

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

**DELEGATED APPLICATION**

**Application No:** 6/2022/1724/VAR  
**Location:** Plot 6000 Land Adjacent to the Porsche Garage Hatfield House  
 Hatfield Business Park Hatfield AL10 9UA  
**Proposal:** Variation of condition 12 (removal of details of the  
 greenhouse building and building comprising a potting shed and  
 toilet) on planning permission 6/2021/3320/VAR  
**Officer:** Ms Ashley Ransome  
**Recommendation:** Granted

6/2022/1724/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>Plot 6000 lies within the context of the much wider Hatfield Business Park development and in particular, the northern area which is now well established with a range of commercial uses, including offices, warehouses, a car dealership and a private hospital.</p> <p>The application site comprises a triangular shape, with a single point of entry off Hatfield Avenue. The site occupies an area of approximately 0.46 hectares on the easternmost part of Plot 6000. The new hospital occupies the remainder of Plot 6000 and forms the western boundary to the site. To the north of the site is Manor Road and Hatfield Garden Village beyond. The closest properties in Manor Road are situated approximately 20 metres from the northern edge of the site. To the southeast is the Porsche dealership and associated car parking. The site is located approximately 1km north-west of Hatfield town centre.</p> <p>Planning permission was granted on the 16<sup>th</sup> February 2018 for the erection of a 75 bed elderly care home development (C2) with 24 parking bays and associated landscaping (6/2017/0550/MAJ). A variation of condition application (6/2018/2994/VAR) was granted on the 15<sup>th</sup> March 2019 for the variation of condition 20 (approved plans) on planning permission 6/2017/0550/MAJ. A further variation of condition application (6/2019/2782/VAR) was granted on the 6<sup>th</sup> January 2020 for the removal of condition 2 (Japanese knotweed) on planning permission 6/2018/2994/VAR. Recently application reference 6/2021/3320/VAR was granted for the variation of condition 18 (drawing numbers) on planning permission 6/2019/2782/VAR</p> <p>Permission is now sought to vary condition 12 (greenhouse building and building comprising a potting shed and toilet) on planning permission 6/2021/3320/VAR. It is proposed to remove this condition from the permission since the plans within the permission of 6/2021/3320/VAR no longer included this element of the proposal.</p> <p>All other parts of the development remain unchanged and so the previous approval remains relevant apart from references in regards to the changes</p>

	<p>requested in this application. Section 73 applications allow applicants to vary or remove one or more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed. In determining an application under this section, Officers have to have regard to the development plan and all other material considerations, but the principle of development should not be re-assessed since that is not an issue in relation to the variation of the condition.</p>
<p><b>Constraints (as defined within WHDP 2005)</b></p>	<p>PAR - PARISH (HATFIELD) - Distance: 0  Wards - Hatfield Villages - Distance: 0  A4HD - Article 4 HMO Direction - Distance: 0  FM10 - Flood Zone Surface Water 100mm (2722773) - Distance: 0  FM10 - Flood Zone Surface Water 100mm (2723011) - Distance: 0  FM00 - Flood Zone Surface Water 1000mm (7661512) - Distance: 0  HAT - Hatfield Aerodrome - Distance: 0  HEN - No known habitats present (medium priority for habitat creation) - Distance: 0  SAGB - Sand and Gravel Belt - Distance: 0  HHAA - Hatfield Heritage Assessment Area(Hatfield Garden Village) - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: 6/2015/2043/OUTLINE  Decision: Granted  Decision Date: 05 July 2016  Proposal: Redevelopment to provide floorspace equivalent to 537 Units of Development (UD) (as set out in Schedule 1) for Use Classes B1, B2, SG and Hotel use on plots 4100, 5000, 5600 and for Use Classes B1, SG and Hotel use on plot 6000 with all matters reserved except access</p> <p>Application Number: 6/2017/0550/MAJ  Decision: Granted  Decision Date: 16 February 2018  Proposal: Erection of a 75 bed elderly care home development (C2) with 24 parking bays and associated landscaping.</p> <p>Application Number: 6/2018/2994/VAR  Decision: Granted  Decision Date: 15 March 2019  Proposal: Variation of condition 20 (approved plans) on planning permission 6/2017/0550/MAJ</p> <p>Application Number: 6/2019/2782/VAR  Decision: Granted  Decision Date: 06 January 2020  Proposal: Removal of condition 2 (Japanese knotweed) on planning permission 6/2018/2994/VAR</p> <p>Application Number: 6/2021/2752/VAR  Decision: Withdrawn  Decision Date: 05 November 2021  Proposal: Variation of condition 18 (revised layout) on planning permission 6/2019/2782/VAR</p> <p>Application Number: 6/2021/3320/VAR  Decision: Granted</p>

	Decision Date: 21 January 2022 Proposal: Variation of condition 18 (drawing numbers) on planning permission 6/2019/2782/VAR Application Number: 6/2022/1339/VAR Decision: Decision Date: Proposal: Variation of condition 18 (drawings) and removal of condition 12 (approval of a greenhouse, potting shed and toilet) on planning permission 6/2021/3320/VAR		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour Letters		
<b>Summary of neighbour responses</b>	No neighbour representations received.		
<b>Consultees and responses</b>	Hatfield Town Council – No response received.		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" 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			
<b>Main Issues</b>			
<b>Is the development within a conservation area?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Would the significance of the designated heritage asset be preserved or enhanced?</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A			
<b>Comment (if applicable):</b>			
<b>Would the development reflect the character of the area?</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Comment (if applicable):</b>			
<p>The principle of the development has been approved through the grant of permission under application 6/2017/0550/MAJ (and varied under 6/2018/2994/VAR, 6/2019/2782/VAR and 6/2021/3320/VAR) so there is no need to reconsider this in the current application.</p> <p>This application is for the variation of condition 12 (greenhouse building and building comprising a potting shed and toilet) on planning permission 6/2021/3320/VAR. It is proposed to remove this condition from the permission since the plans within the permission of 6/2021/3320/VAR no longer included this element of the proposal.</p> <p>The removal of this condition is considered to be minor and would not compromise the overall quality of the development. The proposal would therefore not materially impact upon the on the site nor harm the character of the surrounding area</p> <p>As such, the variation from the approved permission proposed by this application would not materially change the considerations that were set out within the decision of 6/2021/3320/VAR.</p>			
<b>Would the development reflect the character of the dwelling?</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A			

<b>Comment</b> (if applicable):	
<b>Would the development maintain the amenity of adjoining occupiers?</b> (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable): It is considered that the removal of condition 12 would not include any amendments to the previous permission that would detrimentally affect the amenity of adjoining neighbours.	
<b>Would the development provide / retain sufficient parking?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable):	
<b>Any other issues</b>	<p>A S73 application grants a new standalone permission, sitting alongside the original permission which remains intact and unamended. Either permission may therefore be implemented.</p> <p>It is therefore reasonable that the current planning application should be subject to the same conditions as the previous planning application (6/2021/3320/VAR) whereby conditions were applied, as they remain in accordance with the tests set out in the NPPF.</p> <p>In this case, the applicant has only sought to remove condition 12. It is recommended that suitably worded conditions are attached to ensure compliance with the approved details.</p>
<b>Conclusion</b>	
The proposed amendments to the extant permission of 6/2021/3320/VAR would be minor and would not result in a change to the nature of the development proposed. The proposed changes would not result in the development becoming contrary to policies of the development plan or national planning policy guidance/statements. On this basis, subject to the imposition of relevant conditions, the amendments proposed are considered acceptable.	

**Conditions:**

1. The development shall not be carried out other than using the Construction Management Plan submitted to the Local Planning Authority under planning reference 6/2020/2217/COND and approved in writing on the 27th October 2020. Subsequently, the approved Construction Management Plan shall not be changed.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

2. The development shall not be carried out other than using the surface water drainage scheme details submitted to the Local Planning Authority under planning reference 6/2020/2981/COND and approved in writing on the 5th January 2021. Subsequently, the approved details shall not be changed.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005, Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

3. The development shall not be carried out other than using the archaeological written scheme of investigation submitted to the Local Planning Authority under planning reference 6/2020/2217/COND and approved in writing on the 27th October 2020. Subsequently, the approved details shall not be changed.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

4. The development shall not be carried out other than using the external materials submitted to the Local Planning Authority under planning reference 6/2021/3048/COND and approved in writing on the 7th December 2021. 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019

5. The development shall not be carried out other than using the details of the hard and soft landscaping submitted to the Local Planning Authority under planning reference 6/2021/3192/COND and approved in writing on the 23rd February 2022. Subsequently, the approved details shall not be changed.

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 SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

6. All agreed landscaping comprised in the above details of landscaping must be carried out 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: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016.

7. The development shall not be carried out other than using the scheme for the provision of secure cycle parking, including powered two wheel vehicle parking, on

site as submitted to the Local Planning Authority under planning reference 6/2021/2782/COND and approved in writing on the 13th December 2021. Subsequently, the approved details shall not be changed.

REASON: In order to ensure that there is adequate provision for secure cycle and powered two wheeler accommodation within the application site, encouraging alternative modes of transport in accordance Policy M6 and M8 of the Welwyn Hatfield District Plan 2005, Policies SP4, SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

8. The development shall not be carried out other than using the details of the glazing and ventilation scheme submitted to the Local Planning Authority under planning reference 6/2021/3192/COND and approved in writing on the 23rd February 2022. Subsequently, the approved details shall not be changed.

The approved glazing and ventilation scheme must be carried out prior to first occupation of the development and retained permanently thereafter.

REASON: To protect the living conditions of future occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

9. The development shall not be carried out other than using the details of the acoustic report submitted to the Local Planning Authority under planning reference 6/2021/3192/COND and approved in writing on the 23rd February 2022. Subsequently, the approved details shall not be changed.

REASON: To protect the living conditions of future occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

10. The development shall not be carried out other than using the details of the manned measured noise survey submitted to the Local Planning Authority under planning reference 6/2021/3149/COND and approved in writing on the 10th January 2022. Subsequently, the approved details shall not be changed.

Should the plant fail to comply with this condition at any time, it must be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

REASON: To protect the living conditions of future occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

11. The development shall not be carried out other than using the details of the odour control for the kitchen exhaust system submitted to the Local Planning Authority

under planning reference 6/2022/1723/COND and approved in writing on the 15th September 2022. Subsequently, the approved details shall not be changed.

REASON: To protect the living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

12. Prior to occupation of any part of the development hereby approved, a visibility splay must be provided in full accordance with the details indicated on the Landscaping Planting Plan (drawing number: 0020/17/B/1A). The splay must 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 interest of highway safety in accordance Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

13. Prior to occupation of any part of the development hereby approved, the car park, pedestrian footways, cycleways, servicing / loading / unloading and turning areas must be laid out, surfaced, demarcated and drained in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that adequate vehicular and pedestrian access is provided prior to occupation in the interests of highway safety and in accordance with Policy M5, M6 and M14 of the Welwyn Hatfield District Plan 2005, Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

14. Notwithstanding the Phase II Geo-Environmental Site Investigation and Risk Assessment (by Roberts Environmental Ltd, October 2017, Reference: 170703.R.001), submitted and approved under application 6/2018/0827/COND, in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policy R2 & R7 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

15. No loading, unloading, deliveries or collections shall take place other than between the hours of 7am and 7pm Monday to Saturday and 10am to 7pm on Sundays.

REASON: To protect the living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

16. The development shall not be carried out other than using the details of the floodlighting/ external lighting submitted to the Local Planning Authority under planning reference 6/2021/3149/COND and approved in writing on the 10th January 2022. Subsequently, the approved details shall not be changed.

REASON: To protect the living conditions of future occupiers of the site and existing residential properties in the near vicinity to the development in accordance with Local Plan Policies D1 and R20 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework

**DRAWING NUMBERS**

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
(9-) 2	M	Proposed Site Plan	21 July 2022

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 or legal interest (easements or wayleaves) 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. Biodiversity enhancements should be considered and could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, green roofs, wildflower / wetland / pond areas, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
4. The removal of trees and shrubs should be avoided during the bird breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.
5. 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.
6. 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.
7. 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 Derek Lawrence  
28 September 2022