

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2018/1811/VAR
Location: Warrenwood Manor Stables Building (part first floor)
 Warrenwood Manor stud
 Hornbeam Lane
 Brookmans Park
 AL9 6JF
Proposal: Removal of condition 3 (Fire Hydrants) on planning permission
 6/2017/2001/FULL
Officer: Mr William Myers

Recommendation: Granted

6/2018/1811/VAR

Context	
Site and Application description	<p>This application seeks a variation to condition 3 of planning permission: 6/2017/2001/FULL. Condition 3 states:</p> <p><i>No development shall commence until details of the number and location of fire hydrants are submitted to and approved in writing by the Local Planning Authority. Subsequently the approved details shall be implemented before the dwelling hereby permitted is first occupied.</i></p> <p><i>REASON: In the interests of fire safety and amenity of the future occupiers of the flat."</i></p> <p>It has been stated within the documentation submitted as part of this application that there is no need for a fire hydrant for the proposed development.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (West End - Brickendon Wooded Slopes) - Distance: 0 PAR - PARISH (ESSENDON) - Distance: 0 ROW - BRIDLEWAY (ESSENDON 018) - Distance: 37.38 Wards - Brookmans Park & Little Heath - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2017/2001/FULL Decision: Refused (allowed on appeal 3rd July 2018) Decision Date: 01 November 2017 Proposal: Change of use of part of first floor stables building to residential flat for use by visiting family members and relatives</p>

Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 10 August 2018 Site Notice Expiry Date: 1 September 2018		
Consultees and responses	HCC Growth and Infrastructure Unit – No objection, following an inspection of the site by our Fire & Rescue Services on 4th July 2018. HCC Highways – No comment		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: SD1, R1, H2, RA10, RA17, RA19, R29 and Emerging Local Plan 2016:SADM1, SADM34, SP13, SP25			
Main Issues			
Fire & Rescue	Hertfordshire County Council's Growth and Infrastructure Unit have been consulted as part of this application and have commented that they do not consider that the proposed development requires a fire hydrant following a site inspection. Further to the relevant authority's comments it is considered that the variation proposed by this application would be accordance with Policy M4 of Council's District Plan 2005, Policy SP13 of the Council's Emerging Local Plan 2016 and requirements of the National Planning Policy Framework 2018.		
Other Consideration	As a section 73 application effectively creates a new permission which can be implemented on its own it is important that an assessment is made to any material change that the proposed development would have when compared to the application that it seeks to vary. It is considered that the variation from the approved permission proposed by this application would not materially change the consideration that were set out within the inspector appeal decision letter. As a consequence, it is judged that no new considerations need to be considered here and that the same conditions should be applied to this decision as found within the appeal decision letter, with the exception of condition 3.		
Conclusion			
The proposed variation to condition 3 of 6/2017/2001/FULL to remove its requirement for the proposed development to deliver a fire hydrant is acceptable. It is recommended that planning permission is granted, with the re-imposition of other outstanding conditions subject to approval of planning permission: 6/2017/2001/FULL.			

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 703/LP1, 207, 703/210A, submitted on the 6th September 2017 as part of planning application 6/2017/2001/FULL and plan 207 (parking plan) submitted as part of the appeal and dated 30 April 2018.

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

2. The two car parking spaces delineated on plan no 207 (marked 'Plan to show 2 No Car Park Spaces for Residential Flat for visiting family members') shall be retained in perpetuity for the occupants of this residential flat.

REASON: To ensure that adequate parking provision is provided for the future occupiers of the flat in the interests of highway safety in accordance with the National Planning Policy Framework.

3. The residential flat hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Warrenwood Manor.

Reason: To ensure that the flat is limited to being occupied by purposes ancillary to Warrenwood Manor.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mr Mark Peacock
3 September 2018