



Planning Statement

Comet Hotel, St Albans Road West, Hatfield AL10 9RH

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1.0 Introduction

- 1.1 Alder King Planning Consultants have been instructed by Fusion Hatfield Hotels Ltd to prepare an application for full planning and listed building consent for the proposed redevelopment of the Comet Hotel, Hatfield AL10 9RH.
- 1.2 The application seeks to regenerate the site by securing the long term viable future for the Grade II Listed Comet Hotel. This will be achieved through the demolition of the existing poor quality hotel extension and refurbishment and extension of the listed building (Use Class C1, 4,063.3 sq. m) to provide a 56 bedroom aparthotel supported by a high quality communal facilities including a bar, dining room and a 'business hub'. 308 beds of high quality, managed student accommodation (7,253.7 sq m, Sui Generis) are also proposed within the context of a significantly enhanced public realm and supported by 100 parking spaces, secure cycle parking, servicing, refuse facilities.
- 1.3 An application for an alternative scheme for the redevelopment of the site was heard at Development Control Committee in February 2016. The listed building consent for alterations to the listed building was granted in line with the officer's recommendation. However, the application for full planning permission for the redevelopment of the site was refused against the Planning Officer's recommendation that the application should be approved.
- 1.4 The planning application that is the subject of this Statement has been designed to overcome the reasons for refusal of this application, as described in the documents that support this planning application. While all alterations and structural works to the listed building are the same as were previously granted in the listed building consent, the hotel extension has been redesigned so listed building consent is also applied for once again for completeness.
- 1.5 The application has been informed by extensive pre-application discussions with Welwyn Hatfield Borough Council (WHBC) and in consultation with the local community. These detailed and constructive discussions have helped ensure that the design of the development accords with both planning policy and local aspirations wherever possible.
- 1.6 This Planning Statement should be read in conjunction with the following plans and reports that accompany the application for planning permission:
 - Planning application forms and certificates (Alder King Planning Consultants, August 2016);
 - Planning application plans (Corstorphine and Wright, August 2016);
 - Schedule of Works (Corstorphine and Wright, August 2016);
 - Design and Access Statement including Character Analysis and Appraisal (Corstorphine and Wright, August 2016);

- Planning Statement including s106 Heads of Terms (Alder King Planning Consultants, August 2016);
- Summary Document (Alder King Planning Consultants, August 2016);
- Statement of Community Involvement (Alder King Planning Consultants, August 2016);
- Heritage Statement including Listed Building Appraisal and Statement of Justification (Bidwells, August 2016);
- Structural Survey (Curtins Consulting Limited, September 2015);
- Phase I Geotechnical report (Curtins Consulting Limited, September 2015);
- Archaeological Desk Based Assessment (WYG, August 2015, as amended August 2016);
- Biodiversity Survey and Report (Curtins Consulting Limited, September 2015);
- Arboricultural Assessment (Patrick Stileman Limited, June 2014);
- Transport Assessment and Framework Travel Plan (Sterling Maynard, August 2016);
- Flood Risk Assessment and Drainage Strategy (Curtins, August 2016);
- Noise Assessment (Sandy Brown Associates LLP, August 2016);
- Energy Statement (Amber Management and Engineering Services Limited, September 2016);
- Site Waste Management Plan Tracking Diagrams (Sterling Maynard, August 2016);
- Utilities (Statutory Undertakers, 2015);
- Topographical Survey.

2.0 Site Location and Context

- 2.1 The site is a broadly triangular-shaped parcel of land with a site area of 1.6 hectares (3.7 acres). It faces onto the roundabout junction of Comet Way and St Albans Road West in Hatfield, which form the eastern and northern boundaries of the site (respectively). To the south-west of the site are the existing residential streets of Selwyn Drive and Ashby Close. A site location plan is attached at **Appendix 1**.

2.2 Within this context, the site forms part of a mixed area of commercial and residential uses in the area, which are of varying heights and character:

- Hatfield Business Park (Bishops Square) is located to the north of the site on the far side of St Albans Road West. The business park incorporates several four storey office buildings in landscaped grounds (approx. 18 metres in height);
- To the west/northwest are further high density buildings associated with the University of Hertfordshire de Havilland Campus, which are set in landscaped grounds. The buildings closest to the application site are four storeys in height (approx. 16.5 metres in height);
- To the west/southwest is lower density detached and semi-detached development along Ashby Close and Selwyn Drive;
- To the northeast is the roundabout junction of Comet Way with St Albans Road West. On the far side of the junction is the Galleria which is a high density regional shopping centre with a multi-storey car park and two floors of retail. The main elevation of the Galleria has an approximate height of 25.5m which equates to 8 storeys;
- To the east the site is bounded by the trees and grass verge of Comet Way (which used to be the Great North Road) and beyond that the A1 (M) runs below ground level.

2.3 In a wider sense, the site is a 10 minute walk from the University of Hertfordshire's other main campus at College Lane. There are good transport links including the University owned 'Uno' bus service which operates frequent services between the two campuses and Hatfield train station which is approximately 1.5 miles to the east of the site. Taken together, these add to the sustainability of this brownfield, town centre site. As a result the application site is considered to be a sustainable location for new development.

2.4 The site is occupied by the Comet Hotel, which is a three star hotel operating under the Ramada Worldwide brand. The Comet Hotel is Grade II Listed, having been added to the Statutory List in 1981.

2.5 The original Comet Road House is shaped in a geometric representation of an aircraft. It is a two-storey, brick clad, flat-roofed building with a strong horizontal emphasis, designed by E B Musman and built in the 1930's. It is listed for its Art Deco architectural merit and its historic association with Hatfield New Town and the De Havilland factory and airfield. Additions and alterations to the interior and exterior (including loss of the glass roof lantern) have detracted from the building and reduced its significance as a heritage asset.

2.6 The Statutory List describes the building as a, "pioneer hotel in the modern style", which was constructed from 1933 to 1936 as a roadside public house and bar for the Benskins (Watford) Brewery Ltd. The building was designed by Ernest Brander Musman (1888-1972) to resemble the shape of an aeroplane in plan form paying homage to the adjoining de Havilland Aircraft Factory and to perpetuate the memory of one of its historically significant planes, the Comet Racer. A copy of the list description is provided at **Appendix 2**.

- 2.7 The functional design brief for the Comet was to provide a road house, comprising a public house with bars, a restaurant and facilities for music and dancing, together with 11 guest bedrooms on the first floor. The two storey Comet Hotel building is constructed in red brick with stone dressings on a steel frame. It has a projecting rounded centrepiece with rounded single storey wings on either side, clearly incorporating the geometric shapes and sharp lines, characteristic of the Art Deco architecture of the inter-war period. The original design incorporated a viewing lantern above the central projecting element, which added a prominent vertical element to the building and is believed to represent a control tower.
- 2.8 The listing (1981) notes that the interior of the building had been altered. In addition, a number of extensions have been carried out that have increased the overall footprint of the building and resulted in the original plan form of the building being compromised. The original service yard at the rear of the building has been partly in-filled to create a reception/foyer area which has removed the screen wall on the east side. It has also screened the original rear elevation where it existed beneath the overbridge extension. The original garages and staff accommodation have been heavily remodelled. This is connected to the large modern hotel building, in the form of a two storey extension. The overall design and materials of these additions stand in stark contrast to the original building and are viewed as very separate and detracting elements.
- 2.9 As a result of these alterations, the Comet Hotel as it stands today provides 128 bedrooms, a bar, function room, and conferencing facilities. The building itself is sited in the northern portion of the site and is orientated towards the Comet Way roundabout (to the north-east). The building is surrounded by 163 car parking spaces provided in tarmac and set within the context of a poor quality public realm. The scheme is accessed via two vehicular accesses of Comet Road and St Albans Road West via a left in/left out junction only and two way junction (respectively).
- 2.10 The site itself is broadly flat in nature, as depicted in the topographic survey which accompanies the planning application. The site is level on the northern frontage to St Albans Road West. The listed building is clearly visible but the hotel extension is screened from St Albans Road West by a line of boundary hedges and trees. On the south eastern boundary the land rises up at Comet Way so that the site sits below the level of the road. It is bounded by a grass bank containing a number of mature trees and undergrowth, which form a visual screen. On the western boundary there are mature conifers (around a small substation) and deciduous trees which partly screen the residential properties behind. The trees on the site are not covered by Tree Preservation Orders.
- 2.11 While the site is well connected to pedestrian and cycle routes with surface level pedestrian crossings over the adjacent roads, it is visually and functionally separated from the surrounding uses by the busy roads. It is also separated by close-boarded fencing and trees from the rear gardens of residential properties in Ashbury Close and Selwyn Crescent.
- 2.12 The geology beneath the site comprises sand and gravel underlain by chalk bedrock, which contains a principal and secondary aquifer (respectively). Within the sand and gravel, the principal aquifer supports high levels of water storage while the secondary aquifer within the chalk bedrock supports low to moderate levels of water storage. The groundwater beneath the site is protected for abstraction and human consumption as a Source Protection Zone 2 and 3.

2.13 There are no ordinary watercourses or main rivers running through the site. The site falls within Flood Zone 1, with the Environment Agency (EA) flood risk and the groundwater flood risk maps indicating that there is limited potential for flooding on the site. The Thames Water searches report identified no public sewers, foul, surface or combined water directly crossing the development site, with utilities generally being routed around the highway verge along the boundary of the site.

3.0 Planning History

3.1 The current application comprises a resubmission following the refusal of the application for full planning permission (6/2015/1997/MAJ) by Committee against an officer's recommendation for approval. Full planning permission is sought by the same applicant for the same type and character of development on the same site and it is therefore exempt from planning application fees ('a free go'). Permission was previously sought for:

"Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of existing rear and side extensions. Erection of 9,586sq m student accommodation (Sui Generis), landscaping and associated works."

3.2 The development sought full planning permission for:

- *A 99 bedroom hotel (Use Class C1) supported by a bar, restaurant and function rooms, provided via the refurbishment of the existing Grade II listed building and a new 2,823 sq m hotel extension;*
- *9,283sq m of student accommodation (Use Class Sui Generis) providing 361 bedspaces in studios and twodios together with ancillary communal facilities;*
- *127 car parking spaces and 12 cycle spaces for the hotel;*
- *60 cycle spaces for student users;*
- *A comprehensive scheme of hard and soft landscaping; and*
- *Drainage, plant and ancillary facilities.*

3.3 An application for full planning permission and listed building consent application was submitted to WHBC along with a full suite of drawings and supporting documents in September 2015 and was validated on 5 October 2015. The application was referred to Development Management Committee on 4 February 2016 with an officer recommendation to grant permission subject to conditions (Committee Report attached at **Appendix 3**). Committee members resolved to grant the listed building consent (decision notice dated 4 February 2016) however resolved to refuse planning permission for the following reasons for refusal:

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.*

3.4 Following the refusal of the full planning permission the applicants moved quickly to discuss the future of the site with WHBC Planning Officers, ultimately deciding to pursue a resubmission. Due to the protracted nature of pre-application discussions, a decision was taken towards the end of the statutory 6 month period to appeal to the Planning Inspectorate against the above refusal. The appeal is currently ongoing with a Hearing date arranged for 30 November 2016 (PINS Ref: APP/C1950/W/16/3152025).

3.5 The site has also been subject to several other applications for planning permission. This assessment is based on the WHBC's online planning register and is therefore reliant on third party records being available. More significant applications include:

- S6/1992/0233/FP & S6/1992/0252/LB: Alterations and extension including erection of new bedroom block to provide 51 bedrooms and two meeting rooms; single storey extension for laundry room; new entrance lobby and refurbishment; additional car parking facilities – permission granted August 1992; and
- S6/1999/0798/FP & S6/1999/0799/LB: Demolition of staff block and erection of two storey extension to provide 28 bedrooms and 28 additional car parking spaces after demolition of existing staff block – permission granted November 1999.

3.6 A minor but recent application refers to a car washing area within the curtilage of the application site, comprising 6 car parking spaces and a canopy:

- S6/2014/1895/FP - Change of use of land to car washing, valeting (sui generis), works to include erection of a canopy – permission granted November 2014.

- 3.7 Within a wider sense, another relevant application is S6/2010/1206/MA which sought the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace at 46 The Common, Hatfield. This was refused by the Council in October 2010 however the subsequent appeal was allowed (PINS Ref: APP/C1950/A/10/2131919). This provides the only off-campus, private sector student accommodation in Hatfield, with the remainder being provided on existing university campus sites. A copy of the appeal decision is provided at **Appendix 4**. The matters raised by this decision are dealt with under Section 7 (Assessment of Student Need) below.

4.0 Pre-application & Consultation

Pre-application

- 4.1 Following the refusal of the previous application in February 2016, several pre-application meetings have been held between the project team and WHBC Officers. These meetings have focused on the reasons for refusal given for the previous application and how the scheme could be adapted to address the concerns raised by members and local stakeholders. The discussions also addressed the principle of providing an aparthotel and locating shared facilities within the listed building. Full details of pre-application discussions are included within the Statement of Community Involvement which accompanies this application for planning permission.

Public Consultation

- 4.2 In addition to the pre-application discussions with Officers, the applicant has also engaged again in a period of public consultation. This process included the presentation of the proposals to Town Council (8 August 2016). This was followed by a public consultation event where Borough and Town Councillors, local residents and interested groups were invited to view the proposals at The Comet Hotel. This event was manned by key members of the project team and provided interested parties with information about the scheme with the opportunity to feedback on the proposals. Full details of the public consultation are set out in the Statement of Community Involvement.

5.0 Development Proposals

- 5.1 The planning application seeks to regenerate the Comet Hotel site by securing a long term optimum viable future use for the Grade II Listed Comet Hotel. The proposals include the refurbishment and extension of the listed building to provide an aparthotel and high quality student accommodation.
- 5.2 The renovation of the Grade II Listed hotel building (Use Class C1) would involve the removal of the poor quality modern hotel extension and additions to the listed building in order to restore the original aeroplane shape of the building as was the original design intention. The proposals would, in addition, faithfully restore the glass lantern on the roof and significantly improve the setting. It is worth highlighting that the renovation works to the listed building were previously approved (6/2015/1998/LB). No additional changes to the listed building are proposed and the same improvements are provided.

- 5.3 In order to ensure that a viable and modern enterprise can be established the erection of a new high quality extension is proposed to the rear of the listed building. This will replace the existing 1980s/90s hotel extension. The extension would provide 56 serviced apartments forming a new aparthotel. The extension will also include a business hub which will provide bookable meeting and conference facilities to support local businesses. The refurbished listed hotel building would contain shared facilities including a 24-hour reception for the aparthotel and student accommodation, bar/restaurant for hotel guests, visitors and students with communal facilities at first floor level. The hotel, bar and restaurant would be supported by 72 car parking spaces and 28 overspill spaces which will be made available to staff, disabled students and visitors.
- 5.4 The student element of the scheme involves the erection of six buildings, around a communal courtyard, providing high quality, purpose built student accommodation. This would include 308 student beds supported by first class communal facilities such as a fitness room, cinema, social and study space and a laundry. The student accommodation (except disabled) will be car free and therefore no car parking provision is proposed on an individual tenancy basis with some parking provided for visitors. This will be managed and secured through individual tenancy agreements and a Travel Plan.
- 5.5 A redevelopment of the site as a whole would be underpinned by a comprehensive landscaping scheme throughout the site and along the site boundaries to enhance the setting of the listed building and new buildings.
- 5.6 A detailed description of the development proposals is provided within the Design & Access Statement and depicted by the in the planning application plans which accompany this application.

Amount

- 5.7 The proposed development would provide:
- Refurbishment of the existing Grade II listed building to provide a reception area, a bar, dining and function room, communal and social space. A business hub is also proposed, providing bookable space for residents and local businesses (4,063.3 sq. m, Use Class C1);
 - 308 beds of student accommodation providing studios and twodios across six purpose built, bespoke student buildings (7253.7 sq. m, Sui Generis);
 - 100 car parking spaces (72 allocated to the aparthotel, 28 overspill for staff, disabled students and visitors) and 64 cycle spaces for student users;
 - A comprehensive scheme of hard and soft landscaping; and
 - Drainage, plant and supporting facilities.
- 5.8 The schedule of accommodation is provided in **Appendix 5:**

Layout

- 5.9 The layout of the proposed scheme has been informed by the reasons for refusal of the previous planning application and pre-application discussions with WHBC and the local community. The starting point for the redevelopment of the site was to improve the setting and better reveal the significance of the listed building. This will be done firstly through the removal of the existing extensions at the rear of the hotel which are of no architectural merit and have a stark relationship with the listed building.
- 5.10 All new development should ensure that the setting of the hotel is not harmed. As such the proposed layout has been designed to retain the hotel as a focal point at the front of this prominent site, with new development provided to the rear of the site, designed to ‘frame’ the listed building. A firm build line is established to the rear of the listed building maintaining and enhancing the parts of the site which contribute most to its setting. Behind this line, the proposed development can be located with minimal impact on the setting of the listed building in layout terms, effectively creating a backdrop to the existing building while enhancing the setting of the listed building and the architectural quality of the site.
- 5.11 In addition to respecting the setting of the listed building, the proposed student blocks to the southeast and northwest are also required to take into account their relationship with the adjoining roads - in particular to acknowledge the urban form of St Albans Road West and Comet Way. The positioning of the three blocks at the rear (south-west) of the site also respond to the adjoining residential uses by way of separation, as well as the requirement to retain and enhance existing landscaping along the boundary.
- 5.12 Within this context, the scheme has been laid out as follows:
- Improvement to the sense of arrival to the site by creating a new shared reception area within the listed building, this would be readily accessed from both existing vehicular access points;
 - Shared communal and social space within the listed building including a bar, restaurant, function rooms, study rooms, fitness studio, cinema room and games/social space. This has the benefit of keeping the communal area with the potential to cause the most noise away from the residential properties to the rear;
 - An extension to the listed building to provide an aparthotel containing 56 serviced apartments. The extension would be set back from the listed building to maintain the degree of separation between the original building and new, modern additions. A Business Hub would be provided within the glazed link to mark the connection between the old and new elements;
 - The provision of student accommodation across six blocks of development, enabling varying heights of development to respond to key vistas;
 - Car parking associated with the aparthotel located around the site frontage for ease of access of patrons and management by staff; and

- Setting the redevelopment in the context of a vastly improved public realm and setting for the listed building. This layout also enables the majority of existing vegetation to be retained and enhanced along the southern, eastern and western parts of the site.

Scale

Comet Hotel Extension

- 5.13 The length of the extension is dictated by the number of hotel bedrooms necessary to support a viable enterprise, while enabling the height to be suppressed so that it remains subservient to the listed building.
- 5.14 The width of the hotel extension has been designed to maximise the amount of windows available to each serviced apartment.
- 5.15 The three storey height of the extension is designed to provide a sensitive backdrop to the listed building. The stepped top floor has regard to stepped design of the listed building, and will, along with the change of materials at top floor, help to break down the scale and mass of the building.

Student Accommodation

- 5.16 The size of the student accommodation blocks has been reduced by providing separate student 'houses' which place the development within the scale of surrounding development (see Design & Access Statement which accompanies this application for planning permission).
- 5.17 Each of the standard blocks has the same floorplate with the scale of the building being dictated by its location on the site. The three blocks to the west of the site have a saw tooth arrangement to their rear elevation to provide oblique (directional) windows. The remaining blocks would provide four floors of accommodation along St Alban's Road West and Comet Way with the top floor of the eastern blocks being set back to reduce massing and provide a roof terrace amenity space.
- 5.18 The height of the student accommodation has, in general, been suppressed by limiting floor to ceiling heights. It is also designed to ensure the buildings do not have an overbearing impact on neighbouring residential properties and respect the setting of the listed building. The taller buildings along Comet Way and St Alban's Road West are considered appropriate given these roads are major entries to the town of Hatfield and these buildings would frame the listed building. The lower three storey elements would not be visible behind The Comet when viewed from the front (north-east). The heights overall respond to the local character and context, with the buildings around Comet Way and St Alban's Road reflecting the surrounding larger commercial buildings.

Appearance

- 5.19 The development scheme proposes a design which will complement the listed building. New buildings with an attractive and distinctive identity are proposed, which will contribute positively to the surrounding area and strike a balance between contextual considerations, including adjoining commercial and residential uses, vehicular and pedestrian routes, together with open and green spaces.

5.20 A sensitive palette of materials has been selected to help articulate the main building elements whilst also responding to the existing context. The contemporary hotel extension provided with floor to ceiling glazed windows which will enable the silhouette of the heritage asset to be enhanced. The student accommodation will use a varied palette of materials including light brickwork, bronze panels, and terracotta fins which provide legibility and interest to the elevations.

Landscaping

5.21 The site wide landscape strategy seeks to enhance the setting of the Grade II listed building and the appearance of the site in general whilst creating an attractive place to live and visit. The landscaping is seen as an integral part of the design, management and function of the hotel and proposed student accommodation.

5.22 The proposals would include a comprehensive new landscaping scheme which will significantly improve views towards the site. The new planting and landscaping will augment the existing trees which are largely proposed to be retained. The creation of a formal hotel garden extending out from the existing terrace will help modify the local environment. New trees will be provided along the western boundary to fill gaps and provide increased screening where the existing vegetation is sparse.

Access

5.23 The existing vehicular accesses onto Comet Way and St Albans Road West remain unaltered but three new pedestrian access points will be created. One will provide direct access to St Albans Road West opposite the student reception area; the second will provide direct access from the car park to the bus stop H on the southern side of St Albans Road West; and the third will provide direct access from the car park to the controlled pedestrian crossing point in Comet Way at the Comet Roundabout.

5.24 100 car parking spaces will be provided to the front of the hotel. This provision includes 72 spaces for the aparthotel use which matches the current provision (1.27 spaces per bed). The overspill 28 spaces will be used by disabled students, staff and visitors. Special arrangement will be made for student drop off and pick up at the beginning and end of terms to ensure safe management on site and no impact on immediate local streets.

5.25 The intention is to make the development “zero parking” for residential students except for those with a blue badge for personal disability. A limited number of spaces will also be provided for staff, if required. The student accommodation will effectively be car-free. This is made possible due to the sustainable location of the site which is well located for the university and local services as well as a good local transport network. The car-free nature of the development will be secured through the implementation of a Travel Plan and individual contracts. Students will not be allowed to keep a car on site or to Hatfield, which will be enforced by onsite management. Any breach of this policy could result in the termination of a tenancy agreement.

5.26 Some cycle parking provision will be provided on the site in the form of secured, covered areas. The intention is to provide 64 cycle spaces, including 12 bikes for hire. This accords with the uptake of the on-site cycle

parking provision at Fusion's previous student accommodation scheme at Curzon Point, The Common, Hatfield. Free cycle hire will be available for student resident's onsite.

- 5.27 The hotel is currently serviced, via the access/egress onto the Mosquito Way/St Albans Road West roundabout. It is anticipated that both the hotel and student accommodation will be served via this route in the future and track plots have been produced which demonstrate that the FTA design rigid vehicle, a large refuse vehicle and the Fire Appliance can enter the site, turn and leave in forward gear. Copies of these track plots are provided with this planning application.

6.0 Planning Law & Policy Context

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless relevant material considerations indicate otherwise.
- 6.2 The local planning authority is WHBC and the local highways authority is Hertfordshire County Council. The Development Plan consists of Welwyn Hatfield District Plan 'saved policies' (adopted 2005). Material considerations include the National Planning Policy Framework, emerging planning policy and supplementary planning guidance.
- 6.3 The Council are currently in the process of producing the Welwyn Hatfield Local Plan which will set out the planning framework in the borough for the period up to 2031. Upon adoption it will replace the existing 'saved' policies of the Welwyn Hatfield District Plan (adopted 2005). The Local Plan Consultation took place in early 2015. The draft plan will be consulted on in Autumn 2016 and it is anticipated the Local Plan will be adopted in late 2017.
- 6.4 Whilst the Welwyn Hatfield District Plan was adopted in 2005, it was not adopted in accordance with the Planning and Compulsory Act 2004 as a Development Plan Document, but instead was adopted in accordance with the Town and Country Planning Act 1990 as a Local Plan. Therefore, having regard to the National Planning Policy Framework (the Framework, March 2015) transitory arrangements, the weight to be afforded to policies contained within the Local Plan will be dependent on their degree of conformity with the Framework, with the latter taking precedence. Paragraph 215 of the Framework is engaged in this regard.
- 6.5 In this context the policies within the NPPF are the most relevant to the determination of the application. The saved policies from the Welwyn Hatfield District Plan are relevant only where there is conformity with the NPPF.

Planning Law

- 6.6 The primary legislation relating to listed buildings and conservation areas is set out in the Planning (Listed Buildings & Conservation Areas) Act 1990.

- 6.7 Section 16(2) states *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.8 Section 66(1) reads: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Development Plan

Welwyn Hatfield District Plan, 2005

- 6.9 The Development Plan for the site comprises saved policies from the Welwyn Hatfield District Plan 2005.
- 6.10 The adopted proposals map shows that the site is not designated or allocated for any particular land use. In terms of the wider area there is a large employment designation to the north (Policy EA7 – policy not saved) and University designation to the northwest (Policy EMP12, University of Hertfordshire). The de Havilland Plain Landscape Character (Policy RA10, Landscape Regions and Character Areas) area is also within the surrounding area and it is closest to the site at the northwest. The site is outside of the Hatfield Aerodrome designation which covers a large area of Hatfield.
- 6.11 Policy SD1 (Sustainable Development) advises that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of this plan. In accordance with Policy GBSP2 development will mainly be concentrated in Welwyn Garden City and Hatfield. Proposals should seek to maximise the use of previously developed land (Policy R1, Maximizing Previously Developed Land).
- 6.12 Development will be required to have regard to the Council’s design policies (D1 (Quality of Design), D2 (Character and Context), D4 (Quality of the Public Realm), D5 (Design for Movement), D6 (Legibility), D7 (Safety by Design), D8 (Landscaping), D9 (Access for People with Disabilities), including ensuring development respects and relates to the character and context of the area, enhancing the public realm, taking account of existing patterns of movement, increasing legibility and reducing crime, incorporating appropriate landscaping and ensuring inclusive access. The Council will require a high quality of design and applications will need to be accompanied by a design statement.
- 6.13 Policy R3 (Energy Efficiency) is concerned with energy efficiency through design and the use of renewable energy. Policy R5 (Waste Management) requires applications for larger schemes to consider waste management throughout the design, construction, operation, occupation and demolition of existing buildings. Policy R7 (Protection of Ground and Surface Water) and R10 are concerned with water protection and conservation and encourage the incorporation of sustainable drainage systems. Policies R11 (Biodiversity and Development) and R17 (Trees, Woodland and Hedgerows) are concerned with the protection of biodiversity and trees on development sites.

- 6.14 In relation to listed buildings, Policy R27 (Demolition of Listed Buildings) states that proposals for the complete or partial demolition of any building of special architectural or historic interest will not be granted other than in exceptional circumstances.
- 6.15 The Council's transport criterion is provided in Policy M1 (Integrating Transport and Land Use). This advises that development will only be permitted in locations with accessibility to pedestrian and cycle routes and passenger transport services and where the amount and type of transport movement likely to be generated can be accommodated. Wherever possible and practical the Council will seek improvements in facilities for the safe and convenient movement of pedestrians (Policy M5, Pedestrian Facilities), encourage cycling (Policy M6, Cycle Routes and Facilities). Adequate parking must be provided in line with the Council's adopted standards (Policy M14, Parking Standards for New Development).
- 6.16 In accordance with Policy M2 (Transport Assessments), given that the proposals represent a major new development, the application will be accompanied by a comprehensive Transport assessment. A Green Travel Plan will also be produced as required by Policy M3 (Green Travel Plans).
- 6.17 Developer contributions where development necessitates alteration to the existing or the provision of new transport infrastructure will be required in accordance with Policy M4 (Developer Contributions). Policy IM2 (Planning Obligations) requires development to provide for the infrastructure, services and facilities which are directly related to it and necessary to the granting of planning permission.

National Planning Policy Framework (NPPF, 2012)

- 6.18 The National Planning Policy Framework (the Framework) sets a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (Paragraph 14).
- 6.19 When making decisions, local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 6.20 In relation to housing, the Framework states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community including students; and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand (para 50).
- 6.21 Chapter 11 relates to 'Conserving and enhancing the natural environment' and states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, protecting the landscape, ecosystems, minimising impacts on biodiversity and ensuring that residents of new development not put at an unacceptable risk of pollution.

6.22 Chapter 12 is concerned with ‘Conserving and enhancing the historic environment’. The Framework, at this stage, directs local planning authorities to require an applicant to “describe the significance of any heritage assets affected, including any contribution made by their setting” and the level of detailed assessment should be “proportionate to the assets’ importance” (Paragraph 128).

6.23 As a consequence, planning applications involving listed buildings are required to be supported by a Significance Assessment which identifies and then sets out the relative nature and value of affected heritage assets. Planning Authorities should then “take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid conflict between the heritage asset’s conservation and any aspect of the proposal” (Paragraph 129).

6.24 In respect of heritage decision-making, the NPPG stresses the importance of determining applications on the basis of significance, and explains how the tests of harm and impact within the NPPF are to be interpreted. Paragraph 132 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

6.25 In the case of proposals which would result in “less than substantial harm”, Paragraph 134 provides the following:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

6.26 It is also possible for proposals, where suitably designed, to result in no harm to the significance of heritage assets. In the case of non-designated heritage assets, Paragraph 135 requires a Local Planning Authority to make a “balanced judgement” having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Practice Guidance (NPPG)

6.27 The National Planning Practice Guidance (NPPG) provides guidance on the Framework and the manner in which it should be applied. The following parts of the NPPG are of relevance to the planning application:

- *Before submitting a planning application;*
- *Climate change;*
- *Community Infrastructure Levy;*

- *Conserving and enhancing the historic environment;*
- *Consultation and pre-decision matters;*
- *Design;*
- *Determining a planning application;*
- *Flood risk and coastal change;*
- *Housing and economic development needs assessments;*
- *Making an application;*
- *Natural environment;*
- *Noise;*
- *Open space, sports, recreation facilities, public rights of way and local green space;*
- *Planning obligations;*
- *Renewable and low carbon energy;*
- *Travel plans, transport assessments and statements in decision taking; and*
- *Use of planning conditions.*

Supplementary Planning Guidance and Documents

6.28 The following Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) are also of relevance to the development proposals:

- *Welwyn Hatfield District Plan: Supplementary Design guidance (February 2005):* This document supplements the policies within the District Plan and provides guidance on the design and layout of all new development in the district;
- *Houses in Multiple Occupation SPD (2012):* This document sets out WHBC's approach to planning applications for houses in multiple occupation (HMOs). Although not directly relevant to the proposals one of the reasons for producing this document is due to the high concentrations of HMOs in Hatfield, including surrounding the University of Hertfordshire College Lane Campus. The

proposal would help to alleviate the current situation by providing purpose built student accommodation taking the pressure off residential properties and assisting in improving residential amenity;

- *Interim Policy for Car Parking Standards and Garage Sizes (2014)*: This document states that the ‘Council will treat all car parking standards set out in the Welwyn Hatfield Parking Standards Supplementary Planning Guidance as guidelines rather than maximums.’ And that “planning applications will be determined on a case-by-case basis to achieve a sensible level of provision taking account of existing SPG standards, NPPF guidance, the relevant circumstances of the proposal, its site context and its wider surroundings”;
- *Strategic Housing Market Assessment*: The report was published in August 2014 and highlights the important role of that the private rented sector plays in Hatfield and the important influence of the student population on this housing market where there has been a substantial increase in private renting from a landlord or agency since 2001;
- *Planning Obligations SPD (2012)*: This SPD sets out WHBC’s approach to planning obligations and identifies the types of development that are likely to require planning obligations and thresholds at which obligations will be sought; and
- *Planning Obligations Guidance – Toolkit for Hertfordshire (January 2008)*: This guidance sets out the way in which the County Council will deal with the negotiation, preparation and completion of all planning obligation agreements. It acknowledges that there will be a need to develop, amend and review the document in light of experience and any future government advice and guidance.

Local Transport Policy

6.29 Local Transport Plans (LTPs) are a requirement of the Transport Act 2000. The third Hertfordshire Local Transport Plan is a statutory document which sets out the County Council’s vision and strategy for the long term development of transport in the county.

University Estates Vision

6.30 Although not an adopted Supplementary Planning Document, the 2020 Estates Vision for the University of Hertfordshire’s Estate’s Vision was endorsed by Welwyn Hatfield Borough Council on 26th April 2012 and is a material consideration in all future university related development proposals. This document firmly established the principle of providing new student accommodation on the College Lane Campus.

6.31 The document identifies that there is currently great demand for on campus student accommodation at the University, and current accommodation is behind expectations in terms of quality. It states that many accommodation blocks are beyond their useful economic life and have been identified for demolition. It also confirms that accommodation should be a priority for the University. The Vision includes the provision of

accommodation through replacement of existing bedspaces (c 1,000 beds) and an increase of a further 1,500 beds at the Campus before 2021.

6.32 The Vision identifies a desire to guarantee housing to first year undergraduates and overseas students but confirms the current provision of on campus student housing does not offer this level of accommodation. The proposals at the application site will therefore assist in meeting this desire in close proximity to the Campuses.

6.33 The Vision also comments on the demand for student accommodation and confirms it is very strong with over 6,500 applications received for the 2011/12 year:

....Another way of assessing demand is looking at available rooms against total; students numbers. Currently the University has c.20,500 full time students and can only house c.15%, hence 8,000 reside in houses of multiple accommodations (HMOs). This is below the sector average; with most British Universities able to provide housing for 25% of their students.

6.34 Proposals in the vision seek to remedy this situation through a strategy of significant development in order to deliver more modern student accommodation on the College Lane Campus. “The Estates Vision provides for replacement of two thirds of the existing student housing provision, with the addition of a further c.1,500 units. These efforts will bring the College Lane residential total to c.3,100 units and the University’s total to c.4,600 units.”

6.35 However, it will still result in a significant amount of accommodation being provided through HMO rather than purpose built student accommodation developments such as proposed planning application scheme. The proposals at Comet Hatfield Hotel will greatly assist in delivering the type of accommodation the University supports at a sustainable location.

7.0 Assessment of Student Need

7.1 The usual resident population of Hatfield was 37,200 at the last census (2011). In 2013/14, there were a total of 18,752 full time students enrolled in Welwyn Hatfield (90% of the student population is based in Hatfield - Strategic Housing Market Assessment, 2014). This constitutes the 24th largest student population in the UK.

7.2 There are two institutions of higher education in the Borough, these are the University of Hertfordshire, which has two campuses within Hatfield at de Havilland and College Lane, and the Royal Veterinary College, which is part of the University of London and has a satellite campus just to the south of Hatfield. Student accommodation is provided on campus by these institutions together with the single private sector student development (Curzon Point), within HMOs or within students’ family homes.

7.3 Table 1 and Table 2 below sets out evidence of supply and demand in Welwyn Hatfield provided by CBRE (2015). This demonstrates that there is significant latent demand for student accommodation to support the proposed development at the Comet Hotel:

- There is demand for 11,825 beds of purpose built student accommodation in Hatfield (Table 2);
- Taking into account existing supply, there is a demand for 8,687 student beds or existing supply combined with extant planning permissions, there remains a demand for 6,887 beds of student accommodation (Table 2);
- The development’s target market is for overseas and postgraduate students. There is a latent demand for 4,319 beds of student accommodation arising from the University of Hertfordshire (Table 1);
- The University of Hertfordshire are also seeking to target the overseas and postgraduate market as part of their proposed College Lane Bishops Rise development (planning application reference S6/2012/1928/PP). Taking account of the net (1,452 beds) bed numbers provided by this development still demonstrates that there is ample demand to support the development of new purpose built student accommodation at the Comet Hotel. This provides a resultant demand of 2,867 beds (net).

7.4 These matters are set out in detail within the CBRE Report which is provided at **Appendix 6**.

Table 1: Full Time Student Population University of Hertfordshire

University of Hertfordshire Main Campus		2011/2012	2012/2013	2013/2014	Last year change
Total full time students		20,162	18,479	17,800	5%
Proportion of international students		20%	21%	19%	
Proportion of Postgraduates		13%	12%	11%	
Undergraduates	UK	15,077	14,019	13,481	-4%
	Other EU	597	624	532	-15%
	Non EU	1,862	1,907	1,791	-6%
<i>Undergraduates non-UK</i>		<i>2,458</i>	<i>2,531</i>	<i>2,323</i>	
Undergraduates total		17,836	16,550	15,804	
Postgraduates	UK	997	877	907	3%
	Other EU	102	87	84	-3%
	Non EU	1,527	1,235	1,005	-19%
Postgraduates total		2,626	2,199	1,996	

Source: CBRE 2015

Table 2: Supply and Demand Welwyn Hatfield

DEMAND	
Total full time students (HESA/CBRE 2013/14)	18,752
Less living with parent / guardian	5,206
Less not in attendance	232
Less living in town residence	1,489
<i>Total potential students in the target market</i>	<i>11,825</i>
SUPPLY	
University Halls (CBRE Research 2014/15)	3,022
Private Halls (CBRE Research 2014/15)	116
<i>Current Purpose Built Accommodation Supply</i>	<i>3,138</i>
Purpose Built Accommodation in the Pipeline (planning permissions)	1,800
<i>Total Purpose Built Supply Less Pipeline</i>	<i>4,938</i>
Target Market (Excluding Pipeline)	8,687
Target Market (Including Pipeline)	6,887

Source CBRE 2015

Benefits

- 7.5 The advantages of providing managed student accommodation in Hatfield is that it relieves pressures on the private housing market, is purpose built for students, includes specifically designed communal facilities and improves the quality of accommodation for students and the management of amenity impacts for local residents.

- 7.6 In this regard it is important to highlight that in addition to the general need demonstrated above there is a higher rate of students living within HMOs in Welwyn Hatfield when compared to the national average, some 34% in Hatfield versus 30% nationally. HMOs provide by far the largest accommodation type in the area. The Estates Vision put the figure even higher at 39% living within HMOs (8000 out of 20,500 students). In contrast it is highlighted that there are comparatively very few private-sector halls serving students in Welwyn Hatfield. Whilst the national average is 6%, locally only 1% of students occupy private halls. In addition, there is a smaller proportion of students living at 'provider maintained property' (which includes university halls) at 16% in comparison with the national average at 19%. This all indicates that there is a gross undersupply of purpose built student accommodation (whether private or university operated) within Welwyn Hatfield.

- 7.7 The concern in relation to the amount of HMOs in Hatfield is highlighted within the Emerging Core Strategy (2012). The key concern is that concentrations of up to 50% are changing the character of certain areas and creating an imbalance within local communities. The level of concern is reflected by the introduction of an Article 4 direction in January 2012 which requires planning permission be sought to turn a dwelling into an HMO for three to six occupants. The provision of more purpose built accommodation will reduce demand to turn dwellings over to HMOs and will ensure communities are balanced, which represents a significant public benefit which must be weighed in favour of the application (Paragraphs 14 and 134 of the NPPF).

Appeals Analysis

7.8 There have been two appeals within Hatfield which are relevant to consider in relation to the application proposals. In both cases the Inspector discusses need within the decision. These cases are discussed in turn below:

46 The Common, Hatfield, AL10 0LU (PINS REF: APP/C1950/A/10/2131919)

7.9 In his appeal decision dated 17 February 2011, the Inspector noted that University of Hertfordshire had identified deficiencies in both the quantity and quality of student accommodation. The demonstrated need for student accommodation was not disputed by the Council, however they were not satisfied that the proposed scheme would necessarily contribute towards meeting the identified need. The Inspector however, did not share these concerns and maintained that it was very likely that the accommodation would be fully taken up by University of Hertfordshire students due to the close proximity of the University, the fact that it is specifically designed for students and the scale of the need. The submitted legal agreement committed the provider to provide accommodation solely for University of Hertfordshire students.

7.10 Given the ongoing need discussed above, the close proximity of the application site to the de Havilland campus and the high quality accommodation designed for a specific student demographic there is no reason why an Inspector would come to a different conclusion than that taken on the Comet Hotel site. This is particularly the case given the above appeal decision pre-dates the adoption of the NPPF and supporting NPPG which require a balancing act of harm versus benefits and introduce a strong presumption in favour of sustainable development unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

106A-120 College Lane, Hatfield, AL10 9PA (PINS REF: APP/C1950/A/11/2158801)

7.11 In reaching the decision to dismiss this appeal (31 January 2012) the Inspector considered the question of “*whether there is a need for purpose built student accommodation at this location and, if so, whether there is a more suitable alternative site.*”

7.12 The appointed inspector did not dispute that there is a proven need for student accommodation in the district. However, he highlighted that the need arose within the district as a whole rather than ‘community’ in question. The Inspector concluded the proposals would introduce something ‘not of the community under consideration’ and that there is no proven need at the chosen location. This was compounded by the fact that the proposed development would result in the loss of nine dwellings.

7.13 The crucial difference between the case discussed above and the proposed development is that the application site does not lie within a defined community and would not result in the loss of any residential dwellings. Again the need for student accommodation is highlighted, and whilst it is accepted that this is a district wide requirement, the proposed site is located in a sustainable location adjacent to the University of Hertfordshire de-Havilland Campus and within a kilometre of the College Lane Campus. As discussed previously the Council have accepted the principle of student accommodation on the site within the pre-application discussions.

- 7.14 The Inspector agreed that the proposals would reduce demand for student rooms in HMOs. However it was argued that there was no evidence to confirm that if there were vacant rooms they would be concentrated in a way that they would release buildings that would revert back to single units. However, student properties within Hatfield are generally let as whole properties (marketed with a rental price for the whole property) rather than a room by room basis. This encourages groups to join together to rent properties with full occupancy. Therefore reducing demand within the private rental sector would suggest whole properties would be released and could revert to single units for sale or professional rental.
- 7.15 Furthermore, the date of this appeal decision also pre-dates the adoption of the NPPF (March 2012) and the preparation of the NPPG which introduced a harm versus benefits test at Paragraphs 14 and 134. If this appeal was heard now, the delivery of much needed purpose built student accommodation would weigh heavily in favour of permitting the proposed development and represent a significant public benefit.
- 7.16 The perceived harm caused by this application proposal is at worst “less than substantial” and therefore would be outweighed by the benefits derived including delivery of much needed student accommodation and the other public benefits of the proposals (para 134). The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits (para 14).

8.0 Planning Justification

- 8.1 This section is structured to firstly have regard to the key planning considerations which are considered to be the principle of development, reasons for refusing the previous application and then to other material considerations, which should also be weighed in the balance of determination of this planning application.

Key Planning Considerations

- 8.2 The proposals in this planning application have been designed in direct response to the reasons for refusal of the previous planning application. These matters (heritage, design and neighbouring amenity and onsite amenity space) will be considered in turn within this section, together with consideration of the principle of development.

Principle of Development

- 8.3 The application site is brownfield and within a highly sustainable location which engaged the presumption in favour test in the NPPF. It is located adjacent to the University of Hertfordshire de Havilland Campus located and less than 1km from College Lane Campus. It is within walking distance to the centre of Hatfield and has excellent transport links with the surrounding area, including the University owned ‘Uno’ bus service which operates frequent services and Hatfield train station which is located approximately 2km to the east of the site.
- 8.4 The Welwyn Hatfield District Plan 2005, which forms part of the Development Plan, identifies the site as being located within the settlement boundaries of Hatfield. As such the principle of development is acceptable in accordance with Policy GBSP2 which seeks to concentrate new development within town and specified

settlements. This position confirmed by the formal pre-application response from Welwyn Hatfield BC (a copy is provided in the Statement of Common Ground (SCG) which accompanies this planning application) and further confirmed by the Committee Report for the refused planning application (**Appendix 3**).

- 8.5 As such, as well as the considerable benefits that this location lends to the operation of a hotel and student accommodation, planning policy at all levels supports the development of brownfield sites with good access to leisure, employment and community facilities which reduce the need to travel.
- 8.6 The continued use of the site for hotel accommodation is acceptable and is supported by Policy CLT6 District Plan. The proposed development will result in a reduction in room numbers but will result in significant improvements in terms of the quality of accommodation provided and appearance and setting of the listed building. The conversion to use as an aparthotel will provide a new type of accommodation which is not currently offered in Hatfield and therefore results in an increase in the variety of accommodation and meets a specific demand.
- 8.7 In respect of student accommodation, the committee report highlighted that whilst the Council had previously supported on-campus provision of student housing there needed to be a balance struck between on and off site student accommodation. Therefore the proposals would not be contrary to the policies of the District Plan provided mechanisms are in place to retain the accommodation for students.
- 8.8 Section 7 of this report identifies that there is an ongoing latent need for purpose built student accommodation within Welwyn Hatfield. This is reinforced by the Universities own Estates Vision which highlights the pressing need for better quality, purpose built accommodation, a lack of which has resulted in an over reliance on HMOs in the Borough (Section 6). The bed spaces provided by the proposed development would cater for an existing student population and would aim to draw students away from HMOs and put them into purpose built student accommodation where the residents are 'managed' 24 hours a day. This approach has been endorsed by Inspectors in the past.

Heritage

- 8.9 The proposed application includes the renovation and refurbishment of the Grade II Listed Comet Hotel. The works to the hotel involve the demolition of the 1980/90s extensions to the rear and removal of latter additions which have altered the original aeroplane form of the building. All structural works and reinstatement of original features to the listed building remain the same as previously granted in the listed building consent (6/2015/1998/LB). However, listed building consent is applied for again to address the new form of the extension to the rear of the hotel. It is also noted that whilst the plan form will remain the same as previously approved some of the uses of rooms have been altered.
- 8.10 Whilst the proposed works to the Grade II listed building were previously considered acceptable to WHBC, heritage formed part of the refusal of full planning permission. The refusal reason maintained that the proposed works would have a detrimental impact on the character and setting of the listed building resulting in substantial harm which is not outweighed by the conservation of the listed building or other material

considerations. This decision was made by members of planning committee, not officers who had considered the harm to be less than substantial and concluded harm was outweighed by benefits.

- 8.11 In this regard, the level of harm considered to be caused to the significance of the listed building by the proposed development is the key issue. Any harm which is considered to be caused to the listed building has to be weighed against other matters depending on the level of harm in question.
- 8.12 The NPPF makes it clear that significance derives from a heritage asset's presence and physical characteristics, and that setting may contribute to this to a greater or lesser extent. Historic England GPA 3 Paragraph 9 clarifies that: "Setting is not a heritage asset, nor a heritage designation". It goes on to state that: "Its importance lies in what it contributes to the significance of the heritage asset." This implies that not all aspects of setting by definition contribute to the significance of an asset to the same extent or at the same level. The implication is that the preservation of setting does not always preclude change. Indeed, Paragraph 10 of the same document confirms that: "*Protection of the setting of heritage assets need not prevent change*", and it goes further to say that "*change may be positive, for instance where the setting has been compromised by poor development*" (Paragraph 11). It is in this context that the assessment of change and impact within the setting of the Comet Hotel should be carefully assessed – taking into account, particularly, the extent to which existing poor development and aspects of setting could be enhanced by new development.
- 8.13 The NPPF requires applicants to clearly describe the significance of any heritage assets affected by a development including any contribution made by their setting. The Heritage Statement submitted this application provides a detailed significance assessment. The report confirms that the exterior of the listed building remains largely intact, however a number of extensions have increased the overall footprint of the original building compromised the original aeroplane plan form. Within this context and in respect of heritage value, it is considered that the exterior possesses a good/medium level of significance.
- 8.14 The significance assessment submitted with the planning application notes that the setting of the listed building has changed dramatically since its construction, and its current condition detracts from the asset's significance. It is harmed by its location and views dominated by highways and highway structures. The effect being that the building cannot be appreciated from any long range views and it is possible to miss the hotel altogether. The utilitarian design of the existing hotel extension to the rear also provides a detracting feature. In summarising the contribution made by the setting to the listed building, it is concluded that it varies between medium and low value. The front of the site is highlighted as having the potential to contribute more positively to the setting and significance whilst the rear of the site due to its remoteness from the listed building is considered to be of lesser importance.
- 8.15 LPAs are required to assess the particular significance of any heritage asset affected by a proposal and take this assessment into account when considering the impact of any proposal on the heritage asset. The merits or dis-merits of the existing situation need to be robustly assessed and any changes to the structure or setting resulting from a development proposal needs to be weighed in the balance of determination of significance.

- 8.16 It is clear that the existing hotel extension has a significant impact on the setting of the listed building. Clearly the setting of the listed building has previously undergone significant change and degradation, therefore removal of this structure is a clear heritage benefit. The proposed hotel extension has been designed to have a very different appearance and impact on the setting compared to the existing extension. In response to the refusal reasons, the design of the listed building extension has been developed in response to the refusal reasons. The glazed link has been reduced in height to provide accommodation on one floor rather than two. The extension provides glazed elevations which will reflect the natural setting and the listed building. The third floor incorporates a step in at third floor level and a material change in order to break down scale and massing. The effect of the design of the new element is to bring focus to the historic building. It is therefore considered that the removal of the existing extension and its replacement with appropriately designed new build will, on balance, result in a significant improvement to the setting of the listed building.
- 8.17 Paragraph 132 of the NPPF requires that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction or through development within the setting of a heritage asset. Substantial harm to or loss of a designated heritage asset such as the Comet should be exceptional. The National Planning Policy Guidance (NPPG) provides further guidance in relation to evaluation of harm. It is noted that substantial harm is a high test so may not arise in many cases, *"...in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."* (Reference ID: 18a-017-20140306).
- 8.18 The proposed works are considered to clearly result in less than substantial harm to the setting of the listed building. In this context, the harm should be weighed against the public benefits of the proposal (Paragraph 134). This includes securing its optimum viable use. The use of the building within its historic use must be considered a significant heritage benefit. A full list of the heritage benefits associated with the development proposals is included in the Heritage Statement which accompanies this application for planning permission.
- 8.19 Whilst the previous reason for refusal alleges that the proposed works would result in substantial harm it is clear that the Case Officer and Conservation Officer considered that the proposals would result in less than substantial harm as reference is made to Paragraph 134 in the consultation response and not 133. The case officer in Paragraph 11.22 of the Committee Report sets out, "On balance while some harm to the setting of the listed building is acknowledged it is considered to be less than substantial and the overall proposal is acceptable subject to the benefits being delivered early in the redevelopment of the site as a whole."
- 8.20 Whilst the proposals would cause some harm to the significance of the listed building, the significant benefits would far exceed the harm caused. The proposal would secure a viable future for the listed building along with appropriate refurbishments and restorations. The existing hotel extension has a significant negative impact, where the new buildings have been sensitively designed using high quality and appropriate materials. Siting has been well thought out to ensure good separation to the listed building.

- 8.21 As identified within the Heritage Statement, the front of the site has the most potential to have a positive impact on the significance of the setting; therefore no new development is proposed forward of the rear building line of the listed building. Significant new landscaping and a reduction in car parking have been included to improve views from the building's main elevation.
- 8.22 The lower hotel extension and three storey student block behind the hotel would step up to the sides of the site which will ensure views towards the listed building are not interrupted but are framed by the new development. The original, iconic lantern at the front of the listed building would be reinstated based on the original drawings located in the RIBA archive, thereby enhancing the building's landmark role as well as its architectural significance. These are significant heritage benefits which weigh positively in the balance.
- 8.23 The wider public benefits of the scheme must also be considered in accordance with Paragraphs 134 and 14 of the NPPF. These include the overall investment in the site and improvement from a design and setting perspective when compared to the existing extension. Also, this specifically includes the delivery of new accommodation for students which will in turn relieve pressure of HMOs, secures the long term viability of the original Use Class C1 Hotel, provide jobs for the construction industry (direct and indirect) and permanent jobs related to the scheme, as well as contributions to the highway and public realm. A full list of public benefits is provided in the Heritage Statement which accompanies this application for planning permission.
- 8.24 The scale of the proposed development has been further reduced compared to the original scheme to address the reasons for refusal relating to heritage. The massing and heights of the new buildings has been reduced, this has resulted in a reduced intensity of development and drop in total bed numbers (462 to 364). A sensitive palette of materials is proposed to ensure the new buildings would not detract from the listed building. Having regard to Paragraph 134 of the NPPF it is clear that the benefits provided by the scheme clearly outweigh the harm to the designated heritage asset. The adverse impacts of granting permission do not significantly or demonstrably outweigh the benefits (Paragraph 14).

Design & Neighbouring Amenity

- 8.25 Welwyn Hatfield's District Plan (Policies D1- D9) attaches great importance to high quality and inclusive design as a key aspect of sustainable development which should contribute to making places better for people. The applicant is committed to providing a well-designed and high quality scheme which is built around the needs of hotel users and students alike.
- 8.26 District Plan Policy D2 confirms that new development should respect and relate to the character and context of the area in which it is proposed. As set out in section 2 of this report, the surrounding area is made up of areas of distinctly different character. The frontage with its busy road junction, adjacent offices and Galleria shopping centre represents a very urban environment. The rear of the site backs onto suburban residential streets. The proposals have been designed in order to respect this mix of uses and fit in with this mixed character. The transition to the adjacent residential properties has been a key consideration in the design process. The proposals relate well to the varied character of the area and would result in a significant improvement to the existing context in accordance with Policy D2.

- 8.27 The SCG drafted in partnership with the Welwyn Hatfield Borough Council following the refusal of the previous planning application and submission of the appeal established that the key area of disagreement relates to neighbouring amenity and describes: *“The level of harm to the living conditions of neighbouring residents in Ashbury Close and Selwyn Crescent specifically in terms of overlooking and perceived loss of privacy and overbearing impact”* (Paragraph 7.2, attached at **Appendix 7**). In respect of these two key issues the proposed development has fully addressed the issues of concern.
- 8.28 As with the previous application the buildings have been designed so that they avoid any kind of overlooking of neighbouring properties in Ashbury Close and Selwyn Crescent. All habitable rooms facing the western boundary would have oblique (directional) windows which would ensure there are no direct views towards the rear of adjacent properties. This design is also similar in some respects to the existing arrangement of the rear hotel extension which would be demolished.
- 8.29 It is helpful to consider the comments within the previous Committee Report in relation to the windows on the west elevation. The report at Paragraph 11.46 notes “The windows on all three floors would be angled away from those boundaries to face south and would not give rise to overlooking of the residential properties’ internal or external spaces.” Paragraph 11.38 notes that the angled windows would be orientated to the south to maximise solar gain and avoid overlooking of the residential dwellings and gardens behind.
- 8.30 It has been suggested that the concern relates to a perception of overlooking rather than actual overlooking. However, perceived overlooking can only be an issue where the windows from which the harm could arise are visible from the sensitive area. In this instance due to the oblique windows views towards windows will not be possible from the adjacent properties and as such no perceived overlooking should exist. Therefore, the scheme has been designed to comply with the requirements set out by Policy D1 which require developments to minimise overlooking and promote privacy.
- 8.31 The redesigned proposals have also sought to address the concern that there would be an overbearing impact on the neighbouring properties within Selwyn Crescent and particularly Ashbury Close. The four linked buildings previously proposed have been replaced by 6 smaller student accommodation blocks. Three of the proposed blocks along the western boundary would be three storeys in height with the remaining three blocks located adjacent to St Albans Road West and Comet Way would be four storeys. This represents a reduction in overall heights as the previous scheme proposed a five storey block at the south alongside Comet Way.
- 8.32 The rear student blocks have been designed to be three storeys with flat roofs. Any potential for overbearing is reduced further due to the slight rise in land levels to the west. Therefore the height of these blocks would be a maximum of 0.5m higher than the lowest ridge of adjoining properties in Ashbury Close and some ridges in Selwyn Crescent exceed the proposed buildings.
- 8.33 The breaking up of the proposed blocks has also allowed for spacing between the blocks and enabled a staggered arrangement where the buildings are angled away from the boundary. This relationship with the boundary will improve any glimpsed views from the adjoining properties, and will further reduce the perception of overbearing. There is significant existing screening along the western boundary of the site

and all existing trees will be retained. There is an opportunity to bolster the existing trees with new planting and to fill some of the gaps. The combination of existing and new trees will further screen the site.

- 8.34 WHBC do not have any currently adopted design policies which specify acceptable separation distances between existing and proposed development. In the absence of adopted guidance, an assessment of neighbouring authorities was carried out prior to submission. Hertsmere Borough Council require back to back or front to front separation of 20m (SPD: Guidelines for Development, 2013). This document also states that where no directly overlooking windows are proposed closer distances could be acceptable. St Albans City and District Council Local Plan Policy guidance states that a distance of 27m should be used for facing windows with 1.8m high screening, however this distance can be reduced to 18m if the proposed has no overlooking rear windows on upper floors (Design Advice Note: Suburban Dream, Suburban Reality (1998).
- 8.35 The NPPG sets out at Paragraph 24 that “*New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other... The layout of areas, whether existing or new, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site.*”
- 8.36 It is further acknowledged elsewhere (Better Places to Live 2002 – superseded by the NPPG) that whilst general standards prescribing minimum separation distances between habitable rooms have the potential to frustrate the creation of attractive residential environments by denying the ability to provide privacy through careful design (Better Places to Live 2002 – superseded by NPPG). Therefore in the absence of adopted guidance, each case should be decided on its own merits.
- 8.37 Whilst the relationship with neighbouring properties resulting from the previous scheme was considered to be acceptable by Welwyn Hatfield BC, the revised scheme allows for increased separation distances which will again reduce the potential for any overbearance. A comparison between the refused and proposed schemes is provided in the Design & Access Statement, which accompanies this planning permission. This demonstrates that separation distance between the four storey block and closest property within Ashbury Close has increased from 22.5m to 27.5m. The closest corner of the northern three storey building would be in the same location as the existing hotel extension and follows the established building line. The separation distances to the closest property in Selwyn Crescent has increased from 34m to 41.5m and the former five storey block which is now four storeys would be circa 50m from 33 Selwyn Crescent.
- 8.38 The increased separation distances, in combination with the revised design including reduced height and directional windows along with the existing and proposed boundary landscaping means that there would be a significant improvement compared to the proposals in the refused scheme which was considered by the applicant and determining officers to be acceptable. As a result the application would result in no unreasonable harm caused to the amenity of neighbouring occupiers.

Amenity Space

- 8.39 The third reason for refusing the previous application related to poor quality of amenity space for students. Subsequent discussion with the Council during the preparation of the SCG identified that the objection related specifically to the outdoor amenity space provision. The agreed SCG sets out:

“It is common ground that the development proposal provides internal amenity spaces for students on the ground floor of the building including a reception room, gym, laundry, dining room, cinema room, two study rooms and a large social space. It is common ground that the level of internal amenity space is acceptable and not material to the refusal of the planning application.

It is common ground that the southern courtyard would provide outdoor amenity space for the use of student residents in the development.”

- 8.40 The current scheme provides all the same indoor amenity spaces as the previous scheme, however these will now be provided largely within the listed building to reflect its previous use. In addition students will have access to the Business Hub which will provide bookable space for meetings/group work and workstations.
- 8.41 The amount of outdoor amenity space provided for student occupants has been significantly increased. The previous scheme provided 900 sq m of outdoor amenity space, which is considered acceptable compared to other schemes. However, the current schemes provides 2,313 sq m. This represents a 157% increase in amenity space which has been enabled through the reduction hotel bed spaces (now aparthotel) and the subsequent reduction in parking.
- 8.42 It is helpful to consider the level of outdoor amenity space provision in relation to the private student accommodation scheme located at The Common, Hatfield. This scheme was initially refused planning permission for a similar reason as the previous scheme (Application Ref: S6/2010/1206/MA). Refusal reason 8 stated:
- “The proposal layout would provide inadequate outside amenity space for future residents as it is not considered *sufficiently* functional or usable, by virtue of the limited size, inappropriate enclosure and privacy, proximity to windows, awkward layout and overshadowing from adjacent structures. The proposal is therefore contrary to PPS1 (Delivering Sustainable Development) and policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).”
- 8.43 The appointed Inspector in allowing the subsequent appeal confirmed that the proposed development would be suitable for its intended purpose and would provide satisfactory living conditions for future occupiers and would accord with Policy D1 of the Welwyn Hatfield District Plan (2005). Specifically in relation to the outdoor amenity space provided, the Inspector was satisfied that the proposed roof terrace would allow students to sit in the open and that the proposed communal facilities were comparable with schemes in university towns elsewhere in the UK (PINS REF: APP/C1950/A/10/2131919).

8.44 Within this context, the outdoor amenity space proposed by the current development is compared with several permitted Fusion Students developments to demonstrate the suitability of the proposals. A comparison between the refused and permitted schemes is also provided:

- Curzon Point, The Common, Hatfield: 116 beds with 200 sq m outdoor amenity space – 1.72 sq m per student;
- Froomsgate Tower, Bristol: 483 student beds with 340 sq m outdoor amenity space – 0.70 sq m per student;
- Plummer House, Newcastle: 248 student beds with 0 sq m outdoor amenity space – 0 sq m per student;
- Refused Scheme: 361 beds with 900 sq m outdoor amenity space – 2.49 sq m per student;
- **Proposed Scheme: 308 beds with 2,312 sq m outdoor amenity space – 7.5 sq m per student.**

8.45 As demonstrated, in many cases the urban context of the proposals do not allow for any external amenity space to be delivered. This is common place and where considered appropriate contributions are paid to deliver these. Students also have access to wider amenity spaces provided at University campuses and also have access to public open space. Nevertheless, the appellant has sought to include valuable amenity space on site as part of the proposals which is a further considerable benefit to the scheme. The previously refused development provided more outdoor amenity space per bed space compared to the other Fusion examples highlighted above, including Curzon Point in Hatfield, all of which were acceptable.

8.46 The proposed development provides formal outdoor amenity space within the courtyard to the rear of the hotel extension for the sole use of students (2,313 sq m - plan highlighting outdoor amenity space for students attached at **Appendix 8**). It is considered that this very generous outdoor provision in combination with the internal provision would result in an excellent standard of amenity space for student residents particularly given the favourable comparisons with the Curzon Point scheme and other examples set out above.

8.47 Whilst the space within the courtyard will be the formal useable space for students and will be landscaped to include seating and games area the site also provides additional amenity space around the sides and front of the listed building. The area to the west of the student accommodation will not comprise formal amenity space.

Other Material Considerations

8.48 The following issues are also relevant to the application proposals and should be weighed in the balance of determination of the planning application.

Provision of Serviced Apartments

8.49 The proposals include the provision of an aparthotel providing 56 serviced apartments. There is no policy objection to the provision of an aparthotel and indeed District Plan Policy CLT6 aims to improve hotel accommodation within the district. It is considered the proposals will improve the offering within Hatfield by providing a type of accommodation which is not currently available. The rooms will be targeted towards business users and visiting University staff/academics.

8.50 This is a change from the previous application which sought a traditional hotel use. The key difference is that the bedrooms will contain a small kitchenette and be larger than traditional hotel bedrooms. However, the hotel will remain within Use Class C1. This is confirmed by a report produced by CBRE (2011) entitled Serviced Apartments: Growing the Service in London (attached at **Appendix 9**), which includes a list of services which must be provided to demonstrate that serviced apartments would be managed as short term accommodation to distinguish them from C3 use. In this instance the serviced apartments would comply with the requirements as the following services will be provided:

- *24 hour concierge servicing;*
- *Telephone lines in rooms with no opportunity for personal fax and telephone lines installed by the occupant;*
- *Rooms will not be occupied for period of 90 days or more;*
- *Rooms will be charged out at weekly rates;*
- *The use will be secured in the form of a licence rather than a lease;*
- *The occupants would not have exclusive possession of the room;*
- *The management will have access to the room for the provision of services such as room cleaning.*

8.51 In addition the serviced apartments will have access to the onsite gym, cold room facilities used to accept deliveries, linen & laundry services and secure cycle storage. All other communal facilities provided within the development such as the cinema and study rooms will be available for the use of residents of both the hotel and student accommodation.

8.52 The aparthotel will share facilities with the student accommodation. This model has been provided very successfully at another Fusion Students site in Bristol where both services are offered within the same building. The two uses are compatible, underpinned by the business hub offer to attract Fusion Students' target market of mature and overseas students.

Transport & Highways

8.53 A Transport Statement and Travel Plan are submitted in support of the application. These assess and describe the accessibility credentials of the site and predict the impact of the development on the surrounding vehicular, pedestrian and cycle networks. The submission of these documents accord with District Plan Policy M2 and M3.

- 8.54 The site is in a highly accessible location between Comet Way and St Albans Road West and approximately 1km to the north of junction 3 of the A1(M). Immediately adjacent to the site is the de Havilland Campus of the University of Hertfordshire and a 10 minute walk from the University's other main campus at College Lane.
- 8.55 There are good transport links with the surrounding area, including the University owned 'Uno' bus service which operates frequent services between the two campuses and Hatfield train station approximately 1.5 miles to the east of the site. This would indicate the site as being a good, sustainable location for student accommodation.
- 8.56 The existing vehicular accesses onto Comet Way and St Albans Road West remain unaltered but three new pedestrian access points will be created. One will provide direct access to St Albans Road West opposite the student reception area, the second will provide direct access from the car park to the bus stop H on the southern side of St Albans Road West and the third will provide direct access from the car park to the controlled pedestrian crossing point in Comet Way at the Comet Roundabout.
- 8.57 100 car parking spaces will be provided to the front of the listed building. This provision allows 72 spaces for the aparthotel at a ratio equal to that of the existing hotel (1.27 spaces per bed). An additional 28 spaces are available for staff, disabled students and visitors. Temporary arrangements will be in place to manage drop-off and collections at the beginning and end of terms. Residents will be allocated time slots for unloading vehicles, these slots will be staggered and pre-arranged to avoid congestion with onsite staff managing the process throughout. The management of this process is discussed further within the Transport Statement.
- 8.58 The intention is to make the development "zero parking" for residential students except for those with a blue badge for personal disability. Students will be required not to bring a car onsite through the implementation of a Travel Plan and as a condition of individual tenancies. Control of these matters will be managed by the onsite management and any breach of this policy could result in the termination of a lease tenancy. A framework Transport Plan is submitted with this application to describe these matters.
- 8.59 Tracking diagrams demonstrate that the site can accommodate rigid lorries, large refuse vehicles and fire appliances.
- 8.60 This demonstrates that the application is sited in a highly sustainable location, where users have the benefit of a range of sustainable transport modes. The use of sustainable modes of travel are promoted in the design and management of the scheme, underpinned by a Travel Plan, and all other transport impacts can be readily controlled within this site. This accords with District Plan Policies M1, M5, M6 and M14.

Appearance

- 8.61 The proposed buildings incorporates a high standard of design and will enhance the appearance of the site and character of the surrounding area. The design will complement and improve the setting of the listed building by creating a backdrop against which the building can be fully appreciated without detracting from its setting. The scheme therefore meets the key design principles set out by district Plan Policies D1 and D2.

8.62 A sensitive palette of materials has been selected to help articulate the main buildings elements whilst also responding to the existing context. The contemporary hotel extension will largely be glazed which will enable the silhouette of the heritage asset to be enhanced. The student accommodation will use a palette including light brickwork, bronze panels, and terracotta fins which provide legibility and interest to the elevations. Further details are available in the DAS, which accompanies this application.

Landscaping

8.63 The site wide landscape strategy seeks to enhance the setting for the Grade II Listed Hotel and the appearance and perception of the site in general. The landscaping is not seen to be a cosmetic addition, but rather an integral part of the design, management and function of the hotel and proposed student accommodation. The proposals would include a comprehensive new landscaping scheme within the site and along the boundaries which will significantly improve views towards the site. The new planting and landscaping will augment the existing trees which are largely proposed to be retained.

Environmental Impacts & Sustainability

8.64 Environmental impacts and sustainability are considered across the disciplines of ecology, arboriculture, archaeology, flooding and drainage, noise and energy, as follows:

- Ecology: The Ecology Statement, which accompanies this application for planning permission, demonstrates that the development would not have any adverse impacts on protected species or habitats subject to the incorporation of construction mitigation techniques. This accords with District Plan Policy R11;
- Arboriculture: The development has been designed to avoid impact on trees. It results in the loss of 13 trees, the vast majority of which either require removal (Category U – two removals) or are of poor quality (Category C – 6 removals). The removal of higher quality trees has been avoided where at all possible and is limited to the removal of five trees (Category B) . There is no removal of Category A trees, which are the highest quality. The tree removal will be offset by extensive landscape planting along key boundaries to bolster existing planting and create effective screening along sensitive boundaries. This accords with local and national policy for the protection of trees, including District Plan Policy R17;
- Archaeology: The Archaeology Assessment provides a desk based assessment of the potential for above or below ground features of archaeological interest in the area. This demonstrates that there is limited potential for surviving below ground archaeology and no further actions are required. This accords with local and national policy relating to archaeology;
- Flooding: A Flood Risk Assessment and Drainage Strategy accompanies the planning application. The FRA confirms that the site lies within Flood Zone 1 where there is a less than 0.1% (1:1000 year) annual probability of flooding from rivers. A drainage strategy is also provided as part of the

planning application package which ensures that the development is appropriately managed (ground water, surface water, private drainage, sewers);

- **Noise:** A Noise Assessment is provided in support of this planning application. An environmental noise survey has been carried, which establishes the existing ambient and background sound levels in the vicinity of the site and nearby noise sensitive premises to ensure compliance with saved Policy R19 (Noise and Vibration Pollution). In order to mitigate any external noise affecting the development, minimum sound insulation performance for each faced have been specified, with a variety of measures suggested to achieve the necessary internal noise levels. The noise generated by any plant items associated with the new development will need to be controlled to achieve the plant noise limits set out in the report and to avoid any disturbance to residents of the nearby residential properties. This accords with local and national policy in relation to noise; and
- **Energy:** An Energy Statement supports this application for planning permission outlines the proposed development's energy efficiency and renewable energy strategies. The report sets out the development will include passive design measures and energy efficiency design in order to reduce the energy demand of the building as far as reasonably possible. This accords with saved Policy R3 and R4 the District Plan.

Planning Conditions and S106 Contributions

8.65 We can confirm that the planning conditions attached to the refused planning application could, subject to minor revision and amendment, be attached to this planning application.

8.66 In respect of S106 contributions, the Council's policy relating to developer contributions is set out within District Plan Policies M4 and IM2 and with the Planning Obligations SPD (February 2012). Within this context, we can also confirm that the planning obligations attached to the refused application could also be attached to this planning application, subject to revision to take account of the reduced amount of development on the site. The revised HoTs, including the revised level of contribution, are set out as follows:

1. Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,
2. Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site
3. Monitoring of the Travel Plan £5,119 (HCC)
4. Sustainable Transport - £23,036 to promote pedestrian way-finding in the locality (HCC)
5. £42,659 contribution towards pre-development (£8,532) and post-occupation (£8.532) car parking surveys and, subject to evidenced impact, potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (£25,596)

6. £18,788 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)
7. £9,214 +VAT contribution to provision of refuse bins for the student accommodation (WHBC)
8. £5,000 Monitoring fee (WHBC)
9. Surface water discharge connection to Ellenbrook; and
10. Access to the student accommodation for monitoring of occupation.

9.0 Conclusion

- 9.1 To summarise, planning permission is sought for the restoration and refurbishment of the Grade II listed Comet Hotel, a new aparthotel (via extension to the listed building) and new high quality, purpose built student accommodation. The scheme includes the removal of the existing, poor quality hotel extension and would incorporate a comprehensive new landscaping scheme within the site and along the boundaries. The proposals would serve to enhance the setting of the listed building and improve views towards the site.
- 9.2 This application is submitted following the refusal of the previous application in February 2016. Following the refusal Fusion Students have worked with WHBC officers in order to provide a scheme that overcomes the issues raised. The applicants have sought to engage with Borough and Town Councillors, local residents and stakeholders through the process of resubmission. The scheme as submitted has been guided and informed by this process and by local and national planning policy.
- 9.3 The planning application reduces the amount of development on the site, materials have been sensitively chosen, heights and massing have been reduced and form and siting of the new build elements revised. The clear heritage benefits arising, such as the reinstatement of original features and the removal of the existing harmful extensions the proposals will preserve and enhance the special architectural and historic interest of the Grade II listed building.
- 9.4 The development will ensure that the amenity of neighbouring residents is protected and the living environment of residents of the hotel and student accommodation is of the highest level. The western student blocks have been stepped away from the boundaries with neighbouring properties and their orientation has been revised. The heights and massing of the buildings have been reduced. These changes in addition to the retention of directional windows and a comprehensive new landscaping scheme will ensure there is no loss of privacy or overbearance. The reduction in room numbers has also resulted in a reduction in parking which has enabled a significant increase in student outdoor amenity space.
- 9.5 The new build element has been designed to have a high quality appearance which will improve views towards the site and offer the best form of accommodation for future residents and guests whilst ensuring the amenity of neighbouring occupiers is not harmed. This has been achieved through the use of sensitive materials, setbacks from roads and at top floor levels, the use of different heights, oblique windows and additional planting.

- 9.6 There is a demonstrated need for purpose built student accommodation in Welwyn Hatfield. The Borough has an unusually high percentage of students within the private rented sector and taking into account the extant permissions there is still significant demand (estimated by CBRE at 6,887 student beds). The delivery of new purpose built accommodation represents a significant public benefit which should be weighed positively in the determination of the application.
- 9.7 During the pre-application process the Council confirmed that whilst they support on-campus student accommodation, there is no policy objection to the off-campus accommodation. Indeed, the Council confirmed the principle of providing student accommodation on the application site is acceptable. In any case the University are not meeting demand on campus and have identified a concern over the levels of provision within HMOs (demonstrated by the introduction of an Article 4 direction in January 2012 restricting permitted changes to HMOs for 3 to 6 occupants).
- 9.8 The site is located in a highly sustainable location which offers the opportunity to promote alternative forms of transport than the private car. The site is located within walking and cycling distance of both University of Hertfordshire Campuses with Hatfield in addition to local services and an extensive public transport network.
- 9.9 In terms of car parking a total of 100 spaces will be provided in total, 73 of which will be for use in connection with the aparthotel with a further 28 overspill spaces for staff, disabled students and visitors. In general the student accommodation will be car free which would be secured through a Travel Plan and a clause within individual leases prohibiting the use of a private car.
- 9.10 The proposals have been assessed against all relevant national and local planning policy. The proposals represent sustainable development and would bring about significant benefits delivering much needed purpose built student accommodation in close proximity to the University campuses, modern hotel facilities and the proposed architectural solution will greatly enhance the heritage asset and its setting.
- 9.11 The proposals accord with the development plan and should therefore be approved without delay. There are no adverse impacts of granting permission that would significantly and demonstrably outweigh the significant public benefits of the proposals. Based on the justification provided within this statement and other application documents it is requested that the officer, appointed to determine this application, should look upon the scheme favourably and recommend approval subject to the planning conditions and S106 obligations outlined in this document.

APPENDIX 1



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Figured dimensions only to be taken from this drawing. DO NOT SCALE. All contractors must visit the site and be responsible for checking all setting out dimensions and notifying the architect of any discrepancies prior to any manufacture or construction work.

NOTES:

BOUNDARY LINE
 Site Area = 1565sqm (3,85acres)

A	25.09.15	Scale and sheet size revised
REV	DATE	NOTES
Client		

FUSION HATFIELD HOTELS LTD

Project
 HOTEL AND STUDENT RESIDENTIAL
 COMET HOTEL SITE
 HATFIELD

Drawing Title

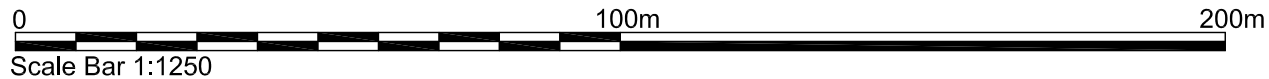
LOCATION PLAN

Drawn	Checked	Paper Size	Scale	Date
NB	ML	A4	1:1250	SEPT 2015
Project No.	Drawing No.	Revision		
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Location Plan



APPENDIX 2



Historic England

THE COMET PUBLIC HOUSE

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: THE COMET PUBLIC HOUSE

List entry Number: 1101036

Location

THE COMET PUBLIC HOUSE, BARNET BY PASS

The building may lie within the boundary of more than one authority.

County: Hertfordshire

District: Welwyn Hatfield

District Type: District Authority

Parish: Hatfield

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 06-Jul-1981

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

Legacy System: LBS

UID: 158340

Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

History

Legacy Record - This information may be included in the List Entry Details.

Details

TL 20 NW HATFIELD Hatfield BARNET BY-PASS 8/77 (west side)

6.7.81 The Comet Public House

- II

Hotel. 1933. By E B Musman. Red brick with stone dressings on steel frame. The plan is supposedly in the form an an aeroplane. Two storeys. Projecting centrepiece with rounded end, the ground floor projects beyond the first. Wings on either side, also half round, single storey only. Five window side elevations. Largely original steel framed windows, the two modern ones in the front elevations are openings in originally blank walls. Clipsham stone dressings strip above and below windows and to parapets. Flat roofs not

visible, the original roof lantern has been removed. The interior has been altered. A pioneer hotel in the modern style.

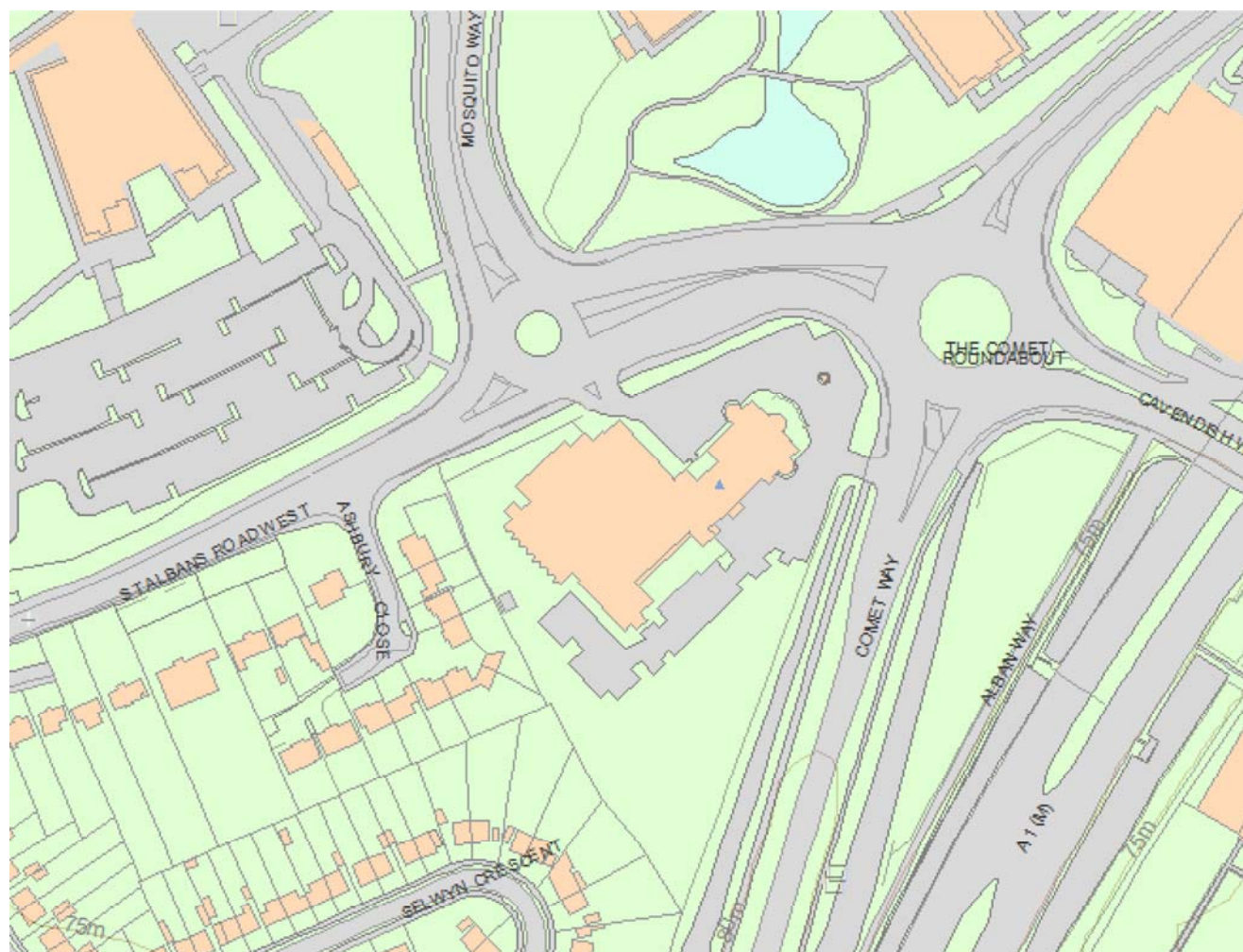
Listing NGR: TL2127408291

Selected Sources

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: TL 21274 08291

Map



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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1101036 .pdf \(http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/373697/HLE_A4L_Grade|HLE_A3L_Grade.pdf\)](http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/373697/HLE_A4L_Grade|HLE_A3L_Grade.pdf)

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End of official listing

APPENDIX 3

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 4 FEBRUARY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/1997/MAJ and 6/2015/1998/LB

COMET HOTEL, 301 ST ALBANS ROAD WEST, HATFIELD, AL10 9RH

EXTENSION AND REFURBISHMENT OF THE GRADE II LISTED HOTEL (USE CLASS C1) FOLLOWING DEMOLITION OF POOR QUALITY ADDITIONS. ERECTION OF 9,586SQM STUDENT ACCOMMODATION (SUI GENERIS), LANDSCAPING AND ASSOCIATED WORKS

APPLICANT: Fusion Hatfield Hotels Ltd

(Hatfield West)

1 Background

- 1.1 The proposed development was presented to the Development Consultation Forum on 9th September 2015 and is the subject of a Planning Performance Agreement between the Council and the Applicants.

2 Site Description

- 2.1 The site is a triangular-shaped parcel of land facing onto the roundabout junction of Comet Way and St Albans Road West in Hatfield. It contains the original Comet Road House which is shaped in a geometric representation of an aircraft and faces onto the roundabout. It is a Grade II Listed, two-storey, brick clad, flat-roofed building with a strong horizontal emphasis, designed by E B Musman and built in the 1930's. It is listed for its Art Deco architectural merit and its historic association with Hatfield New Town and the De Havilland factory and airfield. Additions and alterations to the interior and exterior (including loss of the glass roof lantern) have detracted from the building but the original geometric form remains. The hotel was extended to the rear with a brick addition and again in the 1990's with a part-two/part-three storey rear extension clad in pale grey panels with a flat roof. In total the hotel currently has around 128 bedrooms.
- 2.2 The street frontage of the site is open. The forecourt is tarmac and used for parking. In the centre of the front car park is the 1930's carved pillar showing symbols of Hatfield's historic origins and supporting the model aircraft. A narrow strip of grass separates the site from the public footways, bus stop and pedestrian crossings. There is a further parking area on the south east part of the site which is inter-planted with trees. In total there are approximately 163 car parking spaces on the site.
- 2.3 The site is level on the northern frontage to St Albans Road West. The listed building is clearly visible but the hotel extension is screened from St Albans Road West by a line of boundary hedges and trees. On the south eastern boundary the land rises up to Comet Way so that the site sits below the level of the road

and is bounded by a grass bank containing a number of mature trees and undergrowth, which form a visual screen. On the western boundary there are mature conifers (around a small substation) and deciduous trees which partly screen the residential properties behind. There are several mature trees on the south east part of the site, including two weeping willows. The trees on the site are not covered by Tree Preservation Orders

- 2.4 The site is located close to the Galleria Shopping Centre and the University of Hertfordshire De Havilland Campus and Bishops Square Employment Area. It is well connected to pedestrian and cycle routes with surface level pedestrian crossings over the adjacent roads but is visually and functionally separated from the surrounding uses by the busy roads. It is also separated by close-boarded fencing from the rear gardens of residential properties in Ashbury Close and Selwyn Crescent.

3 The Proposal

- 3.1 The application seeks full planning permission and listed building consent for refurbishment of the listed building, a replacement hotel extension and separate student accommodation on the western part of the site.

- 3.2 The Listed Building: Proposals for the listed building are set out in Section 11 of this report and include

- retention of the existing use: hotel, dining and function rooms and 9 bedrooms,
- removal of rear additions,
- alteration to first floor room layouts,
- replication of the original roof lantern,
- relocation of the reception to the original entrance,
- repositioning of the laundry store, and
- landscaping scheme for the front and car parking for 98 cars

- 3.3 The Hotel Extension: The proposal for the hotel extension include 2,636sqm on two/three floors containing 90 bedrooms:

- a two-storey glazed link building leading from the rear of the listed building to the new three storey element (containing 16 bedrooms).
- the three-storey element, perpendicular to the link and flat roofed (74 rooms).
- front elevation glazed to provide a reflective backdrop for the listed building.
- Rear and side elevations finished in pale cladding.

- 3.4 The Student Accommodation: 9,586sqm floor space in studios and double units (for 361 bedspaces) in three, four and five storey high linear buildings; and

- three flat-roofed linked blocks to the west of the listed building, set back level with the glazed elevation of the hotel extension.
- materials – brick at ground floor, glazed stair and top floors, timber cladding with vertical brown/terracotta coloured fins on elevations to Comet Way and St Albans Road and internal to the site. Plain cladding on the west elevation.

- the block facing St Albans Road West –main reception, four floors high (12m), top floor stepped in and glazed.
- the building on the western side of the site - three storeys high (9.5m), directional windows facing south (away from residential properties behind).
- the building on Comet Way (south east) side of the site –, five storeys high (16m), top floor stepped in and glazed. Student communal facilities at ground floor including gym, dining room, lounge, TV/cinema room, laundry and study rooms.
- two courtyards (with hard and soft landscaping) between the hotel extension and student blocks; one with 30 overflow hotel car parking spaces, one to the south a student amenity space.
- Retention of existing hedges and fences on boundaries with additional planting between the student blocks and the site boundaries
- retention of the existing sub-station on the rear boundary which serves the residential properties to the west.
- Bicycle parking for 60 bicycles divided evenly between two locations on the site.

3.5 Materials and fenestration have been designed to provide a simple backdrop for the listed building and to reduce the bulk and the impression of scale of the new buildings. The choice of materials includes glazing and cladding as compliments to the listed building.

4 Reason for Committee Consideration

4.1 This application is presented to the Development Management Committee because Councillor Broach called it in for the following reasons:

“(i) raises unusual or sensitive planning issues; (ii) has attracted an unusually high level of public interest such as letters or petitions.

Specific issues are around the impact on existing neighbouring properties in Ashley Close, both from the potential loss of light and the increased noise that is likely to arise both from the construction and subsequent occupancy of the proposed development.

Parking is also a serious concern. With only 128 spaces provided for a 361 bed development, the potential impact on both the existing hotel, and on surrounding streets (some of which already have parking restrictions in place) is crystal clear. This modern development will also be out of place with the surroundings of the listed hotel building.

This application needs full and thorough consideration by DMC.”

5 Relevant Planning History

5.1 S6/2105/0964/PA – Extension to hotel and construction of student accommodation. Subject of Planning Performance Agreement. Advice was given that the continued use of the listed building for hotel use was welcome and the principle of student accommodation was acceptable subject to the impacts on the listed building, character of the area and adjacent residential properties, quality of design, landscaping, a Transport Assessment and Green Travel Plan, sustainable drainage and planning obligations to mitigate the impacts on the locality.

- 5.2 S6/2014/1895/FP – Change of use to car wash valeting (sui generis) on six car parking spaces and erection of canopy. Approved 12.11.2017.
- 5.3 S6/2000/0861/FP and 0860/LB – Single storey extension to form linen room to new block. Approved 31.7.2000.
- 5.4 S6/1998/0879/FP and 0880/LB – New entrance canopy and lobby. Withdrawn.
- 5.5 S6/1998/0447/FP – Demolish staff accommodation block and erect two storey extension - 26 bedrooms and 26 car parking spaces. Approved 15.1.1999.
- 5.6 S6/1992/0233/FP and 0252/LB – Alterations and extensions, new bedroom block, 51 bedrooms, 2 meeting rooms single storey extension for laundry, new lobby and refurbishment, additional car parking. Approved 6.8.1992.
- 5.7 S6/1987/0465/FP- Erect new conference room and covered walkway. Approved 3.7.1987.

6 Planning Policy

- 6.1 National Planning Policy Framework (Paragraphs 29-41,47-50,58-65, 95-104 and 126-141)
- 6.2 PPS10: Planning for Sustainable Waste Management
- 6.3 Hertfordshire County Council Waste Core Strategy (November 2012)
- 6.4 Welwyn Hatfield District Plan 2005
- 6.5 Supplementary Design Guidance, February 2005
- 6.6 Supplementary Planning Guidance, Parking Standards, January 2004 and Interim Parking Standards 2014
- 6.7 Planning Obligations, Supplementary Planning Document, February 2012
- 6.8 Houses in Multiple Occupation, Supplementary Planning Document, February 2012

7 Site Designation

- 7.1 The site lies within Hatfield Town as designated in the Welwyn Hatfield District Plan 2005. The Comet Hotel building is listed Grade II.

8 Representations Received

- 8.1 A Site Notice was displayed for 21 days and residents notified of the initial and later revised plans. A Press Notice was displayed in The Welwyn Times in November 2015.
- 8.2 Four representations have been received from residents of Hatfield, two in neighbouring Selwyn Crescent, one from Martin Close and one from The Pastures. Their comments may be summarised as:
 - Concern that four/five storey buildings would overpower listed building
 - Building on gardens would adversely affect setting of listed building

- The restoration of the original listed building looks improved
- Insufficient detail about interior of the building
- Buildings should be no higher than existing ones
- Three and four storey student accommodation would dwarf nearby properties and not blend in with the locality
- Out of scale, character and appearance with the existing buildings in the surrounding area
- Application on College Lane for similar proposal was refused planning permission.
- Building materials out of keeping with listed building and adjoining residential properties
- Insufficient parking for the hotel and students
- The 'no cars' policy is unenforceable: Ellenbrook area would be used for after-hours parking and add to existing situation
- Car owners will wish to reside on the site with direct adverse impacts on neighbouring residential roads especially weekend visitors
- Road safety of 360 students next to a busy traffic junction –risk of accidents especially at night
- Inadequate separation distance between proposal and the adjoining residential properties
- Irreversible loss of privacy through overlooking
- Reduction in light to nearby residential properties
- Risk of sunlight glare from glazed elevations
- Noise pollution from 360 students at night and day
- Impact on health services, public utilities and waste management
- Increase in density on site will adversely affect neighbouring residential properties and local amenities
- How do these proposals reconcile with housing targets of WHBC?
- Removal of trees would result in loss of privacy and deciduous trees lose leaves in winter
- Tree planting: no indication of height or species (deciduous/evergreen)
- The trees screening the five storey block could be lost through natural causes
- Maintenance of trees
- Financial viability of hotel would be reduced, loss of parking on site would reduce attractiveness of hotel for wedding venue.
- Students would reduce attractiveness of hotel
- Is there a market for the flats – suspect it is not viable.
- Accommodation should be for migrant workers
- Future control over parking and maintenance of grounds

8.3 A response was submitted by the University of Hertfordshire objecting on the following basis:

'The proposal undermines the University's 2020 Estates Vision, compromising the University's on-going investment in student accommodation on its campus by competing for international students already provided for, or to be provided for as part of the University's on-campus scheme. The data used by the applicants in support of their case is out-of-date and rests on inaccurate assumptions. The proposals also compromise the welfare of students through lack of onsite pastoral care and absence of essential supporting facilities such as open space and car

parking. We recognise the impacts of this scheme on the local community, particularly as the proposals are not aimed at lowering demand for HMO's in Hatfield, but simply intensifying student activity off-campus. To date the University has delivered circa 1,700 rooms in the space of 12 months, and a further 800 rooms will come on stream next year, taking the total investment of on-campus provision to circa 4,600 rooms. The University's scheme, specifically designed to house all of their first years that require accommodation and all of their international students, should be allowed to take root before further land is allocated to student accommodation. The Ramada site should be devoted to other uses for which there is proven demand. As a result the University objects to the application.'

9 Consultations Received

- 9.1 No response has been received from the following consultees (comments were due by 12th November 2015):
- Hertfordshire and Middlesex Wildlife Trust (HMWT)
 - Hertfordshire and Middlesex Bat Group
 - Hertfordshire Biological Records Centre (HBRC)
 - Welwyn Hatfield Borough Council Building Control
 - West Herts and East and North Herts Primary Care Trust (PCT)
- 9.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - no objection subject to satisfactory S106 agreement (securing occupancy control, car parking management plan, travel plan, travel plan monitoring contribution, contribution to pedestrian way-finding hubs), conditions over provision of car and cycle parking and a construction management plan and informatives over keeping the highway unobstructed and clear of debris.
- 9.3 **Twentieth Century Society** – ‘Moderne’ style pubs from the 1930’s are extremely rare. Commends the intention to reinstate some lost features and retention of the public dining use of the building. Removal of later additions is a benefit but massing, materials and proximity of the replacement should preserve the listed building’s prominence on the site. Concern over height of replacement buildings (hotel and student accommodation). Register concern that the height of proposed buildings would harm the setting of the listed building.
- 9.4 **Welwyn Hatfield Borough Council Conservation Officer** – The conversion and enhancements to the listed building are largely acceptable. The internal bedroom walls, function room size and basement stair (if original) should be retained. The setting of the listed building would be harmed by the proposed extensions and the new student housing blocks whose height would challenge the pre-eminence of the listed building on the site. The proposal would, therefore, be contrary to policy.
- 9.5 **Welwyn Hatfield Borough Council Landscape Department** – No objection subject to conditions requiring the following: a Landscape Masterplan (planting schedule, details of lighting, CCTV, seating and bins), an Arboricultural Method Statement (showing tree protection during construction and alterations to ground levels) and replanting and Maintenance Plan.

- 9.6 **Welwyn Hatfield Borough Council Parking Services** – requested S106 contributions further to HCCTPS comments for the student car-free accommodation.
- 9.7 **Hertfordshire Fire and Rescue** – no objections
- 9.8 **Hertfordshire County Council Spatial and Land Use Planning Minerals and Waste (M&W)** – requested a condition requiring a site waste management plan for materials arising from demolition and construction.
- 9.9 **Hertfordshire County Council Lead Local Flood Authority** – Initially objected over surface water discharge strategy not being identified. Discharge to Ellen Brook requires Thames Water and Environment Agency consents. Revised FRA v2 identified discharge to Ellen Brook. The LLFA withdrew their objection subject to conditions.
- 9.10 **Thames Water (TW)** – Drainage requires a non-return valve to avoid risk of flow back during storm conditions. Surface water should drain into a ground, water course or sewer (if the latter approval from TW is required and does not support connection to the public foul sewer). SUDS is recommended using storage, infiltration, attenuation and discharge to a watercourse.
- 9.11 **Affinity Water** - the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Hatfield Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
- 9.12 **Environment Agency** – no objections.
- 9.13 **Welwyn Hatfield Borough Council Environmental Health Department (EH)** – recommended planning permission is permitted but with conditions over sound insulation, plant noise (pre and post construction), lighting, odour control and land contamination.
- 9.14 **Hertfordshire Ecology** – No objection subject to conditions over biodiversity enhancement measures (bat and bird boxes) and protection of tree T6 during felling of tree T4
- 9.15 **Welwyn Hatfield Borough Council Client Services Department** required shared container refuse bins to be provided on site, recycling facilities not recommended as may not be well managed. Contributions towards refuse bins are required.
- 9.16 **National Grid British Gas (BG)** – has apparatus in the vicinity of the site and requested to be informed of decision.

10 Town / Parish Council Representations

- 10.1 Hatfield Town Council has objected to the application as follows:

“Hatfield Town Council objects to this application. Consider that students should be housed within the University campuses at either College Lane Campus or De Havilland Campus and not in the local community, as part of the University future

planning model, especially so close to residential areas. In addition the application did not complement the existing hotel on the site. Further concern was expressed on the lack of car parking in the application, in fact no parking was proposed. The local residential area has severe parking issues and residents in this proposed development with cars would cause considerable parking issues in the locality.”

11 Analysis

11.1 The main planning issues to be considered are:

- 1. Principle of the proposed uses**
- 2. Impact on the heritage asset of the listed building (NPPF para 126-141)**
- 3. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)**
- 4. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)**
- 5. Impact on living conditions of existing and future neighbours and occupants**
- 6. Other planning considerations**
 - (i) Transport accessibility car and cycle parking provisions,**
 - (ii) Flood risk assessment**
 - (iii) Biodiversity**
 - (iv) Trees and Landscaping**
 - (v) Energy efficiency**
 - (vi) Refuse and recycling**
 - (vii) Contaminated Land**
 - (viii) Planning obligations (S106)**
 - (ix) Conditions**

1. Principle of Proposed uses Hotel and Student Accommodation

11.2 The Hotel on the site (Use class C1) is well-established and has been operating since the building was built in the mid 1930's. Several extensions have been made over the years and it now has 128 bedrooms. The hotel provides accommodation in support of the local economy, including the University and at weekends provides a leisure and function facility. Recent hotel developments have taken place to the north of the application site along Comet Way.

11.3 Policy CLT6 of the Welwyn Hatfield District Plan 2005 supports hotel accommodation within the District. Preferred hotel locations include town centres and edge of centre locations or areas with high accessibility by public transport (subject to provisions over impact). The application site is within the town of Hatfield close to the Galleria, University of Hertfordshire and the Business Park on Salisbury Square. It is well served by buses, by pedestrian links across the roads outside the site and a network of cycle routes is being developed in the area. The principle of continued hotel use on the site is, therefore, acceptable subject to the criteria over impact. These are three fold: no harmful impact on nearby residential properties, in keeping with the scale and character of the surrounding area and easily accessible by non-car modes of transport. These aspects are dealt with below in this report.

- 11.4 The proposal would reduce the number of hotel bedrooms from 128 to 99 but improve and update the accommodation provided, while reducing the footprint of the hotel building. In particular, the listed building would be refurbished as part of the overall scheme. A slight reduction in the number of bedrooms provided on the site (from 128 to 99) would not be contrary to Saved Policy CLT6 of the District Plan.
- 11.5 With regard to the proposed student accommodation, the University of Hertfordshire is located within Hatfield Town on two campuses; De Havilland and College Lane, and has in the region of 21,000 students. In addition, the Royal Veterinary College is located to the south of Hatfield. These two colleges create a demand for student accommodation, some of which is provided within the college campuses and some in the private rented sector within the Borough in lodgings and Houses in Multiple Occupation.
- 11.6 The University of Hertfordshire is in the process of increasing the amount of on-campus accommodation at College Lane (by 1,500 bedspaces), particularly for first year students. Planning permission has been granted and construction has commenced. On-campus accommodation will total 4,600 bedspaces (1,600 on De Havilland and 3,000 College Lane) when they are complete. This provision may ease pressures on the private rented sector.
- 11.7 The University's Vision 2020 was reported to the Planning Committee in April 2012 and approved as a material consideration to be taken into account in the determination of future planning applications. At that time it was considered that the provision of purpose-designed student accommodation would have the potential of 'releasing' a number of converted HMO's (Class C4) back to residential dwellings (C3). The University's International Student Support accommodation scheme includes HMO's in the vicinity of the University. In June 2011 there were 1,437 households occupied by students (student exemption from Council Tax) which accounted for approximately 10% of the housing stock in Hatfield Town (the national average is 2%). The University's new build programme of 1,500 additional bed-spaces was estimated to potentially release 300 properties back to residential dwellings (Class C3). This would still leave over 1,100 student-occupied HMO's in Hatfield with distinct concentrations around the University campuses.
- 11.8 The number of all-student HMO's in Hatfield fell to 1,348 in May 2015 (Draft Annual Monitoring Review 2014/15). This may be due to a reduction in full-time students (who are likely to require housing locally) at the University of Hertfordshire as well as completion of the first phase of new student accommodation (an equivalent to around 37 houses (net)).
- 11.9 The current application involves provision of accommodation similar to that being provided on-campus by the University and at comparable prices. The application site is on the south side of St Albans Road West, opposite the De Havilland Campus of the University of Hertfordshire. The proposal is to provide accommodation for around 361 students, principally for overseas and postgraduate students. On the basis of 5 students occupying the average property, the implementation of the proposed development could potentially release a further 72 properties back to residential (C3) use.
- 11.10 The planning system is not able to consider competition between providers as a material consideration, although wider issues around the levels of demand and supply can be considered. The local situation in Hatfield, as summarised in the

above paragraphs, is that there is likely to remain a demand for accommodation in the private rented sector of in the region of 6,000 bed-spaces. The proposed provision of 361 spaces is not likely to result in an oversupply of student accommodation in the area. In addition it could release around 70 family-sized dwellings back into the general housing stock.

- 11.11 The principle of development is in accordance with Policy GBSP2 of the Welwyn Hatfield District Plan 2005, which seeks to concentrate new development within towns and specified settlements. The Council has supported on-campus provisions but recognises the need to strike a balance between on-campus and private rented sector provisions. The range of off-campus provisions for students living independently away from home has been limited to lodgings, HMO's and one purpose built hall of residence (74 units) at 46 The Common (Curzon Point). The current proposal would provide a form of student accommodation similar to campus living and close to the University campuses, that is purpose-built and separate from the general housing stock.
- 11.12 Proposals for more general needs housing (either as flats or bedsits within Class C3 or an Hostel/HMO in Class C4) are subject to other Policies in the District Plan, which would include a requirement for provision of affordable housing (Policy H7) and facilities appropriate for longer term accommodation provisions. This site has not been identified as a potential housing site in the Borough Council's housing need assessments. General-needs housing is unlikely to be suitable in the proposed site layout. Should planning permission be granted, conditions shall be imposed restricting the use of the student accommodation to that use only and preventing change of use to C3, hostel or HMO uses without the need for planning approval.
- 11.13 The principle of the proposal for student housing is not considered to be contrary to the Policies of the District Plan, provided mechanisms are in place to retain the accommodation for students within Class C2 or as Sui Generis and subject to satisfying the other policies of the Local Plan.

2. Impact on the heritage asset of the listed building (NPPF Paras 126-141)

- 11.14 Policies set out in National Planning Policy Framework (NPPF 2012) seek retention and enhancement of heritage assets. Further to Section 12 of the NPPF, great weight should be given to the conservation of heritage assets, and their significance can be harmed by alterations both to the asset and to its setting. The significance of an asset can be harmed or lost through alteration or destruction and Local Authorities are required to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 11.15 As required by NPPF paragraphs 131-132 any proposal on the site should sustain and enhance the significance of the listed building, secure a suitable use that enables its conservation and appropriately treat its setting. The criteria which need to be satisfied by any development proposals for alteration or extension of a listed building include respecting the character, appearance and setting of the building (in terms of design, scale and materials), retention of architectural and historic features and retaining the building's historic form and integrity. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The NPPF requires that alterations to listed

structures should be kept to a minimum and be sympathetic to the original overall form and detailing.

11.16 Aspects of significance in the building have been identified in the submitted Heritage Statement. The original 'Comet' plane shape of the 1930's building, with its distinctive rounded ends, is still apparent at the front. Many of the original windows and doors, with their horizontal emphasis, are still intact. Additions to the side and rear have obscured the original reception area. Much of the 1930's internal fitting was removed and altered in previous refurbishment projects (the building was listed in 1981). Remaining internal features of significance include the stair case and hand rail and the layout of some of the upper rooms.

11.17 The proposals involve alterations and reinstatements to the listed building on the site including demolition and removal of later additions, refurbishment/restoration of some original features and alterations to the internal layout:

- Removal of the grey clad 1990's rear extension
- Removal of earlier brick extensions to the rear and the east elevation
- Removal of internal partitions to enlarge kitchen and remove bar
- Removal of a small number of internal walls at first floor to enlarge bedrooms
- Enlarge first floor function room and remove external spiral stair

Reinstatement works include:

- A new reception area in the position of the original one
- New link through the original coach-house block at the rear
- Folding partition in ground floor function rooms
- Reinstatement of a bar at ground floor
- Replacement of non-original internal wall to the first floor function rooms, albeit in flexible form
- Reinstatement of a roof lantern to replicate the original

11.18 The removal of previous unsympathetic extensions is considered beneficial and is welcomed as a positive contribution to the building's setting. The proposed reinstatements and alterations are generally not considered to cause significant harm to the character of the building overall. Several proposals are beneficial to the character of the building: removal of the linen store, installation of the lantern and restoring the reception area. The proposed extension to the hotel includes a two storey link section (containing 16 bedrooms) which would be lower in height and behind the listed building allowing the original building to retain visual pre-eminence on this part of the site. This would not harm the setting of the listed building. The nature of these works is generally considered acceptable subject to satisfactory detailing.

11.19 The items considered to be of harm to the listed building are as follows:

(i) The first floor function room wall and other alterations to the first floor layout. The original function room wall has already been replaced and the proposed sliding partition would replicate the original definition of rooms within the building. The other alterations are intended to bring the accommodation and room sizes up to modern standards but retain the proportions of the original wherever feasible.

(ii) The three-storey element beyond the link would, for its full width (54m), be 2.26m higher than the listed building. To some extent any harm to the setting of the listed building would be mitigated by the plain glass of the front elevation,

which would reflect the sky behind the roof outline of the original building. The removal of the 1990's addition and landscaping of the site frontage would also make a positive contribution to the setting.

- 11.20 The Twentieth Century Society has expressed concerns about the height of the proposed student accommodation buildings and their impact, in distracting the eye, upon the setting of the listed building. The three-storey student block near the western boundary of the site would not be seen from the east and north from St Albans Road West or the roundabout. The height of the four and five storey student accommodation blocks - on the north and south sides have given rise to concern. The submitted CGI drawings show the taller block screened by the trees on the Comet Way frontage but are indicative and only of the summer months. The student buildings may be more visible in the street scene than indicated on the drawings. However, they would be set back from the listed building (by 15m) with a space of 25m to each side of the listed building. The ends of the blocks would be clad in materials and colours that complement the listed building. The end of the five storey block would be softened to some extent by the retained mature willow trees within the site and the trees on the adjacent strip of highway land.
- 11.21 The NPPF, in Paragraphs 131-135, acknowledges that harm to heritage assets may be acceptable subject to specific circumstances and justifications. For example where the harm is less than substantial and could bring forward other public benefits.
- 11.22 The harm to the setting of the listed building is balanced against the benefits of the proposed enhancements to the original fabric, the removal of previous unsympathetic extensions and improvements to the site frontage. On balance while some harm to the setting of the listed building is acknowledged it is considered to be less than substantial and the overall proposal is acceptable subject to the benefits being delivered early in the redevelopment of the site as a whole. The phasing of repair and restoration works in relation to the student accommodation being built and occupied shall be subject of a condition requiring the submission and approval of a timetable of construction and a condition requiring works to the listed building to be completed prior to full occupation of the student accommodation.

3. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)

- 11.23 The Policies of the NPPF and the Welwyn Hatfield District Plan 2005 attach great importance to high quality and inclusive design as a key aspect of sustainable development which should contribute to making places better for people. Paragraphs 61 and 64 of the NPPF require design to address the integration of new development into the natural, built and historic environment and to improve the character and quality of an area and the way it functions.
- 11.24 The submitted Design and Access Statement sets out that the scheme has been designed with the hotel as the focal point at the front of this prominent site. The continued use of the listed building for its original purpose was a major influence and the proposed hotel extension is intended to provide a plain backdrop against which the listed building can be clearly seen in outline.

- 11.25 The submitted proposal would provide separation within the site between the two uses. The hotel reception would be more clearly apparent from both sides of the site, while the ancillary function rooms would be at the front of the site with a landscaped garden area in front. The hotel extension would be symmetrically positioned in relation to the listed building and separate from and finished in different materials from the student accommodation.
- 11.26 The student accommodation would be on the western part of the site. The main visitor reception to the student accommodation would be on St Albans Road West, close to the pedestrian crossing leading to De Havilland University Campus. The student accommodation would also be accessed via student entrances located in the two courtyard areas which would be approached on foot from both Comet Road and St Albans Road West. While the site would be permeable for the occupants, the continuous line of the three storey block would discourage access to the area between that block and the western site boundary by any one not resident on the site. The submitted landscape proposals show undergrowth planting being enhanced along this line.
- 11.27 The separation of the uses and between pedestrian, vehicle and non-circulation areas would be enhanced by hard landscaping treatments as shown on the DRWs (2821_L_HW-1-01 and 2821_L_HW-1-02). Overall the functional design of the proposal is considered to meet the requirements of the design policies of the District Plan and the NPPF.

4. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)

- 11.28 The character of the south side of St Albans Road West is typified by two storey brick buildings, including the listed building and residential properties to the west. The northern boundary of the site faces onto the multi-storey office buildings in Salisbury Square and the De Havilland campus of the University of Hertfordshire which is modern in style and four storeys high. On the opposite side of the roundabout on Comet Way is the Galleria Shopping Centre with its grey-clad, multi-storey car park.
- 11.29 The proposed development would introduce higher buildings on this side of the road; 3-5 storeys compared to the character of the detached and semi-detached two storey houses in the Ellenbrook residential area. The proposed student accommodation would introduce a higher form of development on this southern side of St Albans Road West. However, the four storey block on the St Albans Road West frontage would be finished in materials of a colour to blend with the residential vernacular of red bricks and tiles and the height of the building would be mitigated by the glass treatment to the top floor. The three storey block on the west side of the site would be the same height as the ridges of roofs to the nearby residential properties. It would form a transition between the taller modern buildings to the north and the lower more traditional housing to south. The proposed materials would reflect the brick housing to the south and west in texture and colour. The set back and glazed treatment of the fourth floor (St Albans Rd West frontage) and fifth floors (Comet Way frontage) would assist in reducing the bulk of the higher blocks.
- 11.30 Whilst the proposed development is not a replication of the two and three storey housing in the vicinity the buildings on the western part of the site reflect the materials and colour of those properties. The flat roofs reflect the form of the

listed building on the site and at the same time relate to the style and form of the University and commercial buildings to the north of St Albans Road West.

5. Impact on living conditions of existing and future neighbours and occupants

- 11.31 Saved Policies D1, R19 of the adopted Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance (February 2005) aim to preserve neighbouring amenity and, in addition, guidance in paragraph 17 of the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Future residents

- 11.32 The proposal includes single and double studio units for 361 students. The three buildings would have internal linking corridors and lift and stair access between floors. Each room would have a small kitchen facility and en-suite bathroom and windows giving natural daylight. Communal facilities for the resident students at ground floor level: including a reception area, gym, laundry, dining room, TV room/small cinema, two study rooms and a social space that opens onto a paved and planted open courtyard. The Supplementary Design Guidance 2005 does not contain specific size requirements for amenity space. The proposed courtyards are compact and it is likely that students would use the open spaces on the University campuses and neighbouring open spaces in addition to on-site provisions.
- 11.33 The Council's Assessment of Open Space (2009) identified that the Ellenbrook area has limited open space provision but countryside in the Green Belt is close by and can be accessed by rights of way such as the Alban Way. There is also potential for improving opportunities for informal leisure on the University campus. The Planning Obligations Supplementary Planning Document 2012 identifies that open space is often the corner stone of sustainable development and expects all new development within the Borough to seek contributions towards implementing projects in the vicinity. Contributions to enhancing access to nearby green spaces are sought through a S106 Agreement. Or on the University campuses for informal leisure.
- 11.34 With regard to noise, the acoustic report submitted with the application has assessed the noise from traffic along Comet Way and St Albans Road West. The Environmental Health Officer has recommended a condition be imposed requiring sound insulation for the hotel to provide appropriate glazing and ventilation to meet the Noise Insulation Regulations. The existing hotel rooms in the listed building may also require sound insulation. The fenestration on the Comet Way elevation (DRWG 0310/A) would require careful treatment and the details of those windows would be required by condition on any Listed Building Consent. The student accommodation units which face the two main roads would also be sensitive to traffic noise. Where partially open windows would not achieve the required noise levels a condition to provide glazing and ventilation should be imposed.
- 11.35 Noise levels in the open courtyard areas are shown in the acoustic report to be adequately protected from the background traffic noise to meet the 55dB WHO Community Noise guideline level.

11.36 With regard to odours, some odours are likely to be emitted from the hotel kitchen extractors depending upon the type of food being prepared. The Environmental Health Officer has recommended a condition be imposed requiring details of odour suppression systems to be submitted before building works commence. These may be emitted from the hotel kitchens within the listed building and/or from the individual student studios. The kitchen area of the listed building is in the centre of the ground floor. There are no rooms above this area and the kitchen vents and flues, which currently open into it, are not visible from around the building. Noise from these systems will need to achieve the same criteria as other plant and equipment for hotel bedrooms, and student accommodation. The impacts on the listed building structure would require careful consideration and details would be sought by condition on any Listed Building Consent or by further Listed Building Consent applications.

11.37 With regard to pastoral care for future student residents, the scheme proposes a site manager and two assistants. A range of on-site communal facilities is proposed and the applicant has experience of managing student accommodation of this type in several other locations in University towns in the UK. The applicant's Curzon Point scheme (at 46 The Common, Hatfield) is one recommended under the Partnership Accredited Landlords scheme run by the University and WHBC, which acknowledges good practice in private sector student accommodation provision. Much pastoral care provided for students by the University is available on the main campuses, which the site is located near to, or on-line/by telephone and would be available to registered University of Hertfordshire students who live off-campus. Whilst this is obviously an important issue, the exact point of provision and identity of supplier of pastoral care cannot be considered as a material planning consideration.

Neighbouring residents – objections were raised by local residents about the impact of the development on their living conditions including loss of light, glare, overlooking and overbearing impact.

11.38 With regard to day and sunlight, Saved Policy D1 and the Supplementary Design Guidance (Feb 2005) seeks to ensure satisfactory levels of day and sunlight to new developments and surrounding properties. It is recognised that in flatted developments north-facing units may receive limited sunlight but this should be off-set by provision of adequate day-lighting. The submitted drawings (14286/0311 Rev B) of the proposed student units show a full height window to each room. On the south west elevation the windows would be angled to catch the sun from the south whilst avoiding overlooking of the residential dwellings and gardens behind. Given the orientation of the buildings and distance from the boundaries, private amenity areas and rear elevations of these dwellings, the proposed three storey block would be unlikely to give rise to loss of sun or day light to neighbouring residential properties.

11.39 With regard to overbearing impact Section 5 (5.2(iii)) of the Supplementary Design Guidelines requires extensions to not be unduly dominant from adjoining properties as a result of either the depth or height of an extension. The same principle can be applied to new buildings. The proposed student accommodation blocks would replace the existing Ramada Hotel extension and be positioned nearer to the boundary with the rear gardens of houses in Ashbury Close and Selwyn Crescent.

- 11.40 The three storey block would be 9.5m high 0.5m higher than the ridge of the roofs of houses in Ashbury Close. The boundary is currently planted with a variety of deciduous trees, which provide seasonal screening between the site and the adjacent residential properties. There is also a group of tall conifers around the electricity substation at the rear of No's 5 and 7 Ashbury Close. These trees would provide visual screening between the sites. The submitted landscaping scheme (DRWGs No's 2821_L_GA-1-01 and 2821_L_GA-1-02) shows some additional boundary planting towards the southern corner of the site. Given the orientation, distances between the buildings, existing planting and site configuration the three storey block is not considered likely to be unduly dominant when viewed from the residential gardens and properties.
- 11.41 The four storey block facing St Albans Road West would be 12m high and the top floor would be set in 12m from the rear garden boundary of No 1a Ashbury Close. Although this would be set back from the lower floors, treated in glass to appear less bulky and be partially screened by the canopy of trees on the boundary the screening would be seasonal and the bulk of the top floor would not be unduly dominant and overbearing when viewed from the rear of No 1a Ashbury Close.
- 11.42 The five storey block on the Comet Way side of the site would be 16m high and be set in 14m from the rear boundary of the gardens of 33 Selwyn Crescent. Given the distance between the rear elevations of houses in Selwyn Crescent and nearest corner of the proposed five storey block, while 16m high would be over 43m from the rear elevation of the nearest house in Selwyn Crescent and 18m from the rear boundary. This corner of the building is acute and the main part would be angled away from the rear elevation of houses in Selwyn Crescent. The top floor would be set back by 1m and finished in glazing to reduce the appearance of bulk.
- 11.43 Turning to privacy, Policy D1 and the Supplementary Design Guidance (Section 5) expects new development to minimise overlooking of internal living areas or private amenity areas. The Council does not have quantitative standards for separation distances but expects all new residential development to be designed, oriented and positioned to minimise overlooking.
- 11.44 The main aspect of concern regarding privacy and overlooking is the relationship between the windows and rooms in the west elevation of the proposed three storey student accommodation and windows in the existing rear (east) elevations of the residential dwellings in Ashbury Close and Selwyn Avenue.
- 11.45 Facing elevations would be 22m apart at the closest point; between No 1a Ashbury Close and the end of the student accommodation block on St Albans Road West. However, the windows in the end of the student accommodation block would serve corridors and the west facing glazed walls to the staircases and link corridors in the three storey block could be obscure glazed to prevent overlooking of the rear garden. This can be secured by imposition of a condition.
- 11.46 The windows in the west elevation of the three storey block would be between 25m and 55m from the rear elevations of Ashbury Close and Selwyn Crescent houses. The windows on all three floors would be angled away from those boundaries to face south and would not give rise to overlooking of the residential properties' internal or external spaces. In addition the proposal includes retention of the trees along the boundary and replacement of poor quality trees/additional planting to enhance visual screening between the sites.

- 11.45 With regard to lighting, some external lighting is likely to be required to serve the residential units and/or the parking and should be designed to provide adequate light levels without causing disturbance to the neighbouring properties. The mix of commercial and residential uses means that nuisance could occur unless adequately controlled. The Environmental Health Officer recommended a condition be imposed requiring external lighting details for the hotel and the student residences be submitted for approval prior to development commencing.
- 11.46 There is potential for plant and equipment noise to disturb noise sensitive uses such as the existing houses, the student accommodation and hotel users. The submitted acoustic report shows that the proposed plant and equipment would be 10dB below the existing background noise. The Environmental Health Officer recommended that a condition require this noise level criteria be complied with and an acoustic assessment be undertaken before the site is occupied.
- 11.47 There is potential for noise from functions at the hotel in terms of people, music etc. However, permanent residents of nearby houses would be screened from hotel function noise by the new buildings. The hours of use of these types of events would be controlled through the licensing regime as they are at present.
- 11.48 There is a potential for noise from the outdoor social spaces in the student amenity courtyard. The courtyards are separated from the boundary with residential properties by the three storey block and the building would contain much of this noise on an everyday basis. On-site management would be present to address anti-social behaviour. Should events be held in the social space these shall be restricted to indoors by condition and would be subject to the normal noise controls under the Environmental Health Acts.

6. Other planning considerations

(i) Transport accessibility car and cycle parking provisions

- 11.49 Saved Policy M1 of the Welwyn Hatfield District Plan 2005 requires developments to be located where accessible to pedestrian and cycle routes and passenger transport services and where the transport movements likely to be generated can be accommodated. The Council will give priority to walking and more sustainable modes of travel. Policies M2 and M3 require a Transport Assessment to minimise vehicle movements by improving passenger, pedestrian and cycling facilities and state whether new highway works and a Green Travel Plan to be secured through a S106 Agreement. Developer contributions will also be secured to implement transport infrastructure or services via S106 Agreements.
- 11.50 A Travel Assessment (TA) was submitted with the application. The site is in an accessible location by pedestrians, cyclists and passenger transport. The scheme proposes to enhance these by providing pedestrian entry points to the site at the bus stop on St Albans Road West, by the pedestrian crossing on Comet Way and to the student accommodation adjacent to the pedestrian crossing to the De Havilland campus. The Highway Authority has requested a contribution of £27,000 to promote pedestrian way-finding in the locality, to be secured by S106.
- 11.51 Regarding Trip Generation, the Highway Authority commented that the number of vehicle trips associated with the hotel with reduced number of bedroom would be

likely to fall and that the delivery and servicing demands would not vary significantly from the existing situation. They commented that the student accommodation as presented (car free) would not result in increased trip generation except at drop-off/pick-up times at the beginning and end of each term. Staff at the student accommodation (1 manager and 2 assistants) would not generate significantly more vehicle trips than those set out the TA.

- 11.52 The existing vehicle accesses to the site would be retained: the left in/left out from Comet Way and the signalled arm to the Mosquito Way/St Albans Way West roundabout. The resurfacing of the two access points would require a S278 Agreement with the Highway Authority. Visibility splays at each of the accesses would remain clear (as shown in the landscaping plans). The Highway Authority confirm that the proposed layout would be adequate for large service and emergency vehicles to use the accesses and egresses and to manoeuvre around the site.

Parking

- 11.53 The existing hotel has a total of 163 parking spaces for 128 bedrooms; a ratio of 1.27 spaces per bedroom, which allows for staff parking. This level of provision has been operating successfully on this site for some years. Providing parking at this same ratio for 99 bedrooms would require 125.6 spaces. The proposed scheme would provide 128 spaces in total: 98 on the site frontage and 30 behind the hotel extension in the first courtyard. The spaces within the forecourt would be intended for guests and those in the courtyard for staff and overflow parking. On this basis there would be a surplus of 2 or 3 spaces within the site.
- 11.54 This provision includes 16 disability spaces (9 adjacent to reception and five in the courtyard), which equates to 16% of capacity. This exceeds the recommended standard (6%) but includes three/four spaces for students with disabilities.
- 11.55 The provision of 128 spaces compares to the Council's Parking Standards which require 99 spaces for the bedrooms and 103 for the bar dining and function rooms (204 spaces). However, the site is in accessibility Zone 3 as the site is well served by public transport and pedestrian and cycle links. In this zone 50 - 75 % of the demand based standard is acceptable (102-153 spaces). In addition it is likely that the function space would be used by guests of the hotel. The Highways Authority has commented that the parking provisions for the hotel appear to be appropriate to this element of the scheme. The level of provision is considered to meet the Council's standards for the hotel element.
- 11.56 The student accommodation is proposed to be car free with the exception of disability spaces for the use by students with disabilities. The Council's parking standards require 3 disabled parking spaces for developments to which the public have access. These spaces would be located in the courtyard behind the hotel extension. The scheme proposes four disability spaces which exceeds the Council's requirement but would require sharing of one space provided for the hotel. The site's location is such that there are suitable links to the local shops, and university campuses by alternative transport means (including walking, cycling and bus travel) to not prejudice the freedom of the residents. The proposals would include a Parking Management Plan for the site itself which would include arrangements for drop-off and pick-up at the start and end of each term. However, the car free nature of the proposal also relies upon car

ownership restrictions and local parking controls to prevent adverse impact on the on-street parking situation in surrounding residential streets.

	Parking provision	Ratio	Zone 3: 50-75%
Current situation	163	1:1.27 per bedrm	n/a
Proposal	128	Council Standard 1:1 per bedrm 99 1:5sqm dining 78 1:3sqm bar 27 Total 204	Total 102-153
(including disability spaces)	16	6% of capacity (8)	n/a
Student Accommodation	No provision	Car Free	n/a
Student disability spaces	3-4 spaces (1 shared with hotel)	Council Standard 3 spaces	

- 11.57 The applicants' Travel Assessment and Travel Plan commit to restricting the occupancy of student accommodation to full-time students attending the University of Hertfordshire and to tenancy agreements including clauses that
- (i) prohibit keeping or controlling a car within WHBC area.
 - (ii) prohibit parking on the application site unless they have written permission (for disabled students and drop-off/pick-up arrangements)
 - (iii) prohibit applying for/obtaining a resident on-street parking permit.
- These clauses were considered adequate by the Planning Inspector who determined the planning appeal for the application No S6/2010/1206/MA for student accommodation at 46 The Common, Hatfield. He considered that the Unilateral Undertaking (under S106), the Green Travel Plan and Parking Management Plan would provide a framework for managing the development in a way that would promote sustainable transport, which the Council could monitor.
- 11.58 Compliance with clauses (ii) and (iii) seem reasonably enforceable subject to them being secured by Legal Agreement (S106). The charging of private parking fees for non-hotel guests, as proposed in the Parking Management Plan, would act as an additional deterrent to parking. A similar clause to Clause (i) was used in the planning decision for the student accommodation on De Havilland Campus. However, concerns have been expressed that this clause may be difficult to enforce and, should any students own/control cars within the local area, they may park them on surrounding roads. The Highway Authority has commented that the main roads; Comet Way, St Albans Road West and Cavendish Way feature double yellow lines. Roads within the Business Park are likely to be covered by similar controls when adopted by the Highway Authority. Full-time students are not currently offered parking permits for De Havilland Campus and parking on College Lane Campus is not available to students who are not resident there.
- 11.59 Some on-street parking opportunities exist in College Lane and in the Ellenbrook area, to the south west of the site, outside of 9am to 4pm on weekdays during term time. At weekends and in the evenings/overnight these restrictions do not operate in the Ellenbrook area. Local residents have strongly objected to the car-free aspect of the proposal on the basis that the on-street situation in the off-peak hours is already congested and would be made worse by the proposed

development when students who live on the site and own cars could park at the University Park and Ride facility during the day and on the local roads over night. In acknowledgement of this possibility the Council's Parking Services Manager has advised that the approach taken on other developments would be appropriate. The approach is to undertake a parking survey prior to development and another after occupation to assess whether the development has had a material impact and, in response to any additional problems arising, to undertake extension or alteration to the local parking controls. Funds to implement this approach would be secured through a S106 Agreement. The surveys would need to be carefully designed to identify causal links to student accommodation on the application site and make proportionate requests for use of the S106 funds.

11.60 The above measures to be secured via S106 (Green Travel Plan, Parking Management Plan and Car Parking On-Street Survey and Parking Control contributions together with the Tenancy agreements) are considered adequate to manage the impact of the development on the local area with respect to car parking and to assist in promoting sustainable travel choices in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and paragraphs 29– 41 of the NPPF 2015.

11.61 The adopted parking standards require cycle parking to be provided on-site. For hotels one long term space (covered and secure) is required for each ten beds and 1 per 10 staff. The hotel would have 99 bedrooms requiring 10 spaces. The demand from hotel guests for these spaces may low but may be higher from guests to the bar and dining facilities. In addition, the site would have a full time equivalent of 50 staff requiring a further 5 spaces. An amended site layout plan 14286/0300/Rev C was submitted showing twelve cycle parking spaces close to the hotel reception entrance. This level of provision is considered acceptable. Details of the cycle storage will be required by condition to ensure they are adequately secure and weatherproof to be attractive to cyclists.

11.62 The cycle parking standards for student halls of residence are 1 space per 10 staff and 1 per 3 students. For three staff and 361 students a total of 120 cycle parking spaces would be required. The submitted site layout plan shows 60 cycle spaces i.e. a ratio of 1 space per 6 students. These would be provided in two locations: one set of 30 spaces at the north end of the five storey block and another set of 30 spaces backing onto the boundary with St Albans Rd West. The applicants consider that this level of provision works at 46 The Common. It may be adequate but should be kept under review as part of the Green Travel Plan and more spaces, together with the proposed provision of pool bicycles for use by the student resident provided on the site if the need arises.

(ii) Flood Risk Assessment (FRA)

11.63 The original Flood Risk Assessment identifies the site is at low risk of flooding from tidal or river flows or groundwater and is identified as being in Flood Risk Zone 1. However, potential flooding from surface water has been identified as high on the north side of the hotel and in the south east corner of the site and as a consequence of the increase in hard surfaced areas on the site (to 1.13Ha).

11.64 The submitted drainage strategy considered three options for dealing with surface water run-off: infiltration, connection to Ellen Brook or connection to the sewer in St Albans Road but did not specify which it would adopt. Thames Water objected to connection to the public sewer. The Lead Local Flood Authority

(LLFA) objected to the lack of detail and requested more information about the preferred option of discharge. A revised version of the FRA identified that infiltration (soak-aways) would not be adequate due to the clay cap under the site and its position over a Primary aquifer. Instead a 455m long new surface water sewer connection along Comet Way to Ellen Brook would be required, to be adopted by Thames Water and requiring a Flood Defence Consent from the Environment Agency. Roof run-off would be filtered through trenches and permeable car park run-off would be filtered in attenuation tanks. Storm-event attenuation tanks would be provided in three locations. The LLFA have confirmed acceptability of this strategy subject to conditions over carrying out the development in accordance with the FRAv2 dated 13th November 2015 and the measures in the surface water drainage strategy (limiting the run-off, providing attenuation trenches and tanks and discharging of surface water into Ellen Brook). The proposed connection to Ellen Brook to the south of the site would be off-site works and would be secured via a S106 Agreement.

11.65 Foul water flows would be separated from the surface run-off. Foul water for the hotel would be directed to a different connection point to the public sewer from the connection point for the student accommodation. Thames Water has confirmed that they have no objection to the proposed development.

iii) Biodiversity

11.66 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

11.67 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05.

11.68 The applicant submitted an ecological report which identified two 'moderate potential' bat roosts, one in the Comet Hotel and one in a tree. No evidence of bat use was found at either. The one in the hotel has since been sealed. The tree identified as T6 (an ash) would be retained but would require protection during the felling of adjacent tree, T4 (a sycamore), which has a split stem. Herts Ecology has commented that the proposed development presents no threat to bat populations but requests conditions to secure protection of tree T6 during felling of tree T4, to secure biodiversity enhancement planting measures and provide bird and bat boxes on the site. These can be secured by condition.

(iv) Trees and Landscaping

11.69 Saved Policy D8 requires all developments to include landscaping as an integral part of the overall design. Landscape schemes are required to reflect the use of materials and enhance planting of trees and shrubs. The retention of existing trees and shrubs is also expected.

- 11.70 The proposed landscaping scheme is shown on DRWGs 2821_L_GA_1_01 and 2821_L_GA_1_02. These plans show a beech hedge, wildflower meadow and ornamental shrubs planted beyond the site boundary on the highway land. The Highway Authority has responded that such planting would require a licence and that Network Management have commented that they would be very unlikely to support those proposals. The proposed planting on Highway land is, therefore, not considered to be part of this planning application. Consequently the boundary of the site would be open to the existing grassed highway verge. The site layout shows one row of 90 degree parking against the boundary of the site, as at present but resurfaced in permeable block paving. Just inside this would be a tarmac vehicle circulation route (as at present). The pedestrian areas around the listed building would be surfaced in stone setts and paviers.
- 11.71 A key enhancement of the site frontage would be the proposed raised lawn between the hotel's front terrace and the sculpture (pillar and aeroplane). This area would be demarcated by a 400mm high wall in brick to match the bricks of the hotel and 600mm high clipped yew hedge. This would improve the setting of the Listed Building by reducing the amount of tarmac on the site frontage, removing parked cars from directly in front of the building and creating a softer frontage for the listed building
- 11.72 The Landscape Department has commented that the proposed planting of grass around the car park may need revision to provide more sturdy shrubs in the car park area and more details would be required to determine whether the proposed landscaping would provide adequate screening on the boundaries. Similarly further details of seating, CCTV, lighting and bins would be required.
- 11.73 The existing trees on the site would be retained as far as possible including the two tall (13m and 15m high) willow trees to the east of the hotel link building. Two trees in poor condition as identified in the Tree Survey would be removed: T4 (a sycamore with a split stem) and T24 (a damaged birch tree) (see Tree Constraints Plan No DS14011401.02A). Tree Protection Plans (2821_L_TP-1-01 and 2821_L_TP-1-02) indicate that the boundary trees would be retained and protected during construction. The plans indicate that Group 5 (laurel, hazel, plum and elder) would be removed. Protection of the retained trees and the replacement of any that are lost can be required through conditions on any planning decision.
- 11.74 Additional tree planting is proposed at the site entrances, within the first courtyard and two additional trees would be planted to enhance the boundary screening to the garden of No's 7 and 9 Ashbury Close. Much of the existing planting, which screens the rear part and the south east boundary of the site would be retained except for two damaged trees and a small group of native species. The proposed landscaping scheme is considered acceptable in terms of Policy D8 but further planting details and implementation shall be secured by conditions.
- (v) Energy efficiency**
- 11.75 Saved Policy R3 of the Welwyn Hatfield District Plan and NPPF paragraphs 93-98 encourage energy conscious design of new buildings and Policy R4 encourages the use of renewable energy sources wherever possible subject to considerations of visual impact, atmospheric pollution and noise.

- 11.76 The submitted Energy Statement identifies that the listed building would be refurbished in accordance with the Building Regulations. The student accommodation would incorporate thermal insulation to limit heat loss through the building fabric. It would also achieve air permeability and install performance glazing and blinds to limit solar gain so reducing the need for cooling systems. The use of opening windows and mechanical vents would incorporate heat recovery technology. Internal lighting in communal and circulation spaces would use infra-red automatic lighting controls. External lighting would be efficient and controlled via programmable clocks and photocells. The monitoring within the building would allow identification of high energy consumption and targeted efficiency improvements.
- 11.77 With regard to renewable energies, the scheme would use Combined Heat and Power to provide centrally-controlled hot water and heating in the student accommodation. This unit is proposed to be located in the basement of the student block. Photovoltaic cells are identified for the roof of the student blocks. However, details were not submitted with this application and a separate planning application would be required for proposals that exceeded the relevant permitted development allowances. This would enable their visual impact to be assessed separately.
- 11.78 Overall the development would make use of renewable energy sources appropriate to the site and proposed uses. Subject to conditions over acceptable noise attenuation the proposal is acceptable in terms of the energy aspects of the scheme and Policies R3 and R4 of the Welwyn Hatfield District Plan 2005.

(vi) Refuse and recycling

- 11.79 The current requirement for bin storage for the student accommodation is around 850-1,000 litres per bed. The total requirement for bins would be for 31-33 x 1,1000 litre bins on a weekly collection basis. However, this is based on weekly collections and the applicants have advised that they currently and in the future will continue to have two collections per week for the hotel. The student accommodation collections would be weekly. To this end 16 bins would be required for the hotel. 30 bins would be required for student accommodation. The cost of providing the 30 additional bins for the student accommodation can be secured via S106 agreement. The standard contribution per bin is £360 + VAT per bin or a total of £10,800 +VAT. The applicant has indicated agreement to make this contribution in accordance with the Council's requirements.
- 11.80 Two bin storage areas for 20 bins are shown on the proposed site layout plans. Details of the treatment of these areas in terms of screening and containment will be required to ensure the bins do not affect the visual appearance of the site and the listed building or result in spread of litter around the site. These details can be secured by condition.

(vii) Contaminated Land

- 11.81 Saved Policies R1 and R2 of the WHDP 2005 encourage the re-use of developed land but where this may be contaminated the Council will need to be satisfied that there would be no unacceptable risk to health or the environment from the proposed use or remediation works.
- 11.82 The proposed uses of the site as hotel and student accommodation are sensitive ones. A topographical survey and desk top contamination assessment was

submitted with the application, which identified that, although the site had no industrial history, ground gas and infill may be present and recommended further investigation.

- 11.83 The Environmental Health Officer requested imposition of the standard contaminated land condition requiring investigation and remediation prior to commencement of development.

(viii) Planning Obligations

- 11.84 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012.

- 11.85 The proposed development gives rise to the necessity for the following obligations:
1. Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,
 2. Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site
 3. Monitoring of the Travel Plan £6,000 (HCC)
 4. Sustainable Transport - £27,000 to promote pedestrian way-finding in the locality (HCC)
 5. £50,000 contribution towards pre-development and post-occupation car parking surveys and potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (WHBC)
 6. £22,021 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)
 7. £10,800 +VAT contribution to provision of refuse bins for the student accommodation (WHBC)
 8. £5,000 Monitoring fee (WHBC)
 9. Surface water discharge connection to Ellenbrook
 10. Access to the student accommodation for monitoring of occupation.

The contributions shall be index linked. The applicants have indicated their willingness to enter into this agreement.

(ix) Conditions

- 11.86 National Planning Practice Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 11.87 In this case, a scheme for detailed landscaping, submission of sample materials and development in accordance with approved plans are all necessary for the grant of permission and in accordance with the six tests. Additionally, conditions restricting the use of student accommodation, retention of communal facilities, phasing of the hotel works and the student accommodation, provision of car parking and landscaping implementation, requiring details of sound attenuation ventilation and cooking odour suppression, external lighting and contamination remediation prior to installation and occupation, provision of a Sustainable Drainage System (on site) in accordance with the FRA v2 and Bat and Bird boxes. These have already been discussed in this report.
- 11.88 For the Listed Building Consent conditions to ensure the listed building is enhanced and protected are necessary. These include approval of material samples, a Demolition and Construction Method Statement, retention of significant features and making good of original fabric and submission of details for certain works to the listed building.

Conclusion

- 11.89 The proposed development of purpose- built student accommodation on the application site is considered acceptable in principle. However, this is subject to consideration of the impacts on the Listed Building, the character of the surrounding area, the living conditions of neighbouring residents and the traffic, parking and other matters covered in this report.
- 11.90 The harm to the Listed Building fabric from proposed alterations to the layout of rooms would be mitigated and by the enhancement works i.e. reinstatement of the original form, reinstatement of some original features and the design and materials of the proposed replacement hotel extension. Concerns over the harm to the setting of the Listed Building resulting from the height and bulk of the proposed student accommodation must be balanced against other public benefits of the scheme, which include the provision of purpose-built student accommodation in the wider local housing market and the provision of landscaping on the front of the site to enhance the setting of the listed building (further details of the proposed landscaping scheme would be required via condition to ensure the enhancements are achieved).

- 11.91 On balance, while harm to the listed building is acknowledged, it is considered that it would be less than substantial provided that the enhancements to the fabric and setting are secured and delivered early in the redevelopment of the site as a whole. The phasing of repair and restoration works early in the overall development of the site are considered important and shall be achieved through conditions requiring approval of a timetable for construction and completion of the demolition and restoration works to the listed building prior to full occupation of the student accommodation.
- 11.92 The impact on the character of the area and the living conditions of neighbouring residents are considered acceptable subject to conditions over noise, overlooking, and enhanced planting. Provisions for residents of the proposed scheme are subject to noise conditions and obligation to provide contributions to informal open space in the vicinity of the site.
- 11.93 The issues of traffic generation and car parking are considered to be manageable subject to S106 obligations over the car free nature of the student accommodation: including contributions to sustainable transport, occupation by students of the University of Hertfordshire and prohibiting car ownership in the Borough (as used in planning decisions for De Havilland Campus and 46 The Common, Hatfield).
- 11.94 The scheme has also been assessed in terms of flood risk, landscaping, refuse and recycling and protected species. It is concluded that the proposal is on balance acceptable subject to conditions and the S106 obligations identified above and, as such, is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted Supplementary Planning and Design Guidance and with the NPPF.

12 Recommendation

6/2015/1997/MAJ

- 12.1 It is recommended that planning permission be approved subject to the completion of a S106 Agreement by 3rd May 2016 to secure the following obligations:
1. Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,
 2. Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site)
 3. Monitoring of the Travel Plan £6,000 (HCC)
 4. Sustainable Transport - £27,000 to promote pedestrian way-finding in the locality (HCC)
 5. £50,000 contribution towards pre-development and post-occupation car parking surveys and potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (WHBC)

6. £22,021 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)
7. £10,800+VAT contribution to provision of refuse bins for the student accommodation (WHBC)
8. £5,000 Monitoring fee (WHBC)
9. Provision and retention of surface water discharge connection to Ellen Brook in accordance with the FRAv2 (13.11.2015)
10. Access to student accommodation to monitor occupation

12.2 and the following conditions:

1. C.30.1 – In accordance with plans and details

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

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 and dated 28.9.2015 and 0300/C received and dated 3.12.2015 and Materials Palette received and dated 9.12.2015 and 0308/B and 0311/C received and dated 6.1.2016.

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

2. Notwithstanding the approved plans the hotel, including the extension hereby permitted, shall not contain more than 99 bedrooms and the student accommodation shall not house more than 361 students.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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 with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the 9,586sqm of student accommodation blocks as student residences with ancillary support uses and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan

5. The communal rooms on ground floor of the student accommodation blocks (floor area) as shown on ground floor layout plans (DRWG NO 0301/A) shall be retained for ancillary facilities to support the student residential use and for no other purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of change of use of the communal facilities in the interests of residential and visual amenity for future and adjoining residents in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

6. No functions shall be held in the indoor and outdoor social spaces that involve the use of sound reproduction or amplification equipment (including public address systems, loudspeakers, etc.) which is audible at the site boundary.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

7. No development shall take place on the site until a timetable for construction of the development hereby permitted and of the proposed works outlined in the Schedule of Demolition and Reinstatement Works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed timetable.

The student accommodation within the St Albans Road West frontage building (total 59 bedspaces) of the site hereby permitted shall not be occupied until the works listed in the Schedule of Demolition and Reinstatement Works to the listed building are complete.

REASON: To ensure the satisfactory completion of the works to the listed building in accordance with Policies of the Welwyn Hatfield District Plan 2005 and the NPPF 2012.

8. Notwithstanding the approved landscaping plans, no landscaping development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels
- (b) details of means of enclosure and boundary treatments
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- (k) management and maintenance details

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.

9. No retained tree or shrub or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

If any retained tree, shrub or hedge is removed, uprooted or destroyed or dies, another tree, shrub or hedge shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree, shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all 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. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub or hedge, as the case may be, which is to be retained in accordance with the approved plans and particulars; and the above paragraphs shall have effect until the expiration of five years from the date of the first occupation of the buildings for their permitted use.

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.

10. All agreed landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the practical completion of the development or the first occupation of the first building, 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.

11. Notwithstanding the approved landscaping plans (Numbers 2821_L_GA_1-01 and 02 and 2821_L_HW_1-01 and 02) the areas set aside for car parking shown on Plan Number 0300/C shall be laid out, surfaced and marked out in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the hotel development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

12. No above ground development shall commence until details of a scheme for the provision of secure cycle parking for 72 bicycles on site (60 for the student accommodation and 12 for the hotel) has been submitted to and approved in writing by the Local Planning Authority. The development

shall not be carried out other than in accordance with the approved scheme and shall be retained thereafter. Details of any additional cycle parking provisions required as a result of review under the Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained in good condition thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

13. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a) Construction vehicle numbers, type, routing
 - b) Traffic management requirements:
 - c) Construction and storage compounds
 - d) Siting and detail of wheel washing facilities
 - e) Cleaning of site entrances, site tracks and the adjacent public highway
 - f) Provision of sufficient on-site parking prior to commencement of construction activities
 - g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

14. Details of the location, design and specification of the refuse bin and recycling materials storage areas to serve the hotel and the student accommodation units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation of each development and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

15. The development hereby permitted shall be implemented in accordance with a scheme of enhancement of the biodiversity of the site in accordance with the recommendations of the Extended Phase 1 Habitat Survey, SES, September 2015 & Aerial Bat inspection and Advice Addendum, prepared by SES (and dated 23.9.2015) to be submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme, which shall be

implemented during the first year of occupation of any part of the student accommodation development hereby permitted.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

16. Details of any external lighting proposed (including vertical lux diagrams) and CCTV cameras in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground commencement of development. This scheme must meet the requirements of the Institution of Lighting Engineers' guidance notes for the reduction of obtrusive lighting. The development shall not be carried out other than in accordance with the approved details.

REASON: To protect the residential amenity and living conditions of the future residents of the site and existing properties in the near vicinity of the development in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

17. No building hereby permitted shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the submitted details in the Flood Risk Assessment v2 (13.11.2015), prepared by Curtins (ICBR0037RP-001). The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with a management and maintenance plan to be submitted and agreed by the Local Planning Authority. For the avoidance of doubt this shall include:
- a) limiting the surface water run-off by storm events to not exceed 5.5l/s during the 1 in 100 year event and climate change event
 - b) providing attenuation – a minimum of 735cubic metres of total storage volume in permeable pavements, filter trenches and underground attenuation tanks as shown in Appendix G of the drainage strategy
 - c) Discharge of surface water from the site into Ellen Brook via a new off-site connection.

REASON: To protect the surrounding environment from pollution and flood risk by ensuring the satisfactory disposal, storage and drainage of surface water from the site in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

18. No construction above ground shall commence until a scheme to protect the development (hotel and student accommodation) from traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before any part of the accommodation hereby approved is occupied and maintained thereafter. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. Any associated mechanical ventilation shall meet the requirements of the Noise Regulations 1975 (amended 1988).

REASON: To protect the occupants of the development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

19. No above ground development construction shall commence on site until an acoustic report has been submitted to and approved in writing by the Local Planning Authority detailing the noise from plant and equipment to be installed at the premises showing that noise emissions will be 10dB (L_{Aeq}) below the background noise level (LA₉₀) at the nearest residential properties (using the methodology outlined in BS142:2014). The scheme shall be completed in accordance with the approved details before any part of the accommodation hereby approved is occupied and maintained thereafter in accordance with the approved details..

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

20. Prior to first occupation of the development a manned measured noise survey shall be undertaken of all the plant and equipment on the site, following implementation, under usual operating conditions. The noise measurements must be taken at the nearest sensitive receptors to demonstrate that the combined operation of all plant and equipment is 10dBA (L_{Aeq}) below the background noise level (LA₉₀). Measurement parameters must include the LA₉₀, L_{Aeq}, LA MAX and frequency analysis. Approved noise mitigation measures such as acoustic screening or silencers must be implemented to ensure that Condition 19 of this planning permission is met. Monitoring locations must be agreed by the Local Planning Authority at 1m from the facade at 1.2m above ground level and at first floor level of the nearest noise sensitive properties and at the boundaries of those properties at the same heights and at identified times and hours of use of the development.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

21. Prior to commencement of construction of the hotel a scheme for sound insulation for the hotel shall be submitted to and approved in writing by the Local Planning Authority. The hotel buildings shall not be occupied until the approved scheme has been fully implemented and the scheme shall be retained thereafter in accordance with the approved details.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

22. The refurbished hotel and hotel extension shall not be occupied until a scheme for odour control with kitchen extract systems has been submitted to and approved in writing by the Local Planning Authority. The hotel buildings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The scheme shall be maintained thereafter.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policies D1 and R18 of the Welwyn Hatfield District Plan 2005.

23. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with, in so far as they are relevant. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

24. The windows to the corridors and stairs in the west elevation of the student accommodation blocks shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

Summary of reasons for grant of permission

The decision has also 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 do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Informatives

1. This planning permission should be read in conjunction with S278 Agreement for the works to highway land.
2. This planning permission should be read in conjunction with the S106 Agreement.
3. This planning permission should be read in conjunction with Listed Building Consent Reference Number 6/2015/1998/LB.
4. You are advised to contact the Public Health and Protection Department of the Governance Directorate on 01707-357242 in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Health and Safety at Work etc Act 1974 and the Food Safety and Hygiene (England) Regulations 2013.
5. Where works are required within the public highway to facilitate the new/altered/improved 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 on 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, Peggs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
6. 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.
7. 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.

8. 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.
9. You are advised that, because of the scale of the development, you will be required to submit a Sustainable Waste Management Plan for approval by the Local Waste and Minerals Authority. The sustainable Waste Management Plan shall include details of waste arising from demolition and construction, the volumes of waste and identify methods to re-use, recycle or recover materials to minimise waste and the volume of waste to be disposed of off-site. Further information is available from spatialplanning@hertfordshire.gov.uk.
10. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Cathy Wilkins 01707 357558) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

OR REFUSE if a S106 Agreement is not completed on or before 3rd May 2016 for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Expiry date: 31st January 2016.

AND

6/2105/1998/LB

It is recommended that listed building consent be granted subject to the following conditions:

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

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 received and dated 28.9.2015 and

0300/C received and dated 3.12.2015 and Materials Palette received and dated 9.12.2015 and

0308/B & 0311/C received and dated 6.1.2016.

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

2. No development shall take place until samples of the materials, including a sample brick panel, sample glazing panels, partial window frame, roof materials and coping tiles, to be used in the construction of the external surfaces of the building hereby permitted, 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 with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. No development shall take place, (including any works of demolition in accordance with DRWGS 0203 and 0307/A), until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for
 - (a) the programme and method for the partial demolition and the steps required to be taken during the process of the work to secure the safety, stability, security and weather-proofing of that part of the building that is to be retained.
 - (b) details of adequate support and shelter arrangements to be provided at all times to the walls and roof whilst the building works are carried out.
 - (c) details of any repair work proposed
 - (d) details of any materials to be removed which in the opinion of the Local Planning Authority should be salvaged for re-use.
 - (e) details of proper and adequate protection to those features/areas of the building noted as being of special interest in the listing description or noted as areas that are sensitive to change in the applicants' Heritage Statement (received and dated September 2015 for the duration of the works.

(f) measures to control the emission of dust and dirt during the works.

REASON: To ensure the building is protected during demolition and construction, that articles and material that are of an intrinsic quality are available for re-use and to prevent the total or partial collapse of the building in the interests of protecting the character and appearance of the listed building in accordance with the National Planning Policy Framework 2012.

4. The following internal and external features of the listed building shall be retained on the site: Musman's Comet pillar, the principle and secondary staircases from the ground floor to the first floor, the upper landing, the layout of the first floor front function room and the basement staircase (if it is original).

REASON: To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with the National Planning Policy Framework 2012.

5. Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match, like for like, those historic materials and finishing details used in the existing building or structure.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework 2012 and standard conservation good practice.

6. Notwithstanding the details shown on the approved drawings, no works shall take place until detailed plans of the following have been submitted to and agreed in writing by the Local Planning Authority:

(a) reinstatement of spiral stair to roof

(b) reinstatement of roof lantern

(c) proposed new external door openings and frames

(d) proposed new window openings and frames

(e) details of the proposed internal flexible wall between the front first floor function room and bar area.

(f) sound insulation and mechanical vents for hotel function rooms and bedrooms

(g) extractors for kitchen odours

The development shall be implemented in accordance with the approved details and, subsequently, shall not be changed.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the NPPF and standard conservation good practice.

Informatives

1. Any additional plant or machinery (e.g. extractor flues) may need Listed Building Consent. You are advised to contact the Local Planning Authority for advice on this matter.

OR REFUSE if a S106 Agreement is not completed on or before 3rd May 2016 for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Expiry Date: 31st January 2016


June Pagdin, (Strategy and Development)

Date: 17.12.2015

Background papers

1. University of Hertfordshire 2020 Estates Vision, Report of Director (Strategy and Development) to Planning Control Committee 26.4.2012, Agenda Item 012,
2. Planning Application Ref Number S6/2010/1206/MAJ, 46 The Common, Hatfield, AL10 0LU
3. Draft Annual Monitoring Report 2014/15, WHBC, December 2015
4. Assessment of Open Space, Outdoor Sport and Recreation (2009), WHBC.



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Comet Hotel, St Albans Road West, Hatfield		Scale: DNS
	Project: DMC Meeting	Drawing Number: 6/2015/1997/MAJ & 6/2015/1998/LB	Date: 2015
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Miss C Norris
Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

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.
- 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.

To: Miss C Norris
Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

Important – Planning permission and notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee may be payable for each request to discharge conditions.

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email planning@welhat.gov.uk between 0900 – 1300 daily.

**Notice of Decision
Planning (Listed Buildings and Conservation
Areas) Act 1990
Planning (Listed Buildings and Conservation
Areas) Regulations 1990
Approval of Listed Building Consent**

To: Miss C Norris

Application No: 6/2015/1998/LB

Date of Approval: 4 February 2016

WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned act, hereby GRANT, subject to the development beginning not later than 5 years from the date hereof to: -

Development: Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of poor quality additions.

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

Applicant: Fusion Hatfield Hotels Ltd

Application Date: 5 October 2015

In accordance with the accompanying plans and particulars subject to the conditions listed below: -

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

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 & Heritage Statement, WYG (Sept 2015) received and dated 28.9.2015 and 0300/C received and dated 3.12.2015 and Materials Palette received and dated 9.12.2015 and 0308/B & 0311/C received and dated 6.1.2016 and Schedule of Works to Listed Building received and dated 2.2.2016

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

2. No development to the Listed Building (except the approved demolition works) shall take place until samples of the materials, including a sample brick panel, sample glazing panels, partial window frame, roof materials and coping tiles, to be used in the construction of the external surfaces of the building hereby permitted, 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 with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. No development to the Listed Building shall take place, (including any works of demolition in accordance with DRWGS 0203 and 0307/A), until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for
- (a) the programme and method for the partial demolition and the steps required to be taken during the process of the work to secure the safety, stability, security and weather-proofing of that part of the building that is to be retained.
 - (b) details of adequate support and shelter arrangements to be provided at all times to the walls and roof whilst the building works are carried out.
 - (c) details of any repair work proposed
 - (d) details of any materials to be removed which in the opinion of the Local Planning Authority should be salvaged for re-use.
 - (e) details of proper and adequate protection to those features/areas of the building noted as being of special interest in the listing description or noted as areas that are sensitive to change in the applicants' Heritage Statement (received and dated September 2015 for the duration of the works. This protection shall remain in place throughout the period of works and only temporarily removed to effect repairs or adjustments to these elements.
 - (f) measures to control the emission of dust and dirt during the works.
 - (g) Where existing fabric is disturbed to effect approved removals, it shall be reinstated like for like or to the written approval of the Local Planning Authority.

A timetable for implementation of the above shall be submitted to the Local Planning Authority for approval and shall subsequently be implemented in accordance with those details.

REASON: To ensure the building is protected during demolition and construction, that articles and material that are of an intrinsic quality are available for re-use and to prevent the total or partial collapse of the building in the interests of protecting the character and appearance of the listed building in accordance with the National Planning Policy Framework 2012.

4. Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match, like for like, those historic materials and finishing details used in the existing building or structure.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework 2012 and standard conservation good practice.

5. Notwithstanding the details shown on the approved drawings, no works to the Listed Building (excluding the approved demolition works) shall take place until the following listed building details have been submitted to and agreed in writing by the Local Planning Authority:
- (a) reinstatement of roof lantern (elevations at scale 1:20 and sections at 1:50)
 - (b) roof eaves and abutments with new hotel extension link building (details at scale 1:50)
 - (c) proposed new door openings and frames (elevations at scale 1:20 and sections at 1:50)
 - (d) proposed new window openings and frames (elevations at scale 1:20 and sections at 1:50)
 - (e) details of the proposed internal folding or sliding partitions and walls (elevations at scale 1:20 and sections at 1:50)
 - (f) new-build external walls (part elevations at scale 1:20 and sections at 1:50)
 - (g) reinstated roof-lights to kitchen (details at scale 1:5)
 - (h) new ceilings, counters and bars (sections at scale 1:20)
 - (i) sound insulation and mechanical vents for hotel function rooms and bedrooms
 - (j) extractors for kitchen odours

The development shall be implemented in accordance with the approved details and, subsequently, shall not be changed.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

6. Prior to installation of any internal floor finishes, wall coverings and lighting the following details shall be submitted to and agreed in writing by the Local Planning Authority:
- (a) samples and
 - (b) brochure illustration and
 - (c) statement for fixing.

The development shall be implemented in accordance with the approved details.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

7. No development to the Listed Building (except the approved demolition works) shall take place until representative samples of the existing mortars of the original listed building have been analysed. The mortars to be analysed shall be agreed with the Local Planning Authority prior to analysis. The subsequent mortar shall be based on the agreed representative sample and shall not be changed.

REASON: To ensure that the special architectural and historic interest and character and appearance of the building are properly maintained, in accordance with the National Planning Policy Framework and standard conservation good practice.

Informative(s)

1. Any additional plant or machinery (e.g. extractor flues) may need Listed Building Consent. You are advised to contact the Local Planning Authority for advice on this matter.
2. You are advised that the internal finishes, new partitions, doors, bars and counters are to be informed by the photographs of the original building when first completed.
3. The detail of the glazed curtain walling to the new hotel extension buildings that would be visible from north, south and east directions shall be designed to be minimalist, recessive and reflective in order to show the outline of the listed building.



Colin Haigh
Head of Planning

Planning (Listed Buildings and Conservation Areas) Act 1990

- 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 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- If this is a decision on an 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 of the date of this notice, whichever period expires earlier.
- In all other cases, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- 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.
- 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.
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- 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.

APPENDIX 4



Appeal Decision

Hearing opened on 18 January 2011

Site visit made on 19 January 2011

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2011

Appeal Ref: APP/C1950/A/10/2131919

46 The Common, Hatfield, Hertfordshire AL10 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Village Homes (Southern) LLP against the decision of Welwyn Hatfield Borough Council.
 - The application Ref S6/2010/1206/MA, dated 28 May 2010, was refused by notice dated 7 October 2010.
 - The development proposed is the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace with associated parking, access, refuse and cycle storage.
 - The hearing sat for 2 days on 18 and 19 January 2011.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two buildings to accommodate 74 student units and Class A1/A2/B1 commercial floorspace with associated parking, access, refuse and cycle storage at 46 The Common, Hatfield, Hertfordshire AL10 0LU in accordance with the terms of the application, Ref S6/2010/1206/MA, dated 28 May 2010, subject to the conditions set out in the attached schedule.

Preliminary matters

2. At the hearing the Council and the appellant agreed to the above description of the proposed development which clarifies the description given on the original application form. The application is in outline but access, appearance, layout and scale are to be determined at this stage with only landscaping to be reserved for subsequent consideration.
3. The appellant submitted a Unilateral Undertaking (UU) at the hearing. The UU provides for: (1) a financial contribution to sustainable transport measures; (2) a management scheme; (3) occupancy of the student accommodation to be restricted to students of the University of Hertfordshire; (4) a green travel plan; (5) a parking management plan; (6) highway works; and (7) fire hydrants. The Council confirmed that the sustainable transport contribution resolved the concern reflected in refusal reason No 11, which was no longer pursued. I am satisfied that items (1) to (5) are reasonable, necessary, directly related to the development and generally in accordance with Circular 05/2005 *Planning Obligations*. I shall therefore take them into account in reaching my decision. There was no evidence before the hearing of the need for items (6) or (7) so I shall not take them into account.

Main issues

4. The main issues are:

- whether the proposals would provide satisfactory living conditions for future occupiers;
- whether the proposals would accord with the objectives of sustainable development;
- the effect of the proposals on the character and appearance of the area; and
- the effect of the proposals on the living conditions of nearby residents.

Reasons

Background

5. The site contains a former bingo hall and yard, now vacant, centrally located within a shopping parade on the edge of Hatfield town centre. On the opposite side of The Common is a large car park associated with a nearby Asda superstore. To the west of Lemsford Road there is a swimming pool, a public car park and a modern development of 3 and 4 storey flats. The back of the site adjoins the rear gardens of No 2 Lemsford Road and houses in Stockbreach Road.
6. Planning permission has been granted for the redevelopment of the site with 24 residential flats and Class A1/A2 units¹ (*the approved scheme*). This accommodation would be arranged in two blocks in the same general location as the proposed development. This permission remains extant and is a material consideration.
7. The appellant is seeking to provide privately owned and managed accommodation for students attending the University of Hertfordshire (UoH). The scheme would accommodate up to 119 students. UoH has around 18,500 students attending courses in Hatfield. Of these 3,700 live on campus and 3,800 live in other accommodation in the town, most of which is privately rented. The remainder live outside Hatfield. The buildings within the College Lane campus are typically around 1.5km from the site by foot or cycle. Those within the de Havilland campus are a little closer.

Living conditions of future occupiers

8. The Council is concerned about the quality of the accommodation, in terms of room sizes, room layouts, outlook and natural light, and about the amount of communal space and outdoor amenity space. The Council does not rely on any planning guidance relating to design standards for student accommodation. There is a national scheme of accreditation aimed at maintaining high standards in the privately owned student accommodation sector. Whilst this does not contain space standards as such it does set out requirements for the equipment and facilities to be provided. The appellant stated that the appeal scheme is intended to meet the requirements for accreditation. The appellant also gave evidence that the proposed room sizes and communal facilities are comparable with schemes in university towns elsewhere in the UK. I see no reason to doubt that evidence. In addition, I take account of the furniture layouts included with the submitted plans which show how the units would function.

¹ Ref S6/2008/2484/MA

9. A small number of rooms would have a restricted outlook due to the proximity of boundary fencing or adjoining buildings. However, each room would have a good sized full length window. In the more constrained locations these would be set at an angle which would make the best of the available outlook and natural light. I consider that these rooms would receive adequate daylight. Few windows would have a southerly aspect, a feature which would limit opportunities for getting direct sunlight into rooms. Even so, I am not aware of any policy requirement for all rooms to receive direct sunlight and I do not consider that this amounts to a compelling objection to the scheme.
10. The scheme would include a roof terrace which would provide an opportunity for residents to sit out in the open. The space around the building would be limited and would essentially be a visual amenity rather than space which is likely to be used for recreation. However, the Council's *Supplementary Design Guidance* does not contain any specific size requirement for amenity space. The appellant stated that experience elsewhere indicates that there is little demand for such space in developments of this nature. The site is in an accessible location, reasonably close to the facilities of the UoH campus. Future occupiers would also be able to use open spaces and other leisure facilities within Hatfield.
11. The Council is concerned about community safety. In general, the circulation space within the site would be overlooked from windows. The appellant stated that the points of access to the site would be gated. Further details of this could be covered by a condition. The entrance to Block A would pass a reception area and the site would be staffed. In addition, the UU would provide for the submission of a management scheme which would include measures to maintain security. I therefore consider that the scheme would provide a satisfactory level of community safety.
12. On the first main issue, I conclude that the scheme has been designed specifically for use as student accommodation and that it would be suitable for its intended purpose. The proposals would provide satisfactory living conditions for future occupiers and would accord with Welwyn Hatfield District Plan 2005 (DP) Policy D1, which seeks a high quality of design, and with Policy D7 which requires the design of new development to contribute to safer communities.

Sustainable development

13. UoH is not a party to the proposals. This is a matter of concern to the Council because UoH is the only higher education establishment in Hatfield and, if the student accommodation were predominantly used by students studying elsewhere, this may result in a high demand for travel. UoH has identified deficiencies in both the quantity and the quality of student accommodation in Hatfield and considers that there is a need for an additional 2000 units. However, UoH is not currently in a position to discuss individual schemes.
14. The Council did not dispute that there is a need but was not satisfied that the appeal scheme would necessarily contribute to meeting that need. I do not share that concern. I have commented above that the scheme is specifically designed as student accommodation. It is reasonably close to the UoH and is in a part of the town where many students already rent property in the private sector. Having regard to the scale of the need, it seems very likely that the proposed accommodation would be fully taken up by UoH students. In addition, the UU would limit occupation to students of UoH. The Council

expressed some doubts over the effectiveness of this obligation. However, the UU provides a mechanism by which the Council could monitor compliance and there is no reason to think that this would be ineffective.

15. There is a reasonably direct and attractive route for either walking or cycling to and from UoH. Whilst some occupiers might be deterred from walking by the distance, there are also bus stops relatively close to the site. The scheme would include parking space for 70 cycles and it would be appropriate to secure the provision and retention of this important facility by a condition. There would be a limited amount of car parking on site, in accordance with the Council's standards for this accessible town centre location. Having regard to all of these factors, I consider that the scheme would be well located, and appropriately designed, to support sustainable travel. The UU includes provision for a parking management plan and a green travel plan to be submitted to and approved by the Council. This would provide a framework for managing the development in a way which would promote sustainable travel choices.
16. The sustainable transport contribution has been calculated in accordance with the Highway Authority's published methodology. There are proposals for enhancing the safety and attractiveness of walking and cycling routes in the vicinity of the site and also for public transport enhancements. I consider that the contribution is necessary, in that it would help to mitigate the impacts of the scheme on travel and transport.
17. I turn now to the question of renewable energy. Policy ENG1 of the East of England Plan contains a requirement that 10% of the energy demand of larger developments, such as the appeal scheme, should be met from decentralised and renewable or low-carbon sources. At the hearing the appellant stated that this requirement could be met by the use of photovoltaic cells. I consider that this is a technology which would be well suited to the shallow pitched roofs of the appeal scheme. This is a matter which could be covered by a condition.
18. On the second issue, subject to the conditions and obligations referred to above, I consider that the proposals would accord with the objectives of sustainable development. They would be consistent with DP Policy SD1, which promotes the principles of sustainable development, and with Policy R3 which requires that development should incorporate the best practical environmental option for energy supply.

Character and appearance

19. The frontage to The Common would comprise a 3 storey building with commercial units at ground floor level. The design would maintain the scale and symmetry of the parade, creating a new focal point in the centre of the group to replace the former bingo hall. The 4 storey element of Block A would be set well back into the site. The 3 storey scale of Block B would provide an appropriate transition between the 4 storey block of Meridian House and the predominantly 2 storey housing to the north.
20. The appeal scheme would have an intensive urban character due to its relatively high site coverage and the limited space around the buildings. Much of the available space at ground level would be required for access and parking. However, there are other large buildings nearby, including Meridian House and the swimming pool. The houses in Stockbreach Road and Lemsford Road have long rear gardens which provide a break between the residential

character of the area to the north and the more varied and intensive character found along The Common and around the town centre generally. The appeal site, which contains the large and utilitarian bingo hall, falls clearly within the latter character area. Furthermore, the approved scheme has established the principle of a relatively intensive form of development on the site.

21. The elevations would be formed of a sequence of asymmetric projecting bays containing angled windows. These bays would have a vertical emphasis and would establish a strong architectural rhythm which would articulate the mass of the buildings. The plans indicate that there would be contrasting areas of brickwork and render finishes which would enliven the elevations. Further details of materials could be covered by a condition in order to ensure a satisfactory relationship with the site context. Variations in the level and pitch of the roofs would add visual interest to the skyline. The Council drew attention to areas of blank wall, particularly in relation to Block B. I consider that these areas would not be excessively wide and, seen as part of the scheme as a whole, would not appear out of proportion.
22. I have commented above that the space around the building would be limited and the Council was critical of this aspect of the scheme. Whilst landscaping is a reserved matter, I consider that the layout would provide scope for some planting which would enhance the appearance of the site and help to integrate the development with its surroundings.
23. The density of the development, expressed in terms of habitable rooms per hectare, would be high. However, there is no evidence that this concentration of occupiers would result in excessive noise or disturbance or other harm to the character of the area. The main pedestrian access would be from The Common, within an established shopping parade opposite the Asda car park. The additional movement of people to and from the site would, in the main, be experienced within a relatively busy part of the town centre.
24. My overall assessment is that the scale and layout of the scheme would be appropriate to this town centre location and would not be harmful to the character and appearance of the area. The proposals represent good design, in accordance with DP Policy D1. They would also accord with Policy D2 which states that development should respect and relate to the character and context of the surrounding area.

Living conditions of nearby residents

25. Block B would be close to the rear garden boundaries of houses in Stockbreach Road. As noted above, these properties have long rear gardens so the scheme would not result in an unduly enclosing effect, nor would it have a material effect on daylight. The building would result in overshadowing of parts of the gardens, particularly during the morning. However, the loss of sunlight would not be so significant as to be harmful to living conditions. Whilst Block B would have a significant visual impact, it would be seen in the context of Meridian House. Moreover, the Council has previously accepted 3 storey development in this part of the site in the context of the approved scheme.
26. There would be views from the side elevation of Block A towards the rear elevation of No 2 Lemsford Road. These views would be at an angle and the closest of the windows would be around 25m away. This would be sufficient separation to avoid a harmful loss of privacy. I have taken account of the height of Block A in relation to the residential accommodation above No 44 The

Common. I consider that Block A would be sufficiently set in from the boundary to avoid an unduly overbearing effect.

27. The Council was concerned about noise and disturbance, in particular from the proposed parking bays adjacent to No 2 and from a roof terrace on Block A. There is already a rear access to commercial properties at The Common close to the side boundary of No 2. If the former bingo hall were brought back into use then it is likely that the yard would be used for parking. The approved scheme would also have parking in this area, albeit with slightly greater scope for planting. Subject to appropriate boundary treatment, which could be secured by a condition, I do not consider that the appeal proposals would result in a materially greater impact on No 2 than would the approved scheme. The management scheme, to be submitted pursuant to the UU, would address the control of potential noise from communal areas including the roof terrace.
28. I conclude that the proposals would not result in material harm to the living conditions of nearby residents. I have not identified any conflict with DP Policy D1 or with Policy R19 which calls for an adequate level of protection against noise.

Other material considerations

29. The Council argued that the scheme conflicts with DP Policy TCR25. However, that policy seeks to restrict changes from Class A1 to other uses. It is not applicable to the appeal proposals which would involve a change from a redundant Class D1 use. Bringing the frontage of the site back into use for purposes within Classes A1, A2 or B1 would contribute to the vitality of the shopping parade.
30. The appellant accepted that the refuse storage space shown on the plans would need to be enlarged in accordance with the Council's requirements. This is a matter which could be controlled by a condition.

Conclusion

31. Subject to the terms of the UU and the conditions I have referred to, I have not identified any material harm in relation to the four main issues. I have considered all other matters raised but find nothing to alter my conclusions on the main issues. For the reasons given above, the appeal should be allowed.

Conditions

32. The Council has suggested conditions which I have considered in the light of Circular 11/95 *The use of conditions in planning permissions*. In some cases I have combined conditions or adjusted detailed wording to reflect that advice. I have referred above to the need for conditions relating to gates, cycle storage, renewable energy, facing materials, boundary treatment adjacent to No 2 Lemsford Road and refuse storage. In addition, a condition requiring development to be in accordance with the approved plans should be imposed to reflect the advice in *Greater Flexibility for Planning Permissions*. Details of all means of enclosure, hard surfacing materials, external lighting and levels should be submitted in the interests of the character and appearance of the area. A condition is needed to protect the archaeological potential of the site and a condition regarding land contamination is needed to protect groundwater sources. The proposed access, turning area and car parking should be provided in accordance with the plans to ensure satisfactory arrangements for vehicular servicing and off-street parking.

33. Suggested conditions relating to the occupancy of the student accommodation, crime prevention, site management, parking management and a green travel plan are not needed because these matters would be covered by the UU. A construction waste condition would duplicate other legislation. There is no evidence of the need for a condition relating to the control of cooking odours.

David Prentis

Inspector

Schedule of conditions

- 1) Details of the landscaping of the site (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 09/0147 - 1, 2, 3, 4 and 5 and DWG 1 (cycle rack detail sheet) except insofar as the details shown on those plans may be varied by the requirements of condition 11.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until full details of the following items have been submitted to and approved in writing by the local planning authority:
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Gates
 - d) External lighting
 - e) Existing and proposed levels, including finished floor levels of buildings and levels of parking areas, access roads and footpaths

These works shall be carried out as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

- 7) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: *Planning and Climate Change* (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 9) If, during construction, contamination is found to be present at the site then no further development shall be carried out, unless otherwise

agreed in writing by the local planning authority, until a remediation strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved remediation strategy.

- 10) Prior to the occupation of any part of the development the following items shall be completed in accordance with the details shown on approved drawing 09/0147 – 1 and (in the case of the cycle parking) DWG 1 (cycle rack detail sheet): (a) the new access to Lemsford Road; (b) the car parking spaces; (c) the vehicular turning area and (d) the facilities for cycle storage. Thereafter, these items shall be permanently retained as approved and kept available for the purposes shown on the said plan.
- 11) Notwithstanding the information shown on the submitted plans and the requirements of condition 4, no development shall take place until details of facilities for the storage of refuse and recycling materials have been submitted to and approved in writing by the local planning authority. The said storage facilities shall be provided as approved prior to the occupation of the development and shall thereafter be permanently retained as such.

APPEARANCES

FOR THE APPELLANT:

Iain Taylor	Village Homes (Southern) LLP
Mervyn Graver	Village Homes (Southern) LLP
Warren Rosenberg	Village Homes (Southern) LLP
Keith White	CRM Limited

FOR THE LOCAL PLANNING AUTHORITY:

Damian Manhertz	Senior Planning Officer, Welwyn Hatfield Borough Council
Miriam Hill	Tree Officer, Welwyn Hatfield Borough Council
Lindsey Lucas	Development Control Engineer, Hertfordshire County Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appendix A to the Council's Car Parking Standards
- 2 The Council's notification of the hearing
- 3 Email from Mr Taylor dated 30 September 2010
- 4 Appeal decision ref APP/X5210/A/10/2127151
- 5 Unilateral Undertaking dated 19 January 2011
- 6 Extract from *A Guide to Better Practice* which accompanied Planning Policy Guidance Note 13 *Transport*

APPENDIX 5

14286 - Comet Site, Hatfield

22/08/2016

Room numbers / Area schedule

Updated current scheme

	Room Type	Studio	Twodio	Total GIA		
	Level	18sqm	29sqm	sqm	sqft	
BLOCK A	G	14		344.30	3706.0	
	1	14		344.30	3706.0	
	2	14		344.30	3706.0	
	3	12		302.00	3250.7	
	Total rooms	54	0	54	1334.90	14368.7
	Total beds	54	0	54		
	% split (beds)	100.0	0.0	100		

	Room Type	Studio	Twodio	Total GIA		
	Level	19.5sqm	29sqm	sqm	sqft	
BLOCK B	G	8	4	356.30	3835.2	
	1	8	4	356.30	3835.2	
	2	8	4	356.30	3835.2	
	Total rooms	24	12	36	1068.90	11505.5
	Total beds	24	24	48		
	% split (beds)	50.0	50.0	100		

	Room Type	Studio	Twodio	Total GIA		
	Level	19.5sqm	29sqm	sqm	sqft	
BLOCK C	G	8	4	356.30	3835.2	
	1	8	4	356.30	3835.2	
	2	8	4	356.30	3835.2	
	Total rooms	24	12	36	1068.90	11505.5
	Total beds	24	24	48		
	% split (beds)	50.0	50.0	100		

	Room Type	Studio	Twodio	Total GIA		
	Level	19.5sqm	29sqm	sqm	sqft	
BLOCK D	G	8	4	356.30	3835.2	
	1	8	4	356.30	3835.2	
	2	8	4	356.30	3835.2	
	Total rooms	24	12	36	1068.90	11505.5
	Total beds	24	24	48		
	% split (beds)	50.0	50.0	100		

	Room Type	Studio	Twodio	Total GIA		
	Level	18sqm	29sqm	sqm	sqft	
BLOCK E	G	14		344.30	3706.0	
	1	14		344.30	3706.0	
	2	14		344.30	3706.0	
	3	14		344.30	3706.0	
	Total rooms	56	0	56	1377.20	14824.0
	Total beds	56	0	56		

% split (beds)	100.0	0.0	100
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	Room Type	Studio	Twodio	Total GIA		
	Level	18sqm	29sqm	sqm	sqft	
BLOCK F	G	14		344.30	3706.0	
	1	14		344.30	3706.0	
	2	14		344.30	3706.0	
	3	12		302.00	3250.7	
	Total rooms	54	0	54	1334.90	14368.7
	Total beds	54	0	54		
	% split (beds)	100.0	0.0	100		

	Room Type	Studio	Twodio	Total GIA		
	Level	16-20sqm		sqm	sqft	
OVERALL STUDENT TOTAL	Total rooms	236	36	272	7253.70	78078.1
	Total beds	236	72	308		
	% split (beds)	76.6	23.4	100		

23.55 sqm / bed

	Room Type	Apartment		Total GIA		excluding business hub/s	
	Level	26.2sqm		sqm	sqft		
COMET EXTENSION	Basement	Plant		251	2701.7		
	G	18		946.5	10188.0	626.8	
	1	20		729.5	7852.3		
	2	18		628.8	6768.3		
	Total rooms	56	0	56	2555.8	27510.4	2236.1
					45.64	sqm / bed	

	BEDS			Total GIA		
	% split (beds)	Total beds		sqm	sqft	
SITE TOTAL	80.2	19.8	364	9809.50	105588.5	12045.60
				26.95	sqm / bed	

	Room Type	Double	Total GIA (incl social)		incl business sqm	AS EXISTING sqm
	Level		sqm	sqft		
THE COMET EXISTING BUILDING	Basement	0	223.20	2402.50		223.2
	Ground	0	755.20	8128.90	1066.5	808.93
	First	0	529.10	5695.18		707.18
	Total	0	1507.5	16226.58	1818.80	1739.31

	BEDS			Total GIA		
	% split (beds)	Total beds		sqm	sqft	
SITE TOTAL	80.2	19.8	364	11317.00	121815.1	
				31.09	sqm / bed	

APPENDIX 6

WELWYN HATFIELD STUDENT SUPPLY AND DEMAND REPORT

Executive Summary

- Welwyn Hatfield has one large university and also houses one campus of another university giving the town a total of over 18,000 students.
- There is currently headroom of approximately 8,600 students.
- If the current pipeline is built out there will still be a potential headroom of 6,887
- The University of Hertfordshire is ranked 79^h and has a below average proportion of international students.
- 34% of students were reliant on the PRS in 2012/13 compared to a UK average of 30%.
- Welwyn Hatfield currently has only one private-sector hall which supplies 116 bedspaces.
- There is a substantial housing shortage in Hatfield thus there is a large demand for students to move into PBSA.

Overview

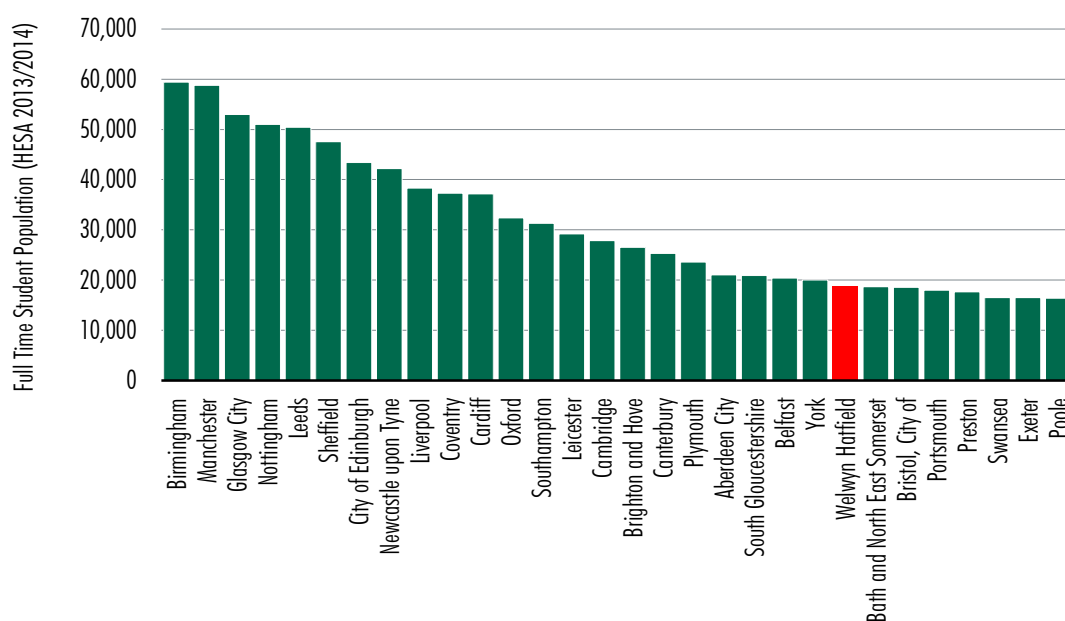
Welwyn Hatfield is home to the University of Hertfordshire. The Royal Veterinary College, University of London, also has a campus in Hatfield.

HE PROVIDER CAMPUS	TOTAL FT STUDENTS (2013/2014)
University of Hertfordshire: Main campus	17,800
The Royal Veterinary College: Hawkshead campus	952
Total	18,752

(Source: CBRE/HESA)

In 2012/2013 (most recent HESA data available) there were a total of 18,752 full time students enrolled in Welwyn Hatfield. This compares with other UK student populations as follows:

25 Largest Full Time Student Populations (Excluding Greater London at 283,381 students)



A more detailed breakdown of the local student population compared with the rest of the UK is shown in the table below:

	Welwyn Hatfield	UK TOTAL
Number of HE Providers Recorded in LA	2	262
Total Full Time Student Population	18,752	1,691,011
Ranking of Total FT Population Compared to other LA's	24	
Total No of International Students	3,589	388,008
Ranking of International Student Population Compared to other LA's	30	
Proportion of International Students	19%	23%
Ranking of Proportion of Internationals Compared to other LA's	50	
Total No of Postgrads	2,071	303,625
Ranking of Postgraduate Population Compared to other LA's	36	

Proportion of Postgraduates	11%	18%
Ranking of Proportion of Postgraduates Compared to other LA's	64	

(Source: CBRE/HESA)

University of Hertfordshire

The University of Hertfordshire's history goes back to 1952 when Hatfield Technical College was built by Hertfordshire County Council on land donated by the Chairman of the de Havilland Aircraft Company on the condition it be used for further educational purposes.

The university was ranked 79 by the Times Good University Guide 2015 and its ranking has improved significantly from 2014 when the University was ranked 96th.

The total full time student population between 2011/2012 and 2013/2014 is shown below:

University of Hertfordshire: Main campus		2011/2012	2012/2013	2013/2014	LAST YEAR CHANGE
Total Full Time Students		20162	18749	17800	-5%
Proportion of International Students		20%	21%	19%	
Proportion of Postgraduates		13%	12%	11%	
Undergraduates	UK	15077	14019	13481	-4%
	Other EU	597	624	532	-15%
	Non EU	1862	1907	1791	-6%
Postgraduates	UK	997	877	907	3%
	Other EU	102	87	84	-3%
	Non EU	1527	1235	1005	-19%

(Source: CBRE/HESA)

The key points to note are:

- The proportions of international and postgraduate students are lower than the national averages.
- The full time student population has decreased since 2010/11. The largest decrease was in the number of international students.

Whilst HESA only records up to 2013/2014, UCAS have released more up to date data for undergraduate applications which is detailed below:

University of Hertfordshire	2011	2012	2013	2014
Applications	31,229	30,608	29,990	29,795
University Change in Applications pa		-2%	-2%	-1%
UK Average Change in Applications		-7%	3%	4%
Acceptances	5,618	4,730	4,905	3,945
University Change in Acceptances pa		-16%	4%	-20%
UK Average Change in Acceptances		-6%	7%	3%
Ratios of Applications per place	5.6	6.5	6.1	7.6
UK Average Applications per place	5.8	5.7	5.5	5.5

(Source: CBRE/UCAS)

The key points to note are:

- There has been a consistent annual drop in applications since 2011. In 2014 there was 1% drop in comparison with 4% increase for the UK.
- Acceptances decreased significantly by 20% in 2014 against a UK average increase of 3%.
- The ratio of applications to acceptances in 2014/15 (7.6) remained above the UK average of 5.5.

The Royal Veterinary College (Hawkshead Campus)

The Royal Veterinary College, part of the University of London, has a campus in Hatfield, the Hawkshead Campus. In 2012/13 the college had 1,605 full-time students, 952 of which were based at their campus in Hatfield.

The university provides 287 bedspaces for students at its Hawkshead Campus. These are made up of 66 bedspaces at College Close (for veterinary nurses), 191 bedspaces at the Student Village and 30 bedspaces at Odiham Hall. All bedspaces are located on campus.

The Royal Veterinary College: Hawkshead campus		2010/2011	2011/2012	2012/2013	2013/2014	LAST YEAR CHANGE
Total Full Time Students		897	901	910	952	5%
Proportion of International Students		10%	13%	17%	19%	
Proportion of Postgraduates		9%	9%	8%	8%	
Undergraduates	UK	744	724	702	717	2%
	Other EU	19	19	21	24	14%
	Non EU	50	78	113	136	20%
Postgraduates	UK	61	58	54	58	7%
	Other EU	16	14	12	11	-8%
	Non EU	7	8	8	6	-25%

(Source: CBRE/HESA)

The key points to note are:

- Between 2010/2011 and 2013/2014 the number of full time students remained stable with small annual increase.
- The proportion of international students below the UK average.
- Whilst HESA only records up to 2013/2014, UCAS have released more up to date data for undergraduate applications which is detailed below:

Royal Veterinary College (University of London)	2011	2012	2013	2014
Applications	2,025	2,054	2,295	2,340
University Change in Applications pa		1%	12%	2%
UK Average Change in Applications		-7%	3%	4%
Acceptances	327	373	320	355
University Change in Acceptances pa		14%	-14%	11%
UK Average Change in Acceptances		-6%	7%	3%
Ratios of Applications per place	6.2	5.5	7.2	6.6
UK Average Applications per place	5.8	5.7	5.5	5.5

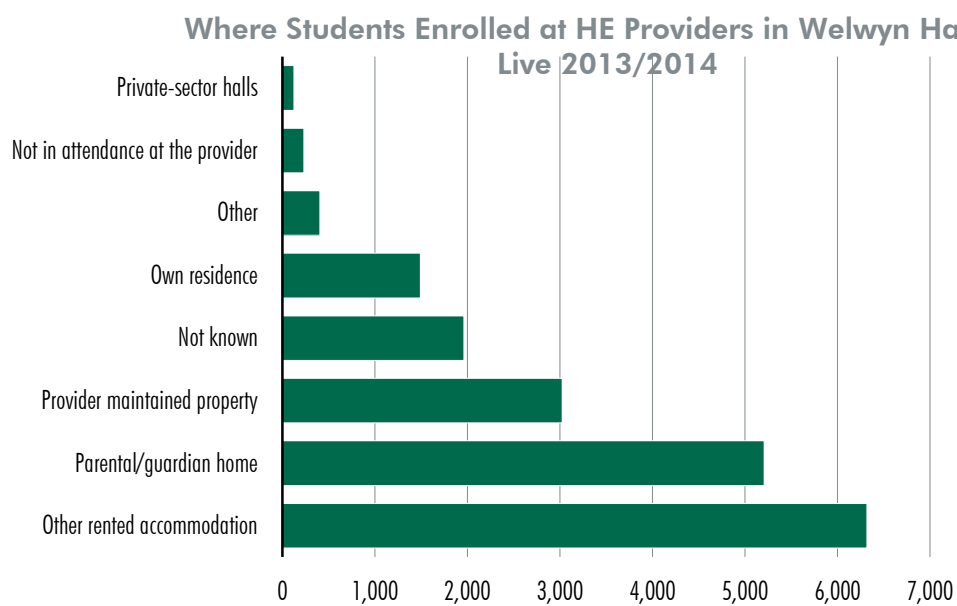
(Source: CBRE/UCAS)

Types of Student Accommodation

The HESA data identifies the following categories for where full time students live during the academic year:

- Provider maintained property, this includes housing owned by the provider and let to students.
- Private-sector halls.
- Parental/guardian homes.
- Own residence, this is a student's permanent residence, which may be owned or rented by them. Ideally this would be split out between students who own and those who rent, as those who rent are a key part of the target market for purpose built student accommodation providers.
- Other rented accommodation, this denotes to a temporary arrangement such as yearly house share.
- Other, this is used when none of the above are applicable.
- Not in attendance, this relates to full time and sandwich students not currently in attendance at the provider for reasons such as industrial placement or language year abroad.
- Not known

The chart below details the types of accommodation occupied by students in Welwyn Hatfield in 2013/2014:



This can be compared to the average across the UK below:

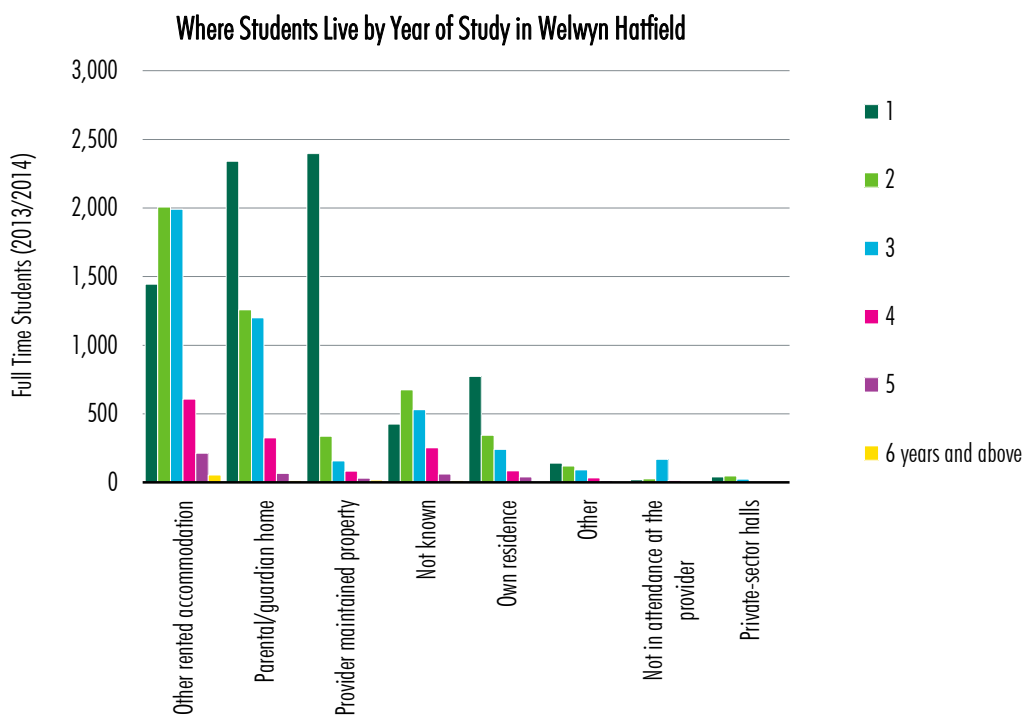
	Welwyn Hatfield	UK
Other rented accommodation	34%	30%
Provider maintained property	16%	19%
Parental/guardian home	28%	19%
Own residence	8%	15%
Private-sector halls	1%	6%
Not known	11%	5%
Other	2%	4%
Not in attendance at the provider	0%	1%

(Source: CBRE/HESA)

The key points to note are:

- There is a higher proportion of student recorded as living with Parent/guardian at 28% in comparison with the UK average of 19%.
- There is a significant less student living in private sector halls at 1% in comparison with the UK average of 6%.
- There is also a smaller proportion of student living at 'provider maintained property' at 16% in comparison with the average for the UK at 19%.

The chart below details the types of accommodation occupied by students in Welwyn Hatfield, broken down by year of study:



The key points to note are:

- A similar number of first year students live in provider maintained accommodation to those living at home.
- Small proportions of first year and above students live in private sector halls. This is not surprising considering a very low supply of private PBSA.
- Most second year and above students live in other rented accommodation and at home (excluding not knows).

Where Students Live

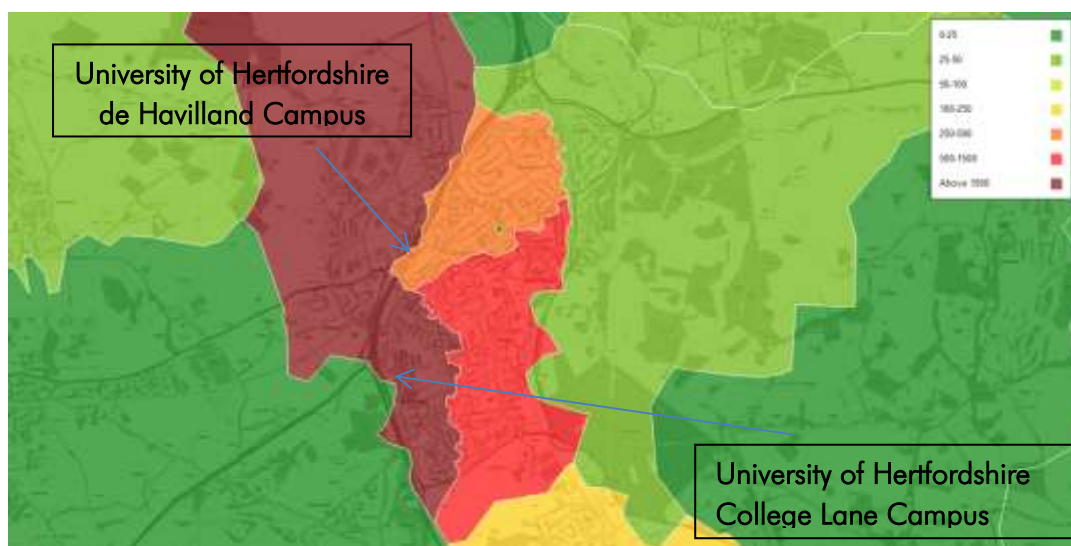
In 2013/2014 of the 18,752 full time students, 8,791 (47%) lived in the local authority area of Welwyn Hatfield.

Local Authority	Full Time Students Living in Welwyn Hatfield	Proportion of Total
Welwyn Hatfield	8,791	47%
Unknown	748	4%
Hertsmere	651	3%
Enfield	611	3%
Luton	560	3%
Barnet	542	3%
St Albans	527	3%
Harrow	411	2%
Brent	344	2%
Other	5,567	30%

(Source: CBRE/HESA)

The map below shows where relative numbers of students in the Private Rented Sector live by postcode.

Where Students in the Private Rented Sector Live in Welwyn Hatfield by Postcode Sector



(Source: CBRE/HESA)

Private Halls

Our research suggests that currently there are 116 bed spaces provided in one purpose built scheme, Curzon Point, by private operator CRM. These are detailed in a schedule of accommodation at **Appendix A**.

Pipeline Schemes

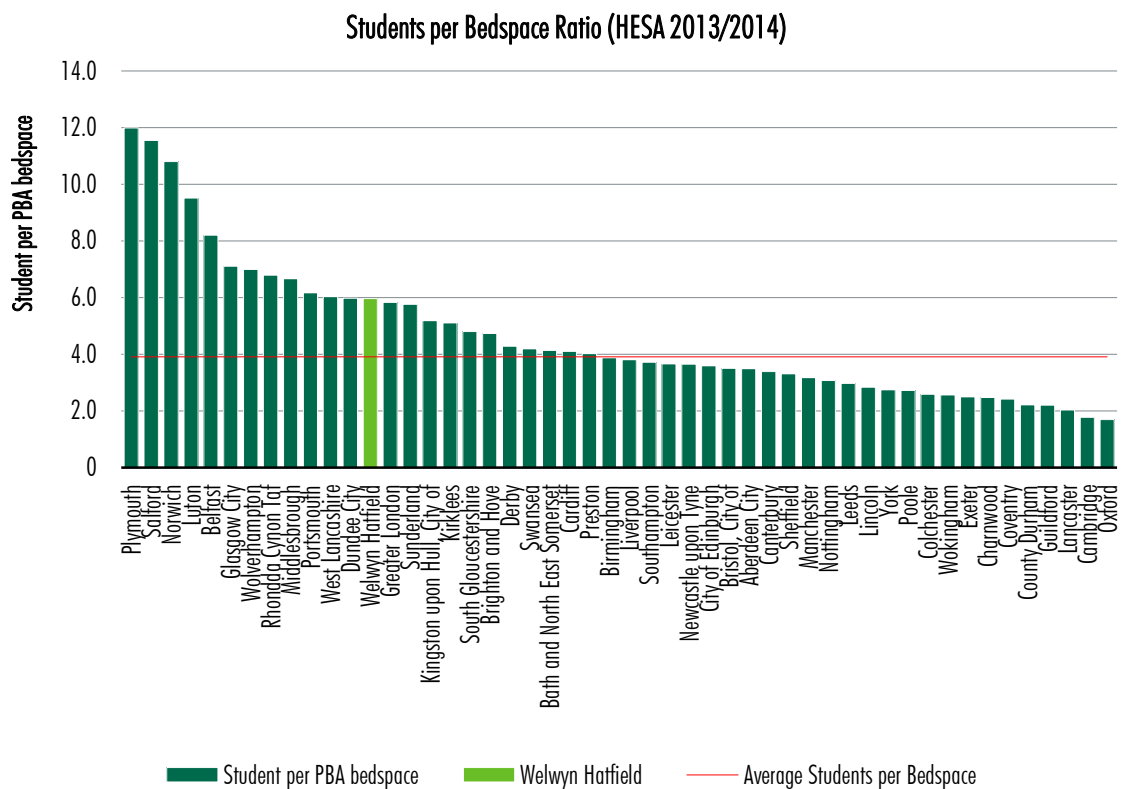
As at the date of this report there are a total of 2,511 bedspaces with planning permission. These relate to an application submitted by the University of Hertfordshire to increase the supply of university hall bedspaces. The project entails the demolition of 1,059 current spaces and the erection of 2,511 giving the university a net increase of 1,452 bedspaces. The new bedrooms will be built in phases. Phase I, providing 700 new bedspaces was completed in September 2014. Approximately 1,000 new bedrooms planned in

Phase 2 which is due for completion in Autumn 2015 and approximately 800 new bedrooms planned in Phase 3 which is due for completion in Autumn 2016.

A schedule of the pipeline schemes is attached as **Appendix B**

Students Per Bedspace

The 2013/2014 HESA data shows that of the 18,752 full time students in Welwyn Hatfield 3,144 lived in purpose built accommodation, both institutionally maintained and privately operated. This equates to a ratio of 5.96 students per bedspace. The chart below shows how this compares with other university towns and cities and also the weighted average across the UK of 3.91.



Whilst this is a crude exercise it does indicate that the proportion of purpose built accommodation is lower than that of other university towns and cities.

Headroom Analysis

Using our own research we have updated the supply and demand statistics in Welwyn Hatfield, which is set out below:

ESTIAMTED HEADROOM				
DEMAND				
Total FT Students (HESA 2013/2014)			18,752	a
Less living with Parent / Guardian			5,206	
Less not in attendance			232	
Less living in own residence			1,489	
Total Potential Students in the Target Market			11,825	b
SUPPLY				
University Halls (CBRE Research 2014/2015)			3,022	
Private Halls (CBRE Research 2014/2015)			116	
Current PBSA Supply			3,138	c
PBSA in the Pipeline			1,800	
Total PBSA Supply including pipeline			4,938	d
HEADROOM				
	Excluding Pipeline		Including Pipeline	
Target Market less Supply	8,687	b - c	6,887	b - d
RATIOS				
Total Students per PBSA Bedspace	5.98	a / c	3.80	a / d
UK Average	3.91		3.91	
Students in the Target Market per PBSA Bedspace	3.77	b / c	2.39	b / d
UK Average	2.53		2.53	

The key point to note is:

- Based on the number of purpose built bedspaces at 2015/2016 and the 2013/2014 student population, the ratio of students per bedspace is estimated to be 5.98 and over 8,600 students in the target market are unable to access purpose built student accommodation, although this ration goes down when the confirmed development of 1,800 by the University is taken into account.

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A

**RENTAL SCHEDULE
& MAP**

Schedule of Rental Evidence - Hatfield

Map Reference	Scheme Address	Photo of Scheme	Comments	Rooms	Room Types (as advertised)	Weeks	Rent (14/15)	Weeks	Rent (15/16)
1	CURZON POINT 46 The Common Hatfield AL10 0LU (CRM)			116	Twin Flat Single	51	£123.00	51	£124.00
					Twin Flat	51	£123.00	51	£129.00
					En-suite Single (8 bed flat)	51	£128.00	51	£135.00
					En-suite Single (6 bed flat)	51	£130.00	51	£137.00
					En-suite (8 bed flat)	51	£134.00	51	£141.00
					En-suite Single (4 bed flat)	51	£132.00	51	£139.00
					En-suite (6 bed flat)	51	£134.00	51	£141.00
					En-suite (4 bed flat)	51	£136.00	51	£143.00
					En-suite (3 bed apartment)	51	£145.00	51	£146.00
					2 bed flat	51	£145.00	51	£152.00
					Studio	51	£162.00	51	£170.00

Total

116



B

PIPELINE SCHEDULE

Map Ref	Scheme Address	Photo of Scheme	Description	No of Rooms	Parties / Operator	Status	Planning ref
1	Land at Bishops Rise University of Hertfordshire College Lane HATFIELD AL10 9AB		Demolition of existing student residences comprising 1059 bedspace (Roberts Way, Butler Hall, Fern Hall, Chapman Hall, Broad Hall and Coales Hall). Erection of 2511 new student bedrooms arranged in 21 accommodation buildings; retention and extension of existing Telford Court; Provision of social, administration, sports facilities (comprising sports pitch and multi-use games area); combined heat and power energy centre, and associated parking and landscaping	1800	University of Hertfordshire c/o Turnberry Consulting 41-43 Maddox Street LONDON W1S 2PD	Permission granted January 2013	S6/2012/1928/PP

APPENDIX 7

Statement of Common Ground

Between Welwyn Hatfield Borough Council and Fusion Hatfield Hotels Ltd.

Comet Hotel, 301 St Albans Road West, Hatfield, AL10 9RH

Appeal under Section 7892) of the Town and Country Planning Act 1990

by Fusion Hatfield Hotels Ltd

against refusal of planning application

Reference Number 6/2015/1997/MAJ

Contents:

1. Description of the site including agreed dimensions
2. Description of the area
3. Planning history of the site
4. Development Plan (including any relevant policies) and any draft development plan (including stage reached and date to be attached)
5. Relevance of any supplementary planning guidance published by LPA and other relevant policy documents
6. Other agreed matters and data
7. Matters of specific disagreement

1. Description of site including agreed dimensions

- 1.1 The site is a triangular parcel of land covering 1.6Ha. The front of the site faces north-east onto the roundabout junction of Comet Way (A1001) and St Albans Road West (A1057) in Hatfield. The site is bounded on the north side by St Albans Road West and on the east side by Comet Way. The south west boundary abuts the rear gardens of residential properties in Ashbury Close and Selwyn Drive.
- 1.2 The site is occupied by the Comet Hotel, a Grade II Listed Building dating from the 1933-6, and its more recent extensions. It was added to the Statutory List in 1981. The Comet was a landmark roadhouse on the Great North Road comprising a bar, restaurant and function facilities with eleven guest bedrooms on the first floor and chauffeur quarters to the rear.
- 1.3 It was designed by E B Musman and is listed for its Art Deco architectural merit and its historic association with Hatfield New Town and the De Havilland factory and airfield. The original Comet Roadhouse building is two storeys high and shaped in a geometric representation of an aeroplane. It is brick clad with stone dressing to windows and parapets on a steel frame. The roof is flat and the building has a strong horizontal emphasis. The

original design incorporated a viewing lantern above the curved front projection, which added a vertical element. The original geometric form of the building remains.

- 1.4 There have been additions and alterations to the interior and exterior of the original building (including the loss of the roof lantern). The original service yard at the rear of the building has been partly filled in and the original garages and staff accommodation have been remodelled.
- 1.5 An extension was constructed in the 1990s to the west of the original building. This is two storeys high and clad in pale materials and the windows on the west elevation are orientated to the south. The Comet Hotel now provides 128 bedrooms, a bar and function room and conference facilities. The building faces onto the roundabout to the north-east. The front area and ground to the south-east are used as parking areas for 163 vehicles. There is also a small garden area to the south corner of the site.
- 1.6 There are two existing left in/left out vehicle accesses to the site: one on Comet Way and one on St Albans Road West.
- 1.7 The site is relatively flat; it is level to the northern boundary with St Albans Road West. The listed building is clearly visible from this road but the hotel extension is partially obscured by vegetation on the site boundary and within the Highway verge. On the south-east boundary the land rises up to Comet Way so that the site sits below the level of the road behind a grass bank containing a number of mature trees and undergrowth.

2. Description of the area

- 2.1 The site is bounded by areas of distinctly different character:
 - the south-west boundary of the site abuts the rear gardens of two-storey residential houses which in Ashbury Close are detached and in Selwyn Drive are semi-detached;
 - To the east the site is bounded by the trees and grass verge of Comet Way (which used to be the Great North Road) and beyond that the A1(M) runs below ground level ;
 - To the northeast is the roundabout junction of Comet Way with St Albans Road West. On the far side of the junction is the Galleria shopping centre with a multi-storey car park and two floors of retail;
 - To the north on the far side of St Albans Road West are the four storey office buildings of Bishops Square which are set back from the road in landscaped grounds;
 - To the north-west, also on the other side of St Albans Road West is the De Havilland Campus of the University of Hertfordshire. Here the four storey buildings are set back from the road behind the car park and screened by mature trees on the highway boundary;
- 2.2 The site's closest neighbouring use is the rear gardens of the residential area to the southwest. This boundary is marked with close-boarded fences and is partly screened by trees. The application site is accessed separately from the busy roads on the north and east sides.

- 2.3 With regard to transport connections, there is a bus stop just outside the site which is served by bus routes linking to the town centre, Hatfield railway station, which is 1.5 miles away, and other towns. The College Lane Campus of the University of Hertfordshire is ten minutes' walk to the east and there is a free shuttle bus service between the two campuses.
- 2.4 The site is close to surface level pedestrian crossings over the adjacent roads. The St Albans Way cycle route joins on to Comet Way to the south-east of the site.

3. Planning History

- 3.1 6/2015/1998/LB - Extension and refurbishment of the Grade II Listed hotel (use class C1) following demolition of poor quality additions. Granted 4.2.2016.
- 3.2 S6/2015/0964/PA – Extension to hotel and construction of student accommodation. Subject of Planning Performance Agreement
- 3.3 S6/2014/1895/FP – Change of use to car wash valeting (sui generis) on six car parking spaces and erection of canopy. Approved 12.11.2017.
- 3.4 S6/2000/0861/FP and 0860/LB – Single storey extension to form linen room to new block. Approved 31.7.2000.
- 3.5 S6/1998/0879/FP and 0880/LB – New entrance canopy and lobby. Withdrawn.
- 3.6 S6/1998/0447/FP – Demolish staff accommodation block and erect two storey extension - 26 bedrooms and 26 car parking spaces. Approved 15.1.1999.
- 3.7 S6/1992/0233/FP and 0252/LB – Alterations and extensions, new bedroom block, 51 bedrooms, 2 meeting rooms single storey extension for laundry, new lobby and refurbishment, additional car parking. Approved 6.8.1992.
- 3.8 S6/1987/0465/FP- Erect new conference room and covered walkway. Approved 3.7.1987.

4. Development Plan

- 4.1 The Development plan consists of the Saved Policies of the Welwyn Hatfield District Plan (Adopted 2005). Due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework 2012.
- 4.2 Relevant sections of the NPPF 2012 including Paragraphs 7-9, 14, 29-41, 47-50, 56-66, 95-104 and Chapter 12.
- 4.3 Relevant Policies of the District Plan 2005 include:
- SD1 (Sustainable Development), GBSP2 (Towns and Settlements)
 - CLT6 (Hotels)
 - D1 (Quality of Design), D2 (Character and Context), D8 (Landscaping)
 - R1 (Previously Developed Land), R2 (Contaminated Land), R3 (Energy Efficiency),

R4 (Renewable Energy), R5 (Waste), R7, R9, R10 (Water Resources), R11 (Biodiversity), R17 (Trees and Woodland), R19 (Noise), R20 (Lighting)

- R27 (Demolition of Listed Buildings)
- OS3 (Informal Open Space)
- M1 (Integrating Transport), M2 (Transport Assessments), M3 (Green Travel Plans), M4 (Developer Contributions), M5 (Pedestrian Facilities), M6 (Cycling Facilities), M14 (Parking Standards)
- IM2 (Planning Obligations)

4.4 Welwyn Hatfield Borough Council, Emerging Core Strategy 2012 (has been the subject of public consultation) and the Local Plan Consultation Document January 2015, Policy CS17 (University of Hertfordshire).

5. Supplementary Guidance and Other Relevant Policy Documents

- 5.1 National Planning Practice Guidance 2014.
- 5.2 Historic England- "Conservation Principles".
- 5.3 Historic Environment Good Practice Advice in Planning Notes 2 and 3.
- 5.4 Welwyn Hatfield Borough Council Assessment of Open Space, 2009.
- 5.5 Supplementary Design Guidance, February 2005.
- 5.6 Supplementary Planning Guidance, Parking Standards, January 2004, and Interim Parking Standards, 2014.
- 5.7 Planning Obligations, Supplementary Planning Document, February 2012.
- 5.8 Houses in Multiple Occupation, Supplementary Planning Document, February 2012.
- 5.9 PPS10: Planning for Sustainable Waste Management.
- 5.10 Hertfordshire County Council Waste Core Strategy, November 2012.

6. Other Agreed Matters and Data

6.1 Development Proposal is described as

“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.”

6.2 A schedule detailing the drawings relevant to the appeal are attached at **Appendix 1**. It is common ground between the parties that drawings correctly describe the proposals as submitted

6.3 It is common ground that the information provided within the following documents are agreed between the parties:

- Schedule of Works to Listed Building dated 02.02.16.
- Transport Assessment by Stirling Maynard dated October 2015.
- Flood Risk Assessment Version 2 by Curtins dated 13.11.2015.
- Tree Survey Report by P. Stileman Ltd. dated 16.6.2014.
- Planning Noise Report by Sandy Brown dated 01.10.2015.
- Archaeological Appraisal by WYG dated August 2015.
- Extended Phase 1 Habitat Survey by SES dated September 2015.
- Energy Statement by Amber dated September 2015.
- Building Condition Statement by Curtins dated 25.09.2015
- Geo-Environmental Site Appraisal, Phase 1 – Detailed Desk Top Study by Curtins dated 25.09.2015

Principle of development

6.4 Policy CLT6 of the Welwyn Hatfield District Plan 2005 supports hotel accommodation within the District. Preferred hotel locations include town centres and edge of centre locations or areas with high accessibility by public transport (subject to provisions over impact). The principle of continued hotel use on the site is acceptable subject to the impact on nearby residential properties, any building being in keeping with the scale and character of the surrounding area and the development being easily accessible by non-car modes of transport. A slight reduction in the number of bedrooms provided on the site (from 128 to 99) would not be contrary to Saved Policy CLT6 of the District Plan.

6.5 The principle of development is in accordance with Policy GBSP2 of the Welwyn Hatfield District Plan 2005, which seeks to concentrate new development within towns and specified settlements. The principle of the proposal for student housing is not considered to be contrary to the Policies of the District Plan, provided mechanisms are in place to retain the accommodation for students within Class C2 or as Sui Generis.

Reason for Refusal 1: Heritage

6.6 It is common ground that the proposed alterations to the Listed Building in the Listed Building Consent 6/2015/1998/LB (approved on 4.2.2016) are on balance acceptable in relation to the significance of the fabric of the building.

Reason for Refusal 2: Impact on Living Conditions of Neighbouring Properties

6.7 **It** is common ground that the Planning Portal Glossary definition of ‘*overlooking*’ should be used for the purposes of interpreting Reason for Refusal 2: “*a term used to describe the effect when a development or building affords outlook over adjoining land or property, often causing loss of privacy.*”

- 6.8 It is common ground that the Planning Portal Glossary definition of ‘*overbearing*’ should be used for the purposes of interpreting Reason for Refusal 2: “*a term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of scale, massing and general dominating effect.*”
- 6.9 It is common ground that the western elevation of the proposed development would be sited a minimum of 10m from the rear boundary of adjoining properties in Ashbury Close and Selwyn Crescent. The proposed development would be located a minimum of 22.5m and 35m from the rear elevations of the closest properties in each road respectively.
- 6.10 The five storey block would be a minimum of 18m from the rear boundaries of adjoining properties in Selwyn Crescent and 43m from the rear elevation of the closest property (No. 33).

Reason for Refusal 3: Amenity

- 6.11 It is common ground that the development proposal provides internal amenity spaces for students on the ground floor of the building including a reception room, gym, laundry, dining room, cinema room, two study rooms and a large social space. It is common ground that the level of internal amenity space is acceptable and not material to the refusal of the planning application.
- 6.12 It is common ground that the southern courtyard would provide outdoor amenity space for the use of students resident in the development.

7. Matters of Specific Disagreement

- 7.1 Level of significance of harm that the proposed development would cause to the setting of the listed building. The degree of weighting to be given to the harm to the setting and fabric of the listed building. The net balance of the harm to the listed building when weighed against benefits of the refurbishment works and the proposed new development.
- 7.2 Whether the development would cause harm to the living conditions of neighbouring residents in Ashbury Close and Selwyn Crescent specifically in terms of overlooking and perceived loss of privacy and overbearing impact.
- 7.3 The adequacy of the amenity provisions for the student accommodation, specifically the quantity and quality of outdoor amenity space within the site.

Appendix 1 – Schedule of Plans

The followings drawings and documents are relevant to the appeal:

- Location Plan: DWG No. 0200(A)
- Existing Listed Hotel Plans: DWG No. 0201
- Existing Listed Hotel Elevations/Sections: DWG No. 0202
- Demolition Site Plan: DWG NO. 0203
- Existing Hotel Extension Ground Floor Plans: DWG No. 0204
- Existing Hotel Extension First Floor Plans: DWG No. 0205
- Site Plan: DWG No. 0300(C)
- Basement/Ground Floor Plan: DWG No. 0301(A)
- First Floor Plan: DWG No. 0302(A)
- Second Floor Plan: DWG No. 0303(B)
- Third Floor Plan: DWG No. 0304(B)
- Fourth Floor Plan: DWG No. 0305(B)
- Hotel Floor Plans: DWG No. 0306(A)
- Listed Hotel Floor Plans (new/demo): DWG No. 0307(A)
- Proposed Roof Plan: DWG No. 0308(B)
- Elevations Sheet 1 (Hotel): DWG No. 0310(A)
- Elevations Sheet 2 (Student): DWG No. 0311(C)
- Neighbouring Windows: DWG No. SK-020
- Landscape General Arrangement Plan: DWG No. 2821_L-GA-1-01(00)
- Landscape General Arrangement Plan: DWG No. A1 2821_L-GA-1-02(00)
- Landscape Hardworks Plan: DWG No. 2821_L-HW-1-01(00)
- Landscape Hardworks Plan: DWG No. 2821_L-HW-1-02(00)
- Landscape Softworks Plan: DWG No. 2821_L-SW-1-01(00)
- Landscape Softworks Plan: DWG No. 2821_L-SW-1-02(01)
- Landscape Topsoil Plan: DWG No. 2821_L-TZ-1-01(00)
- Landscape Topsoil Plan: DWG No. 2821_L-TZ-1-02(00)
- Landscape Tree Protection Plan: DWG No. 2821_L-TP-1-01(00)
- Landscape Tree Protection Plan DWG No. 2821_L-TP-1-02(01)
- Materials Palette (dated 9.12.2015)

APPENDIX 8

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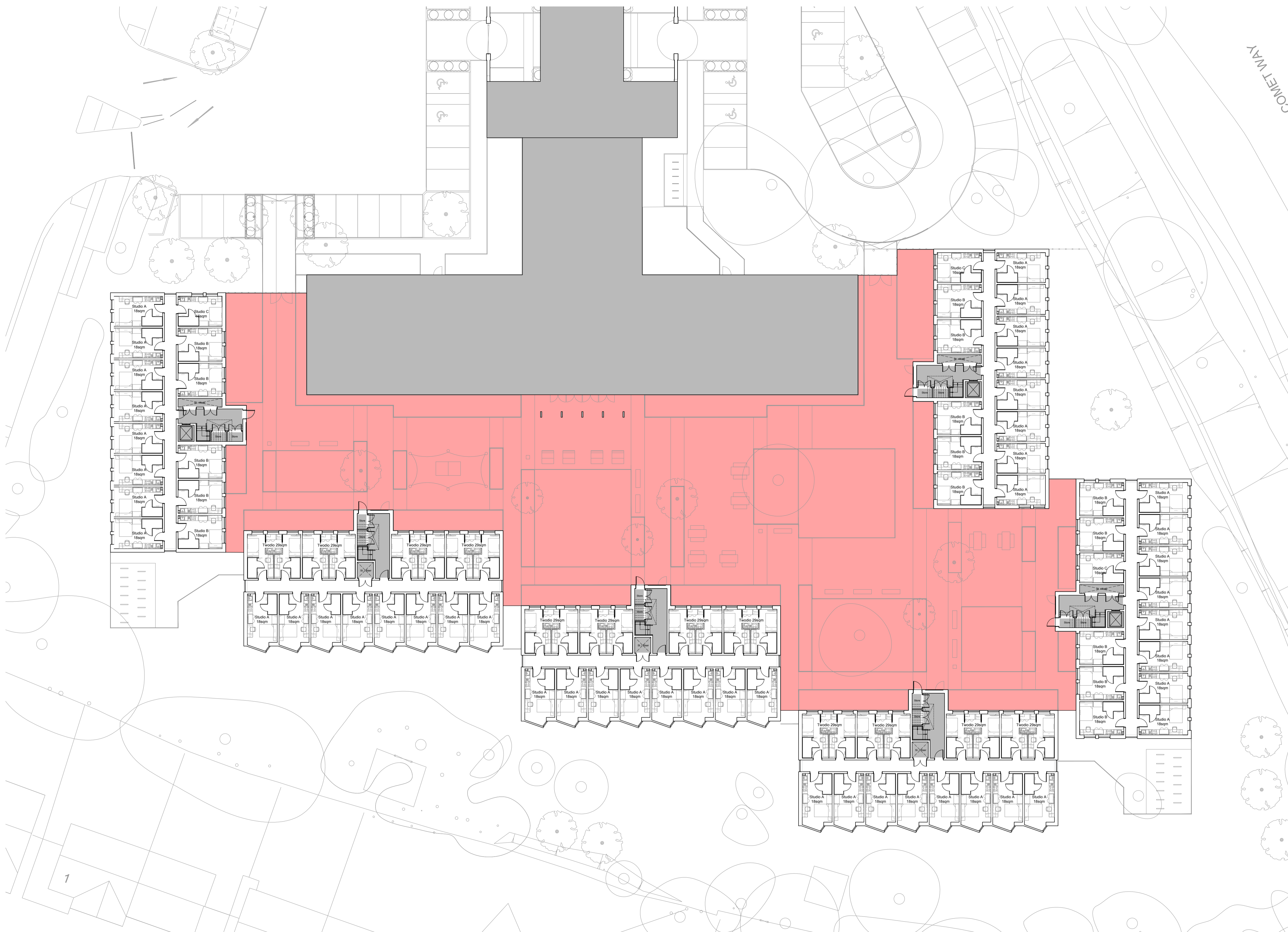
Figured dimensions only to be taken from this drawing. DO NOT SCALE. All contractors must visit the site and be responsible for checking all setting out dimensions and notifying the architect of any discrepancies prior to any manufacture or construction work.

NOTES:

Proposed Student Residential
 Studio rooms = 66
 Twodios = 12

ROOM KEY:

- SOCIAL SPACE
- PLANT / SERVICING / BACK OF HOUSE
- SERVICED APARTMENT
- STUDIO ROOM
- 'TWODIO' ROOM (Double Occupancy)



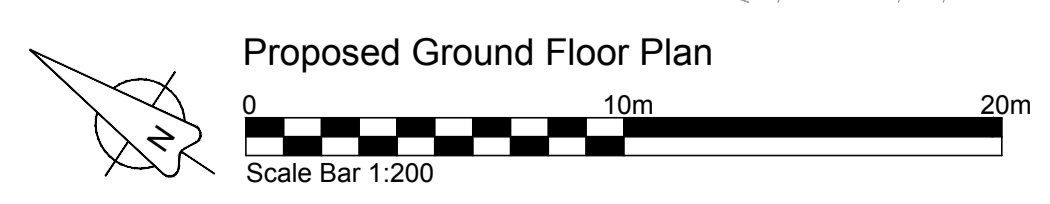
B	08.08.16	Revised Scheme
A	25.09.15	Key added
REV	DATE	NOTES

Client
FUSION HATFIELD HOTELS LTD

Project
**HOTEL AND STUDENT RESIDENTIAL
 COMET HOTEL SITE
 HATFIELD**
 Drawing Title

**PROPOSED STUDENT RESIDENTIAL
 GROUND FLOOR PLAN**

Drawn	Checked	Paper Size	Scale	Date
NB	ML	A1	1:200	SEPT 2015
Project No.	Drawing No.	Revision		
14286	0301	B		



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APPENDIX 9

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Q3 2011



SERVICED APARTMENTS: GROWING THE SERVICE IN LONDON

By Jennet Siebrits
Residential Research, UK

OVERVIEW

As in all property sectors a lack of finance has curtailed development in the serviced apartment sector. However, demand has been increasing steadily since the lull in the midst of the recession. In particular, the decline in corporate travellers has been somewhat offset by leisure guests taking advantage of a favourable exchange rate. As a result occupancy and rents have been on an upward trajectory. For example, rents have increased by 7% over the last year. We identified 30 serviced apartment operators in London with over 7,000 units. However, with around a 20,000 shortfall in overnight accommodation, there is a huge potential for growth in this sector. There is likely to be a particular increase in demand in the run up to the Olympics.

INTRODUCTION

Serviced apartments offer an alternative to both short-term hotel accommodation and the longer-term rental market. Although facilities depend on the operator, as a minimum they offer cleaning and laundry services. With the flexibility of a hotel, but favourable rates for longer stays, they attract both a corporate and tourist client base. This client diversification has led to some resilience against the economic downturn.

The London market is still in its infancy compared with other global cities, but is the biggest market in the UK. There are over 30 operators in London offering a combined total of well over 7,000 serviced apartments. This makes up just under 10% of the hotels market and is a fraction of the size of the private rental sector. Apartment blocks are distributed across London, but unsurprisingly have a large cluster in central locations. For example, the West End has over 4,000 licenced units (Westminster has over 2,200 units and Kensington & Chelsea a further 2,000 units). In addition, The City has

around 1,500 units; Tower Hamlets has fewer at around 1,000, but numbers in this Borough are increasing. Outer Boroughs also have significant stock. For example, Camden has around 300, Southwark in excess of 600 units.

DEMAND

Up until the end of last year, demand had been steadily increasing following the lull in 2009. However, the latest data from the Association of Serviced Apartment Providers (ASAP) suggest average overall occupancy in London in the first quarter of 2011 weakened and is now around 79%. It notes some operators achieved occupancy as high as 84%. This weakening is likely to reflect seasonal factors and our more recent research over the summer months identified instances with occupancy at above 90%. We also found high quality accommodation in key locations, such as Kensington and Chelsea, were booked for up for several months in advance.

Map 1: Serviced Apartments in central London



	NUMBER	POSTCODE
Citadines Barbican	1	EC1M 7AH
Citadines Holborn	2	WC1V 6LF
Citadines Trafalgar Square	3	WC2N 5EA
Citadines South Kensington	4	SW7 4PL
Think Tower Bridge	5	SE1 3LF
Think Earls Court	6	W14 8PU
Fraser Place Kensington	7	SW7 5RR
Access Marble Arch	8	W1H 5HX
Marlin Empire Square	9	SE1 4NH
Cheval Gloucester Park	10	SW7 4LL
Curzon Plaza	11	W1J 8PB
Grand Plaza	12	W2 4AD
Oakwood West End Quay	13	W2 1JX

Traditionally corporate users made up the largest share of tenants. However, this is changing; during the recession corporate demand slowed. In contrast leisure demand picked-up; the economic downturn and personal austerity measures has promoted tourists to switch from hotels to better value serviced apartments. In addition, tourist demand in London has in itself picked up on the back of favourable exchange rates. While American travellers still make up the lions share of tourists, Travel London report an increase in tourists from South East Asia; branding is key for capturing these potential clients.

The West End (Westminster and Kensington & Chelsea) are popular tourist destinations. In contrast The City and Tower Hamlets (Canary Wharf and surrounding area) attract a corporate clientele. Clearly some areas benefit from both user types. For example, while serviced apartments in Earls Court typically attract leisure guests (with occupancy at over 80%) they have a surge in corporate clients bookings during Earls Court or Kensington Olympia exhibitions.

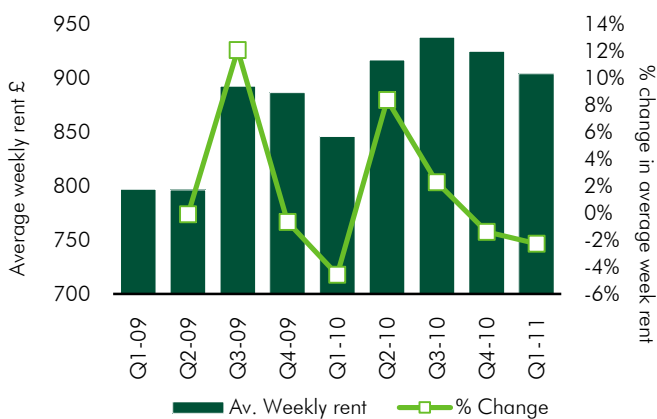
Studios and one beds are the most common accommodation types. This reflects the requirements of the corporate user, who tend to lodge on their own. For example, Citadines have a room split that averages 70% studios, 20% one bedroom and 10% larger accommodation. This varies across operators.

RENTS

Despite a weakening in rents over the last quarter, they remain 7% higher than a year ago, according to ASAP. It reports average rents in London as £129 per night, with weekly rates of around £904 and monthly rates of £4,000. However, prices vary significantly according to location.

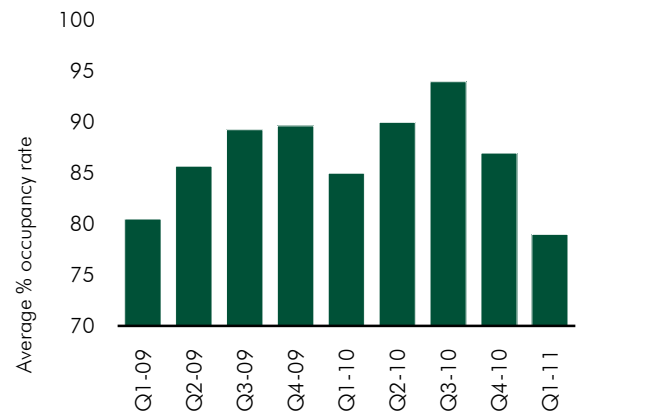
Generally rents are lowest in Tower Hamlets, with studios averaging at £777pw and 2-beds at £1,232pw. However, rents vary across property type. For example, our analysis shows rents for smaller units are highest in The City; the average weekly rent for a studio is just under £1,000. In contrast rents for a studio in Kensington and Chelsea are lower at £911.

Average weekly rent and % change



Source: The ASAP

Average Occupancy Rates



Source: The ASAP

However, larger apartments in Kensington and Chelsea and Westminster, 2-bed and up, are more expensive. This reflects the differing demands in the two areas, with Corporate tenants in the City demanding a studio or one-bed unit, but tourists in Kensington and Chelsea requiring larger family sized units. Prices also depend on "grading" and discounts are offered for longer term stays.

YIELDS

We estimate yields range between 6% and 7% for well located freehold properties in good condition in Central London. These yields are subject to vacant possession or operation under a management contract. A block of serviced apartments with a good covenant lease could expect to achieve a yield within a similar range. This is broadly similar to other asset classes in Central London such as student accommodation (6%), commercial property (7%) and hotels (6.5%). London residential yields are lower at around 4.5%.

PLANNING

In almost all boroughs serviced apartments fall into the hotels category (visitor accommodation with occupation limited to less than 90 days), which is Use Class C1. If occupation is by the same individual for more than 90 consecutive nights it will fall into Class C3 and will not be exempt from affordable housing policies.

Average weekly rent per room type by borough

	STUDIO	1 BED	2 BED	3 BED	4 BED
City of Westminster (LB)	£864	£1,132	£1,722	£2,218	£3,218
City of London	£992	£1,093	£1,485	£1,626	
Kensington and Chelsea (RB)	£911	£1,145	£1,741	£2,570	£5,507
Tower Hamlets (LB)	£777	£934	£1,232	£1,635	
Camden (LB)	£845	£1,231	£1,271	£1,248	£1,680
Southwark (LB)	£806	£1,001	£1,251	£1,700	

Source: CBRE

In a planning context serviced apartments are generally supported in employment locations away from residential areas. For example, town centre locations, with high accessibility and strategic cultural/tourist areas. Applications are generally refused if there is already a high concentration of visitor accommodation.

In most boroughs applications for serviced apartments must demonstrate they will be managed as short-term accommodation by providing:

- 24 hour servicing;
- Telephone lines in the rooms with no opportunity for personal fax and telephone lines installed by the occupier;
- Management will ensure rooms will not be occupied for periods of 90 days or more;
- Management will ensure rooms will be charged out at weekly rates;
- The use will be secured in the form of a licence, not a lease;
- The occupants of the room will not have exclusive possession of the room; and
- Management will have access to the room for the provision of services, including room cleaning.

However, CBRE are aware of some exceptional circumstances where Use Class C3 is in place has been granted with a short term licence to let for less than 90 days.

RECENT ACTIVITY – WARDROBE COURT

CBRE advised the vendor on the sale of Wardrobe Court EC4, a 71,000 sq ft residential investment property in the heart of the City of London for £57m, representing a capital value of £803/sq ft. Situated a few minutes' walk from St Paul's Cathedral a grade II listed cluster of buildings consisting on 92 studio, one, two and three bedroom accommodation. It achieved a net yield of 4.7%.



CONCLUSION

In line with other property sectors, a fundamental shortage of finance has led to lack of new development. This has exacerbated an underlying lack of supply. The Mayor's office estimate London has a 20,000 room shortfall in the overnight accommodation sector. This suggests a huge potential for growth in the serviced apartment market.

Reflecting the Capital's twin roles as a tourist and business destination, serviced apartments attract both clientele. However there has been a shift towards tourism use; with more travellers from further afield it is clear that serviced apartment operators could expand their offering to cater for this market, highlighting the particular opportunities of developments in the touristy boroughs of Westminster and Kensington and Chelsea.

A shift towards more leisure users will introduce an increased element of seasonality into the market and this is clear in both the recent rental and occupancy rates. For example, although rents are on an upward trajectory and currently 7% higher than this time last year, they have fallen slightly over the traditionally slower winter months.

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