

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/0838/LAWP
Location: Blocks 1 - 4 Comet Square Hatfield AL10 8AQ
Proposal: Certificate of lawfulness for the replacement of PIR insulation with mineral wool insulation under cladding, replace uPVC spandrel panel with matching aluminium and replace timber decking to balconies with brown aluminium
Officer: Ms Jessica Fuller

Recommendation: Granted

Context	
Application Description	Certificate of lawfulness for the replacement of PIR insulation with mineral wool insulation under cladding, replace uPVC spandrel panel with matching aluminium and replace timber decking to balconies with brown aluminium.
Relevant Planning History	<p>Application Number: S6/1999/1064/OP Decision: Approval Subject to s106 Decision Date: 29 December 2000 Proposal: Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within use class b1, b2, b8 and sui generis use; housing; new university campus (use class d1 and d2) to include replacement De Havilland sports and social club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use of existing listed hangar; aviation heritage centre. Together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined.</p> <p>Application Number: S6/2003/1137/OP Decision: Approval Subject to s106 Decision Date: 13 April 2005 Proposal: Mixed use development of district centre comprising shops, food and drink uses, hotel, health centre, and day nursery, residential uses including, affordable and key worker housing, bus interchange, servicing and car parking (outline) with full details of 200 flats, nursing home and associated accesses, car parking and landscaping.</p> <p>Application Number: S6/2005/0675/DE Decision: Granted Decision Date: 14 September 2005 Proposal: Mixed use development of district centre comprising shops, food & drink uses, hotel, health centre, day nursery, 267 residential units including affordable and key worker housing, bus interchange, servicing, carparking and landscaping (reserved matters application following outline permission S6/2003/1137/OP).</p>

Application Number: S6/2005/0872/FP
Decision: Granted
Decision Date: 11 October 2005
Proposal: Variation of condition 2 attached to outline planning permission S6/1999/1064/OP to allow an additional 5 years for submission of reserved matters (Up to 29/12/2015).

Application Number: S6/2007/0795/FP
Decision: Granted
Decision Date: 09 July 2007
Proposal: Amendment to reserved matters approval ref S6/2005/675/DE (for mixed use development of district centre) to allow for the relocation/swap of class a1 (shop) and class a3 (restaurant, bars and cafes) uses within the scheme.

The main issues are:

Whether the proposed works are permitted development by virtue of The Town and Country Planning Act 1990 (The Act).

Discussion

Planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990 (TCPA). The relevant text is copied below:

- (1) *Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “**development,**” means the carrying out of **building,** engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;*
- (b) rebuilding;*
- (c) structural alterations of or additions to buildings; and*
- (d) other operations normally undertaken by a person carrying on business as a builder***

- (2) *The following operations or uses of land shall **not** be taken for the purposes of this Act to involve development of the land—*

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—*
 - (i) affect only the interior of the building, or*
 - (ii) do not materially affect the external appearance of the building***

The proposed works involving replacement of insulation, cladding and balcony decking are building operations in terms of section 55(1) above i.e. *operations normally undertaken by a person carrying on business as a builder*. However, the works to improve or alter the building would not materially affect the external appearance of the building in terms of section 55(2)(a)(ii).

Conclusion

There is no material effect on the external appearance of the building, therefore the works do not constitute development for the purposes of this Act. Planning permission is not required, and the proposed works are permitted development.

Conditions:

DRAWING NUMBERS

1. 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
		Site Location Plan	19 April 2023
G2120 B4(20) 220	F	Elevations 1 & 2 Block 4	19 April 2023
G2120 B1(20) 221	E	Elevations block 1 & 2	19 April 2023
G2120 B1(20) 220	J	Elevations block 1 & 2	19 April 2023
G2120 B3(20) 207	J	Elevations Block 3 (2)	19 April 2023
G2120 B3(20) 208	F	Elevations block 3	19 April 2023
G2120 B3(20) 206	F	Elevations block 3	19 April 2023
G2120 B4(20) 222	D	Elevations block 4	19 April 2023
G2120 B4(20) 221	F	Elevations block 4	19 April 2023
G2120 B1(20) 222	E	Elevations	19 April 2023

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

Determined By:

Mr Mark Peacock
4 May 2023