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**Application No:** 6/2015/1997/MAJ

**Date of Refusal:** 4 February 2016

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:**

**Development:** 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

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

**Applicant:** Fusion Hatfield Hotels Ltd

**Application Date:** 5 October 2015

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.
4. REFUSED DRAWING NUMBERS:

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 & Schedule of Demolition and Reinstatement Works & Flood Risk Assessment v2, Curtins, (13.11.2015) ICBR0037RP-001 & Transport Assessment, Stirling Maynard, October 2015 & Tree Survey Report, P Stileman Ltd, (16.6.2014), DS14011401 received 28.9.2015 & 0300/C received 3.12.2015 & Materials Palette received 9.12.2015 & 0308/B and 0311/C received 6.1.2016.

## 1. REASON FOR REFUSAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations. The proposal is considered to not comply with the relevant national and local plan policies and there are no material planning considerations to justify a decision contrary to the development plan.



Colin Haigh  
**Head of Planning**

## Town and Country Planning Act 1990

### Appeals to the Secretary of State

- 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 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning 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 [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse permission for
  - a certificate for lawful development, there is no time restriction.
- 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.