

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 15 SEPTEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/0737/FULL

UNIT 2, 184 ST ALBANS ROAD WEST, HATFIELD, AL10 0TF

CHANGE OF USE FROM B1/B8 (INDUSTRIAL/WAREHOUSE) TO D1 (NON RESIDENTIAL INSTITUTION) FOR USE AS A CHURCH

APPLICANT: Kingdom of Light Centre

(Hatfield Central)

1 Site Description

- 1.1 The application premise is one of a terrace of four small purpose built light industrial/warehouse units with ancillary offices dating from the 1970s with frontage to St Albans Road West and access to a shared service/parking area from Fiddlebridge Lane. Pedestrian access is from St Albans Road West and there are roller shutters serving the rear yard. The whole of the west side of Fiddlebridge Lane is occupied by older, smaller commercial properties.
- 1.2 Fiddlebridge Lane is an older industrial area lying between the town centre and the Galleria, set amongst mostly residential streets, many of which are cul-de-sacs owing to the separation caused by the Galleria and A1(M) tunnel. Most of the recent development in the vicinity is residential, including across St Albans Road West from the application site and the nearby Lemsford Road car park, now partly redeveloped with flatted accommodation.

2 The Proposal

- 2.1 This application seeks full planning permission for change of use from B1/B8 (industrial/warehouse) to D1 (non residential institution) for use as a church. In land use planning terms, the principal use proposed by Kingdom of Light Centre (KLC) is as a place of worship, with associated ancillary offices for its work in the community, some of which is office based and at the church, but much of which is within the community.
- 2.2 The only change proposed to the building to accompany the new use would be some minor internal changes, but the large double height open area proving ideal for services would remain. A new internal wall and doors is proposed to be erected inside the roller shutter, as can be seen from the plans.

Background to Application

- 2.3 KLC is a registered charity organisation, operating as a local church and charity. As part of the vision of the church, it is committed to promoting social vibrancy, economic development and integration. It was founded on 12 November 2006

with 10 members hiring the hall of the Next Generation Club, which is now the David Lloyd Gym at the Business Park in Hatfield.

- 2.4 It continued to grow until, in March 2009, it was able to acquire the leasehold and moved into the 2nd Floor of Culpitt House, 74–78 Town Centre, Hatfield. While in this property, it was able to fulfil many of its goals in the community, but unfortunately it had to move out of the premises because the lease was terminated as the landlord decided to convert the building into flats.
- 2.5 Consequently, in March 2014, it began to hire the school hall of Bishop Hatfield Girls School for its Sunday services (10:00-12:00), where it still currently meets, and was also sharing the premises of Number One Resource Centre, 1 Town Centre, Hatfield, for its weekly activities.
- 2.6 In December 2015 it could no longer use Number One Resource Centre for activities owing to the fact that the Centre was shut down because, it is understood, the Council plans to demolish the building and redevelop the site.
- 2.7 As a result, KLC advises it finds it extremely difficult to carry out its services as it continues to move from one place to another. Setting up every Sunday morning has become a great challenge and as a consequence, it requires urgently permanent and self-contained premises where it can be effective for the public benefit.
- 2.8 The new premises would be available to the local residents and, in addition to regular church activities, will promote business development and education and training, making a significant contribution to wider economic and regeneration initiative to the town. KLC believes that securing the use of this property will enable it to become a leading voluntary service provider and also broaden the spectrum of activities and benefits to the community. The relative deprivation of some areas in Hatfield is well known and this relative poverty has a significant impact on community cohesion within the town and KLC aims to make a positive impact on the lives of people in the community. In so doing, it works in partnership with the following organisations:
 - The Community Inclusion Group (Member)
 - The Welwyn Hatfield Arts and Culture Group (Member)
 - Hatfield Children Centre Group (Member of the Steering Group)
 - Welwyn Hatfield Citizens Advice Bureau
 - YMCA Space
 - Number One Community Resource Centre
 - Hatfield Church Leaders Group
 - Sanctuary Home Care
 - Kaleidoscope
 - Jim McDonald Centre
 - Hertsaid.

Its existing activities/services proposed to be transferred to the application premises are as follows:

2.9 Services

As a church, KLC meets together every Sunday morning with a congregation of up to 80 members each week from 10:00am to 12:00 noon and also on Wednesdays from 7:00pm to 9:00pm with up to 25 members.

2.10 Hatfield Foodbank

KLC started and runs the Hatfield Foodbank scheme, which provides food parcels to members of the community who might be experiencing challenges for a range of reasons. Also, in partnership with the Citizens Advice Bureau, KLC provides a money advice service to help people break the cycle of debt and poverty.

2.11 Youth Mentoring Scheme

In collaboration with Kaleidoscope, KLC is involved in working with local schools, colleges and youth organisations. Providing opportunities for a young person to receive personal support and guidance to achieve whatever they want to achieve and for adults to receive training, develop their own skills and contribute to a worthwhile community activity. It trains young children to play musical instruments, to develop their interest and boost their confidence during the holiday period and also to take them off the streets.

2.12 KLC Befriending Scheme

KLC visits and befriends elderly residents in local care homes and it also helps in clearing rubbish and large objects for elderly people living in their own homes.

2.13 Fun in the Park

Once every year in the summertime, KLC has a family fun day in the park where it hosts all members of the community to different kind of fun activities with music, food, drink, football, table tennis and all different kinds of activities.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the application is a departure from the District Plan.

4 Relevant Planning History

- 4.1 Application Number: S6/1974/0177/

Decision: Granted Decision Date: 13 May 1974

Proposal: Car showroom repair workshop and petrol filling station & two floors of offices over

- 4.2 Application Number: S6/1977/0045/

Decision: Granted Decision Date: 14 July 1977

Proposal: Two storey offices over car showrooms with associated garage workshop and petrol sales

- 4.3 Application Number: S6/1980/0508/

Decision: Granted Decision Date: 30 October 1980

Proposal: 3 single storey industrial units with offices

4.4 Application Number: S6/1980/0803/

Decision: Granted Decision Date: 22 January 1981

Proposal: Demolition of existing garage buildings and erection of three single storey industrial units

4.5 Application Number: S6/1982/0034/

Decision: Granted Decision Date: 01 February 1982

Proposal: Installation of additional window in front elevation

4.6 Application Number: S6/1982/0119/

Decision: Granted Decision Date: 08 July 1982

Proposal: Single storey industrial unit & associated car parking

5 Planning Policy

5.1 National Planning Policy Framework (The most relevant paragraphs are: 6-10, 11-13, 14, 17, 22, 69, 70, 186, 187, 196 and 197.)

5.2 Welwyn Hatfield District Plan 2005

5.3 Supplementary Planning Guidance, Parking Standards, January 2004

5.4 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

5.5 Planning Obligations, Supplementary Planning Document, February 2012

6 Site Designation

6.1 The site lies within an Employment Area as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

7.1 The application was advertised by means of site and press notices and neighbour notification letters. Four representations have been received from neighbouring occupiers at Unit 1, Unit 3 and Unit 4 184 St Albans Road West, as well as a resident from Gorseway, Hatfield.

7.2 One objection was received from the Director of the business occupying of Unit 3 which may be summarised as:

- We object to the proposed change of use due to the lack of guaranteed parking provision for the anticipated number of visitors to the premises, and the likely disruption to business activities from a large number of persons arriving simultaneously.
- The agreements are not permanently binding, nor is the number of attendees stated to be strictly limited, therefore the parking provision by

this means may not suffice in the future due to the very small number of spaces guaranteed to be available within the demise of the premises.

- Parking is often troublesome in Fiddlebridge Lane when other businesses are in operation.
- Inappropriate parking is common on the footway and on the controlled section that is rarely enforced, resulting in vehicles experiencing difficulty entering and leaving the car park of 184 St. Albans Road West.
- The verge opposite the entrance can be seen to have been eroded by vehicles regularly climbing it while trying to negotiate the entrance with parked vehicles clustered around it. It is sometimes necessary to search nearby businesses to locate the owners of vehicles to have them moved, in order for a goods vehicle to enter or leave the premises.
- Our business serves an industry that operates 24/7, therefore our premises may be in use at times outside normal weekday office hours, and congestion and interference with access to our premises for technical vehicles and personnel would potentially have as much impact on a Sunday morning as during a weekday.

7.3 One representation in support was received from a resident of Gorseway which may be summarised as:

- Kingdom Light Centre has proven themselves over the years to have a heart for the community of Hatfield especially through their involvement in outreach activities for the homeless, youth and outcasts. I have no doubt that granting this permission will be a positive step in the right direction for Hatfield. I know Pastor Femi to be loyal and true to his word. I therefore believe that the potential issues raised with regards to parking or disrupting access to neighbouring businesses should not be something to cause concerns.

7.4 Two comments were received from the owner of Unit 1 and the Director of the business occupying Unit 4 which may be summarised as:

Unit 1

- We were able to find this property despite a real shortage of industrial properties for sale in the area.
- The KLC church seem to be a very worthwhile organisation taking part in many positive roles in the community.
- I would like to note the difficulty in accessibility of our industrial estate due to cars being able to park on the narrow Fiddlebridge Lane close to the entrance of our units.
- Our business needs access to our Unit and all our parking spaces at all times due to the nature of our business. I would hope that there is no reciprocal agreement to use spaces within our units as a trade off for the parking letters provided by other nearby companies. My observation of the industrial estate so far is that we all require clear access to our Units at all times and hope this will continue.

Unit 4

- There is a perception that those Companies who have provided parking letters can in turn park within this industrial estate during the working week (some have done so already) as a reciprocal arrangement. Pastor Oludare

has assured me this is not the case and I would ask the Council to satisfy themselves such an arrangement has not been offered and will not be.

- Secondly within the adequate parking provision paragraph of the application and accompanying plan the impression appears to be that parking spaces allocated to Unit 4 are available for use by KLC, this is not the case as a result of the parking, loading and unloading requirements of this business.
- Having met with Pastor Oludare I am sure he and his church perform many worthwhile activities within the Community which I have no desire to stand in the way of.
- For our own part all we ask is that we continue to enjoy clear and unhindered access and parking to our industrial unit at any time of the day.

7.5 Welwyn Hatfield Access Group raised a number of queries directly with the applicant's agent and forwarded a copy of their letter to the Council. The letter did not state any objection to the proposal.

8 Consultations Received

8.1 Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) - No objection with comments which can be summarised as:

The D1 use is described in section 20 of the application form as operating between 19:00 – 21:00 weekdays (understood to provide for Wednesday services (described as 25 attendees)) and 10:00 – 12:00 Sundays and bank holidays (described as providing Sunday services for approximately 80 persons). Any vehicle trips associated with this use shall occur outside of the weekday peak hours, and unlikely to have a detrimental impact on the local highway network in terms of capacity. Section 20 further details that the site will operate between 17:00 to 19:00 (weekdays) and 12:00-15:00 (weekends), associated with a use class described only as 'other'. The Planning Statement explains that this shall provide for one-to-one counselling and mentoring by a small number of full-time or part-time staff. Such activities would represent low level attendance and would not generate significantly more trips than the present use of the site during such hours, therefore, the proposal shall not have a severe impact on local highway conditions.

In terms of parking, the site has 6 formal parking bays, but the applicant has accompanied the planning application with letters from local businesses committing to use of their spaces to bolster this. 29 parking spaces are effectively provided but the Local Planning Authority (LPA) shall need to consider whether the letters of authority provide sufficient assurance (rather than a formal legal undertaking) that parking provision is appropriate to the LPA's own standards.

On behalf of the Highway Authority however, I would observe that parking controls exist daily but such controls do not extend to evenings, and therefore will not be enforced at some hours of occupation (Wednesdays) but that such controls are 7 days/week and therefore would be applicable to primary hours of occupation.

St Albans Road West, at this location is a local access road (unclassified) providing access to residential dwellings within De Havilland Close, Gloucester Court and Comet Road, with no through route to the wider highway network. Any

shortfall in parking outside of hours of enforcement, without adequate parking may exacerbate parking on-street, however as the highway at this point is 7m, such parking is unlikely to interfere severely with the highway network for the limited hours of operation considered herewith. A greater concern is Fiddle Bridge Lane, wherein widths are less than 4m, and insufficient to maintain 2 way movement of traffic once vehicles park. Such parking that does occur often occurs on footway. Hertfordshire County Council would therefore present a concern that if arrangements for use of 3rd party parking areas cannot be assured, then potential on-street parking shall interfere with pedestrian safety.

The site is a 3 minute walk from bus stops on Lemsford Lane (served by service 609 providing a half hourly service) and approximately 8 minutes walk from the centre of Hatfield Town Centre, as well as 3 minutes from the galleria. Rail services are 1 mile away (21 minute walk) however the planning statement does appear to suggest that the church (and community services offered) serve a local catchment.

The existing commercial use shall carry with it a level of trips which shall, in the main, be eliminated. All activities (with exception of weekday arrivals around 17:00) shall be off-peak. The proposed change of use is unlikely to have a significant impact, but the LPA shall need to establish that they are satisfied that arrangements for parking have been secured in an adequate manner that they can be relied upon in perpetuity and/or that parking controls locally shall manage parking as necessary.

I do not consider that the proposed change of use shall have a severe impact on highway safety or capacity and therefore present no objection to grant of consent.

8.2 Welwyn Hatfield Borough Council Parking Services - No objection with comments which can be summarised as:

This part of Hatfield is on our current work programme and consultation should be starting in the next couple of months; this would be the best time to look at the restrictions on Fiddle Bridge and the surrounding roads. With regards to enforcement of such restrictions, the current resource is available Monday-Saturday, 7.30am-6.30pm and two Sundays each month.

The information about ample spaces available in Lemsford Road car park is correct; this car park generally facilitates local workers during the day and the Swim Centre.

Personally I feel the car park is located a reasonable working distance away from the development. However, using my experience the congregation are not likely to feel the same way, especially if they have young children in tow.

Currently we have issues in Old Hatfield at certain times, when members of [a different church] congregation cause congestion and in some cases just abandon their vehicles on-street and in resident's car parks, double parking is not unusual. This makes it difficult for local residents gain access, or on occasion the ability to use their vehicles.

Further comments received 20 July 2016

I have some real concerns with planning application. Even though the permissions could be granted for five years this could cause issues with parking for other nearby businesses and their customers. I would request that 106 contributions are requested to enable us to:

- Carry out a parking survey (on the days and times the site is due to operate) in the surrounding area before the development is started
- After the development has been completed and is in use to conduct the same survey after one year and four years to understand if there has been any impact on this new development.
- If it is found that parking restrictions are required at any point during the five years then funding would need to be available to consult and implement said restrictions.

Taking this into consideration I request £25,000 to cover the surveys and consultation if required.

9 Analysis

9.1 The main planning issues to be considered are:

- 1. The acceptability of the proposed use within the designated Employment Area (Local Plan Policies EMP1, EMP2, CLT14 & NPPF)**
- 2. The impact on the adjoining highway and providing a sufficient parking allocation (Local Plan Policy M14 & NPPF)**
- 3. Other material planning considerations**
 - i) Planning Obligations (Local Plan Policies IM2 & SPD & NPPF)**

1. The acceptability of the proposed use within the designated Employment Area

- 9.2 The application site is part of the Fiddlebridge Lane Employment Area (EA5) designated in the Welwyn Hatfield District Plan. The proposal is for change of use from B1/B8 (industrial/warehouse) to D1 (non residential institution) for use as a church. In land use planning terms, the principal use proposed by Kingdom of Light Centre (KLC) is as a place of worship, with associated ancillary offices for its work in the community, some of which is office based and at the church, but much of which is within the community.
- 9.3 Policy EMP2 (Acceptable Uses in Employment Areas) says that uses such as the proposal (D1) in the designated employment areas such as the Fiddlebridge Lane Employment Area in which the application site lies, 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. All such proposals will also be required to satisfy criteria (i) to (v) of Policy EMP2 and other relevant policies relating to the proposed use.
- 9.4 The emphasis of the strategy and objectives in the Employment chapter of the District Plan is on husbanding reserves of employment land to ensure that there continues to be enough land and floor space in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and

firms seeking to locate in the area. Clearly, the proposed development runs counter to this because it would result in a loss of employment land and floor space.

- 9.5 Policy CS8 of the Council's Emerging Core Strategy, which can only be given limited weight at this time, was prepared to accord with guidance in the National Planning Policy Framework and has the same approach in seeking to protect the supply of land for industrial, office and warehousing uses. This reflects the strong emphasis on sustainable economic development in the NPPF – notably paragraphs 18-27 which set out the Government's overarching ambitions for building a strong, competitive economy. In this regard, the principle of District Plan Policy EMP2 is considered to be in accordance with Core Strategy Policy CS8 and the NPPF, and remains 'up-to-date'.
- 9.5 Evidence set out the Welwyn Hatfield Economy Study Update, December 2015 shows that, to meet predicted growth in employment to 2032, the loss of land from Class B uses should be minimised as far as possible. Since 2013, substantial amounts of Class B employment floorspace have been lost through the permitted development right enabling offices to be converted to residential without planning permission. It is likely there will be continued losses for the same reason for the foreseeable future. For this reason, and to allow for the provision of a choice of locations and qualities of sites, it remains appropriate to maintain a broad policy of resisting the loss of employment land resources to other uses.
- 9.6 This is evidenced by the 2015 Lambert Smith Hampton Office Market Overview, which notes (p27) that the borough *'is one of the few Hertfordshire locations where there are still good levels of availability'*. In addition the Overview shows that, in 2014, Welwyn Hatfield had the second largest increase in office floor space take-up in the UK (vs. a 10 year average), further highlighting that the remaining vacant employment floor space has value. Furthermore, the Hertfordshire Local Enterprise Partnership, to which the NPPF requires the Council to 'have regard', is urging the retention of the borough's vacant employment floor space in an employment use to help support the local economy.
- 9.7 Nevertheless, the NPPF requires that the Council is mindful of all 'market signals', and paragraph 22 states that policies should avoid the long term protection of employment land 'where there is no reasonable prospect of a site being used for that purpose'. The Planning Statement accompanying the application from the applicant's agent states that the building has been vacant since July 2015 and that it has been marketed by established and well known regional property consultants Aitchison Raffety from their St Albans offices.
- 9.8 Further details relating to the marketing of the property have been provided by Aitchinson Raffety in their letter dated 24 June 2016. The letter explains that the property was marketed at a sale price of £590,000 and included:
- A 2.4m x 1.8m marketing board erected on the property
 - Distribution of details to specialist commercial agents in Hertfordshire, North London and Bedfordshire
 - Advertisement of Aitchinson Raffety's website, EGpropertylink, Wantspacegotospace, Novaloca, Commercial Property Database

- Circulation of details to 1,000 plus companies in Hertfordshire and North London
- Advertisement in the Herts Advertiser newspaper

9.9 The types of companies that have viewed the property can be summarised as follows:

- Tool company
- Electronics company
- Clothing company
- Sunglasses company
- IT company
- Vets
- Creche

9.10 The feedback / reasoning behind not proceeding can be summarised as follows:

- Location not being with a recognised industrial park
- Local area being somewhat run down
- Location not benefitting from railway links
- No access to retail or town centre facilities
- Wrong size and layout
- Too much office content
- Property being of an older style construction not suitable for modern purposes

9.11 The conclusion from the marketing exercise is that there has been no demonstrable demand from the business sector for the property in its current B1/B8 use.

9.12 Given the submitted marketing information and the subsequent lack of interest in the unit it is considered that the site is not proving attractive for its lawful employment use in the short/medium term. Accordingly a temporary permission could be considered appropriate for a non-employment use on the site.

9.13 Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Planning Practice Guidance states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward or more generally to encourage empty property to be brought back into use.

9.14 Whilst the 2015 study referred to above serves as an evidence base for the longer-term safeguarding of the site as employment land, it is clear that in the current period there is scope for a temporary permission for the proposed use for 5 years. This would safeguard the land in the longer term for a Class B use whilst in the meantime supporting the NPPF aims (paragraph 22) to encourage economic growth whilst supporting local communities. A temporary permission

for the proposed D1 use would allow the planning authority to reassess the viability of the site on the basis of the same economic and demand (for Class B use) considerations towards its expiry date.

- 9.15 Notwithstanding this the above considerations require compliance with the criteria of policies EMP2 and CLT14 referred to below.
- 9.16 Policy EMP2 requires that that five criteria, listed (i) to (v), are satisfied. On the matter of potential employment KLC via its various works in the community will be employing staff, in the fullness of time it expects to employ 3 full time and 3 part time employees working at or out of the application premises. In this instance, given the size of the unit and the number of people to be employed, the proposal is not considered to be of a scale which would have an unacceptable impact on the demand for housing in the travel to work area (i) or on the local and/or strategic transport infrastructure (ii).
- 9.17 In terms of neighbour amenity, the application site is surrounded to the north east and west by other employment land and separated from the nearest housing to the south by intervening roads and footpaths. In regards to the hours of use, it would be reasonable to prevent services with amplified music, amplified singing and amplified voices either independently or in conjunction with each other during to the proposed 'services' described in the Planning Statement and section 20 of the application form. These restricted hours should be limited by planning condition.
- 9.18 A planning condition to restrict the use within Class D1 to a 'church' would be reasonable to ensure that the Local Planning Authority can exercise control on the premises which might be available under D1 and which could harm the amenities of residential neighbours through noise and other types of disturbance.
- 9.19 It is also considered that this should be a personal permission restricted to the charitable organisation Kingdom Light Centre as the types of service from other groups may have a greater impact on the noise levels generated during services which could be insufficient for the noise mitigating measures proposed.
- 9.20 Subject to the suggested conditions, neither the proposed use of the building or the activities associated with it are likely to impact materially upon the existing amenities of any nearby residential properties (iii).
- 9.21 Criterion (iv) requires adequate parking provision which is discussed in detail below, whilst (v) refers to any retail element which is not applicable in this instance.
- 9.22 The planning statement indicates that, in addition to regular church activities, the premises are also to be used for a range of community support activities including business development, education and training, foodbank, youth mentoring and a befriending scheme amongst others. The extent of these activities has not been provided in the application, but that these will need to remain as an ancillary use of the building in connection of the main purpose as stated on the application form as a 'church'.

2. The impact on the adjoining highway and providing a sufficient parking allocation

- 9.23 Local Plan Policy CLT14 (Places of Worship) requires that the site is easily accessible by a range of transport options and that there is adequate provision for car parking and no adverse impact on the highway network including highway safety. These requirements are echoed in criterion (iv) of Policy EMP2.
- 9.24 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 approximately 3 minutes walk from bus stops on Lemsford Lane (served by service 609 providing a half hourly service) and approximately 8 minutes walk from the centre of Hatfield Town Centre, as well as 3 minutes from the galleria. Rail services are 1 mile away (approximately 21 minutes walk).
- 9.25 In terms of parking provision, in accordance with the Parking Standards Supplementary Planning Guidance (SPG) the maximum car parking standards and zonal approach will provide the starting point for discussions with developers on the appropriate level of car parking at each development. In this case, the application site lies within zone 2 which states that 25-50% of the maximum parking standard is required.
- 9.26 The SPG identifies that the proposed use of the site for a place of worship has a maximum car parking requirement of 1 space per 10m² gross floor area which equates to 32 spaces. As the site is located within zone 2, in accordance with the zonal approach, 25% provision equates to 8 spaces. 50% provision equates to 16 spaces.
- 9.27 Government guidance no longer requires councils to set maximum car parking standards. 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 (Parking Standards for New Development) and the Parking Standards SPG, which rely on maximum standards, are not consistent with the NPPF 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. The zonal approach will continue to apply but as guidelines rather than maximums. The onus is on developers to demonstrate through transport information submitted alongside their planning applications that a greater or lesser level of car parking provision is appropriate.
- 9.28 The amount of floorspace which is the subject of this application is not sufficient to require a Transport Statement to be submitted in support of the application. However, The Planning Statement explains that the freehold for the application building includes 6 parking spaces. There is also an apron in front of the main doors for accessing the industrial/warehouse space, which, with a change from commercial use, can accommodate two disabled spaces and two mini-bus spaces, bringing the freehold total to 10 spaces. This is 2 spaces more than the minimum 25% zonal approach.

- 9.29 In terms of employers, the KLC hopes to build up to three full-time and three part-time staff. Much of their work is done 'out in the field', but one to one counselling and mentoring will take place at the premises out of hours from 17:00-19:00 hours weekdays, 12:00-15:00 hours on Saturday and 12:00-15:00 on Sundays. It is considered that the 10 permanent spaces will be more than adequate to cover this ancillary office/community use.
- 9.30 As a church, KLC meets together every Sunday morning with a congregation of up to 80 members each week between 10:00-12:00 hours and also on Wednesday evenings between 19:00-21:00 with up to 25 members.
- 9.31 The applicant within the Planning Statement has stated that the congregation, who travel by private car, do so together and KLC also runs a mini-bus for those who, for whatever reason, cannot use public transport and do not have access to a private car. There are two mini-bus spaces proposed to be located right outside the premises within the freehold area.
- 9.32 Notwithstanding the above, the applicant's agent was advised during the application process that parking provision is a concern for Officers given the size of the congregation (currently 80 members) with just 8 spaces within the applicant's control available for private vehicles.
- 9.33 The Planning Statement explains that in addition to the 8 spaces and 2 mini-bus spaces within the freehold, KLC has agreed the use of an additional 19 car parking spaces when it has congregational activities on Sundays and Wednesday evenings. These additional spaces would be provided by five businesses in Fiddlebridge Lane, who are making their open frontage spaces available at these times. This brings the total spaces available when the premises will be busiest to 29.
- 9.34 The applicant has provided letters from the five neighbouring businesses giving their permission to KLC to use their parking spaces on Wednesdays between 19:00-21:00 and on Sundays between 10:00-12:00. It is important to note, however, that these arrangements are not permanent or binding and could potentially be withdrawn at any time. Therefore, the informal arrangements for the use of other parking spaces cannot be relied upon and they should be given only limited weight.
- 9.35 It is acknowledged that many of the industrial units within Fiddlebridge Lane are unlikely to be operating when services are being held, nevertheless, unhindered access must be maintained at all times for the business that do require 24hr access either at present or in the future. It is clear from the representations received that 24hr access is a concern for neighbouring business occupiers. Whilst parking controls exist daily, they do not extend to evenings and therefore would not be applied during the Wednesday evening service. During the Sunday services, enforcement of the parking controls would be limited due to the number of Civil Enforcement Officers covering Hatfield and the Villages on one Sunday a month.
- 9.36 St Albans Road West, at this location is a local access road (unclassified) providing access to residential dwellings within De Havilland Close, Gloucester Court and Comet Road, with no through route to the wider highway network. Any shortfall in parking outside of hours of enforcement, without adequate parking may exacerbate parking on-street. However as the highway width at this point is

7m, such parking is unlikely to interfere severely with the highway network for the limited hours of operation proposed. A greater concern is Fiddle Bridge Lane, wherein widths are less than 4m, and insufficient to maintain 2 way movement of traffic once vehicles park. Such parking that does occur often occurs on the footway. Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) has expressed concern that if the informal arrangements for use of 3rd party parking areas cannot be assured, then potential on-street parking shall interfere with pedestrian safety. HCCTPS have advised that the Local Planning Authority need to be satisfied that arrangements for parking have been secured in an adequate manner that they can be relied upon in perpetuity and/or that parking controls locally shall manage parking as necessary.

- 9.37 For the reasons discussed above, the additional parking arrangements cannot be relied upon. It is therefore recommended that, a contribution is made to Parking Services to cover the cost of parking studies and, if required, the implementation of additional parking restrictions. Such a contribution should be secured as a planning obligation.
- 9.38 A parking study would be carried out before any development commences to establish the current parking pressures. Within a period of six months of the development being operational, a second study would be carried out to see if the development has had an impact on the parking pressures in the area surrounding the site. Each study would cost approximately £7,000 to undertake. A further £11,000 would be used to address any parking issues which have been identified in the second study. This would involve consultation with residents, business and any other affected parties; and the implementation of appropriate restrictions covering costs for advertisement, lining and/or signage. If the second study shows no change in parking pressures from the first survey, then the remaining monies would be returned to the applicant.
- 9.39 Finally, the applicant has offered preparation of a Green Travel Plan which seeks to encourage sustainable forms of transport, including car sharing, use of public transport, cycling and walking, to reduce the demand for car parking on site. The Planning Statement has already advised that the applicants are committed to car-sharing and mini-bus collections and it is recommended that these arrangements are formalised in a Green Travel Plan which can be sought by an appropriately worded condition.

Planning Obligations

- 9.40 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.
- 9.41 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.

- 9.42 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.

Conditions

- 9.43 Planning Practice Guidance Policy 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 both 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.

10 Conclusion

- 10.1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the site will not be required for future employment use and the proposal would not form an acceptable use in the Employment Area. The permanent loss of this site from Class B uses would therefore be contrary to Policy EPM2. However, the site has been widely advertised for an extended period of time and the subsequent lack of interest in the unit has demonstrated that the site is not attractive to business for its lawful employment use in the short/medium term. Accordingly a temporary permission is considered appropriate for a non-employment use on the site.
- 10.2 The impacts of the proposal have also been considered in terms of demand for housing, impact on strategic and local infrastructure, neighbour amenity, access and parking. Subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Legal Agreement to secure Parking Services Contribution, the proposal is considered to be in accordance Notwithstanding this the above considerations require compliance with the criteria (i) to (v) of policies EMP2 as well as Policy CLT14.

11 Recommendation

- 11.1 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 28 October 2016 to secure the following obligations:

£25,000 – Parking Services Contribution index linked as hereinafter provided towards the provision of parking surveys and, if required, parking restrictions as a result of the Development.

Conditions

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

Site Location Plan & 2011/C003/01 Rev A & 2011/C003/03 & 2011/C003/04 & 2011/C003/05 & 2011/C003/06 & 2011/C003/07 & 2011/C003/08 received and dated 20 April 2016.

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

2. This permission is for a limited period only expiring on 15 September 2021. Following the expiration of the period of this temporary permission the use shall cease and the unit shall revert back to a B1(a) use.

REASON: Permission is only granted for a temporary period to allow a vacant unit to be brought back into use without prejudicing the long-term supply of employment land in the borough, in accordance with the National Planning Policy Framework and Policies EMP2 and CLT2 of the Welwyn Hatfield District Plan 2005.

3. The use hereby permitted shall be carried out only by the Kingdom Light Centre or their nominees and for no other persons or church group. When the premises cease to be occupied by the Kingdom Light Centre or its nominees, the use hereby permitted shall cease.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy CLT14 & D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. The premises shall be used for a church and for no other purpose (including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these orders or by other uses or users within Class D1 in the interest of protecting the character, vitality and amenity of the area in accordance with policies, EMP2, M14, D1 and D2 of the Welwyn Hatfield District Plan, 2005 and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting that Order with or without modification) this permission shall only permit the use of the unit as a church (Use Class D1) and for no other use.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these orders or by other uses or users within Class D1 in the interest of protecting the character, vitality and amenity of the area in accordance with policies, EMP2, M14, D1 and D2 of the Welwyn Hatfield District Plan, 2005 and the National Planning Policy Framework.

6. No services shall take place other than between the hours of 19:00 – 21:00 Monday to Fridays, 10:00 – 12:00 Sundays. 'Services' are defined as consisting of amplified music, amplified singing and amplified voices either independently or in conjunction with each other.

REASON: To protect the residential amenity of neighbouring occupiers in accordance with Policy CLT14, D1 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework and to ensure that a sufficient parking provision is provided for the use of the building which does not detrimentally impact on the surrounding road network or amenity of adjoining users in accordance with Policy CLT14, EMP2 and M14 of the Welwyn Hatfield District Plan 2005, the Supplementary Parking Guidance, 2004 and the Interim Policy for Car Parking Standards and Garage Sizes, August 2014 and The National Planning Policy Framework.

6. No part of the development hereby approved shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Green Travel Plan shall be implemented before first occupation of development proposal and shall thereafter be maintained in perpetuity. The Green Travel Plan shall provide for/include the following:

- a) The contact details of the travel plan co-ordinator;
- b) The collection and recording of baseline data on travel patterns;
- c) Finalised details of the mechanism for monitoring the identified targets;
- d) Finalised details of the means by which the travel plan shall be reviewed, monitoring periods and the corrective steps to be employed in the event that identified targets are not met one year post occupation of the development.

Monitoring shall be carried out in accordance with the approved details and the results of the monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period. Where targets are not achieved the travel plan co-ordinator will be notified in writing by the Local Planning Authority and the Green Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority for approval within one month of receipt of the Local Planning Authority's notification. The approved Green Travel Plan shall be implemented within one month of the date of the Local Planning Authority's Approval.

REASON: To promote sustainable transport measures to the site in accordance with Policy R3 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. 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 which may affect the land.

OR

11.2 OR REFUSE if a S106 Agreement is not completed on or before 28 October 2016 for the following reason:

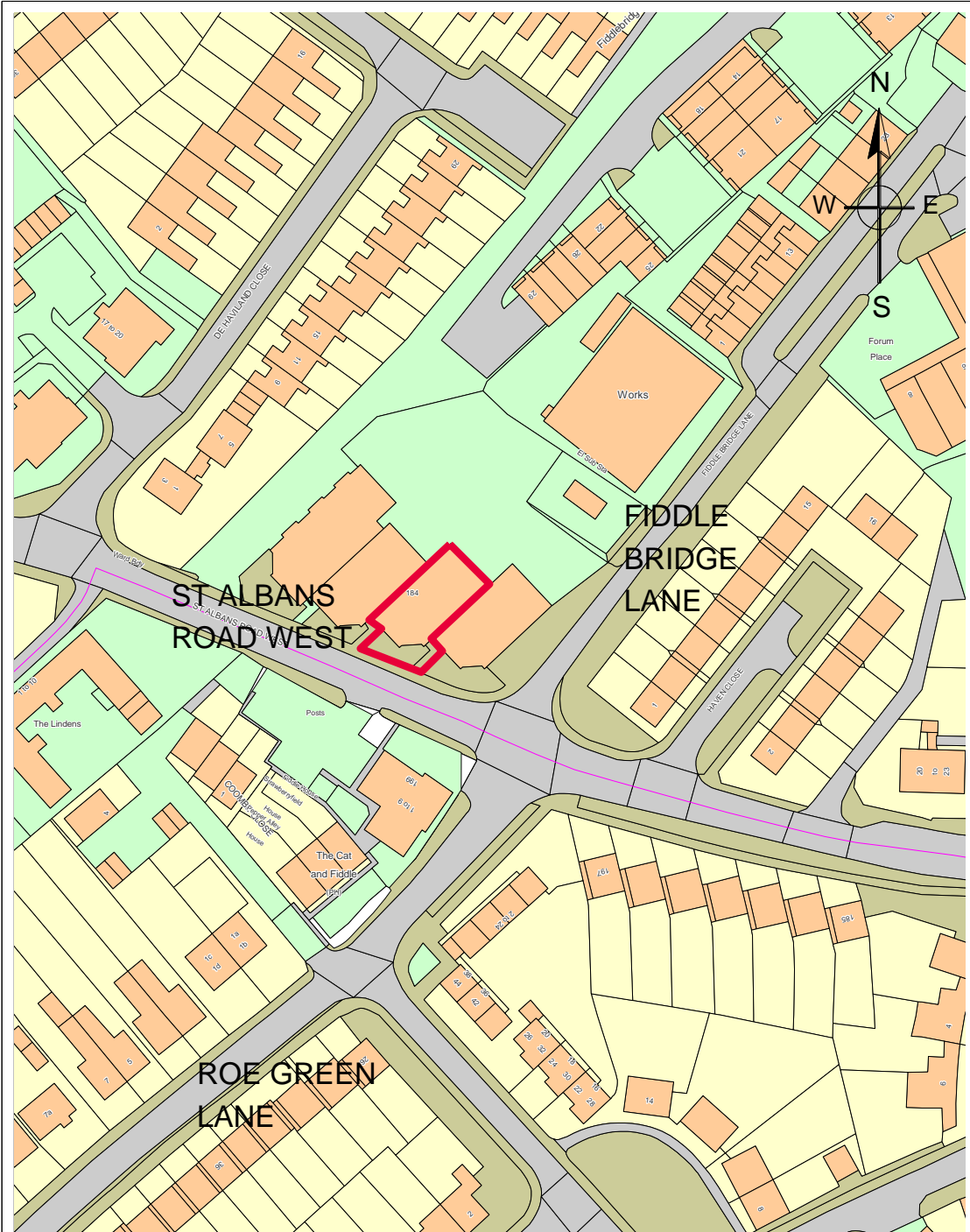
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would not result in an increase in parking pressure and specifically on-street parking, to the detriment of highway and pedestrian safety and the free flow of traffic. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the lack of parking can be successfully mitigated against 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. The proposal would fail to provide an appropriate parking provision which would result in detrimental impacts on the safe and efficient operation of surrounding highway network and the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that this impact could be mitigated against. The proposal is therefore contrary to criterion (iv) of Policy EMP2, Policy CLT14 and Policy M14 of the Welwyn Hatfield District Plan 2005, the Supplementary Parking Guidance, 2004 and the Interim Policy for Car Parking Standards and Garage Sizes, August 2014 and the National Planning Policy Framework.

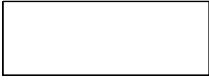
Refused Drawings: Site Location Plan & 2011/C003/01 Rev A & 2011/C003/03 & 2011/C003/04 & 2011/C003/05 & 2011/C003/06 & 2011/C003/07 & 2011/C003/08 received and dated 20 April 2016.

Mark Peacock, (Strategy and Development)

Date: 31.08.2016

Expiry Date: 15th August 2016



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|---|--|--|-----------------------------------|
|  Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE | Title: Unit 2, 184 St Albans Road West, Hatfield | | Scale: DNS |
| | Project: DMC Meeting | | Date: 2016 |
| | Drawing Number: 6/2016/0737/FULL | | Drawn: Andrew Windscheffel |
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