

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

**DELEGATED APPLICATION**

**Application No:** 6/2019/2587/VAR  
**Location:** Stanborough School Lemsford Lane Welwyn Garden City AL8 6YR  
**Proposal:** Variation of condition 4 (approved drawings) on planning permission 6/2017/2972/FULL  
**Officer:** Mrs Sarah Madyausiku

**Recommendation:** Granted

6/2019/2587/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site refers to an area of grass located within the Stanborough School complex. The school site itself is located on the southern side of Lemsford Lane, with the area subject of this planning application located to the north-western corner of the school site on the boundary with Stanborough Park.</p> <p>The application seeks to vary condition 4, which related to complying with the approved drawings, of planning permission 6/2017/2972/FULL. This permission allowed for the erection of a single storey building with a roof of differing sloping heights to accommodate a new drama and music facility for the school. Together with the demolition of an existing building.</p> <p>The applicant wishes to vary the room heights and roof profiles, with internal alterations resulting in variations in external door and window configurations. The building location, footprint and occupancy remain unchanged from the approved application.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS11 - Distance: 0</p> <p>GB - Greenbelt - Distance: 0</p> <p>LCA - Landscape Character Area (Welwyn Fringes) - Distance: 0</p> <p>ROW - FOOTPATH (WELWYN GARDEN CITY 004A) - Distance: 1.34</p> <p>UOL - Urban Open Land (Proposal map 2) - Distance: 0</p> <p>Wards - Handside - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (74434) - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0</p> <p>HEN - Existing S41 NERC Act habitat - Distance: 0</p>

	SAGB - Sand and Gravel Belt - Distance: 0		
<b>Relevant planning history</b>	<p>Application Number: 6/2017/2972/FULL    Decision: Granted    Decision Date: 22 February 2018          Proposal: Erection of a single storey music/drama block and subsequent demolition of existing music and drama accommodation- This permission is the subject of this variation.</p> <p>Application Number: 6/2018/3254/COND    Decision: Granted    Decision Date: 14 February 2019          Proposal: Submission of details pursuant to condition 3 (Archaeological Written Scheme of Investigation) on planning permission 6/2017/2972/FULL</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 14 November 2019          Site Notice Expiry Date: 5 December 2019          Press Advert Display Date: 6 November 2019          Press Advert Expiry Date: 20 November 2019</p>		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	<p>-Hertfordshire County Council - Historic Environment Advisor- No Comment          -HCC - Rights of Way (South) -None          -The Ramblers' Association - None          -Joint Committee of the National Amenity Societies -None          -Hertfordshire County Council - Rights of Way North -None          -Hertfordshire County Council - Hertfordshire Transport Programmes &amp; Strategy - previously comments provided 21/2/18 remain unchanged. No objection subject to imposition of condition for construction method statement.          - Welwyn Hatfield Borough Council - None          -Welwyn Hatfield Borough Council - Landscapes Department- None          -Welwyn Hatfield Borough Council - Parking Services- None          - Hertfordshire County Council - Spatial Planning &amp; Economy Team - None</p>		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 Others    CLT8 , OS1, OS2 , R29, D8 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes  Others    Emerging Policy SP13			

<b>Main Issues</b>	
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>An assessment of the previous planning permission was carried out under reference: 6/2017/2972/FULL. This application should be referred to for a full assessment of that case.</p> <p>This proposal seeks permission to vary that permission altering the design and heights of the proposed music block. Therefore, whilst drawings of the whole site are included with this application, given that planning permission 6/2017/2972/FULL remains extant, it would be unreasonable to make an assessment of other parts of the proposal that do not apply in this regard.</p> <p>In relation to the elevational and roof layouts changes as part do this proposal, these would not negatively alter the contextual design and built form of the proposal given the location within this large site. The proposed elevational alterations would not significantly impact upon any of the other material considerations that were relevant under the original application such as impact on the living conditions of neighbouring occupiers, highway and parking. These considerations weigh substantially in favour of the scheme.</p> <p>The NPPG 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 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.</p> <p>In relation to this proposal, a successful application to amend conditions results in the issue of what is in effect a new planning permission, but does not cancel the old permission.</p> <p>It is reasonable therefore that the current planning application should be subject to the same conditions as the previous planning application, 6/2016/1058/FULL whereby conditions were applied, as they remain in accordance with the tests set out in the NPPF.</p> <p>The applicant has only sought to vary condition 4. It is recommended that suitably worded conditions are attached to ensure compliance with the approved details. Where conditions have been agreed, their wording has been amended accordingly.</p>
<p><b>Impact on neighbours</b></p>	<p>None</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>None</p>
<p><b>Landscaping</b></p>	<p>None</p>

<b>Issues</b>	
<b>Conclusion</b>	
<p>The variation of condition 4 of planning permission 6/2017/2972/FULL would not have such a significant impact above and beyond the approved scheme that should lead to a different decision being given to that of the original application, subject to the inclusion of the conditions. Taking into account that the size and location of the proposed alterations and the minimal impact that they would have on the visual amenities of the site, the scheme sufficiently maintains the character and appearance of the application site within its wider setting. Furthermore, it would not detrimentally impact upon the residential living conditions of adjoining occupiers in accordance with the NPPF and relevant policies of the Welwyn Hatfield District Plan, 2005.</p>	

### **Conditions:**

#### PRIOR TO COMMENCEMENT

1. No development above ground level in any phase of the development shall take place until samples of the brick work and roof materials and exact colours of the render to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

2. No development shall take place, including any works of demolition, until a 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 parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (e) wheel washing facilities
  - (f) measures to control the emission of dust and dirt during construction
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

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PRIOR TO OCCUPATION

DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
0001	A	Location Plan	30 October 2019
0002	A	Proposed Ground Floor and Site Plan	30 October 2019
0005		Existing Elevations and Floor Plans	15 October 2019
0012	A	Proposed Roof Plan	15 October 2019
0011	A	Proposed Clerestorey	15 October 2019
0010	B	Proposed Ground Floor Plan	15 October 2019
0030	A	Proposed Landscape Site Plan	15 October 2019
0020		Proposed SW Elevations and Ground Floor Plan	15 October 2019
0015	B	Proposed Elevations	15 October 2019

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

**Informatives:**

1. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
3. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**Determined By:**

Mr Michael Robinson  
23 December 2019