

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 18 AUGUST 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/1774/MAJ

71 GREAT NORTH ROAD, HATFIELD, AL9 5EN

ERECTION OF 18 FLATS, PROVISION OF CAR PARKING, AMENITY SPACE AND  
AMENDED ACCESS ARRANGEMENTS

APPLICANT: Oakbridge Himes Ltd

(Hatfield East)

**1 Site Description**

- 1.1 The application site is situated between Great North Road (A1000) to the west and the East Coast Mainline Railway to the east. To the south of the site is No.61 Great North Road which is occupied by GE Healthcare for purposes falling within Use Class B, which encompasses offices, research and development, industrial process and storage or distribution. On the opposite side of Great North Road, is the Red Lion Inn which is a Grade II listed building. The Old Hatfield Conservation Area lies approximately 230m to the south of the application site.
- 1.2 The site is currently a car park which originally served an office block located to the north of the application site on the corner of Great North Road and St Albans Road East. The conversion of this building from office to residential use is nearing completion.

**2 The Proposal**

- 2.1 The proposals would provide for a total of 18 dwellings. These would comprise 7 one-bedroom apartments and 11 two-bedroom apartments. Associated car parking would be provided in an undercroft area under the western side of the building and open parking to the north and south of the building. Cycle parking would be provided by converting an existing building on the site.
- 2.2 The building would comprise four storeys with the top floor set back to create roof terraces. The building would be flat roofed and stand at a maximum of 12.6m in height.
- 2.3 The existing boundary landscaping to the front of the site would be removed to accommodate the relocation of the vehicular access. The plans show new landscaping along the front boundary of the site, including new trees. A communal outside amenity area would be provided to the south of the building, whilst three of the flats on the top floor would benefit from a private roof terrace.
- 2.4 The proposed materials would comprise white, light grey and mid grey ceramic cladding with grey and buff brick. However, the final detail of materials could be approved via the imposition of a condition.

- 2.5 The proposals have been amended during the application process in response to the concerns raised by the Council's Conservation Officer.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because the proposed development would represent a departure from the development plan and it is recommended for approval. Hatfield Town Council also object to the proposal.

### **4 Relevant Planning History**

- 4.1 S6/2016/0641/FULL – Relocation of vehicular access to car park (Granted 27/07/2016)
- 4.2 S6/2015/1499/FULL – Alterations to existing frontage, including erection of new canopy, new cladding, screen cladding, louvers, building number and new brise soleil. Alterations to existing fenestration and erection of new refuse store (Granted 19/09/2015)
- 4.3 6/2014/2029/FP – Installation of new windows and doors including the removal of existing goods shutter to be replaced with glazed entrance screen and automated door Decision (Granted 07/11/2014)
- 4.4 S6/2014/1620/OR – Prior approval for the change of use from use class B1(a) (offices) to use class C3 (dwellinghouses) creating 27 dwellings (Prior Approval not required 12/19/2014)

### **5 Planning Policy**

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance 2005
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 and Interim Policy for Car Parking Standards 2014
- 5.5 Planning Obligation Supplementary Planning Document Feb 2012

### **6 Site Designation**

- 6.1 The site lies within the town of Hatfield and Employment Area EA4 as designated in the Welwyn Hatfield District Plan 2005. The application building whilst approximately 225m from Old Hatfield Conservation Area, is opposite a Grade II listed building (the Red Lion Inn).

### **7 Representations Received**

- 7.1 The application was advertised by means of press and site notices and neighbour notification letters. Two objections have been received from residents of Park Meadow. Their comments may be summarised as:

- Insufficient parking provision

- Out of character with the area and will have the effect of creating a row of large modern blocks stretching along the Great North Road from the Red Lion traffic lights to the Station.
- The development is being sought under two separate applications, so the developer doesn't have to make allowances for assisted housing or essential workers flats.

## **8 Consultations Received**

**8.1 Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) & Lead Local Flood Authority & Thames Water & Welwyn Hatfield Borough Council Environmental Health & Welwyn Hatfield Borough Council Contract Services & Welwyn Hatfield Borough Council Landscape & Ecology:** No objection subject to suggested conditions and informatives.

**8.2 Hertfordshire County Council Development Services:** No planning obligations are sought.

**8.3 Hertfordshire Minerals & Waste & Network Rail:** No objection subject to informatives.

**8.4 NHS & Affinity Water:** No response at the time of writing this report

**8.5 Welwyn Hatfield Borough Council Parking Services:** No objection

**8.6 Welwyn Hatfield Borough Council Conservation Officer:** Objection to the original plans, prior to amendment which can be summarised as:

“The site is opposite the famous Red Lion Inn on the old Great North Road, an old coaching inn listed grade II as C18<sup>th</sup>. It is an impressive red brick building of some quality. It is partly 2 and part 2.5 storeys and it sits in spacious grounds especially to the north.

The site itself is currently occupied by parking and includes some tree screening. It is therefore relatively open also.

Approaching from the south the Red Lion is a dominant building. From the north also, although there are large two storey office blocks that intrude into the setting on the west side of the road, the Red Lion sits in its large ground with a background of the trees of Hatfield Park beyond.

“The nearby buildings on the west side of the road are relatively non-descript office blocks... with pitched roofs. Whereas some of the buildings on the same side as the listed building are of some quality and include the gates and lodges to Hatfield Park and No.82 (North Place) which are also listed.

The proposal would occupy what is at present part of the relatively open setting of the listed building and would start to combine to form a continuous line of built form on the west side of the road. Inevitably any development of the site is going to cause harm to the setting of the listed building. Any developer should be taking into account this setting and seeking to avoid harm or mitigate it. However, the design and access statement makes scant mention of the Red Lion or its setting. It is therefore not surprising that the proposed design pays little regard to it.

The premise is that the building is designed in “modern” style without reference to the surroundings and therefore must be accepted as an expression of our times. Unfortunately this does not make the building automatically acceptable and the building cannot be regarded as so outstanding that it need not respect the setting of the nearby listed buildings.

Parts of the building are 4 storeys high and as it sits relatively near the frontage, removing the existing planting it would dominate the listed building opposite.

It is also a very deep square building and therefore has a flat roofs which clash with the pitched roofs of the listed and other historic buildings nearby and to some extent the adjoining more modern buildings which have either full or partial pitched roofs.

“The proposals by reason of height, bulk, location at the front of the site, design, materials, lack of tree screening, would harm the setting of the listed Red Lion and other listed buildings to the south.”

Summary of comments on revised scheme:

- 8.7 “The amendments amount to setting the central lift/stair tower further back so that it projects less from the bulk of the building which remains however in the same plane as before and therefore the same distance from the listed building. The amendments would therefore not effectively address my issues regarding the four storey height of the building and its position close to the road frontage.”
- 8.8 “The revisions to the proposal would represent little mitigation and the Heritage statement and revised design statement are devalued by the fact that they were written after the design was formulated.”

## **9 Town / Parish Council Representations**

- 9.1 Hatfield Town Council object to the proposal for the following reason:

*“This is now a narrower road, additional cars will put a greater strain on current infrastructure. This is overdevelopment of the site.”*

## **10 Analysis**

- 10.1 The main planning issues to be considered are:
- 1. Whether the proposed development is acceptable in principle (Local Plan Policies GBSP2, SD1, R1, EMP1, EMP2, H2 & NPPF )**
  - 2. Would the significance of designated heritage assets be conserved or enhanced (Local Plan Policies GBSP2, D1, D2, SDG & NPPF)**
  - 3. Impact on the residential amenity of future occupiers and neighbouring occupiers (Local Plan Policies D1, R19, SDG & NPPF)**
  - 4. Access, impact on the highway network and parking provision (Local Plan Policies M14 & NPPF)**
  - 5. Other material planning considerations**
    - i) Flood Risk, Surface Water Drainage & Waste Water (Local Plan Policies R10 & NPPF)**
    - ii) Contaminated Land (Local Plan Policies R2 & NPPF)**
    - iii) Planning Obligations (Local Plan Policies IM2 & SPD & NPPF)**
    - iv) Houses in Multiple Occupation**

## **1. Whether the proposed development is acceptable in principle**

- 10.2 The site is currently a car parking area which originally served an office block located to the north of the application site. The site is located in a designated employment area (EA4 Beaconsfield Road Employment Area). Saved Policy EMP2: Acceptable Uses In Employment Areas states that, in designated employment areas, proposals for uses other than Classes B1 (offices, research and development, light industrial process), B2 (general industry) and B8 (storage or distribution) should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs.
- 10.3 In this case, whilst the proposal involves residential development on land within the Employment Area which would ordinarily be contrary to policy, the application site has already started the process of changing use to residential under permitted development rights. The site benefits from deemed planning consent for conversion of the existing building on the northern part of the site from office to residential use and the creation of 27 dwellings, following the Council's decision (ref. S6/2014/1620/OR) that prior approval is not required. This development is permitted pursuant to Schedule 2, Part 3, Class J of the Town and Country Planning (General Permitted Development) (England) Order 1995 (now Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015) .
- 10.4 Prior approval application S6/2014/1620/OR included the current application site and the conversion of the building from office to residential use is now nearing completion. Therefore, it is likely to be the case that there has already been a lawful change of use of the building to residential (although the only way to clarify is through a Certificate of Lawful) and therefore a change of use of the use of the land within the site as a whole. Permitted development rights allow for the change of use of B1 Office buildings and any land within its curtilage to residential use. In this case the curtilage of the building included the associated areas of parking and landscaping.
- 10.5 In light of the above, it is clear that any previous Class B1 office use of the site has ceased and in terms of Policy EMP2, the employment use has already been regrettably lost. As such, given these very particular circumstances the proposal to add a further 18 apartments in addition to the 27 authorised apartments is acceptable in principle. The use of the land for employment purposes has, effectively, already been lost and so Policy EMP2 carries little weight in this instance.
- 10.6 Whilst it would usually be necessary to consider whether or not this is a suitable site for 18 dwellings, in accordance with Policies SD1 (Sustainable Development), R1 (Maximising Use of Previously Developed Land) and H2 (Windfall Housing Development), as discussed above, this site is already being converted to residential use and so the proposed development on previously developed land and within a sustainable location (within walking distance of the railway station, bus station and town centre, services and employment opportunities) is acceptable in principle.

10.7 The proposal would not be contrary to policies H2, SD1 and R1 and is considered to represent sustainable development in accordance with the National Planning Policy Framework (NPPF). Taking all of the above into account, there is no objection in principle to the further residential development of this site.

## **2. Would the significance of designated heritage assets be conserved or enhanced**

10.8 The application site is not within a conservation area but is situated opposite a listed building. It is therefore necessary to consider the impact of the proposal on the setting of the Red Lion Inn and other nearby listed buildings. The Old Hatfield Conservation Area lies approximately 230m to the south of the application site. North Place is situated approximately 70m to the south east of the application site, on the opposite side of Great North Road and comprises a late 17<sup>th</sup> century house which is set back considerably by a wide sweeping drive, and much screened from the road by planting. The gates to Hatfield Park are approximately 270m to the south of the site.

10.9 The NPPF makes it clear that one of the key dimensions of sustainability is protecting and enhancing the historic environment (paragraph 7) and that one of the twelve core principles which underpin both plan making and decision taking is that planning should conserve heritage assets in a manner appropriate to their significance (paragraph 17). This means that development which fails to adhere to the historic environment policies set out in the NPPF would not be sustainable development and the guidance emphasises the very great weight which the Government gives to the proper protection of our shared built heritage.

10.10 The NPPF includes no specific presumption in favour of either conservation or preservation of a heritage asset and the tests set out in paragraph 134 identify that 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. Furthermore, Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take into account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

10.11 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.

- 10.12 The Council's Conservation Officer objected to the proposal on the grounds that the proposals by reason of height, bulk, location at the front of the site, design, materials, lack of tree screening, would harm the setting of the listed Red Lion and other listed buildings to the south.
- 10.13 In response to the concerns of the Conservation Officer, the applicant commissioned a Heritage Assessment, prepared by Dr Lee Prosser, a historic buildings consultant. The submitted report is dated February 2016. The proposals were also amended. The footprint of the building has been reduced enabling the front elevation of the building to be moved back between 2.3m and 3.7m. This amendment also allows for an increase in landscaping to soften and screen the proposed building. In order to seek to limit the impact of the height of the building the fourth storey elements has been set back behind a roof terrace, leaving the front element only three storeys in height with a flat roof. The external appearance of the building was also been revised to be more modern and to improve the quality of materials proposed.
- 10.14 The Heritage Assessment concludes that the architectural importance of the Red Lion is fairly modest and has mostly local significance. The building is not by a known architect and for its date, status and style, is fairly common, particularly in market towns. The building's most significant element is the fine Palladian facade which fronts onto the highway.
- 10.15 The historic setting was incidental to the construction of the building. The Red Lion Inn was closely bound up with the laying out of the new road, but was not characterised by any other associated designed landscape or positioned with any other purpose than to adjoin the road. Its construction would not have been determined by any views or vistas from the building, but was clearly designed to be impressive and act as a local landmark on approach. The existing setting represents a fundamental shift from its original context, to a more distinctly urban character.
- 10.16 The application site lies on the west side of the old Great North Road which has a more recently-established urban character, which is distinct from the east. This has resulted from the development of a strip of land between the road and the railway, on what was once a siding. The site is currently a car park which originally served an office block located to the north of the application site. The buildings either side of the site are large modern commercial/industrial building with shallow pitched roofs dating from the 1990's. Further south is the recently developed multi-storey car park. In terms of scale and massing, the proposal compares favourably with the existing building on the west side of the road.
- 10.17 The development, by its location on the western side of the road would become an integrated component of this urban area, and by being visually and symbolically separated from the east by the road and would be unlikely to cause any significant harm to the setting of the Red Lion. The listed building would still be appreciated and understood for its historic character.
- 10.18 Turning to North Place which is situated approximately 70m to the south east of the application site, the presence and width of the road and the spacing around this building, which includes well established planting, form a context for its immediate setting. Given its relative distance, the proposed development is not considered to have a significant impact on the setting of this heritage asset.

- 10.19 For all the reasons above, it is considered that the proposed development would lead to less than substantial harm to the significance of the designated heritage assets. 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.
- 10.20 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the paragraph 7 of the NPPF.
- 10.21 In this instance, the location of the development would be highly accessible for local amenities and public transport and would provide an additional 18 residential units. The additional accommodation would support local shops and services, all in line with paragraphs 30, 37, 58 and 70 of the NPPF. Although the Council has identified sufficient housing supply, the provision of 18 additional units of housing would make a valuable contribution to local housing supply; this is a clear benefit as it reduces pressure on housing land take elsewhere, including land that is within the Green Belt. The application site is previously developed land (brownfield land) in one of the most sustainable locations in the Borough. On balance, it is considered that the proposed development affords significant economic and social benefits which would outweigh the less than substantial harm to the setting of the nearby listed buildings.
- 10.22 In summary, it is considered that there are public benefits arising from the proposal that would outweigh the less than substantial harm caused to the significance of the highlighted listed building. The design of the proposal is of acceptable quality subject to planning conditions requiring details of materials, landscaping, windows, doors, etc to be agreed by the Local Planning Authority. As such, the proposal complies with Section 12 of the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

### **3. Impact on the residential amenity of future occupiers and neighbouring occupiers**

- 10.23 Saved Policy D1 and the Council's Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development. All new development should not cause a loss of light to or unduly dominate adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.
- 10.24 Saved Policy R19 deals specifically with noise and vibration pollution and states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land users. The NPPF makes reference to the Government's Noise Policy Statement for England that applies to all forms of noise. The basis of the strategy is to promote good health and good quality of life through effective management of noise within the Government's Policy on sustainable development. The noise policy in effect follows the Environmental Noise Directive 2002/49/EC which seeks to protect people from the adverse effects of noise. Available health based guidelines have also been published by the World Health Organisation on Night Noise Guidelines for Europe.
- 10.25 In this case, the site is located between two significant noise sources, Great North Road and the railway line. The potential for noise disturbance to future



residents therefore needs to be addressed. Environmental Health were consulted on the proposal and did not object subject to a suitable condition to ensure that the development is carried out and completed in accordance with details to be approved by the Local Planning Authority relating to noise attenuation/mitigation measures and the proposed mechanical ventilation systems.

- 10.26 No objections were received from neighbouring occupiers or the Town Council on amenity grounds. Giving consideration to the scale of the proposal and the separation distance from neighbouring properties, it is considered that the development would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. In this respect, no objections are raised with regard to Local Plan Policy D1, R19 the SDG or the NPPF.

#### **4. Access, impact on the highway network and parking provision**

- 10.27 Hertfordshire County Council, Transportation Programmes and Strategy (HCCTPS), initially objected to the proposal over concerns regarding the creation of a new access onto the A1000 to serve the sub-station. The objection was on the basis that vehicles would be forced to reverse out, prejudicial to pedestrian and vehicular safety and the primary function of the A1000 as a Principle Distributor. Subsequent information provided by the applicant including swept path details for vehicles likely to attend the site and a barrier between the main residential car park and the sub-station are considered sufficient to address the concerns. As a result, the likelihood of unauthorised use of the sub-station access has been reduced sufficiently that the creation of such an access would not interfere severely with Great North Road.
- 10.28 The applicant has demonstrated (Drawing No.SK05) that small substation maintenance vehicles are able to access the substation via the main car park. The applicant has confirmed that the electricity company have a legal right to cross the car park and this is supported by the developer being amenable for this to occur. Access to the substation for such vehicles does require two parking spaces to be vacant on such dates. It is identified that infrequent maintenance of the substation may require large vehicles to attend the site and, due to the undercroft nature of the site, access through the main car park for larger vehicles is unavailable. The new access to A1000 is to provide and maintain such access for large vehicles, but is identified as potentially a 1:5 year occurrence.
- 10.29 Currently Drawing No.SK05 shows a lightweight rising barrier protecting the service access from A1000 to be located 3.5m from carriageway edge, such that a vehicle parked whilst the barrier is in operation shall obstruct vehicles on the A1000, interfering with the primary purpose of this principle road. It is therefore recommend that any grant of planning permission be subject to a condition requiring a Car Park Management Plan to include provision for statutory undertakers (electricity company) to access the site at pre-arranged times and to provide details of a barrier to be located 6m from carriageway edge, enabling vehicles to pull clear of the highway whilst the barrier is in operation. The barrier must remain permanently closed at all times, except for authorised access.
- 10.30 Planning permission was granted in July 2016 for the relocation of the existing vehicular access to car park (planning reference S6/2016/0641/FULL). The new access will be sited approximately 15m north of its present location. The kerb

radii will tighten at the access but it will remain of sufficient width to enable two-way traffic at the junction and shall not compromise the ability for vehicles to enter and leave simultaneously. Whilst planning permission has been granted for the proposed relocation of the access, the necessary s278 detailed design shall need to consider the provision of dropped kerbs / tactile across the access. On this basis, HCCTPS have not objected subject to a suggested planning condition and informative.

- 10.31 In terms of parking, paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 10.32 The application site is within a sustainable location, within walking distance of a range of shops and services and with good access to public transport. The site is well situated to benefit from Hatfield railway station and the new bus/taxi interchange which is situated approximately 400m to the south.
- 10.33 For 1-bedroom dwellings, the SPG indicates a provision of 0.75 spaces each and for 2-bedroom dwellings, the standard is 1 space each. The proposed development would provide 7 x 1-bedroom apartments and 11 x two-bedroom apartments. The guidance indicates that this would equate to a total parking requirement of 16.25 parking spaces.
- 10.34 As the proposed flat block would be constructed on part of the car park of the existing office building which has prior approval for conversion to flats, there would be a loss of parking provision. The conversion of the existing building would provide a total of 27 x 2-bedroom flats, therefore one space per flat has been provided in accordance with the SPG. A total of 46 parking spaces would be provided on the site which would serve the consented conversion and the proposed development. This level of provision is 2.75 spaces more than the guideline parking requirement for this type of development in this location. Disabled and motorcycle spaces would also be provided. For these reasons, no objection is raised in regards to parking provision.
- 10.35 The Parking SPG also indicates a minimum standard of one cycle parking space per dwelling. This level of provision would be met. Cycle parking would be provided within an existing building on the site which would be converted for such a use.
- 10.36 The development will have an impact on the existing car park during construction. A condition is therefore suggested requiring a Construction Management Plan to include arrangements during construction for parking for existing residents and contractors. The Construction Management Plan should also include details of hours of construction, wheel wash facilities and storage and delivery arrangements in the interest of highway safety and residential amenity.

## 5. Other material planning considerations

### 10.37 *i) Flood Risk, Surface Water Drainage and Waste Water*

The application site is not located within flood zone 2 or 3 and the area is not known to have critical drainage problems. The Lead Local Flood Authority were consulted on this proposal and removed their initial objection following the review of the Sustainable Drainage Statement produced by EAS, dated December 2015. The applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site.

10.38 In terms of waste water, Thames Water has identified an inability of the existing infrastructure to accommodate the needs of this development and have suggested that a “Grampian” condition be imposed preventing the development from taking place until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the Thames Water. Subsequently, no discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

### 10.39 *ii) Contaminated Land*

Due to being next to a railway line, there is the potential for contaminated land, this is also shown on the Council’s mapping system, as such the applicant should be required to carry out a phased risk assessment into the potential for contaminated land on the site and then look into remediation measures if required. For this reason it is suggested that the standard phased contaminated land condition is applied so that further investigation is carried out in accordance with Local Plan Policy R2 and the NPPF.

### 10.40 *iii) Planning Obligations*

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.

10.41 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 a 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. National policy is set out at paragraphs 203-205 of the NPPF.

10.42 Hertfordshire County Council Development Services were consulted and have confirmed that no planning obligations are sought. Whilst There are capacity issues for a number of services in this area, that meet the test of CIL Reg122,

however due to the quantum of obligations involved and the pooling restriction imposed by Reg123 Hertfordshire County Council are not pursuing them at this point in time.

- 10.43 Welwyn Hatfield Borough Council's Planning Obligations Supplementary Planning Document (SPD) triggers the provision of waste and recycling facilities, Green Space and Play Facilities linked to a development of this nature.
- 10.44 The provision of 3 x 1100 litre bins and a mini recycling bank system, the bins at a cost of £390 plus VAT and the cost of the manufacture and installation of a mini recycling bank is £560 plus VAT. These elements are justified and in accordance with the Planning Obligations SPD.
- 10.45 In terms of the Green Space and Play Facilities, this development triggers a contribution of £1,823.90 and £4,784.00 respectively (subject to indexation from Q1 2012). In terms of Green Space, the Council's Landscaping Team have identified a project on the north side of French Horn Lane Hatfield which is situated between the junction of French Horn Lane with Beaconsfield Road to the west and the railway line to the east. The project is to fell all Lombardy Poplar and Elm trees within the embankment and to supply and plant nine trees and understory sub trees/bushes and to maintain the planting for a period of three years until such planting become independent within the landscape. In terms of Play Facilities, Hatfield Town Council are seeking funding towards the costs of replacing the 'all-ability roundabout' at the Birchwood Leisure centre.
- 10.46 The Planning Obligations SPD also notes that a monitoring fee is required, which equates to 5% of the total value of the planning obligation, capped at a maximum of £5,000. Provision for a monitoring fee (5% of total contributions) equates to £434.20.
- 10.47 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL regs.
- 10.48 The applicant has agreed the planning contributions outlined above and at the time of writing this report, a draft legal agreement had been produced.
- 10.49 *iv) Houses in Multiple Occupation:*  
Since 12 January 2012, there has been an Article 4 Direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.
- 10.50 As a result of the Direction, it is considered appropriate and reasonable to a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that conditions are attached.

## **11 Conclusion**

- 11.1 The site is currently a car parking area which originally served an office block located to the north of the application site. The principle of development is

acceptable as the site is previously developed land within the town of Hatfield. Whilst the proposal involves residential development on land within the Employment Area which would ordinarily be contrary to policy, the application site has already started the process of changing use to residential under permitted development rights. The site benefits from deemed planning consent for conversion of the existing building on the northern part of the site from office to residential use and the creation of 27 dwellings, following the Council's decision (ref. S6/2014/1620/OR) that prior approval is not required. This development is permitted pursuant to Schedule 2, Part 3, Class J of the Town and Country Planning (General Permitted Development) (England) Order 1995.

- 11.2 Prior approval application S6/2014/1620/OR included the current application site and the conversion of the building from office to residential use is now nearing completion. Therefore, it is likely to be the case that there has already been a lawful change of use of the building to residential (although the only way to clarify is through a Certificate of Lawfulness) and therefore a change of use of the use of the land within the site as a whole.
- 11.3 The site is not within a conservation area but is situated opposite a listed building. It is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset and therefore the limited harm should be weighed against the public benefits of the proposal. On balance, it is considered that the proposed development affords benefits, in terms of housing supply and sustainability, which would outweigh the less than substantial harm to the setting of the listed building.
- 11.4 The impacts of the proposal have also been considered in terms of the impact on the amenity of future occupiers and neighbours, access, highway capacity, parking provision and other material considerations. In conclusion, subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, Supplementary Parking Guidance, the Interim Policy for Car Parking and the relevant chapters of the National Planning Policy Framework.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Legal Agreement on or before the 30 September 2016 to secure the following obligations:

£2,076.00 – Refuse and Recycling Facilities  
£1,823.90 – Green Space (subject to indexation from Q1 2012)  
£4,784.00 – Play Facilities (subject to indexation from Q1 2012)  
£434.20 – Monitoring Fee (subject to indexation from Q1 2012)

### Conditions

1. C.30.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details:

244-102 received and dated 20 August 2015 & 242/103 received and dated 28 September 2015 SK05 & SK06 received and dated 15 December 2015 & 244/100 Rev A & 244/101 Rev A received and dated 15 April 2016

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

2. The development hereby permitted shall be used for Class C3 dwellinghouse[s] only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: The Article 4 Direction covering Hatfield removes the Class I permitted development rights to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted, including windows, doors and rainwater goods 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 GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. No 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:

- (b) means of enclosure and boundary treatments;
- (e) hard surfacing, other hard landscape features and materials;
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

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 and the National Planning Policy Framework.

5. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan must include details of:

- a) Construction vehicle numbers, type, routing;
- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details 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: 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 and the National Planning Policy Framework.

6. No development shall take place until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

7. No development shall take place until an Environmental Noise Assessment and report of the findings have been submitted to and approved in writing by the Local Planning Authority. This report must include details of a noise monitoring exercise and details of the facade and internal noise levels for the premises. Noise measurement results in terms of day and night-time LAeqs, LA90s and for night-time, LAm<sub>ax</sub> (f) will be required. Where internal noise levels exceed the BS8233 recommended levels for habitable rooms details of how these standards will be achieved without compromising the background and rapid/purge ventilation rates indicated in the Noise Insulation Regulations 1975 (amended 1988) shall be provided. Details of any mechanical ventilation systems needed to achieve this will be required. Outdoor amenity areas will need to meet the 55dB World Health Organisation Community Noise Guideline Level and this must also be shown in the report along with mitigation measures required to meet this level. The development must not be carried out and retained thereafter other than in accordance with the approved details.

REASON: To protect the residential amenity and living conditions of future occupier in accordance with Local Plan Policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. No development shall take place, other than that required to be carried out as part of an approved scheme of remediation, until conditions A to D have been complied with. 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, 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) Long Term Monitoring and Maintenance

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 and the National Planning Policy Framework.

#### POST-DEVELOPMENT COMMENCING

9. All planting seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards.

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development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

10. Prior to the occupation of the development hereby permitted, full details of any new roads, accesses, cycleways and footways relating to that plot's development must be submitted to and approved in writing by the Local Planning Authority. The details must include visibility splays to be provided in each direction from all new accesses prior to their operational use and thereafter retained free of any obstruction. Thereafter, the development must not be occupied other than in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interest of highway safety and free and safe flow of traffic in accordance with the National Planning Policy Framework.

11. Prior to the occupation of the development hereby permitted, a Parking Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan must show how access will be maintained to the substation for authorised visitors on a scheduled basis, including details of the lightweight rising barriers and their siting. Thereafter, the development must not be occupied and retained thereafter other than in accordance with the approved details.

Reason: In order that scheduled maintenance vehicles may access statutory undertaker equipment without need to reverse onto the principle highway network in the interest of highway safety and free and safe flow of traffic in accordance with the National Planning Policy Framework.

12. The area set aside for car parking must be laid out surfaced and marked out, in accordance with a scheme (showing spaces that are allocated to specific dwellings) which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and must be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development permitted and must 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.

13. Prior to the occupation of the development hereby permitted the refuse and recycling materials storage areas shall be constructed, equipped and made available for use and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the visual amenity of the area and the residential amenity of adjoining and future occupiers in accordance with Policies GBSP2, D1, D2, IM2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

14. Prior to occupation details of the location, design and specification of secure cycle storage on site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle storage shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure that there is adequate bicycle storage provision, encouraging alternative modes of transport, in accordance Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance Parking Standards 2004 and the National Planning Policy Framework.

15. The development hereby permitted must be carried out in accordance with the submitted Sustainable Drainage Statement produced by EAS, dated December 2015 and the mitigation measures detailed within the Flood Risk Assessment including:

- a) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 105m<sup>3</sup> of total storage volume as indicated in section 5.6 of the sustainable drainage statement and appendix L.
- b) Discharge of surface water from the site through infiltration from 5 deep bore soakaways as shown in Drawing SK07 included in Appendix M.

The mitigation measures must be fully implemented prior to the occupation of the development hereby permitted in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

### **Positive and proactive statement**

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 do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Councils website or inspected at these offices).

### **Informatives**

1. Street numbering: The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
2. Waste Water: Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaise with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.
3. The site lies on top of a groundwater source protection zone 3. The applicant proposes to discharge runoff from a car parking area into the deep bore soakaways without any prior treatment. Therefore, the applicant should consult the Environment Agency about surface water infiltrating on that area without further treatment.
4. Storage of materials: 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. Obstruction of public highway land: 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.
6. Road deposits: 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.
7. Works within public highway land: Where works are required within the public highway to facilitate the new 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 in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by Telephoning 0300 1234047.

12.2 OR REFUSE if a S106 Agreement is not completed on or before 30 September 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.

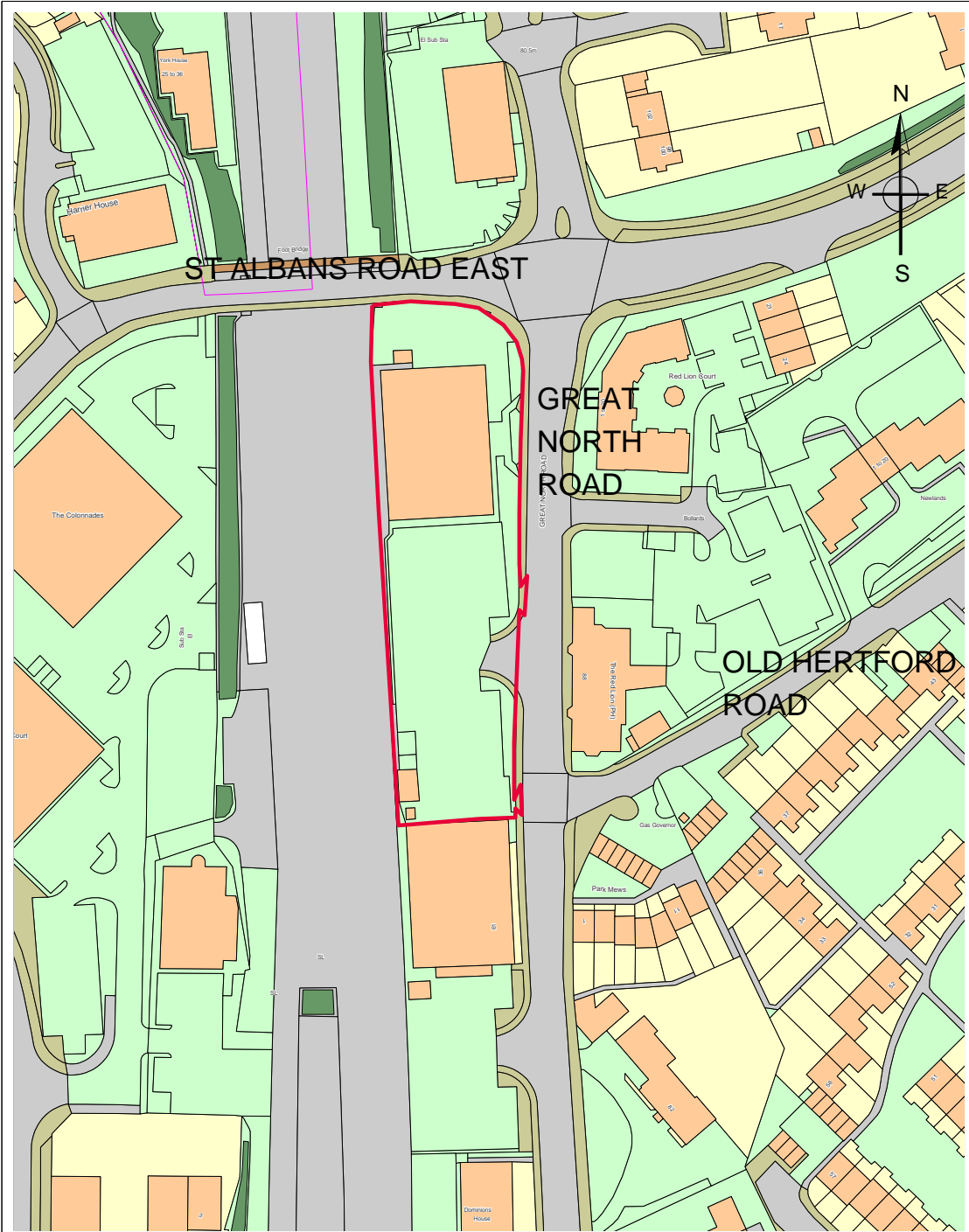
2. Refused Drawing Numbers:


244-102 received and dated 20 August 2015 & 242/103 received and dated 28 September 2015 SK05 & SK06 received and dated 15 December 2015 & 244/100 Rev A & 244/101 Rev A received and dated 15 April 2016

*Mark Peacock*, (Strategy and Development)

Date: 01.08.2016

Application Expires: 03.10.2016



 <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: <b>71 Great North Road, Hatfield</b>		Scale: DNS
	Project: <b>DMC Meeting</b>		Date: 2016
	Drawing Number: <b>6/2015/1774/MAJ</b>		Drawn: <b>Andrew Windscheffel</b>
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