

**Chris Carter  
Assistant Director (Planning)**

Reply To: address as below  
Direct Tel: 01707357000  
Email: [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk)

Mr Barry Reynolds  
New Ways

Date: 19 April 2023

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

Dear Mr Reynolds,

**Application Reference:** 6/2020/3222/NMA

**Proposed development at:** Former Volkswagen Van Centre Comet Way Hatfield  
AL10 9TF

**Proposal:** Non-Material Amendment following planning permission for *“Demolition of existing buildings and construction of new building comprising 118 residential apartments, layout of parking areas, landscaping, electricity substation and ancillary development”* (6/2020/3222/MAJ)

Thank you for your application for a Non-Material Amendment (NMA) following planning permission 6/2020/3222/MAJ.

A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. This includes power -

- a) To impose new conditions;
- b) To remove or alter existing conditions

In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous NMA changes made, on the planning permission as originally granted.

I have dealt with each of the proposed changes (A to S in the submitted Non-Material Amendments Report) in turn. I have also had regard to the submitted Cover Letter and considered other proposed amendments not specifically stated in the submission.

## Change A

*Changes to Common stair towards compliance for general access where a clear landing needs to be provided and to accommodate smoke control. Circulation area and internal doorway to stairs rearranged to adapt corridor aisle. Stairs, structurally stacked for construction leading towards the corridor or lobby next to the stair being provided with a smoke vent and a store area provision on ground level. Rearrangement in plan due to the above visible on the Northeast facade. Window openings, adapted to suit mentioned changes/rearrangement.*

*Reason: Compliance towards Building Regulations, Part-K-Protection from falling, collision and impact and Part-B-Fire safety.*

The proposed change would be inconsequential in terms of its scale in relation to the original approval and would not result in an adverse impact either visually or in terms of amenity. As such, the proposed change would not be contrary to any policy of the Council. Additionally, it is considered that the interests of a third party or body who participated in or were informed of the original decision would not be disadvantaged.

It is noted that the enlargement of this part of the building would result in the loss of a disabled parking space. However, the loss of this space would be offset through the amended parking plan.

Accordingly, these proposed changes are non-material.

## Change B

*Changes to Communal lifts and stairs towards compliance for firefighting where a firefighting shaft is required as the building is over 18m and to accommodate smoke control and building services. Circulation area internal doorway to stairs and clear landing for lifts rearranged to adapt corridor aisle. Stairs, structurally stacked for construction leading towards a vertical smoke shaft that opens at roof level with rationalised communal entrance/exit. Lift shaft changed to allow for minimum required headroom height (Overhead height). Rearrangement in plan due to the above visible on elevations.*

*Reason: Compliance towards Building Regulations, Part-K-Protection from falling, collision and impact, Part-B-Fire safety, and Provision for minimum required headroom height as per standards EN81-20.*

The proposed change would be inconsequential in terms of its scale in relation to the original approval and would not result in an adverse impact either visually or in terms of amenity. As such, the proposed change would not be contrary to any policy of the Council. Additionally, it is considered that the interests of a third party or body who participated in or were informed of the original decision would not be disadvantaged.

Accordingly, these proposed changes are non-material.

## Change C

*Changes to communal roof gardens (landscaping) including change of barrier type (railing) from glazed balustrade to counterbalance metal railing.*

*Reason: To contribute positively towards biodiversity via balance of soft and hard landscaping schemes including provisions for bird and bat boxes, whilst maintaining overall uniformity for railing type.*

The change of barrier type from glazed balustrade would not adversely affect the character or appearance of the development or erode the quality of that which was originally approved. This specific change is non-material.

The Amended Fourth Floor Landscape Plan (drawing no: HAT-RDB-XX-04-DR-A-LND-0204) and Amended Fifth Floor Landscape Plan (drawing no: HAT-RDB-XX-05-DR-A-LND-0205) are acceptable and considered to be non-material.

It is however considered that the Amended Sixth Floor Landscape Plan (drawing no: HAT-RDB-XX-06-DR-A-LND-0206) is a material change. This is because the whole area within the barrier railings would be sedum and would, therefore, render the space unusable as an outdoor amenity space for residents. This change would have a negative impact in terms of amenity and may affect consultation responses on the original application.

## Change D

*Removal of photovoltaic (PV) cells on the roof.*

*Reason: PV was not required as Part L requirement was met using Exhaust Air Heat Pumps. Having carried out multiple SAP assessment energy performance calculations, the use of PV on the roof is not sufficient to serve the building needs as there was less than half of the required roof surface needed that would have been required to serve the building. Thus, we are omitting the PV for the purposes that is not practical nor efficient and instead we are proposing for individual apartment basement whole unit ventilation system MVHR (mechanical ventilation with heat recovery)*

It is considered that removal of the PV cells on the roof is a material change to the original permission as such a change may conflict with the policies listed in condition 20 of the original planning permission. The correct procedure to consider such a change is an application to discharge condition 20 of the original planning permission and I note that an application has been submitted to this effect under application number 6/2022/2300/COND.

### Change E

*Relocation of Substation and provision for Generator in allocated space.*

*Reason: Provision for separate secluded area for generator.*

It is noted that the proposed Generator building would be in the same location as the approved location of the Electrical Substation building. This change is non-material.

The relocation of the Substation to the area denoted 'F' is non-material and a new condition would need to be imposed to ensure that there would be no adverse impact on the living conditions of future occupiers of the development in terms of noise given its proximity to flats.

### Change F

*Changes to provide new location for UKPN Substation.*

*Reason: Provision for future relocation for UKPN Substation.*

See comment above under 'Change E'.

### Change G

*Changes to ground level Cycle store to accommodate building services plant rooms including removal of two openings with rearrangement of the remainder openings.*

*Provision towards Building Services, Secondary LV switch room and Comms room.*

The reconfiguration of the cycle store is non-material as the overall cycle provision for the development would remain policy compliant.

The introduction of the plant rooms (secondary LV switch room and comms room) are non-material and a new condition would need to be imposed to ensure that there would be no adverse impact on the living conditions of future occupiers of the development in terms of noise and vibration given their location directly below flats.

### Change H

*Changes to ground level Bin store internal arrangement for secure access, including removal of foyer and two openings, whilst adding double doors.*

*Reason: Provision towards secure access for Bin store*

While the change to the bin store internal arrangements for secure access is, in itself, not material, it is noted that the overall number of bin stores to serve the whole development are proposed to be reduced from three to two and the cumulative size of the bin stores would be reduced. It is considered that this would be an

unacceptable change as the two proposed bin stores would not be able to collectively accommodate the number of receptacles required for this development. This change is therefore material.

#### Change J

*Removal of Cycle store area and Bin store area at ground level, including external door in cycle store area towards provision to accommodate building services plant room including clear vehicular access towards undercroft parking.*

*Reason: Provision towards Building Services, Primary LV switch room and vehicular access towards undercroft parking.*

See comments under 'Change H' regarding reduction in number of bin stores. This change is therefore material.

Regarding the building services plant room, a new condition would need to be imposed to ensure that there would be no adverse impact on the living conditions of future occupiers of the development in terms of noise and vibration given their location directly below flats.

#### Change K

*Changes to ground level façade including removal of two openings to accommodate communal letter boxes with rearrangement of the remainder openings with provision for accessibility.*

*Reason: Provision towards communal letter boxes.*

These proposed changes would not adversely affect the character and appearance of the development. No planning policy would be conflicted, and it is considered that a consultation response on the original application would not be affected. Accordingly, these proposed changes are non-material.

#### Change L

*Removal of undercroft parking entrance/exit at ground level towards provision for Relocation/Retainment of existing UKPN Substation, whilst adding double doors as per change ID C-05.*

*Reason: Provision towards single point of entry/exit for undercroft parking and towards relocation/retainment of existing UKPN Substation mentioned in change ID C-05.*

The removal of the under-croft parking entrance/exit in this location is a material change by virtue of the unacceptability of the proposed new single point of entry/exit. See section below titled 'Amended under-croft parking layout'.

### Change M

*Changes to ground and first floor level, Common stair for means of fire escape and to accommodate smoke control to circulation area. Circulation area and internal doorway to stairs rearranged to adapt corridor aisle. Stairs, moved away from corridor aisle leading towards provision for an external smoke vent at first floor level. Rearrangement in plan due to the above visible on the Northeast facade. Ground level escape door, adapted to suit mentioned changes/rearrangement.*

*Reason: Compliance towards Building Regulations, Part-B-Fire safety.*

The proposed changes would not adversely affect the character or appearance of the development. No planning policy would be conflicted, and it is considered that a consultation response on the original application would not be affected. Accordingly, these proposed changes are non-material.

### Change N

*Changes to ground level Cycle room and adjacent Store to replace provision for Cycle store area as per change ID C-09 via consolidation. Rearrangement in plan due to the above visible on elevations.*

*Reason: Provision towards replacement of removed cycle store mentioned in change ID C-09.*

The proposed changes would not have an adverse impact either visually or in terms of amenity. It is considered that a response from relevant consultees would not be affected and, nor would the proposed amendments be contrary to any planning policy. Accordingly, these proposed changes are non-material.

### Change P

*Changes to Communal lift and stairs towards compliance for general access where a clear landing needs to be provided and to accommodate smoke control and building services. Circulation area internal doorway to stairs and clear landing for lifts rearranged to adapt corridor aisle. Stairs, structurally stacked for construction leading towards covered and enclosed stair at roof fourth floor level with rationalised communal entrance/exit. Rearrangement in plan due to the above visible on elevations.*

*Reason: Compliance towards Building Regulations, Part-K-Protection from falling, collision and impact. Part-B-Fire safety and Provision for stair enclosed/walkway that is directly covered.*

The proposed changes would not adversely affect the character or appearance of the development. No planning policy would be conflicted, and it is considered that a consultation response on the original application would not be affected. Accordingly, these proposed changes are non-material.

### Change Q

*Changes to ground level Bin store arrangement to replace Bin store as per change ID C-09 via consolidation and enlargement to provide building services plant room. Rearrangement in plan due to the above visible on elevations.*

*Reason: Provision towards replacement of removed Bin store mentioned in change ID C-09 and provision for BCW Tank room.*

See comments under 'Change H' and 'Change J' regarding reduction in number of bin stores. This change is therefore material.

### Change R

*Changes to ground level openings, façade screens from circular pattern metal screens/vents to vertical extruded aluminium flats metal screen that match the railing type.*

*Reason: To maintaining overall architectural uniformity.*

This proposed change would not adversely affect the character or appearance of the development or erode the quality of that which was approved. No planning policy would be conflicted, and it is considered that a consultation response on the original application would not be affected. Accordingly, these proposed changes are non-material.

### Change S

*Removal of Green Wall as they do not comply with fire safety regulation 7(2).*

*Reason: Regulation 7(2), requires all residential blocks with top storey heights over 18m to have all materials which become part of an external wall or specified attachment (e.g., balconies) to achieve class A2-s1, d0 or class A1, except for materials which are exempt as per regulation 7(3). Additionally, membranes used as part of external wall construction above ground should achieve a minimum of class B-s3, d0.*

The Green Wall approved under the original permission was an important landscaping feature to reduce the visual impact of the building's northern end wall, given the proximity of the wall to the listed gatehouse and KFC building. It is therefore considered that its removal would represent a material design change from that which was approved and may affect a consultation response on the original application.

The reasoning is noted but is not considered to amount to clear evidence that a Green Wall could not be installed on the northern end wall of the building. The Council would expect a fire safety report to be submitted as evidence and for this to

be accepted by Hertfordshire Building Control and the Health and Safety Executive as consultees under a S73 application.

### Other changes

#### *Private path on western site boundary*

It is noted that the NMA proposal now includes a private path along the western boundary and north-western section of the site. The southern end of the path does not lead to the public footway network which is not acceptable. This change is material.

#### *Amended under-croft parking layout*

It is noted that the parking layout for the scheme is proposed to be amended. As a fire appliance vehicle cannot access the under-croft area due to its height, a fire appliance hose connection will be required to access parking space 32. It is unknown whether there are any fire inlets or connections nearby or whether this is feasible. As such, there is a risk that this proposed change to the parking layout may not allow for access by an emergency fire appliance vehicle. This change is material as there is potential conflict with planning policy.

#### *Soft landscaping*

The ground level soft landscaping indicated in this NMA submission would be different to that approved and a revised Landscape Strategy has not been provided for this area. This would conflict with condition 14 of the original permission and would represent a material change.

### Conclusion

While some proposed changes would be non-material, others represent material changes to the planning permission. Consequently, this application for a NMA is **refused**.

Should you require any clarification regarding the contents of this letter, please do not hesitate in contacting me at [d.elmore@welhat.gov.uk](mailto:d.elmore@welhat.gov.uk) and I will be pleased to advise you further.

Yours sincerely,



**David Elmore**

**Principal Major Development Management Officer**