

Planning Department
Welwyn Hatfield Borough Council
Campus East, The Campus
Welwyn Garden City
AL8 6AE

Our Reference: 245005

By Planning Portal

25 August 2022

Dear Sir/Madam

The Consort, 36 The Ridgeway, Cuffley, EN6 4AX - NMA Application

Verve Planning

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Reg no. 11491335

We are pleased to submit, on behalf of Cavendo Holdings Ltd, an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for non-material amendments to planning permission reference 6/2021/1649/VAR dated 6 August 2021. This NMA application relates to changes to the approved internal road layout and the erection of an entrance gate to the house in Plot 6.

The planning application, together with this covering letter, comprises:

- The completed application form
- Location Plan
- Approved Site Plan – PD100/B
- Approved Comparison Site Plan – PD111
- Approved Proposed Block Plan - PD113
- Proposed Site Plan – PD401
- Proposed Comparison Site Plan – PD402/B
- Proposed Proposed Block Plan – PD403
- Proposed Gate Elevations – PD404
- Transport Note from Transport Planning Associates; and
- Application fee of £234, paid via the Planning Portal payment scheme.

Background

In March 2019 planning permission was granted by Welwyn Hatfield Borough Council (the council) under 6/2018/2863/FULL for the residential redevelopment of the site to provide 6 new residential units following demolition of existing dwelling along with supporting structures and associated ancillary buildings.

A subsequent S73 application ref 6/2021/1649/VAR was approved in August 2021 for a minor material amendment to the approved scheme including alterations to the elevational design of the buildings to present a more traditional appearance and minor revisions to the internal layout of the new dwellings. Work is now well underway on the development with completion expected in 2023.

Our client is now seeking the council to agree a non-material amendment to planning permission 6/2021/1649/VAR to modify the internal road layout at the northern end and install a gate for the house on Plot 6.

Separately, a planning application has recently been submitted to install two gates at the site, one for Plot 1 and the other to serve the main development.

Proposed Non-Material Amendments and Justification

Under Section 96A of the Town and Country Planning Act 1990, the local planning authority has the power to agree non-material amendments to planning permissions. Section 96A stipulates that in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this Section of the Act, on the planning permission as originally granted. There is no statutory definition as to what constitutes “non-material” as it will depend on the scale of the changes in the context of the overall scheme.

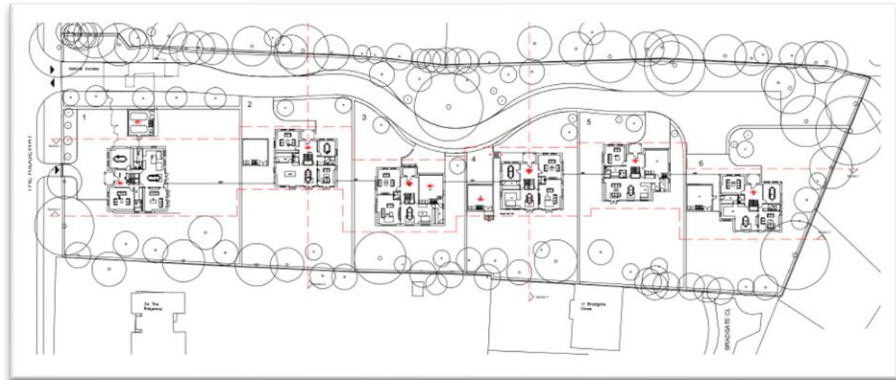
Whilst the original permission has been previously amended through a S73, this is the first application made under Section 96A to amend the permission.

The proposed revisions will not materially alter the proposals in the context of the overall scheme. All the key elements of the previously approved scheme will be retained. The footprint and building envelope are unchanged; the amount/mix of residential units is unchanged; the design is not altered; and the access location is as approved.

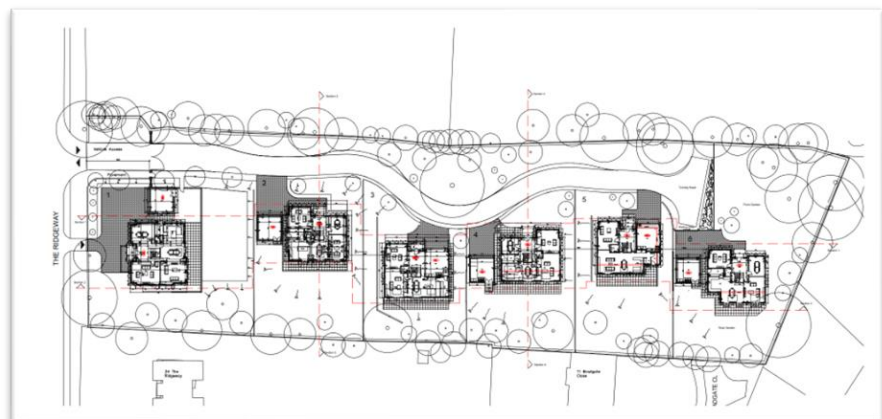
The proposal seeks to modify the end of the internal road to change it to a hammerhead rather than the previous arrangement. House No.6 would also have a new gate into their parking area as shown on Drawing PD401 below.

The approved and proposed Site Plans are as follows:

Extract from approved Site Plan PD100/B, below



Extract from proposed Site Plan PD401, below



As the changes are internal to the site and minor in nature, we do not consider that they would raise any policy issues in respect of the character of the area.

The Technical Note prepared by Transport Planning Associates concludes that:

'.... the revised turning head can accommodate movements by both refuse vehicle and fire appliances and therefore it is considered to be suitable, with it allowing these vehicles to enter and exit the site in a forward gear.

.... it is considered that there are no highways or transport reasons for the refusal of the planning application'.

Conclusions

The current proposals are not materially different from what has already been granted planning permission. We therefore trust that the following approved drawing can be substituted/updated as follows:

Drawing Title	Approved drawing ref (6/2021/1649/VAR)	Proposed NMA drawing ref
Proposed Site Plan	PD100/B	PD401
Comparison Site Plan	PD111	PD402/B
Proposed Block Plan	PD113	PD403
Proposed Gate Elevations	n/a	PD404

The proposed revisions are not material to any development plan policies or conditions attached to the original planning permission, save for condition 22, and do not raise any issues beyond those considered previously.

We trust this letter and accompanying drawings provide you with enough information to determine this application for a non-material amendment, but if you require any further clarification, please do not hesitate to contact me.

We look forward to hearing from you regarding validation.

Yours faithfully



Helen Greenhalgh

Enc as listed on page 1

cc: Mr Liam Byrne