of distinctly different character. This has been agreed with the Council through the preparation of the draft Statement of Common Ground (paragraph 2.1). The area comprises the following uses:
- To the northeast is the roundabout junction of Comet Way with St Albans Road West. On the far side of the junction is the Galleria which is a high density regional shopping centre with a multi-storey car park and two floors of retail. The main elevation of the Galleria has an approximate height of 25.5m which equates to 8 storeys;
  - Hatfield Business Park (Bishops Square) is located to the north of the site on the far side of St Albans Road West. The business park incorporates several four storey office buildings in landscaped grounds (approx. 18 metres);
  - To the west/northwest are further high density buildings associated with the University of Hertfordshire de Havilland Campus, which are set in landscaped grounds. The buildings closest to the appeal site are four storeys in height (approx. 16.5 metres);
  - To the west/southwest is lower density detached and semi-detached development along Ashby Close and Selwyn Drive;
  - To the east the site is bounded by the trees and grass verge of Comet Way (which used to be the Great North Road) and beyond that the A1 (M) runs below ground level.

- 5.20 The frontage with its busy road junction, adjacent offices and Galleria shopping centre represents a very urban environment. The rear of the site backs onto suburban residential streets. The proposals have been designed in order to respect this mix of uses and clearly fit in with this mixed character. The transition to the adjacent properties has been a key consideration in the design process and the proposed blocks have been designed with this in mind following a series of pre-application meetings and discussions with officers.
- 5.21 The reason for refusal fails to identify precisely where the harm would be caused in relation to over dominance. As identified above the area is very mixed in terms of built form and contains several buildings of considerably greater height, scale and bulk than the proposed development. The proposed building are domestic in scale and as such have smaller floor to ceiling heights compared to the adjacent commercial buildings. The maximum height of the five storey element along Comet Way would be 16.15m which is lower than the closest four storey University building and the four storey buildings in Bishops Square). No harm would be caused by way of over dominance to the busy road junction or adjacent commercial uses. Moreover the frontage would still be dominated by the listed building as no new development is proposed forward of the rear building line. This will ensure the prominence of this building is not diminished and reinforces a clear hierarchy of importance.
- 5.22 Therefore the only potential area for conflict in terms of over dominance causing harm to the character of the area is in relation to the residential properties in Ashbury Close and Selwyn Drive. In this regard the new development and the residential dwellings would not be readily viewed in the same context from the public realm, there would therefore be very limited impact upon the wider character of Hatfield. The position and scale of the buildings have ensured that there is no adverse impact on amenity which would cause harm to a degree that the application should be refused. This is demonstrated by the officer's recommendation for approval and also the significantly low number of objections to the application during the determination period.
- 5.23 The Statement of Common Ground which has been drafted in tandem with the Local Authority confirms the key matter of disagreement relates to neighbouring amenity, *"The level of harm to the living conditions of neighbouring residents in Ashbury Close and Selwyn Crescent specifically in terms of overlooking and perceived loss of privacy and overbearing impact"* Paragraph 7.2.
- 5.24 The second part of the refusal reason contends that the proposals would result in overlooking of existing residential properties due to the scale, design and siting of the buildings. It is highlighted that the buildings have been designed specifically to avoid any kind of overlooking towards the neighbouring properties within Ashbury Close and Selwyn Drive. All habitable rooms within the south-west elevation would have oblique (directional windows) which will ensure there are no direct views towards the rear of adjacent properties.
- 5.25 It is helpful to consider the comments in the Committee Report in relation to the windows on the south-west elevation. The report at paragraph 11.46 notes *"The windows on all three floors would be angled away from those boundaries to face south and would not give rise to overlooking of the residential properties' internal or external spaces."* Paragraph 11.38 notes that the angled windows would catch the sunlight to the south whilst avoiding overlooking of the residential dwellings and gardens behind. It is considered the presentation to Planning Committee failed to bring this design feature to the attention of members and this led directly to this issue forming part of the refusal.
- 5.26 It has been suggested by the Council that there could be a feeling of overlooking or perceived overlooking rather than actual overlooking (**Appendix 6**). Perceived overlooking can only be considered an issue where the windows from which the harm could arise is visible from the sensitive area. In this instance due to the oblique windows views towards windows will not be possible from the adjacent properties and as such no perceived overlooking should exist. Furthermore, the harm caused by this element of the proposal is non-existent given overlooking cannot occur so this was unreasonable to include as a reason for refusal. This point was raised in the meeting with officers to seek to avoid dealing with this matter as part of the appeal however it was not agreed in common ground.

- 5.27 The western elevation of the new build elements would be sited a minimum of 22.5m from the rear of the adjoining properties in Ashbury Close and a minimum of 35m from the properties in Selwyn Crescent. Given these separation distances and the fact that the western elevation of the student accommodation would be a maximum of 0.5m higher than the lowest ridge of the adjoining properties in Ashbury Close and Selwyn Crescent, the new build elements would not create an overbearing impact which could harm residential amenity.
- 5.28 In addition there are several existing trees along the western site boundary. The proposals include the addition of new landscaping along the boundary which will bolster the screening and further reduce the opportunity for perceived overlooking and loss of neighbouring amenity.
- 5.29 As was highlighted within the Planning Statement, WHBC do not have any currently adopted design policies which specify acceptable separation distances between existing and proposed development. In the absence of adopted guidance, an assessment of neighbouring authorities was carried out prior to submission. Hertsmere Borough Council require back to back or front to front separation of 20m (SPD: Guidelines for Development, 2013). This document also states that where no directly overlooking windows are proposed closer distances could be acceptable. St Albans City and District Council Local Plan Policy guidance states that a distance of 27m should be used for facing windows with 1.8m high screening, however this distance can be reduced to 18m if the proposed has no overlooking rear windows on upper floors (Design Advice Note: Suburban Dream, Suburban Reality (1998).
- 5.30 The NPPG sets out at paragraph 24 that *“New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other... The layout of areas, whether existing or new, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site.”*
- 5.31 Whilst general standards prescribing minimum separation distances between habitable rooms has the potential to frustrate the creation of attractive residential environments by denying the ability to provide privacy through careful design (Better Places to Live 2002 – superseded by NPPG). Therefore in the absence of adopted guidance, each case should be decided on its own merits.
- 5.32 The proposals would relate well to the varied character of the area and would result in a significant improvement to the existing context in accordance with District Plan Policy D2. The significant separation distances, in combination with the considered design including limited height increase, varied height blocks, top floor set back, high quality modern materials and directional windows along with the existing and proposed boundary landscaping means that there would be no unreasonable harm caused to the amenity of neighbouring occupiers.

### **Amenity**

- 5.33 Policy D1 of the Welwyn Hatfield District Plan is a general policy which requires new development to provide a high standard of design. It is highlighted that the policy makes no specific reference to amenity.
- 5.34 In regards to the third reason for refusal, the Common Ground process has established that the reason relates solely to the provision of outdoor amenity space for students. The internal space provision on the ground floor of the building includes a reception room, gym, laundry, dining room, cinema room, two study rooms and a large social space (total floor area – 545sqm). The level of communal internal amenity space is therefore considered to be generous and is not material to the refusal of the planning application.
- 5.35 It is helpful to consider the level of outdoor amenity space provision in relation to the private student accommodation scheme located at The Common, Hatfield. This scheme was refused planning permission for a similar planning reason (Application Ref: S6/2010/1206/MA). Refusal reason 8 stated:

*“The proposal layout would provide inadequate outside amenity space for future residents as it is not considered sufficiently functional or usable, by virtue of the limited size, inappropriate enclosure and privacy, proximity to windows, awkward layout and overshadowing from adjacent structures. The proposal is therefore contrary to PPS1 (Delivering Sustainable Development) and policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).”*

- 5.36 The appointed Inspector in allowing the subsequent appeal confirmed that the proposed development would be suitable for its intended purpose and would provide satisfactory living conditions for future occupiers and would accord with Policy D1 of the Welwyn Hatfield District Plan (2005). Specifically in relation to the outdoor amenity space provided, the Inspector was satisfied that the proposed roof terrace would allow students to sit in the open and that the proposed communal facilities were comparable with schemes in university towns elsewhere in the UK (PINS REF: APP/C1950/A/10/2131919).
- 5.37 Within this context, the outdoor amenity space provided by the development proposals have been compared with other permitted development schemes provided by the appellant in university towns in the UK to demonstrate the suitability of the proposals:
- Comet Hotel, Hatfield: 361 beds with 900 sq. m. outdoor amenity space – 2.49 sq. m. per student;
  - The Common, Hatfield: 116 beds with 200 sq. m. outdoor amenity space – 1.72 sq. m. per student;
  - Froomsgate Tower, Bristol: 483 student beds with 340 sq. m. outdoor amenity space – 0.70 sq. m. per student; and
  - Plummer House, Newcastle: 248 student beds with 0 sq. m. outdoor amenity space – 0 sq. m. per student.
- 5.38 As demonstrated, in many cases the urban context of the proposals do not allow for any external amenity space to be delivered. This is common place and where considered appropriate contributions are paid to deliver these. Students also have access to wider amenity spaces provided at University campuses and also have access to public open space. Nevertheless, the appellant has sought to include some valuable amenity space on site as part of the proposals which is a further benefit to the scheme.
- 5.39 The proposed development provides 900 sq. m of outdoor amenity space within the southern courtyard for the sole use of students. Additional external outdoor amenity space would also be available to the north of the hotel. It is considered that the outdoor provision in combination to the generous internal provision would result in a good standard of amenity space for student residents particularly given the favourable comparisons with the appeal scheme and other examples set out above. In order to increase the usability and usefulness of the amenity space provided the outdoor amenity space is located next to the internal space with direct access possible.

## 6.0 Other Issues

- 6.1 The principle of redeveloping the site is acceptable. This position was established in the initial pre-application meeting with the Council and in the Planning Committee Report. Relevant correspondence is provided at **Appendix 9**.
- 6.2 As highlighted in the Planning Committee Report, the principle of delivering student accommodation on the site accords with Policy BGSP2 Welwyn Hatfield District Plan (2005) which seeks to concentrate development within towns and specified settlements. The continued use of the site for hotel accommodation is acceptable and the slight reduction in hotel rooms from 128 to 99 rooms is not contrary to District Plan Policy CLT6.

- 6.3 It is pertinent to note that in coming to their decision to refuse permission against officer recommendation, a member of the planning committee made accusations about the appellant's treatment of a listed building in relation to the previous development at The Common. Not only were these points not relevant to the planning case to be determined they were completely false. Indeed there was no heritage asset of any sort at The Common. It is considered these accusations which were not corrected by Senior Planning Officer's contributed to the eventual refusal and demonstrated unreasonable behaviour. Separate action is being taken against the member in question.

## 7.0 Conclusion

- 7.1 It has been demonstrated that on balance the proposed development would not have a detrimental impact on the character and setting of the listed building which has been eroded both by existing poor quality alterations and extensions to the original form of the building and by the wider site context. Any harm to significance would be less than substantial and would be out-weighed by the heritage benefits associated with the renovation of the Comet Hotel and securing a viable use for the site. When wider public benefits of the proposals are weighed into balance, such as the delivery of homes for students, new hotel accommodation and the creation of employment the perceived harm is considerably outweighed.
- 7.2 The area is varied in terms of character which ranges from an urban environment to the front (north-east) to suburban residential character to the rear (south-west). The proposed development has been designed in order to ensure an appropriate transition between character areas and would ensure no harm is caused to the wider character of this area of Hatfield. The development will predominantly be viewed in the context of the busy road junction and commercial uses which are of similar or greater scale and massing than the proposed buildings. In fact, the proposals represent a significant enhancement to the character of the area by the removal of the existing extension, heritage enhancements to the listed building and setting and delivery of high quality new buildings on the site together with landscaping.
- 7.3 There would be no harm caused to the amenity of adjoining occupiers. The reduced height of the rear block, in combination with directional windows, generous spacing and boundary screening will ensure there would be no loss of privacy or overbearing impact. This reason for refusal cannot be substantiated and represents unreasonable behaviour which has led to further work in the appeal process.
- 7.3 The level of amenity space provided would result in a good living environment for student residents. It has been demonstrated in the context of other student schemes that the level of provision is more than sufficient to meet requirements.
- 7.4 This statement has demonstrated that the proposed development is in accordance with the relevant adopted policies of the Welwyn Hatfield Borough Council and the guidance of the NPPF and NPPG. There are no material considerations that would indicate otherwise and therefore the scheme should have been permitted in accordance with the officer's recommendation. It is therefore requested that the appointed inspector allows the appeal.

## **APPENDIX 1**





Historic England

# THE COMET PUBLIC HOUSE

## List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: THE COMET PUBLIC HOUSE

List entry Number: 1101036

## Location

THE COMET PUBLIC HOUSE, BARNET BY PASS

The building may lie within the boundary of more than one authority.

County: Hertfordshire

District: Welwyn Hatfield

District Type: District Authority

Parish: Hatfield

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 06-Jul-1981

Date of most recent amendment: Not applicable to this List entry.

## Legacy System Information

Legacy System: LBS

UID: 158340

## Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

## List entry Description

### Summary of Building

Legacy Record - This information may be included in the List Entry Details.

### Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

### History

Legacy Record - This information may be included in the List Entry Details.

## Details

TL 20 NW HATFIELD Hatfield BARNET BY-PASS 8/77 (west side)

6.7.81 The Comet Public House

- II

Hotel. 1933. By E B Musman. Red brick with stone dressings on steel frame. The plan is supposedly in the form an an aeroplane. Two storeys. Projecting centrepiece with rounded end, the ground floor projects beyond the first. Wings on either side, also half round, single storey only. Five window side elevations. Largely original steel framed windows, the two modern ones in the front elevations are openings in originally blank walls. Clipsham stone dressings strip above and below windows and to parapets. Flat roofs not

visible, the original roof lantern has been removed. The interior has been altered. A pioneer hotel in the modern style.

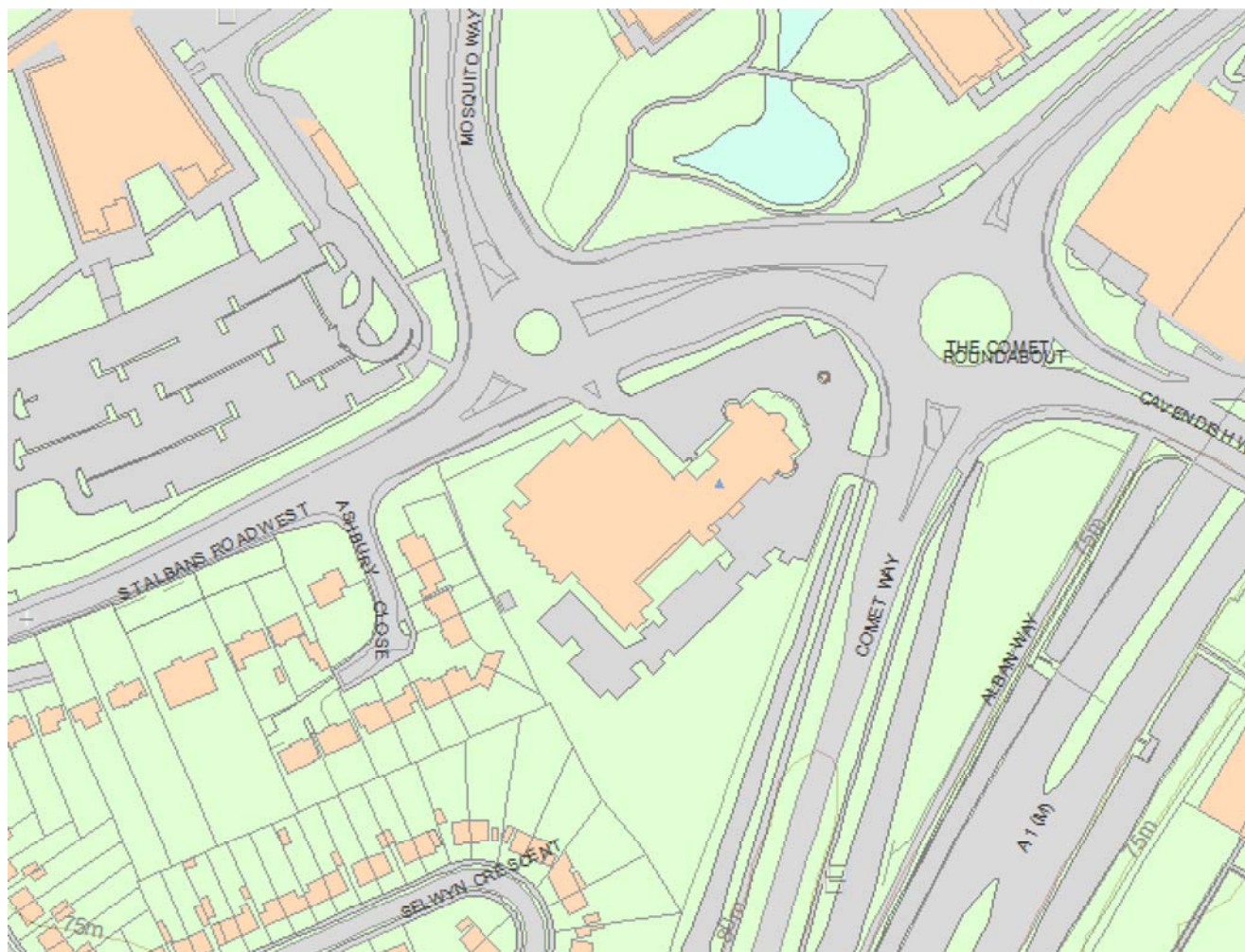
Listing NGR: TL2127408291

## Selected Sources

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: TL 21274 08291

## Map



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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1101036 .pdf](http://1101036.pdf) ([http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/373697/HLE\\_A4L\\_Grade|HLE\\_A3L\\_Grade.pdf](http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/373697/HLE_A4L_Grade|HLE_A3L_Grade.pdf))

This PDF will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.

This copy shows the entry on 21-Mar-2016 at 02:11:28.

End of official listing

## **APPENDIX 2**

To: Miss C Norris  
Alder King Planning Consultants  
Pembroke House  
15 Pembroke Road  
Clifton  
Bristol  
BS8 3BA

## **Important – Planning permission and notices of consent**

### **Compliance with conditions**

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee may be payable for each request to discharge conditions.

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk) between 0900 – 1300 daily.



**Notice of Decision  
Planning (Listed Buildings and Conservation  
Areas) Act 1990  
Planning (Listed Buildings and Conservation  
Areas) Regulations 1990  
Approval of Listed Building Consent**

To: Miss C Norris

**Application No:** 6/2015/1998/LB

**Date of Approval:** 4 February 2016

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned act, hereby GRANT, subject to the development beginning not later than 5 years from the date hereof to: -**

**Development:** Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of poor quality additions.

**At Location:** Comet Hotel, St Albans Road West, Hatfield, AL10 9RH

**Applicant:** Fusion Hatfield Hotels Ltd

**Application Date:** 5 October 2015

In accordance with the accompanying plans and particulars subject to the conditions listed below: -

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

0200/A & 0201 & 0202 & 0203 & 0204 & 0205 & 19321/1 & 19321/2 & 0301/A & 0302/A & 0303/B & 0304/B & 0305/B & 0306/A & 0307/A & 0310/A & 2821\_L\_GA\_1-01 & 2821\_L\_GA\_1-02 & 2821\_L\_HW\_1-01 & 2821\_L\_HW\_1-02 & 2821\_L\_SW\_1-01 & 2821\_L\_SW\_1-02 & 2821\_L\_TP\_1-01 & 2821\_L\_TP\_1-02 & 2821\_L\_TZ\_1-01 & 2821\_L\_TZ\_1-02 & Heritage Statement, WYG (Sept 2015) received and dated 28.9.2015 and 0300/C received and dated 3.12.2015 and Materials Palette received and dated 9.12.2015 and 0308/B & 0311/C received and dated 6.1.2016 and Schedule of Works to Listed Building received and dated 2.2.2016

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

2. No development to the Listed Building (except the approved demolition works) shall take place until samples of the materials, including a sample brick panel, sample glazing panels, partial window frame, roof materials and coping tiles, to be used in the construction of the external surfaces of the building hereby permitted, 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 D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. No development to the Listed Building shall take place, (including any works of demolition in accordance with DRWGS 0203 and 0307/A), until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for
  - (a) the programme and method for the partial demolition and the steps required to be taken during the process of the work to secure the safety, stability, security and weather-proofing of that part of the building that is to be retained.
  - (b) details of adequate support and shelter arrangements to be provided at all times to the walls and roof whilst the building works are carried out.
  - (c) details of any repair work proposed
  - (d) details of any materials to be removed which in the opinion of the Local Planning Authority should be salvaged for re-use.
  - (e) details of proper and adequate protection to those features/areas of the building noted as being of special interest in the listing description or noted as areas that are sensitive to change in the applicants' Heritage Statement (received and dated September 2015 for the duration of the works. This protection shall remain in place throughout the period of works and only temporarily removed to effect repairs or adjustments to these elements.
  - (f) measures to control the emission of dust and dirt during the works.
  - (g) Where existing fabric is disturbed to effect approved removals, it shall be reinstated like for like or to the written approval of the Local Planning Authority.

A timetable for implementation of the above shall be submitted to the Local Planning Authority for approval and shall subsequently be implemented in accordance with those details.

REASON: To ensure the building is protected during demolition and construction, that articles and material that are of an intrinsic quality are available for re-use and to prevent the total or partial collapse of the building in the interests of protecting the character and appearance of the listed building in accordance with the National Planning Policy Framework 2012.

4. Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match, like for like, those historic materials and finishing details used in the existing building or structure.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework 2012 and standard conservation good practice.

5. Notwithstanding the details shown on the approved drawings, no works to the Listed Building (excluding the approved demolition works) shall take place until the following listed building details have been submitted to and agreed in writing by the Local Planning Authority:
- (a) reinstatement of roof lantern (elevations at scale 1:20 and sections at 1:50)
  - (b) roof eaves and abutments with new hotel extension link building (details at scale 1:50)
  - (c) proposed new door openings and frames (elevations at scale 1:20 and sections at 1:50)
  - (d) proposed new window openings and frames (elevations at scale 1:20 and sections at 1:50)
  - (e) details of the proposed internal folding or sliding partitions and walls (elevations at scale 1:20 and sections at 1:50)
  - (f) new-build external walls (part elevations at scale 1:20 and sections at 1:50)
  - (g) reinstated roof-lights to kitchen (details at scale 1:5)
  - (h) new ceilings, counters and bars (sections at scale 1:20)
  - (i) sound insulation and mechanical vents for hotel function rooms and bedrooms
  - (j) extractors for kitchen odours

The development shall be implemented in accordance with the approved details and, subsequently, shall not be changed.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

6. Prior to installation of any internal floor finishes, wall coverings and lighting the following details shall be submitted to and agreed in writing by the Local Planning Authority:
- (a) samples and
  - (b) brochure illustration and
  - (c) statement for fixing.

The development shall be implemented in accordance with the approved details.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

7. No development to the Listed Building (except the approved demolition works) shall take place until representative samples of the existing mortars of the original listed building have been analysed. The mortars to be analysed shall be agreed with the Local Planning Authority prior to analysis. The subsequent mortar shall be based on the agreed representative sample and shall not be changed.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

### **Informative(s)**

1. Any additional plant or machinery (e.g. extractor flues) may need Listed Building Consent. You are advised to contact the Local Planning Authority for advice on this matter.
2. You are advised that the internal finishes, new partitions, doors, bars and counters are to be informed by the photographs of the original building when first completed.
3. The detail of the glazed curtain walling to the new hotel extension buildings that would be visible from north, south and east directions shall be designed to be minimalist, recessive and reflective in order to show the outline of the listed building.



Colin Haigh  
**Head of Planning**

## **Planning (Listed Buildings and Conservation Areas) Act 1990**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- If this is a decision on an application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- In all other cases, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

## **APPENDIX 3**



Town and Country Planning Act 1990  
**PLANNING DECISION NOTICE – REFUSAL**

**S6/2010/1206/MA**

**Erection of two buildings to accommodate 74 student units and commercial office floorspace with associated parking, access, refuse and cycle storage**

**at: 46 The Common HATFIELD**

**Agent Name And Address**

Mr Iain Taylor  
Village Homes (Southern) LLP  
6 Hatters Lane  
Croxley Green Business Park  
WATFORD  
WD18 8YH

**Applicant Name And Address**

Village Homes (Southern) LLP  
6 Hatters Lane  
Croxley Green Business Park  
WATFORD  
WD18 8YH

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 **REFUSE** the development proposed by you in your application received with sufficient particulars on 08/07/2010 and shown on the plan(s) accompanying such application.

The reason(s) for the Council's decision to refuse permission for the development is/are:-

1. The proposed development, by reason of the scale, intensity and concentration of the proposed occupation, and the likely resultant levels of activity, noise and disturbance would be detrimental to the character of the area and the amenities of neighbouring residential occupiers. It is considered that the Applicant has failed to demonstrate effective site management measures to ensure the amenities of the occupiers of neighbouring residential properties and the character of the area is not adversely effected. As such the proposal is considered contrary to PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG24 (Planning and Noise) and policies SD1 (Sustainable Development), D1 (Quality of Design), D2 (Character and Context), R17 (Noise and Vibration Pollution) of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005

2. The proposed design of development would, by virtue of its excessively high density, height, mass and bulk, unresolved and cramped site layout and inappropriate fenestration, represents an overdevelopment of the application site and incongruous design. Furthermore, it is considered that the development fails to respect and relate to the character and context of the area or the wider pattern of development to a point that it would be harmful character and appearance of the locality. The proposal would therefore be contrary to PPS1 (Delivering Sustainable Development), PPS3 (Housing),

## Continuation...

PPG24 (Planning and Noise) and policies SD1 (Sustainable Development), R19 (Noise and Vibration Pollution), D1 (Quality of Design), D2 (Character and Context), D3 (Continuity and Enclosure), D5 (Design for Movement) of the Welwyn Hatfield District Plan 2005, and the accompanying Supplementary Design Guidance of the Welwyn Hatfield Plan 2005.

3. The proposed development, by reason of the scale, bulk and mass of the proposed buildings would appear overly dominant to the occupiers of the adjacent residential properties on Stockbreach Road and above number 44 the Common. The proposed buildings would therefore appear prominent, obtrusive, overbearing, result in a loss of outlook and cause overshadowing of the adjacent neighbouring land. This impact would result in an adverse loss of residential amenity to the adjoining occupiers. As such the proposal is considered contrary to PPS1 (Delivering Sustainable Development), PPS3 (Housing), and policies SD1 (Sustainable Development), D1 (Quality of Design) of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005.

4. The application has failed to provide sufficient information demonstrating the future occupiers of the proposed units would be students of the University of Hertfordshire and therefore has failed to ensure that the sustainable aims of the travel plan and requirements of Hertfordshire Highways would be met. Consequently, the application does not demonstrate that in principle the proposed development would appropriately address a need for student accommodation and form a high standard of sustainable development. The proposal therefore fails to comply with the requirements of PPS1 (Delivering Sustainable Development), PPG13 (Transport), PPS3 (Housing) and policies SD1 (Towns and Specified Settlements) and GBSP2 (Towns and Specified Settlements) of the Welwyn Hatfield District Plan 2005.

5. The proposed development by reason of the north west facing windows to all storeys and proximity to the rear of number 2 The Common, would result in an unacceptable degree of overlooking and loss of privacy to the occupants of this adjacent dwelling. This impact would result in an adverse loss of residential amenity to the occupants of number 2 The Common, which would fail to meet the requirements of PPS1 (Delivering Sustainable Development), PPS3 (Housing), and policies SD1 (Sustainable Development) and D1 (Quality of Design) of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005.

6. The proposed parking bays numbered 1 to 10 (Drawing No. 09 0147 -1 received 8 July 2010) shown adjacent to the common boundary of number 2 Lemsford Road would, due to the lack of an appropriate buffer zone, result in an undue loss of residential amenity to occupiers of this neighbouring property from the noise and vibration associated with manoeuvring of vehicles. This fails to comply with the requirements of PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG24 (Planning and Noise) and policies SD1 (Sustainable Development) and R19 of the Welwyn Hatfield District Plan 2005.

7. The proposed development would not achieve appropriate internal living arrangements for the proposed units. By reason of the cramped conditions, lack of facilities, poorly designed, sited and orientated windows, the proposed units would have inappropriately low standards of residential amenity for the future residents, contrary to



## Continuation...

PPS1 (Delivering Sustainable Development), PPS3 (Housing), and policies SD1 (Sustainable Development) and D1 (Quality of Design) of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005.

8. The proposal layout would provide inadequate outside amenity space for future residents as it is not considered sufficiently functional or usable, by virtue of the limited size, inappropriate enclosure and privacy, proximity to windows, awkward layout and overshadowing from adjacent structures. The proposal is therefore contrary to PPS1 (Delivering Sustainable Development) and policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

9. The applicant has failed to show that the development could obtain 10% or any proportion of its energy requirement from renewable sources and has provided no justification to prove that the provision of energy is not practicable or viable. It is not considered acceptable to condition this requirement without evidence of the requirements feasibility the proposal has therefore failed to comply with PPS1 (Delivering Sustainable Development) and policies SD1 (Sustainable Development) and R3 of the Welwyn Hatfield District Plan 2005.

10. The proposed development has failed to provide sufficient information demonstrating that suitable provision for bin and recycling storage could be achieved. The proposed bin storage is inadequate and the layout of the site is too cramped to allow further bin and recycling storage outside of the areas remaining for amenity space and possible landscaping. Furthermore, it has not been demonstrated that the collection of waste and refuse could be carried out effectively and safely without resulting in noise and disturbance to the adjoining occupiers. The application has therefore failed to meet the requirements of PPS1 (Delivering Sustainable Development), Local Plan Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

11. 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 provides the necessary infrastructure, services and facilities which are directly related to the proposal and 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) relating to the payment of financial contributions required for sustainable transport measures. The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy IM2 and M4 of the Welwyn Hatfield District Plan 2005.

12. The applicant has failed to demonstrate that the proposed development would create a safe and secure environment for the future occupants. In particular, the site layout, building design, building layout and management of the site do not ensure natural surveillance and a sense of security. The proposal has therefore failed to meet the requirements of PPS1 (Delivering Sustainable Development), Local Plan Policies D1 and D7 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

## Continuation...

13. The proposed B1 use of the units fronting the Common is considered to be inappropriate and would not assist the provision of local shopping facilities. A B1 use would not assist the emphasis on retaining a majority of A1 uses within this area and consequently a B1 use would not add to the vitality and viability of the centre. The proposed B1 use to the units fronting the Common would therefore fail to meet the requirements of Policy TCR25 of the Welwyn Hatfield District Plan 2005.

Date: **07/10/2010**

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

Tracy Harvey  
Head of Development Control

## **APPENDIX 4**



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# Appeal Decision

Hearing opened on 18 January 2011

Site visit made on 19 January 2011

**by David Prentis BA BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2011**

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## **Appeal Ref: APP/C1950/A/10/2131919**

### **46 The Common, Hatfield, Hertfordshire AL10 0LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Village Homes (Southern) LLP against the decision of Welwyn Hatfield Borough Council.
  - The application Ref S6/2010/1206/MA, dated 28 May 2010, was refused by notice dated 7 October 2010.
  - The development proposed is the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace with associated parking, access, refuse and cycle storage.
  - The hearing sat for 2 days on 18 and 19 January 2011.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace with associated parking, access, refuse and cycle storage at 46 The Common, Hatfield, Hertfordshire AL10 0LU in accordance with the terms of the application, Ref S6/2010/1206/MA, dated 28 May 2010, subject to the conditions set out in the attached schedule.

### **Preliminary matters**

2. At the hearing the Council and the appellant agreed to the above description of the proposed development which clarifies the description given on the original application form. The application is in outline but access, appearance, layout and scale are to be determined at this stage with only landscaping to be reserved for subsequent consideration.
3. The appellant submitted a Unilateral Undertaking (UU) at the hearing. The UU provides for: (1) a financial contribution to sustainable transport measures; (2) a management scheme; (3) occupancy of the student accommodation to be restricted to students of the University of Hertfordshire; (4) a green travel plan; (5) a parking management plan; (6) highway works; and (7) fire hydrants. The Council confirmed that the sustainable transport contribution resolved the concern reflected in refusal reason No 11, which was no longer pursued. I am satisfied that items (1) to (5) are reasonable, necessary, directly related to the development and generally in accordance with Circular 05/2005 *Planning Obligations*. I shall therefore take them into account in reaching my decision. There was no evidence before the hearing of the need for items (6) or (7) so I shall not take them into account.

## Main issues

4. The main issues are:

- whether the proposals would provide satisfactory living conditions for future occupiers;
- whether the proposals would accord with the objectives of sustainable development;
- the effect of the proposals on the character and appearance of the area; and
- the effect of the proposals on the living conditions of nearby residents.

## Reasons

### *Background*

5. The site contains a former bingo hall and yard, now vacant, centrally located within a shopping parade on the edge of Hatfield town centre. On the opposite side of The Common is a large car park associated with a nearby Asda superstore. To the west of Lemsford Road there is a swimming pool, a public car park and a modern development of 3 and 4 storey flats. The back of the site adjoins the rear gardens of No 2 Lemsford Road and houses in Stockbreach Road.
6. Planning permission has been granted for the redevelopment of the site with 24 residential flats and Class A1/A2 units<sup>1</sup> (*the approved scheme*). This accommodation would be arranged in two blocks in the same general location as the proposed development. This permission remains extant and is a material consideration.
7. The appellant is seeking to provide privately owned and managed accommodation for students attending the University of Hertfordshire (UoH). The scheme would accommodate up to 119 students. UoH has around 18,500 students attending courses in Hatfield. Of these 3,700 live on campus and 3,800 live in other accommodation in the town, most of which is privately rented. The remainder live outside Hatfield. The buildings within the College Lane campus are typically around 1.5km from the site by foot or cycle. Those within the de Havilland campus are a little closer.

### *Living conditions of future occupiers*

8. The Council is concerned about the quality of the accommodation, in terms of room sizes, room layouts, outlook and natural light, and about the amount of communal space and outdoor amenity space. The Council does not rely on any planning guidance relating to design standards for student accommodation. There is a national scheme of accreditation aimed at maintaining high standards in the privately owned student accommodation sector. Whilst this does not contain space standards as such it does set out requirements for the equipment and facilities to be provided. The appellant stated that the appeal scheme is intended to meet the requirements for accreditation. The appellant also gave evidence that the proposed room sizes and communal facilities are comparable with schemes in university towns elsewhere in the UK. I see no reason to doubt that evidence. In addition, I take account of the furniture layouts included with the submitted plans which show how the units would function.

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<sup>1</sup> Ref S6/2008/2484/MA

9. A small number of rooms would have a restricted outlook due to the proximity of boundary fencing or adjoining buildings. However, each room would have a good sized full length window. In the more constrained locations these would be set at an angle which would make the best of the available outlook and natural light. I consider that these rooms would receive adequate daylight. Few windows would have a southerly aspect, a feature which would limit opportunities for getting direct sunlight into rooms. Even so, I am not aware of any policy requirement for all rooms to receive direct sunlight and I do not consider that this amounts to a compelling objection to the scheme.
10. The scheme would include a roof terrace which would provide an opportunity for residents to sit out in the open. The space around the building would be limited and would essentially be a visual amenity rather than space which is likely to be used for recreation. However, the Council's *Supplementary Design Guidance* does not contain any specific size requirement for amenity space. The appellant stated that experience elsewhere indicates that there is little demand for such space in developments of this nature. The site is in an accessible location, reasonably close to the facilities of the UoH campus. Future occupiers would also be able to use open spaces and other leisure facilities within Hatfield.
11. The Council is concerned about community safety. In general, the circulation space within the site would be overlooked from windows. The appellant stated that the points of access to the site would be gated. Further details of this could be covered by a condition. The entrance to Block A would pass a reception area and the site would be staffed. In addition, the UU would provide for the submission of a management scheme which would include measures to maintain security. I therefore consider that the scheme would provide a satisfactory level of community safety.
12. On the first main issue, I conclude that the scheme has been designed specifically for use as student accommodation and that it would be suitable for its intended purpose. The proposals would provide satisfactory living conditions for future occupiers and would accord with Welwyn Hatfield District Plan 2005 (DP) Policy D1, which seeks a high quality of design, and with Policy D7 which requires the design of new development to contribute to safer communities.

#### *Sustainable development*

13. UoH is not a party to the proposals. This is a matter of concern to the Council because UoH is the only higher education establishment in Hatfield and, if the student accommodation were predominantly used by students studying elsewhere, this may result in a high demand for travel. UoH has identified deficiencies in both the quantity and the quality of student accommodation in Hatfield and considers that there is a need for an additional 2000 units. However, UoH is not currently in a position to discuss individual schemes.
14. The Council did not dispute that there is a need but was not satisfied that the appeal scheme would necessarily contribute to meeting that need. I do not share that concern. I have commented above that the scheme is specifically designed as student accommodation. It is reasonably close to the UoH and is in a part of the town where many students already rent property in the private sector. Having regard to the scale of the need, it seems very likely that the proposed accommodation would be fully taken up by UoH students. In addition, the UU would limit occupation to students of UoH. The Council

expressed some doubts over the effectiveness of this obligation. However, the UU provides a mechanism by which the Council could monitor compliance and there is no reason to think that this would be ineffective.

15. There is a reasonably direct and attractive route for either walking or cycling to and from UoH. Whilst some occupiers might be deterred from walking by the distance, there are also bus stops relatively close to the site. The scheme would include parking space for 70 cycles and it would be appropriate to secure the provision and retention of this important facility by a condition. There would be a limited amount of car parking on site, in accordance with the Council's standards for this accessible town centre location. Having regard to all of these factors, I consider that the scheme would be well located, and appropriately designed, to support sustainable travel. The UU includes provision for a parking management plan and a green travel plan to be submitted to and approved by the Council. This would provide a framework for managing the development in a way which would promote sustainable travel choices.
16. The sustainable transport contribution has been calculated in accordance with the Highway Authority's published methodology. There are proposals for enhancing the safety and attractiveness of walking and cycling routes in the vicinity of the site and also for public transport enhancements. I consider that the contribution is necessary, in that it would help to mitigate the impacts of the scheme on travel and transport.
17. I turn now to the question of renewable energy. Policy ENG1 of the East of England Plan contains a requirement that 10% of the energy demand of larger developments, such as the appeal scheme, should be met from decentralised and renewable or low-carbon sources. At the hearing the appellant stated that this requirement could be met by the use of photovoltaic cells. I consider that this is a technology which would be well suited to the shallow pitched roofs of the appeal scheme. This is a matter which could be covered by a condition.
18. On the second issue, subject to the conditions and obligations referred to above, I consider that the proposals would accord with the objectives of sustainable development. They would be consistent with DP Policy SD1, which promotes the principles of sustainable development, and with Policy R3 which requires that development should incorporate the best practical environmental option for energy supply.

#### *Character and appearance*

19. The frontage to The Common would comprise a 3 storey building with commercial units at ground floor level. The design would maintain the scale and symmetry of the parade, creating a new focal point in the centre of the group to replace the former bingo hall. The 4 storey element of Block A would be set well back into the site. The 3 storey scale of Block B would provide an appropriate transition between the 4 storey block of Meridian House and the predominantly 2 storey housing to the north.
20. The appeal scheme would have an intensive urban character due to its relatively high site coverage and the limited space around the buildings. Much of the available space at ground level would be required for access and parking. However, there are other large buildings nearby, including Meridian House and the swimming pool. The houses in Stockbreach Road and Lemsford Road have long rear gardens which provide a break between the residential

character of the area to the north and the more varied and intensive character found along The Common and around the town centre generally. The appeal site, which contains the large and utilitarian bingo hall, falls clearly within the latter character area. Furthermore, the approved scheme has established the principle of a relatively intensive form of development on the site.

21. The elevations would be formed of a sequence of asymmetric projecting bays containing angled windows. These bays would have a vertical emphasis and would establish a strong architectural rhythm which would articulate the mass of the buildings. The plans indicate that there would be contrasting areas of brickwork and render finishes which would enliven the elevations. Further details of materials could be covered by a condition in order to ensure a satisfactory relationship with the site context. Variations in the level and pitch of the roofs would add visual interest to the skyline. The Council drew attention to areas of blank wall, particularly in relation to Block B. I consider that these areas would not be excessively wide and, seen as part of the scheme as a whole, would not appear out of proportion.
22. I have commented above that the space around the building would be limited and the Council was critical of this aspect of the scheme. Whilst landscaping is a reserved matter, I consider that the layout would provide scope for some planting which would enhance the appearance of the site and help to integrate the development with its surroundings.
23. The density of the development, expressed in terms of habitable rooms per hectare, would be high. However, there is no evidence that this concentration of occupiers would result in excessive noise or disturbance or other harm to the character of the area. The main pedestrian access would be from The Common, within an established shopping parade opposite the Asda car park. The additional movement of people to and from the site would, in the main, be experienced within a relatively busy part of the town centre.
24. My overall assessment is that the scale and layout of the scheme would be appropriate to this town centre location and would not be harmful to the character and appearance of the area. The proposals represent good design, in accordance with DP Policy D1. They would also accord with Policy D2 which states that development should respect and relate to the character and context of the surrounding area.

#### *Living conditions of nearby residents*

25. Block B would be close to the rear garden boundaries of houses in Stockbreach Road. As noted above, these properties have long rear gardens so the scheme would not result in an unduly enclosing effect, nor would it have a material effect on daylight. The building would result in overshadowing of parts of the gardens, particularly during the morning. However, the loss of sunlight would not be so significant as to be harmful to living conditions. Whilst Block B would have a significant visual impact, it would be seen in the context of Meridian House. Moreover, the Council has previously accepted 3 storey development in this part of the site in the context of the approved scheme.
26. There would be views from the side elevation of Block A towards the rear elevation of No 2 Lemsford Road. These views would be at an angle and the closest of the windows would be around 25m away. This would be sufficient separation to avoid a harmful loss of privacy. I have taken account of the height of Block A in relation to the residential accommodation above No 44 The



Common. I consider that Block A would be sufficiently set in from the boundary to avoid an unduly overbearing effect.

27. The Council was concerned about noise and disturbance, in particular from the proposed parking bays adjacent to No 2 and from a roof terrace on Block A. There is already a rear access to commercial properties at The Common close to the side boundary of No 2. If the former bingo hall were brought back into use then it is likely that the yard would be used for parking. The approved scheme would also have parking in this area, albeit with slightly greater scope for planting. Subject to appropriate boundary treatment, which could be secured by a condition, I do not consider that the appeal proposals would result in a materially greater impact on No 2 than would the approved scheme. The management scheme, to be submitted pursuant to the UU, would address the control of potential noise from communal areas including the roof terrace.
28. I conclude that the proposals would not result in material harm to the living conditions of nearby residents. I have not identified any conflict with DP Policy D1 or with Policy R19 which calls for an adequate level of protection against noise.

#### *Other material considerations*

29. The Council argued that the scheme conflicts with DP Policy TCR25. However, that policy seeks to restrict changes from Class A1 to other uses. It is not applicable to the appeal proposals which would involve a change from a redundant Class D1 use. Bringing the frontage of the site back into use for purposes within Classes A1, A2 or B1 would contribute to the vitality of the shopping parade.
30. The appellant accepted that the refuse storage space shown on the plans would need to be enlarged in accordance with the Council's requirements. This is a matter which could be controlled by a condition.

#### *Conclusion*

31. Subject to the terms of the UU and the conditions I have referred to, I have not identified any material harm in relation to the four main issues. I have considered all other matters raised but find nothing to alter my conclusions on the main issues. For the reasons given above, the appeal should be allowed.

#### *Conditions*

32. The Council has suggested conditions which I have considered in the light of Circular 11/95 *The use of conditions in planning permissions*. In some cases I have combined conditions or adjusted detailed wording to reflect that advice. I have referred above to the need for conditions relating to gates, cycle storage, renewable energy, facing materials, boundary treatment adjacent to No 2 Lemsford Road and refuse storage. In addition, a condition requiring development to be in accordance with the approved plans should be imposed to reflect the advice in *Greater Flexibility for Planning Permissions*. Details of all means of enclosure, hard surfacing materials, external lighting and levels should be submitted in the interests of the character and appearance of the area. A condition is needed to protect the archaeological potential of the site and a condition regarding land contamination is needed to protect groundwater sources. The proposed access, turning area and car parking should be provided in accordance with the plans to ensure satisfactory arrangements for vehicular servicing and off-street parking.

33. Suggested conditions relating to the occupancy of the student accommodation, crime prevention, site management, parking management and a green travel plan are not needed because these matters would be covered by the UU. A construction waste condition would duplicate other legislation. There is no evidence of the need for a condition relating to the control of cooking odours.

*David Prentis*

Inspector

### **Schedule of conditions**

- 1) Details of the landscaping of the site (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 09/0147 - 1, 2, 3, 4 and 5 and DWG 1 (cycle rack detail sheet) except insofar as the details shown on those plans may be varied by the requirements of condition 11.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until full details of the following items have been submitted to and approved in writing by the local planning authority:
  - a) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) Gates
  - d) External lighting
  - e) Existing and proposed levels, including finished floor levels of buildings and levels of parking areas, access roads and footpaths

These works shall be carried out as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

- 7) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: *Planning and Climate Change* (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 9) If, during construction, contamination is found to be present at the site then no further development shall be carried out, unless otherwise

agreed in writing by the local planning authority, until a remediation strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved remediation strategy.

- 10) Prior to the occupation of any part of the development the following items shall be completed in accordance with the details shown on approved drawing 09/0147 – 1 and (in the case of the cycle parking) DWG 1 (cycle rack detail sheet): (a) the new access to Lemsford Road; (b) the car parking spaces; (c) the vehicular turning area and (d) the facilities for cycle storage. Thereafter, these items shall be permanently retained as approved and kept available for the purposes shown on the said plan.
- 11) Notwithstanding the information shown on the submitted plans and the requirements of condition 4, no development shall take place until details of facilities for the storage of refuse and recycling materials have been submitted to and approved in writing by the local planning authority. The said storage facilities shall be provided as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

## APPEARANCES

### FOR THE APPELLANT:

Iain Taylor	Village Homes (Southern) LLP
Mervyn Graver	Village Homes (Southern) LLP
Warren Rosenberg	Village Homes (Southern) LLP
Keith White	CRM Limited

### FOR THE LOCAL PLANNING AUTHORITY:

Damian Manhertz	Senior Planning Officer, Welwyn Hatfield Borough Council
Miriam Hill	Tree Officer, Welwyn Hatfield Borough Council
Lindsey Lucas	Development Control Engineer, Hertfordshire County Council

## DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appendix A to the Council's Car Parking Standards
- 2 The Council's notification of the hearing
- 3 Email from Mr Taylor dated 30 September 2010
- 4 Appeal decision ref APP/X5210/A/10/2127151
- 5 Unilateral Undertaking dated 19 January 2011
- 6 Extract from *A Guide to Better Practice* which accompanied Planning Policy Guidance Note 13 *Transport*

## APPENDIX 5

## Jack Appleton

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**Subject:** FW: Hatfield, The Comet, S/15/1997/MAJ and 1998?LB

**From:** June Pagdin [<mailto:j.pagdin@welhat.gov.uk>]  
**Sent:** 16 November 2015 12:57  
**To:** Catherine Norris  
**Subject:** FW: Hatfield, The Comet, S/15/1997/MAJ and 1998?LB

Dear Catherine,  
Please find attached the Conservation Officer's comments for consideration.

Regards

June Pagdin  
Senior Development Management  
Welwyn Hatfield Borough Council

---

**From:** Andrew Robley  
**Sent:** 13 November 2015 15:14  
**To:** June Pagdin  
**Subject:** Hatfield, The Comet, S/15/1997/MAJ and 1998?LB

Dear June,

I apologise for the lateness of my response. The pre-app period was so long and I sent a response on that and modified it to take account of amendments and I must have therefore thought I had done it.

### **The Site**

I would normally spend some time on site analysis but we have looked at this already and I propose to comment only on where I disagree with the applicant, as expressed in the Heritage Statement.

I would agree that the building was designed to make a striking landmark impression on the Great North Road out of and into London and also (possibly incidentally) served to emphasise the importance of the DeHavilland Aircraft factory whose importance was much associated with the original "Comet" racer but also later perhaps more famously with the Mosquito fighter bomber of WWII and the world's first jet passenger plane also named "The Comet"

I would agree with the historical setting but also add the remaining aircraft factory buildings which line the west side of the Great North Road to the North as of a similar era ( at least in design terms). What is certain is that the building whilst separately expressed was part of a group of modernist buildings from the mid C20th but now remains a rather isolated one and a rare and significant example of its type.

I would agree that the setting has been eroded by the traffic paraphernalia and that the present hotel extension buildings have also eroded it but would emphasise that this is mainly from views to the N, NW and to a lesser extent to the NE, where the low height of the new hotel block ( no higher than the listed building) mitigates the harm to some extent.

### **The Proposals**

In fundamental terms, The new proposals tend to harm the setting more from the NW, N and NE, aspects because the height of both the hotel extension ( 3 storeys) , the NW wing of the student block ( 4 storeys) , tend to reduce the pre-eminence of the listed building, which was an important component of the original design intention of the Architect of the LB. Furthermore, from the E and SE, the setting would be similarly more compromised by the SE block of student housing.

Whilst the western half of the site is at present screened by landscaping, which screens views of the student blocks from the NW, SW and S, there is concern that the views supplied, show the likely appearance in Summer and rely on the future retention of the trees, some of which are not in the site ownership. Indeed the NE view also indicates trees which are not planted. Serving to conceal the 5 storey SE block.

To some extent the harm to the NW, N and NE aspect is mitigated by the plain glass façade of the proposed hotel block . However, it is considered that the overall heights of all the new buildings except for the small hotel link would balance towards overall harm.

With regard to the listed building itself, there is some disagreement over significance, in that given the relative rarity of modernist/art deco buildings nationally, there should be a very high significance category that would include the staircases. High Significance would include the external façade and original windows and doors, the original parts of the layout and structure/fabric which contains it, medium significance would then include the rest of the interior which is not in original layout and low would include the later infill and those of the modern fixtures and fittings that are in keeping. None- the modern extensions, modern ceilings, doors, fixtures and fittings that detract.

The proposed alterations to the listed building are considered to be not harmful to the character of the building although loss of the inner wall of the high significance the 1<sup>st</sup> floor sitting room is considered harmful even though it is not the original wall shown on an early photograph because it is a significant part of the plan and important in understanding the hierarchical functioning of the building.

Several proposals are considered beneficial to the character of the building and these would include- restoration of the former pylon; removal of the modern infill to the space between the front block of the building and the rear service part and replacement with a set back glazed reception behind re-instated screen walls.

**Conclusion: Notwithstanding the largely acceptable conversion of the listed building and the enhancements thereto, the setting of the building would be harmed by the proposed extensions to it and the proposed new student housing blocks, which are all higher than the listed building, some markedly so, which would challenge the pre-eminence of the landmark listed building, all as advised throughout the pre-application process. The proposals would be contrary to the NPPF 2012 , paras 7, 8, 9 , 131, 132, 134, NPPG 2014, Historic England- "Conservation Principles" and Historic Environment Good Practice Advice in Planning Notes 2 and 3, Local Plan R25, D1 and D2, SPG Design Guidance, Emerging Core Strategy CS11. (It is not considered that Local Plan Policy R27 is relevant in this case as the principal building is not to be demolished.)**

**NB the actual difference in height between the LB and the hotel extension is approximately 2.4 metres and not 1.9 metres as suggested in the application.**

Regards,

Andrew

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## APPENDIX 6

# MINUTES OF MEETING

**SUBJECT:** Comet Hotel, Hatfield: Post Committee Decision Meeting

**VENUE:** Welwyn Hatfield Borough Council Offices

**DATE:** 17 February 2016

**PRESENT:** Colin Haigh (WHBC Head of Planning) – CH; Lisa Hughes (WHBC Development Services Manager) – LH; Mervyn Graver (Fusion Students) – MG; Nicola Buckley (C&W Architects) – NB; Spencer John (C&W Architects) – SJ; Catherine Norris (Alder King Planning) – CN; Alan Pearce (Alder King Planning) - AP



Item	Minute	Action
<b>1.</b>	<b>Introduction and Scope of Meeting / Applicant's Response to Decision</b>	
1.1	Introductions were made and CH suggested the applicant set out reasons and scope of meeting given the request for the meeting had been made by AK.	
1.2	CN / AP referred CH to the letter dated 8 February 2016 which set out the applicant's serious concerns and position about how the item was presented at Committee and how the case officer was not supported on the night by senior officers to clarify the details of the scheme to members. After such a long process of working together via the PPA with the case officer this was disappointing and did not truly reflect the scheme proposed. MG was disappointed with the lack of clarity in the presentation and the CGIs were not used, which were designed to present the scheme accurately to Members.	
1.3	Opportunities were missed to guide members to the facts of the scheme e.g. no overlooking to rear due to design and opaque windows, clarification on height of proposals and inaccurate accusations about the reliability of the applicant to undertake the works to the listed building. <u>(CH: I do not think cllrs would regard no overlooking as a fact – they consider the proposal would create a feeling of overlooking).</u> MG explained that this matter was being followed up via Fusion Students solicitor and would be directed to Cllr Juggins. AP considered that these allegations were unreasonable and influenced the Committee in coming to their decision.	
1.4	AP asked whether any member briefings had taken place in advance and whether officers were informed of the likely decision at this time and whether WHBC officer recommendations were often overturned. CH explained that briefings were with the planning portfolio holder, Chairman and Vice	

Item	Minute	Action
	Chairman. LH and CH confirmed that officer recommendations were not often overturned – <u>only twice probably a few times</u> in the last year.	
1.5	AP enquired whether WHBC have an appeal team established. CH confirmed they did not and they would decide whether to resource it internally with a different officer or appoint a consultant. This could take some time to mobilise. It will depend on the procedure. MG and AP felt a hearing would be most likely.	
1.6	MG explained that from a Fusion perspective the hotel element may not be fundable on a brownfield site if massing is reduced to meet concerns of members. If this element were changed to a serviced accommodation / aparthotel (still falling within Use Class C1) this may provide the required flexibility on funding to allow a reduction in massing which could address the concerns of the Committee. There is demand for this type of accommodation locally and it would be more fundable. The student element would reduce and the rooms for the aparthotel would be larger to suit the longer lease and therefore reduce in number. By retaining parking numbers at the same level this would provide an improved ratio given the reduction in floorspace/rooms.	
1.7	CH and LH considered this could help meet the concerns of members and was a positive step forward. AP and CN confirmed the chair had identified parking as a reason for refusal but all agreed that politically in respect of residents this may help.	
1.8	AP considered that the scope of the revised scheme should constitute a free go given the same use classes are involved and the nature of the scheme is similar and any design changes are directly seeking to address the reasons for refusal. LH thought this should be possible, depending on the nature and scale of changes.	
1.9	CN enquired whether CH had gone back to members post Committee to understand their objections. CH said they normally deal with that on the night. AP queried whether members would be minded to approve such as revised scheme given it could address the previous reasons and CH indicated that he couldn't confirm either way but changes should help.	
<b>2.</b>	<b>Reasons for Refusal</b>	

Item	Minute	Action
2.1	AP considered it was sensible to explore the reasons for refusal so the design team fully appreciated the LPA's stance on key matters which will influence the redesign. This would help in the design process but also inform the Statement of Common Ground.	
2.2	Reason for Refusal 1 – AP enquired whether WHBC would be defending a claim of “substantial harm” and clarification on what parts of S12 of the NPPF applied to the refusal? AP explained this is a very different test to the less than substantial test and both the case officer and LPA heritage officer considered the impact to be less than substantial? AP felt that there was no way that the proposals caused substantial harm and welcomed the LPA thoughts on how they would defend this and perhaps an agreement can be made in common ground to demonstrate reasonableness.	<b>CH/LH</b>
2.3	CH explained he thought members felt that the harm was more than less than substantial so they increased the harm in their determination of the proposal. AP welcomed an officer view on this and CH/LH agreed to come back to us once they had reviewed the Committee Report and Decision Notice. <u>CH has subsequently met with the cllrs who proposed and seconded the refusal, and they consider that the proposal would have a dramatic and out-of-proportion effect on the Grade II listed hotel.</u>	<b>CH/LH</b>
2.4	AP reiterated that the client team (including the client's heritage officer) felt there would be a heritage gain through the retention and refurbishment works and any perceived minimal harm to the setting of the listed building by new buildings is tempered by the existing situation and in fact enhanced through setting improvements. When public benefits are weighted into the assessment these provide a positive result in the heritage test.	
2.5	Reasons for Refusal 2 – AP queried what the impacts were from an LPA perspective. CH considered members felt the proposals represented over dominant development for this part of Hatfield. AP queried what CH felt the character of the area was? It was agreed that the character was mixed – CH felt the issue was related to the residential properties at the rear. NB considered the design solution bridged the gap between the lower residential properties at the rear and the larger commercial buildings to the front of the	

Item	Minute	Action
	site. It was considered the site was a gateway and transitional area.	
2.6	<p>AP asked why overlooking was identified within the reason for refusal? It was stated in the submitted information that windows were angled to avoid direct overlooking and the windows would not be clear resulting in no overlooking to residential properties. CN/NB asked why this wasn't pointed out to members on the night by officers as there appeared to be a lack of understanding of the scheme? CH considered members felt that there would be perceived overlooking based on proximity. AP queried whether WHBC would seek to defend this "perceived overlooking" point at appeal as he considered this to be unreasonable. CH / LH agreed to consider this. <u>CH has subsequently met with the cllrs who proposed and seconded the refusal, and they consider that the mass and bulk of the proposal would create a feeling of overlooking. Concerns about the domination of surrounding residential properties were highlighted at the Development Consultation Forum in September 2015.</u></p>	CH/LH
2.7	<p>CN felt the scheme accorded with the design policies in the Adopted Plan generally and there was no specific guidance on distances re: overbearing tests. CH confirmed that WHBC did not have a specific policy. CN confirmed that, in order to address this issue, the applicant team and case officer reviewed the proposal against the design policies of neighbouring authorities to assist in their determination of the proposals.</p>	
2.8	<p>Refusal reason 3 refers to layout of the student block in terms of amenity. Clarification was sought whether this was internal or external amenity. CH felt that members were referring to external courtyard spaces principally. The team felt that this scheme delivered more than other schemes in terms of amenity space both internally and externally. AP felt the Fusion product was superior to most other providers and it was in their interest to not only make the product attractive for students to encourage them to rent but also important for long term. MG explained that Fusion look at the long term as they hold their assets. <u>CH has subsequently met with the cllrs who proposed and seconded the refusal, who have confirmed that their concerns were with external amenity space.</u></p>	
2.9	AP suggested that Alder King would draft a Statement of Common Ground in	AP/CN

Item	Minute	Action
	draft for discussion with the LPA to help crystalise the main issues. This would be sent over to WHBC for confirmation.	
<b>3.</b>	<b>Timelines and Process</b>	
3.1	MG explained that it was critical that timelines were met as the student development must be ready before the start of term in September. The previous PPA did not assist with this. Fusion have to give 6 months notice to Ramada and would like the planning process is dealt with promptly. It will be 2018 before this development can now open.	
3.2	AP queried how quickly WHBC could consider a pre-application submission and the Statement of Common Ground. MG welcomed clarification that the scheme could be fast tracked and dealt with within 5-6 months to allow time for discharge of conditions post planning permission. CH confirmed he would review with officers but couldn't commit to meeting these timelines now.	
3.2	CN queried what consultation would be expected for the revised scheme. For example, the town council objected but never engaged with the process of consultation and did not attend the events. CH felt it would be sensible to see the Town Council and liaise with residents again as it could be a positive story to seek their agreement. It was agreed Fusion would write to residents at the appropriate time and seek comments.	<b>AP/CN/MG</b>
3.3	MG confirmed that Fusion would expect that the scheme is at least presented by a senior officer this time. There is no criticism of how the case officer dealt with the application and the report was positive but the presentation at Committee and support was not acceptable from an applicant's persepective and this needs to be rectified when an alternative scheme is submitted. CH / LH understood this request.	
3.4	AP clarified that members were comfortable with the listed building consent works as they approved this and these works included a reference to all works proposed on site and considered impact on setting. CH confirmed that members were ok with the listed building consent.	
<b>4.</b>	<b>Conclusions and Actions</b>	
4.1	CH/LH felt that the type of changes proposed would be an improvement from a member persepective and so welcomed this approach.	

Item	Minute	Action
4.2	It was agreed that AK would draft a SCG to pin point the issues pertinent to working up a revised scheme and also informing the appeal process.	AK
4.3	CH / LH agreed to consider the points made in CN's letter and made in the meeting and respond to clarify the reasons for refusal that would be defended at appeal i.e. level of heritage harm and overlooking points. CH to also define how any new application process and appeal would be resourced and confirm application would be a free go. <u>CH can only confirm that a new application will be a free go if it is sufficiently comparable to the refused scheme.</u>	CH / LH
4.3	C&W would work up revised options for discussion at a future pre-application meeting along the lines discussed.	C&W
4.4	A programme for consultation would be established and a new PPA prepared to ensure timelines can be met.	AK / WHBC

## **APPENDIX 7**



## **Appendix 7 – Heritage Benefits**

<b>Proposed item</b>	<b>Level of benefit</b>
Removal of existing poor quality hotel extension from rear of existing building	HIGH BENEFICIAL
Removal of lobby extension to reinstate original courtyard and screen wall	HIGH BENEFICIAL
Reinstatement of lantern on listed building	HIGH BENEFICIAL
Repair and reinstatement of previous brickwork alterations/pointing	MODERATE BENEFICIAL
Re-configuration of parking area to increase landscaping	HIGH BENEFICIAL
Formation of outdoor landscaped area to connect hotel to Comet sign	MODERATE BENEFICIAL
Reinstatement of former public bar and lounge bar plan-form	MODERATE BENEFICIAL
Reinstatement of planting in former troughs on building elevations	MODERATE BENEFICIAL
Formation of detached hotel extension, designed to increase the identity of the listed building in its altered townscape	MODERATE BENEFICIAL
Enhancement of the viable use of the listed building and its upper floor	MODERATE BENEFICIAL
Enhancing the setting of the listed building by providing a new high quality buildings with a sensitive pallet of materials to create a silhouette of the building	MODERATE BENEFICIAL

## **APPENDIX 8**

## **Appendix 8 – Other Public Benefits**

<b>Proposed item</b>	<b>Level of benefit</b>
Improvement of a key gateway site to Hatfield	HIGH BENEFICIAL
Securing an appropriate quantum of development to create a viable future for the hotel	HIGH BENEFICIAL
Meeting the need for new purpose-built students accommodation in Hatfield,	HIGH BENEFICIAL
Striking a balance between on-campus and off-campus student accommodation, to provide choice for students and more sustainable development patterns	HIGH BENEFICIAL
Relieving pressures in the private rented market by providing managed student development	HIGH BENEFICIAL
Making effective use of brownfield land	MODERATE BENEFICIAL
Delivering 361 student units / 288 student apartments	MODERATE BENEFICIAL
The site wide landscape strategy seeks to enhance the setting for the Grade II listed hotel and the appearance and perception of the site in general	MODERATE BENEFICIAL
Having regard to residential amenity by creating an inward facing development with a clear degree of separation from neighboring uses (26m) as well as oblique non-opening windows along residential boundaries	MODERATE BENEFICIAL
Promoting sustainable transport options, underpinned by s106 and conditions to manage any potential transport impacts	MODERATE BENEFICIAL
Making renewable and low carbon design integral to the development	MODERATE BENEFICIAL

## APPENDIX 9

## **Appendix 9 – Principle of Development**

The following exempt is taken from the Committee Report:

### **1. Principle of Proposed uses Hotel and Student Accommodation**

- 11.2 The Hotel on the site (Use class C1) is well-established and has been operating since the building was built in the mid 1930's. Several extensions have been made over the years and it now has 128 bedrooms. The hotel provides accommodation in support of the local economy, including the University and at weekends provides a leisure and function facility. Recent hotel developments have taken place to the north of the application site along Comet Way.
- 11.3 Policy CLT6 of the Welwyn Hatfield District Plan 2005 supports hotel accommodation within the District. Preferred hotel locations include town centres and edge of centre locations or areas with high accessibility by public transport (subject to provisions over impact). The application site is within the town of Hatfield close to the Galleria, University of Hertfordshire and the Business Park on Salisbury Square. It is well served by buses, by pedestrian links across the roads outside the site and a network of cycle routes is being developed in the area. The principle of continued hotel use on the site is, therefore, acceptable subject to the criteria over impact. These are three fold: no harmful impact on nearby residential properties, in keeping with the scale and character of the surrounding area and easily accessible by non-car modes of transport. These aspects are dealt with below in this report.
- 11.4 The proposal would reduce the number of hotel bedrooms from 128 to 99 but improve and update the accommodation provided, while reducing the footprint of the hotel building. In particular, the listed building would be refurbished as part of the overall scheme. A slight reduction in the number of bedrooms provided on the site (from 128 to 99) would not be contrary to Saved Policy CLT6 of the District Plan.
- 11.5 With regard to the proposed student accommodation, the University of Hertfordshire is located within Hatfield Town on two campuses; De Havilland and College Lane, and has in the region of 21,000 students. In addition, the Royal Veterinary College is located to the south of Hatfield. These two colleges create a demand for student accommodation, some of which is provided within the college campuses and some in the private rented sector within the Borough in lodgings and Houses in Multiple Occupation.
- 11.6 The University of Hertfordshire is in the process of increasing the amount of on-campus accommodation at College Lane (by 1,500 bedspaces), particularly for first year students. Planning permission has been granted and construction has commenced. On-campus accommodation will total 4,600 bedspaces (1,600 on De Havilland and 3,000 College Lane) when they are complete. This provision may ease pressures on the private rented sector.
- 11.7 The University's Vision 2020 was reported to the Planning Committee in April 2012 and approved as a material consideration to be taken into account in the determination of future planning applications. At that time it was considered that the provision of purpose-designed student accommodation would have the potential of 'releasing' a number of converted HMO's (Class C4) back to residential dwellings (C3). The University's International Student Support accommodation scheme includes HMO's in the vicinity of the University. In June 2011 there were 1,437 households occupied by students (student exemption from Council Tax) which accounted for approximately 10% of the housing stock in Hatfield Town (the national average is 2%). The University's new build programme of 1,500 additional bed-spaces was estimated

to potentially release 300 properties back to residential dwellings (Class C3). This would still leave over 1,100 student-occupied HMO's in Hatfield with distinct concentrations around the University campuses.

- 11.8 The number of all-student HMO's in Hatfield fell to 1,348 in May 2015 (Draft Annual Monitoring Review 2014/15). This may be due to a reduction in full-time students (who are likely to require housing locally) at the University of Hertfordshire as well as completion of the first phase of new student accommodation (an equivalent to around 37 houses (net)).
- 11.9 The current application involves provision of accommodation similar to that being provided on-campus by the University and at comparable prices. The application site is on the south side of St Albans Road West, opposite the De Havilland Campus of the University of Hertfordshire. The proposal is to provide accommodation for around 361 students, principally for overseas and postgraduate students. On the basis of 5 students occupying the average property, the implementation of the proposed development could potentially release a further 72 properties back to residential (C3) use.
- 11.10 The planning system is not able to consider competition between providers as a material consideration, although wider issues around the levels of demand and supply can be considered. The local situation in Hatfield, as summarised in the above paragraphs, is that there is likely to remain a demand for accommodation in the private rented sector of in the region of 6,000 bed-spaces. The proposed provision of 361 spaces is not likely to result in an oversupply of student accommodation in the area. In addition it could release around 70 family-sized dwellings back into the general housing stock.
- 11.11 The principle of development is in accordance with Policy GBSP2 of the Welwyn Hatfield District Plan 2005, which seeks to concentrate new development within towns and specified settlements. The Council has supported on-campus provisions but recognises the need to strike a balance between on-campus and private rented sector provisions. The range of off-campus provisions for students living independently away from home has been limited to lodgings, HMO's and one purpose built hall of residence (74 units) at 46 The Common (Curzon Point). The current proposal would provide a form of student accommodation similar to campus living and close to the University campuses, that is purpose-built and separate from the general housing stock.
- 11.12 Proposals for more general needs housing (either as flats or bedsits within Class C3 or an Hostel/HMO in Class C4) are subject to other Policies in the District Plan, which would include a requirement for provision of affordable housing (Policy H7) and facilities appropriate for longer term accommodation provisions. This site has not been identified as a potential housing site in the Borough Council's housing need assessments. General-needs housing is unlikely to be suitable in the proposed site layout. Should planning permission be granted, conditions shall be imposed restricting the use of the student accommodation to that use only and preventing change of use to C3, hostel or HMO uses without the need for planning approval.
- 11.13 The principle of the proposal for student housing is not considered to be contrary to the Policies of the District Plan, provided mechanisms are in place to retain the accommodation for students within Class C2 or as Sui Generis and subject to satisfying the other policies of the Local Plan.

Reply To: address as below  
Our Ref:  
Direct Tel: 01707 357211  
Fax: 01707 357255  
Email: [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk)

Ms Catherine Norris,  
Alder King Planning Consultants,

30 June 2015

Dear Ms Norris

**ADDRESS: Ramada (Comet) Hotel, 301 St Albans Road West, Hatfield, AL10 9RH**  
**RE: Pre-Application Discussion and documents June 2015, extension to hotel and construction of student accommodation**

I write, following our meeting of 19<sup>th</sup> June and the minutes sent by yourself and received by us on 25<sup>th</sup> June 2015, with regard to your pre-application proposals for the above site. Please find enclosed an amended Planning Performance Agreement, which we are now ready to sign and have sealed.

Our comments on the indicative scheme presented at the meeting as Option 3 are set out below but are informal and are made without the benefit of a site visit. They are also made pending a detailed assessment of the Grade 2 Listed Building.

Policies set out in National Planning Policy Framework (NPPF 2012) seek retention and enhancement of heritage assets. Great weight is given to the conservation of heritage assets and their significance can be harmed by alterations both to the asset and to its setting. The criteria which need to be satisfied by any development proposals for alteration or extension of a listed building include respecting the character, appearance and setting of the building (in terms of design, scale and materials), retention of architectural and historic features and retaining the building's historic form and integrity.

I note the progress that has been made in understanding the fabric and form of the original building and confirm that a full heritage assessment will be required and that this should inform the development of firmer proposals for the building and its setting. A heritage assessment would also be required as part of an application for Listed building Consent, which should be submitted to run concurrently with any planning application.

My initial comments regarding the listed building are that any proposal should enhance and better reveal the significance of the asset by reflecting/replicating the earlier features (for example the glass tower and the porte-cochere), securing a suitable use and appropriate treatment of its setting. With regard to the setting, the Conservation Officer has expressed a strong preference for the silhouette of the existing building to be maintained and better revealed by development on the site. He feels that any new building behind should be lower than those suggested so far and that the treatment should be much simpler with a more horizontal rather than a vertical emphasis. There may be a role for glazing on the front of such a building if it enables the silhouette of the listed building to be enhanced, something that a deep overhang at eaves level may obscure. The original use of the building as a road house (restaurant and hotel) is preferred and it is considered that any hotel function on the site should be clearly linked to the listed building. This is also key in making the site legible to future users.

The treatment of the forecourt will inevitably be an important aspect of the setting of the listed building. The site is currently open to the highway frontages and there is a certain amount of street furniture on the adjacent highway land. There is plenty of opportunity to enhance the forecourt area and to improve views into the site. A landscaping plan for hard and soft landscape elements would be expected to accompany a planning application.

#### Principle of the Proposed use

Regarding the student accommodation considerations include the principle of the proposed use. The University of Hertfordshire and the Royal Veterinary College both have students who require accommodation. Some accommodation is provided on campus and some in the private rented sector in the towns within the Borough. The University of Hertfordshire is increasing the amount of on-campus accommodation which may ease pressures on the private rented sector. However, there is likely to remain a demand for suitable accommodation in the private rented sector.

The pre-application site is on the south side of St Albans Road, opposite the De Havilland Campus of the University of Hertfordshire. The proposal is to provide accommodation for up to 400 students, principally for overseas and postgraduate students.

The site is within the town of Hatfield. **The principle of development is in accordance with Policy GBSP2 of the Welwyn Hatfield District Plan 2005, which seeks to concentrate new development within towns and specified settlements. The Council has supported on-campus provisions but recognises the need to strike a balance between on-campus and private rented sector provisions.** The indicative layouts shown in the submitted document show bedsit and studio accommodation with shared kitchens. The proposal would not be contrary to the Policies of the District Plan provided mechanisms are in place to retain the accommodation for students within Class C2 and subject to satisfying the other policies of the Local Plan. Proposals for more general needs housing either as flats or bedsits within Class C3 or an Hostel/HMO in Class C4 are considered in terms of the other Policies in the District Plan, which would include a requirement for provision of affordable housing (Policy H7) and are unlikely to be suitable uses in for the proposed site configuration.

At this stage in the pre-application process I am not proposing to make detailed comments as the assessment of the heritage assets on the site may necessitate alterations to the overall scheme. However, I will make general response to the design concepts, scale and bulk of the proposals and the constraints of the site. I will also flag up other relevant planning issues, although these are already highlighted in the Pre-application Performance Agreement.

#### Design

The Policies of the NPPF and the Welwyn Hatfield District Plan 2005 attaches great importance to high quality and inclusive design as a key aspect of sustainable development which should contribute to making places better for people. Paragraphs 61 and 64 of the NPPF require design to address the integration of new development into the natural, built and historic environment and to improve the character and quality of an area and the way it functions.

The existing hotel accommodation on the site is two-storey as is the listed building. The proposed development in Option 3 is shown as considerably higher density and higher rise; three, four and five storeys. The site and existing street frontages to St Albans Road and Comet Way are screened by mature deciduous trees so that the centre and rear part of the site has a leafy character. I have concerns about the following aspects of the design:

- The four storey block on the St Albans Road frontage would be deep and very close to the site boundary with a resulting bulk inappropriate to the scale of the existing building on the site and on adjacent sites. Its positioning would be likely to result in the loss of mature screening provided by existing trees and shrubs. The result would be an unduly prominent and bulky element in the street-scene. The height of the building on the site should be stepped away from this frontage.
- Similarly the five storey block on the Comet Way side of the site is considerably higher than the existing buildings and should be reduced. The positioning of the block should not result in a significant loss of screening. The two mature willow trees will need to be properly assessed as they make a considerable contribution to the street-scene at present. Efforts should be made to retain these.



- I am pleased to see the block parallel to the rear boundary of the site moved further from that boundary. This should reduce the visual impact on residential dwellings behind. I would reserve my position on whether the distance is sufficient as I have not had the benefit of a site visit. I would expect the trees along that boundary to be retained and enhanced to achieve a full screening of the bulk of the building and to provide privacy of the rear amenity areas and windows in the elevations of the houses in Ashby Close and Selwyn Crescent.
- The introduction of open courtyard spaces for amenity areas is welcomed.
- Parking provision for the hotel and the student accommodation should be kept clearly separate as in the layout for Option 3. Reduced parking provision for student accommodation may be acceptable subject to adequate levels of disabled parking provision and a Green travel Plan. It is probable that the County Council will require contributions to sustainable transport via a S106 agreement.

### Other Planning and Relevant Considerations

These include:

- Access and servicing
- Amenity space – on site provisions
- Landscaping – retention and enhancement
- Biodiversity
- Archaeology
- Noise
- Land Contamination
- Waste and Recycling –storage and collection
- Energy
- Flood Risk and Drainage

Please refer to Schedule 2 of the Planning Performance Agreement, which sets out the information that the Council shall require to be submitted with a planning application.

### Energy

You have enquired about the Council's requirements with regard to energy efficiency. The relevant saved policies of the Welwyn Hatfield District Plan 2005 are R3 (Energy Efficiency) and R4 (Renewable Energy Sources). The Council will seek to encourage good practice with regard to energy efficiency and will expect developments to include measures to maximise energy conservation in the design of buildings, site layout and provision of landscaping. The Council will also expect developments to incorporate the best practical option for energy supply and to make use of passive solar gain in the design and layout of the site. The incorporation of renewable energy sources will also be encouraged subject to considerations of visual impact, atmospheric pollution and noise. The suggested method of using Combined Heat and Power on the site would be acceptable subject to the above provisos.

### S106

Further to Policy IM2 of the Welwyn Hatfield District Plan 2005 the Council will seek planning obligations from developments where they would place additional demand on local social and environmental infrastructure. These can be provided directly on the development site or off-site by means of a financial payment to the local authority. As mentioned above the County Council are likely to require contributions to sustainable transport via a S106 agreement. In addition, the Heads of Terms set out in the Council's Planning Obligations Supplementary Planning document (2012) will be considered. The relevant ones for this development are considered to be contributions to Green Space and Outdoor Sports and Waste & Recycling. More information on the Borough Council's position are available through the following link:

<http://www.welhat.gov.uk/article/1048/Planning-Obligations-Section-106-legal-agreements-and-unilateral-undertakings>.

Information about the S106 contributions that the County Council may require can be found at <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>.

### Development Consultation Forum

The DCF meets on an ad hoc basis and is held at a Council venue. There are none scheduled at present and the lead in time is approximately six weeks as elected members diaries become very full. Please advise whether you feel this fits in with your anticipated timescale for submitting an application.

I am in the process of compiling a list of contacts for the disciplines listed in the PPA and will forward this when it is ready. I trust this letter answers your enquiries so far.

Yours sincerely

June Pagdin  
Senior Planning Officer  
Development Management South Team