

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

DELEGATED APPLICATION

Application No: 6/2019/1214/VAR
Location: The Spinney, High Road, Essendon, Hatfield, AL9 6HT
Proposal: Variation of Condition 10 (approved plans and details) on planning permission 6/2018/0804/FULL
Officer: Mr David Elmore

Recommendation: Granted

6/2019/1214/VAR

Context	
Site and Application description	<p>The application site lies on the southern edge of the rural village of Essendon and approximately 4km east of Hatfield. The B158 (High Road) abuts the western site boundary, the grounds of the Essendon Golf Course abuts the south-eastern site boundary and an area of mature woodland abuts the north-eastern site boundary.</p> <p>The site is currently occupied by a single detached dwellinghouse, a garage and two outbuildings, which are set in grounds that include an extensive area of lawn, peripheral tree/shrub planting and a scattered array of trees.</p> <p>Planning permission was granted in June 2018 for the erection of 3 dwellings following demolition of the existing buildings on site (ref: 6/2018/0804/FULL). This permission is yet to be implemented.</p> <p>Prior to the above permission, planning permission was granted for the erection of 2 dwellings following demolition of the existing buildings on site (ref: 6/2016/1118/FULL)</p> <p>This application seeks to vary condition 10 (approved plans) of planning permission: 6/2018/0804/FULL. The proposed change is to enclose the ground floor pergola-covered terrace of Plot 2.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: ESSN; - Distance: 0.46 LBC - LISTED BUILDING Country house - Circa 1830 remodelling of late - Distance: 35.6 GB - Greenbelt LCA - Landscape Character Area (West End - Brickendon Wooded Slopes) - LCA - Landscape Character Area (Little Berkhamsted Settled Plateau) - PAR - PARISH (ESSENDON) Wards - Brookmans Park & Little Heath CP - Cycle Path (Leisure Route) - Distance: 6.22 HEN - Existing S41 NERC Act habitat HEN - No known habitats present (high priority for habitat creation) HPGU - Bedwell Park tpos - TPO3 W4 tpos - TPO 717 (2017) W1 tpos - 609 (2017) W1</p>

Relevant planning history	<p>Application Number: 6/2019/0331/COND Decision: Granted Decision Date: 11 April 2019 Proposal: Submission of details pursuant to condition 6 (bat mitigation strategy) on planning permission 6/2018/0804/FULL</p> <p>Application Number: 6/2018/0804/FULL Decision: Granted Decision Date: 14 June 2018 Proposal: Erection of 3 dwellings (1 x 3-bedroom and 2 x 4-bedroom) following the demolition of existing buildings</p> <p>Application Number: 6/2017/1319/VAR Decision: Granted Decision Date: 13 September 2017 Proposal: Variation of condition 1 (approved plans) on planning permission 6/2016/1118/FULL dated 13/10/2016</p> <p>Application Number: 6/2016/1118/FULL Decision: Granted Decision Date: 20 October 2016 Proposal: Erection of 2 dwellinghouses following demolition of existing buildings</p> <p>Application Number: S6/2015/1203/HH Decision: Prior Approval Not Required Decision Date: 21 July 2015 Proposal: Prior approval for the erection of single storey side extensions to either side following demolition of existing garage and two outbuildings</p> <p>Application Number: S6/2015/0727/LUP Decision: Granted Decision Date: 02 June 2015 Proposal: Certificate of lawfulness for a proposed single storey basement and the erection of two storey rear extension, a porch, alterations to windows and insertion of new windows, erection of single storey garage and single storey outbuilding</p> <p>Application Number: S6/2015/0594/HH Decision: Refused Decision Date: 01 May 2015 Proposal: Construction of single storey side extension on each side of dwelling following the demolition of existing garage and two outbuildings</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 11 June 2019 Site Notice Expiry Date: 2 July 2019		
Summary of neighbour responses	No representations received		

Consultees and responses	Hertfordshire County Council Highways Authority – No objection Hertfordshire County Council Ecology Team – No objection Hertfordshire County Council Historic Environment Advisor – 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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: Policies SP9 and SADM11 of the Emerging Local Plan	
Main Issues	
Would the development reflect the character of the area?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Other considerations	
<u>Green Belt</u>	
Enclosing the ground floor pergola-covered terrace of Plot 2 would increase the footprint and floor space of the three dwelling development granted under 6/2018/0804/FULL by 21.6.sqm - a 4% and 2.5% increase respectively.	
As a result, the footprint and floor space of the development would be very similar to the two dwelling development granted under 6/2016/1118/FULL.	
Taking account of the above, together with the development's scale, its siting and extent of additional built development to enclose the pergola, it is considered that the proposed variation would not have a materially greater impact on the openness of the Green Belt. Accordingly, the proposal would comply with paragraph 145(g) of the NPPF. There would also be no conflict with any of the purposes of including land in the Green Belt. The development would therefore accord with relevant policies including Policy GBSP1 of the District Plan, Policy SADM34 of the Emerging Local Plan and the NPPF.	
<u>Re-imposition of conditions subject to planning permission 6/2018/0804/FULL</u>	
A successful application to amend condition 10 (approved plans) would result in the issue of what would be in effect a new planning permission, sitting alongside the original permission. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.	
Only condition 6 (updated bat mitigation strategy) has been discharged under application: 6/2019/0331/COND. The evidence submitted for this application concluded that there were no bat roosts found and therefore no requirement for a mitigation strategy.	
The other conditions of planning permission: 6/2018/0804/FULL remain relevant, apart from condition 8 (fire hydrant provision) which states:	
‘Prior to the commencement of development, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme of hydrant provision serving the development has been provided and is fully operational. The approved scheme shall be maintained and retained permanently thereafter’.	
Since the grant of planning permission 6/2018/0804/FULL it has been established that such a condition is not justified under the development plan or national planning policy. Accordingly, this condition would be removed should this application succeed.	
The reasoning of the conditions will need to also be further amended to reflect the updated 2019 NPPF.	

Conclusion

The proposed variations to planning permission 6/2018/0804/FULL accord with all relevant local and national planning policies.

Conditions:

1. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2012 and the National Planning Policy Framework 2019.

2. No development above ground level shall take place until full details on a suitably scaled plan including means of enclosure and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details must be completed within 3 months following the occupation of the first dwelling.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP3, SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

3. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, tree protection measures set out in the submitted Arboricultural Impact Assessment & Method Statement (by ACD Environmental, dated: 21 March 2018) and read in conjunction with drawing numbers: PRI19764-01 and PRI19764-03B, must be in place. These tree protection measures must be maintained throughout the course of construction works and until equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

4. The development hereby approved must be carried out in accordance with the scheme of landscaping contained in submitted drawing numbers: 1610-A-32 Revision v8, SE_L001, SE_L003, SE_L005, SE_L007A, SE_L008A and SEL009. Hard-landscaping works must be completed within 3 months following the occupation of the first dwelling. In the case of soft-landscaping, this must be completed in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is

the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP3, SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

5. Prior to first occupation of the development hereby permitted, details of visibility splays of the two accesses from High Road (in plan form) shall be submitted to and approved in writing by the Local Planning Authority. The approved splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety in accordance with Policies SP4 and SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification), no development within Classes A, B, E or F of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of Green Belt appropriateness, Green Belt openness and the visual amenity of the area in accordance with Policies GBSP1, D1, D2 and RA4 of the Welwyn Hatfield District Plan 2005; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification) no development within Class A of Part 2 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of Green Belt appropriateness, Green Belt openness and the visual amenity of the area in accordance with Policies GBSP1, D1, D2 and RA4 of the Welwyn Hatfield District Plan 2005; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
A-30	v9	Site Plan - Proposed	20 May 2019
A-31	v9	Site Plan - Proposed Showing Root Protection Areas	20 May 2019
A-32	v9	Site Plan - Proposed Showing Tree Analysis	20 May 2019
A-60	v9	Proposed House - Plot 2 - Ground Floor Plan	20 May 2019
A-61	v9	Proposed House - Plot 2 - First Floor Plan	20 May 2019
A-62	v9	Proposed House - Plot 2 - Roof Plan	20 May 2019
A-63	v9	Proposed House - Plot 2 - West Elevation	20 May 2019
A-64	v9	Proposed House - Plot 2 - North Elevation	20 May 2019
A-65	v9	Proposed House - Plot 2 - East Elevation	20 May 2019
A-66	v9	Proposed House - Plot 2 - South Elevation	20 May 2019
A-67	v9	Proposed House - Plot 2 - Section A	20 May 2019
A-00	v8	Location Map	15 July 2019
A-02	v8	Existing House - Ground Floor Plan	15 July 2019
A-04	v8	Existing House - Elevations 01	15 July 2019
A-40	v8	Proposed House - Plot 1 - Ground Floor Plan	15 July 2019
A-01	v8	Site Layout Plan As Existing	15 July 2019
A-03	v8	Existing House - First Floor Plan	17 July 2019
A-41	v8	Proposed House - Plot 1 - First Floor Plan	17 July 2019
A-42	v8	Proposed House - Plot 1 - Roof Plan.	15 July 2019
A-43	v8	Proposed House - Plot 1 -	15 July 2019

		North Elevation	
A-44	v8	Proposed House - Plot 1 - East Elevation	15 July 2019
A-45	v8	Proposed House - Plot 1 - South Elevation	15 July 2019
A-46	v8	Proposed House - Plot 1 - West Elevation	15 July 2019
A-47	v8	Proposed House - Plot 1 - Section A	15 July 2019
A-48	v8	Proposed House - Plot 1 - Section B	15 July 2019
A-68	v8	Plot 1, Plot 2 & Plot 3 Garage - Plans and Elevations	15 July 2019
A-80	v8	Proposed House - Plot 3 - Ground Floor Plan	15 July 2019
A-81	v8	Proposed House - Plot 3 - First Floor Plan	15 July 2019
A-82	v8	Proposed House - Plot 3 - Roof Plan	15 July 2019
A-83	v8	Proposed House - Plot 3 - North Elevation	15 July 2019
A-85	v8	Proposed House - Plot 3 - South Elevation	15 July 2019
A-86	v8	Proposed House - Plot 3 - West Elevation	15 July 2019
A-87	v8	Proposed House - Plot 3 - Section A	15 July 2019
PRI19764-03	B	Tree Protection Plan	15 July 2019
PRI19764-01		Tree Reference Plan	15 July 2019
A-05	v8	Existing Elevations 02	15 July 2019

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

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).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Determined By:

Mr Mark Peacock
18 July 2019