

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 17 AUGUST 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

6/2016/2339/FULL

23 PARK STREET, HATFIELD, AL9 5AT

CHANGE OF USE FROM RESTAURANT (A3) TO RESIDENTIAL (C3) AND THE ERECTION OF SINGLE STOREY AND FIRST FLOOR REAR EXTENSION AND SUBDIVISION INTO FOUR FLATS (2 x 1 BEDROOM FLATS AND 2 X 2 BEDROOM FLATS)

APPLICANT: Mrs M Harvey

AGENT: Mr M Skehill

(Hatfield East)

1 Introduction

- 1.1 Members will recall this application was reported to Development Management Committee on 27th April 2017. The application was deferred to enable Officers to explore the potential to make the ground floor of the development “car free” as a means of overcoming the shortfall of two on-site car parking spaces.
- 1.2 Officers have investigated the means available to Local Planning Authorities (LPA’s) to achieve car free development. Case law illustrates that LPA’s are not able to prevent through S106 Obligations, residents from owning cars or applying for Residents/Business Parking Permits for Controlled Parking Zones. However, LPA’s are able to exclude a property from the Traffic Regulation Order (TRO) that lists the properties eligible for a Residents/Business Parking Permits in any Zone. This method is found, in other Local Authority areas outside of London, to be an effective means of deterring residents from owning and parking a car within the vicinity of a site while the Council retains control over the situation. This method has proved useful in historic townscapes where on-site parking is not available.
- 1.3 At present No 23 Park Street is within the list of properties eligible for Parking Permits. Removing the two ground floor flat units would require an amendment to the TRO. The effect would be as above to exclude residents from being granted a Residents’ Parking Permit for the Old Hatfield Resident Parking Zone, which would exclude them from parking there during its hours of operation.
- 1.4 The applicant has confirmed willingness to make a contribution towards the administrative cost of amending the TRO and this can be secured through a S106 Agreement.
- 1.5 Accordingly, the two ground floor flats would not have car parking but this is not considered to cause highway safety issues.

- 1.6 The report has been amended in Section 5 (i) Highways and Parking (paragraphs 11.27 to 11.37) and the Planning Obligations Section and is recommended for approval subject to a S106 Agreement and the same conditions as previously.

2 Site Description

- 2.1 The application site comprises an end-of-terrace, two-storey property on the west side of Park Street in the Old Hatfield Conservation Area.
- 2.2 The building has been vacant for approximately a year and was previously used as a restaurant at ground floor since 1977 (S6/1977/0627/FP) and a three bedroom flat at first floor. The building faces east onto Park Street and the south side elevation abuts the pedestrian alley between Park Street and the public car park accessed from Arm and Sword Lane.
- 2.3 The main door to the building is on the angled corner frontage. The ground floor has a wooden shop front, the first floor is painted render and the windows are wooden framed sashes. The front part has a gable end to the side alley and a roof ridge 8m high. The building extends back with a rear addition finished in red brick. The roof over the rear addition is also ridged (6.6m) and covered in plain tiles. A further extension has been constructed at the rear to provide a kitchen for the restaurant at ground floor and a habitable room for the flat at first floor. The walls are finished in render and the roof over this section is ridged, covered in slates and does not join into the roof of the main building.
- 2.4 The rear yard of the site is accessed from the footpath and provides access via an external stair to the first floor flat. On the far side of the footpath is the Horse and Groom Public House. To the north side, the building adjoins a two storey residential block (Archway House). To the rear of the property is a small electricity station and a single storey garage that has a commercial use and opens onto the public car park to the rear.

3 The Proposal

- 3.1 Full planning permission is sought for the following:
- Change of use of the ground floor from restaurant to 2 residential units: 1 x 1 bedroom flat and 1 x 2 bedroom flat;
 - Subdivision of the first floor into 2 residential units: 1 x 1 bedroom flat and 1 x 2 bedroom flat;
 - 1.8m deep rear extension at first floor to enclose the area used as an external landing (approximately 8.5sqm). The walls would be red brick to match existing on the south elevation (facing the alley), render with horizontal timber cladding to the gable to replicate the existing rear elevation;
 - Extension to deepen the rear/side extension by 1.5m. Floor-space increase (6sqm each at ground and first floors). The other elevations would be rendered to match the existing rear extension. Increase in ridge height from 5.8m to 6.4m, link into the rear main roof and be retiled to match the main roof. Increase in eaves height 0.8m;

- Replacement of side window with a door at ground floor and installation of windows in the rear elevation. Alterations to size of windows in first floor side elevation;
- Remaining rear yard area (approximately 34sqm) to provide communal amenity area, cycle parking and bin stores.

4 Reason for Committee Consideration

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

“The proposal has insufficient parking provision and there are too many units being cramped into too small a space. It marks a drastic change in an historic part of our Borough in what has been a retail unit for as long as most people can remember.

There are also often reports in the national media of complaints being levied against existing licensed premises when new build properties are built in close proximity. I would like consideration to be given to the fact that this proposal neighbours the Horse and Groom pub, which has been part of Old Hatfield for centuries, and that protection is given this premises from complaints from neighbours (were this proposal to go through) – subject, of course, to the Horse and Groom being run in accordance with its licence conditions.”

4.2 Hatfield Town Council has also objected to the proposal.

5 Relevant Planning History

5.1 6/2016/0855/PA – Pre-application advice for the change of use from restaurant (A3) to residential (C3) and the erection of single storey and first floor rear extension. Responded 30.6.2016. Proposal acceptable in principle but raised issues of design and appearance in Conservation Area, use of matching materials, retention of historic features and amenity of future residents (open amenity area, bin stores and cycle parking) and parking impacts in area of parking congestion. Advised to consider “car free” development.

5.2 S6/1990/0624/FP – Removal and relocation of existing extraction flue. Granted 31.8.1990.

5.3 S6/1989/1024/FP – Erection of extraction flue and removal of existing extraction flue. Granted 12.1.1990.

5.4 S6/1979/0904/FP – Change of use of first floor from residential to restaurant and ancillary purposes. Granted 21.2.1980. Not implemented.

5.5 S6/1977/0627/FP – Ground floor extension and external staircase to form first floor, self-contained flat and change of use from ground floor café and shop to form extended café. Granted. Implemented.

6 Relevant Planning Policy

6.1 National Planning Policy Framework

6.2 Welwyn Hatfield District Plan 2005

- 6.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 6.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

7 Site Designation

- 7.1 The site lies within Old Hatfield Conservation Area within Hatfield Town as designated in the Welwyn Hatfield District Plan 2005.

8 Representations Received

- 8.1 The application was advertised by means of neighbour notification letters, press and site notice. The table below details the number of parties who have responded to the application, together with the statutory timescales.

Neighbour Notifications			
Statutory advertising period	Initial advertising		Re-advertising
	Press Advert Expiry Date 7 December 2016		Press Advert Expiry Date 5 April 2017
	Neighbour Expiry Date 8 December 2016		Neighbour Expiry Date -
	Site Notice Expiry Date 14 December 2016		Site Notice Expiry Date 3 April 2017
Neighbour Responses	Support: 0	Object: 5	Other: 0
	Petitions: 0		Signatures: 0

- 8.2 Five objections were received; from four neighbouring occupiers and the Old Hatfield Residents Association. These comments may be summarised as:

- Development should be in accordance with the pre-application advice regarding car parking issues;
- Infrastructure such as parking and public transport are overstretched in this area;
- The car parking survey submitted with the application was not in line with the Lambeth recommendations with regard to timing, identification of long term parking provisions, other demand generating uses and developments in the pipeline;
- Support the option of “car free” development;
- Object to proposed change of use of longstanding commercial use in conservation area;
- Loss of restaurant, lack of others in area against policy TCR24;
- Devalue property values.

N.B. Property values are not a material consideration and cannot be given weight in determining planning applications

9 Consultations Received

9.1 The following have responded advising that they have no objections to the proposal:

9.2 **Welwyn Hatfield Borough Council Client Services** – no objection recommend three shared bins which can be provided. Recycling bins not recommended for shared facilities.

9.3 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - no objection subject to satisfactory parking arrangements for contractors during construction. Requested a condition requiring a Construction Management Plan.

9.4 **Hertfordshire County Council Archaeology (HCCA)** – no response

9.5 **Council for British Archaeology** – no response

9.6 **Welwyn Hatfield Borough Council Parking Services** – Initial response that Controlled Parking Zone operates on Park Street during the day. The car park behind the site is available for residents to park in. Further comments that revision to the TRO would be possible the process would involve consultations and there would be an administrative fee.

10 Town / Parish Council Representations

10.1 The Hatfield Town Council has objected on the following grounds:

“Object to loss of a retail/restaurant unit within the shopping core of Old Hatfield.”

11 Analysis

11.1 The main planning issues to be considered are:

1. **Principle of the proposed residential uses and subdivision into flats (NPPF, TCR24, H2, H4, GBSP2)**
2. **Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance 2005 (GBSP2, D1, SDG 2005)**
3. **Respects and relates to the character and context of the Conservation Area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D1 and D2, SDG2005)**
4. **Maintains the living conditions and amenities of neighbouring occupiers (D1 and SDG 2005)**
5. **Other planning matters**
 - (i) **Highways and parking**
 - (ii) **Refuse and Recycling**

1. Principle of the proposed residential uses and subdivision into flats

11.2 The site falls within the Old Hatfield area of Hatfield as designated in the Welwyn Hatfield District Plan 2005. The provision of new residential units and/or the extension of residential buildings within specified settlements such as this is acceptable in principle under Policy GBSP2 of the Plan, which aims to focus new developments in sustainable locations.

- 11.3 The proposal involves change of use of the ground floor of the property from a restaurant (Use Class A3) to residential (C3). The ground floor of the application property has been used as a restaurant for several years (since at least 1977) and, as such, does not contribute to the convenience retail function of Old Hatfield. A change of use to residential at the property would not result in the loss of a convenience retail facility in the locality. The area is served by other restaurants in the centre and there are public houses in the vicinity including the Horse and Groom, which serve food.
- 11.4 It has been suggested that the proposal is contrary to Policy TCR24. However, that policy principally seeks to protect A1 (retail uses) at ground floor in Old Hatfield. The Policy also allows for B1 (office) uses provided they do not result in the loss of any A Class uses at first floor level. However, this policy is not relevant to this application for a change of use from A3 to residential use. Notwithstanding, as mentioned above, the proposal would not be detrimental to the continued function of the town centre as there are other alternative A3 uses (restaurants) within the vicinity of the site.
- 11.5 With regard to the proposed additional residential floor-space on the site at ground floor and first floor (including the extensions of 23sqm), the National Planning Policy Framework 2012 (NPPF) encourages the provision of more housing within towns and specified settlements and encourages the effective use of land by reusing that which has been previously developed. Local Plan Policy is consistent with the NPPF and requires development to take place on previously used or developed land.
- 11.6 The application involves small extensions to the rear of the property and subdividing it into four residential units. The site is not an allocated housing site and so is considered to be a 'windfall site'; Policy H2, therefore, applies. This policy states that all proposals for windfall housing development will be assessed against certain criteria, the relevant ones being:
- The location and accessibility of the site to services and facilities, by transport modes other than the car
 - The capacity of existing and potential infrastructure to absorb further development
 - The physical and environmental constraints on development of the land.
- 11.7 The site is within Old Hatfield, which is designated in Policy GBSP2 as a sustainable location to which development will be directed. In addition, it is positioned close to the railway station and well-served by buses. It is therefore, accessible by transport modes other than the car and in a sustainable location. In principle, in land use terms, there is no objection to this site being used for residential purposes. However, the other criteria of Policy H2 are relevant; these include consideration of the environmental and physical constraints of the application site and its surroundings. For this site the relevant considerations are:
1. The living conditions for future occupiers (see section 2)
 2. The character and appearance of the property and the Conservation Area (see Section 3)

3. The impact on any neighbours (See section 4)

4. Car and cycle parking (see section 5 (i))

2. High Quality Design

- 11.8 Policy D1 of the Welwyn Hatfield District Plan 2005 requires a high quality of design in all new developments. The Supplementary Design Guidance 2005 also requires high quality design to provide adequate living standards for future occupiers.
- 11.9 The proposed development would provide two x two bedroom flats (in the rear half of the building) and two x one bedroom flats (in the front half of the building). Each ground floor flat would have a separate access and the first floor flats would be accessed from the stair entrance from a repositioned door on the side elevation.
- 11.10 The rear yard would provide access to the ground floor rear flat and a shared amenity area for sitting out and clothes drying. The space would be a functional shape and would be available for occupants of the four flats and is considered acceptable in this situation. Bin storage and cycle parking facilities would also be accommodated in the rear yard. Flats 2, 3 and 4 would gain access to the amenity area from the foot path.
- 11.11 The layout of the flats has been adjusted to ensure adequate light to each habitable room and to prevent overlooking of the rear yard of No 25 Park Street, which is in commercial use on both floors. The small windows facing the yard of No 25 would require obscure glazing to prevent loss of privacy to the commercial unit and to the application site and this could be secured by condition.
- 11.12 The stacking of rooms between the floors has been arranged to achieve living rooms above living rooms and bedrooms above bedrooms in accordance with good practice.
- 11.13 The proposed design is considered to be adequate to meet the requirements of Policy D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

3. Character and Context of the Conservation Area,

- 11.14 The NPPF (paragraphs 58-60) supports good design that responds to local character, is visually attractive and promotes and reinforces local distinctiveness. Paragraphs 132 and 137 also emphasise that the conservation of heritage assets (which includes Conservation Areas) should be given great weight and proposals that preserve or enhance the assets and/or their settings should be treated favourably.
- 11.15 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (WHDP) require high quality design and require developments to respect and relate to the character and context of the area and, as a minimum, maintain or where possible enhance or improve the character.
- 11.16 Section 5 of the Supplementary Design Guidelines 2005 (SDG) requires extensions to complement and reflect the character of each building and to be subordinate in scale. They should not result in the building looking cramped on its site – the spacing of buildings adjacent to and in the locality of the site should

be reflected. The SDG also requires the materials used in extensions to match those of the existing building.

- 11.17 The area is designated as a Conservation Area and the street-scene and buildings within it are considered to be a heritage asset. The building is clearly visible from all aspects in the Conservation Area; from publically accessible places in the street at the front, the footpath to the side, the car park to the rear and the yard of the neighbouring properties to the north. The building forms part of a consistent line of historic two-storey buildings with pitched roofs and traditional materials. In addition it has a characteristic angled entrance door and a panelled wooden shop front at ground level and a canopy overhang.
- 11.18 The above policies require the key features of the building and its setting to be retained and be replicated. The characteristic timber shop front and canopy and the angled corner would be retained. The original windows at first floor and the position of most of the openings on the side elevation of the ground floor would be retained. One doorway would be repositioned and two windows would be closed off at ground floor. At first floor two windows would be reduced in size but be of a style and materials (timber) to match the originals.
- 11.19 The extension at the rear of the first floor would be finished in materials to match the existing building and the chimney stack and timber clad gable end would be repositioned on the rear elevation.
- 11.20 The extension to the north side of the rear addition has been reduced in depth and is set in 0.3m from the rear elevation of the original rear addition in order to give definition to the original rear addition and a subservient appearance to the new extension. The materials would match the rest of the rear of the building: painted render walls and plain, red clay tiles on the roof.
- 11.21 Overall, the scale of the extensions would be small and not result in the building appearing cramped upon its site. The proposed materials would be appropriate to the setting in the conservation area. In addition, the shape and features of the original building would be retained. The proposed extensions would replicate the style and materials of the original. A condition requiring samples of materials to be submitted can be imposed to ensure the finished building and extensions are in keeping with the setting of the Conservation Area and the adjacent Listed Building (public house) at No 21 Park Street. The proposal is therefore considered to be in compliance with Policies of the NPPF, Policy D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidelines 2005.

4. Maintains the living conditions and amenities of neighbouring occupiers

- 11.22 Policy D1 aims to improve and enhance the quality of the existing environment and requires development to incorporate the guidance in the Supplementary Design Guidance. Policy D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF also seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.

- 11.23 The properties most likely to be affected are No's 21 and No 25 and Archway House in Park Street.
- 11.24 With regard to light and overbearing impact, the proposed rear extension would not be closer to the rear of No 25 or to the side access yard of Archway House. The eaves height would be increased by 0.8m but the angle of pitch would be slightly lower and the rise away from the boundary. The existing two-storey rear projection at Archway House screens the application site from the windows to the rooms on the rear elevation of Archway House. Consequently, the small increase in depth of the rear addition at No 23 would not affect light to those rooms over and above the existing situation. Neither would there be a significant adverse impact on the amount of light to the rear yard.
- 11.25 With regard to privacy, the original plans showed windows facing over the yard of No 25 Park Street and onto the rear elevation of No 25, which contains windows at ground and first floors, with a consequent loss of privacy to that property. Amended plans have reconfigured the internal layouts, which has enabled removal of first floor windows facing onto the yard of No 25, with the exception of a small obscure glazed to provide light to kitchen areas and two windows at ground floor. Subject to a condition over obscure and fixed glazing in these windows, the amended proposal would not result in overlooking of No 25's rear windows and yard. In addition, an informative is recommended advising that planning permission is required for new windows in flats.
- 11.26 This aspect of the proposal is considered to comply with the Policies of the NPPF, Policy D1 of the District Plan and the Supplementary Design Guidance 2005.

5. (i) Highways and parking

- 11.27 Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. Parking and traffic management provision must be included in new development. The Highways Authority had no objection subject to satisfactory parking arrangements for contractors during construction. They also request informatives over storage of construction materials and no obstruction to the public highway/public rights of way.
- 11.28 Parking - The Council's Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG should be taken as guidance only.
- 11.29 The car parking standard for long term residential spaces for the existing three bedroom, first floor flat in Zone 2 is 1.5 parking spaces. These are not currently provided on the site. Short term parking for customers to the previous A3 use was available on Park Street during the day (Limited to 2 hours to discourage commuter parking) and unrestricted hours after 6pm. There is a Residents' Parking Zone in operation in Park Street, Park Close and surrounding roads, which allows Permit Holders to park in the Controlled Parking Zone. There is free, overnight parking in Arm and Sword Lane car park directly behind the site.

- 11.30 The proposed development would create 4 new dwellings, (two x two bedrooms requiring 1 space each and two x 1 bedroom flats requiring 0.75 spaces each) generating a demand for 3.5 spaces in total. The proposed scheme would create demand for 2 long term residential spaces over and above the previous uses. The two additional spaces would not be provided on site. However, the location is accessible by public transport (Zone 2) and the car parking standards have been adjusted to take this into account. The area is the subject of some parking pressure overnight from surrounding residential uses in the Old Hatfield village. The applicants have submitted the results of an overnight car parking survey undertaken in the area, which was undertaken over two nights 19th and 20th October 2016 and shows that there were spaces available in the vicinity of the site overnight and free of charge.
- 11.31 Objections have been received from local residents of Park Close regarding the methodology used in the parking survey. That the timing was a week before the school holidays began and was not representative. The dates were in normal term time before the October Half Term began on two mid-week nights (Wednesday and Thursday). This timing is standard practice for this type of survey and is used to avoid peaks and lows in demand. The survey included on-street spaces and unrestricted car park spaces within 200m of the site that provide overnight spaces free of charge. The total number of spaces identified as Unrestricted and not “undesirable” was approximately 230. It is not clear from the survey results whether the Sword and Arm Car Park was included in the survey.
- 11.32 The survey concluded that the available parking was, over the area surveyed, occupied to a rate of between 50% and 59%. This figure excludes what the surveyors have classified as “unrestricted undesirable” spaces. The survey recorded higher parking stress on Park Street (73-87%) but on average the ratio of available spaces that were vacant was 41%. It is considered that the survey provides a reasonable picture of the overnight parking situation in the area. There are on-street and car park provisions of considerable number in the vicinity and, on average, there is a fairly high vacancy rate amounting to approximately 40% (90 spaces). Parking demand may increase and decrease depending on various factors such as holidays and visitors. However, the submitted survey is considered to represent an accurate picture of the amount of overnight parking generated by the residential uses in the area.
- 11.33 The application site is positioned on the footway between the car park where overnight parking is available and Park Street where overnight parking is available and during the day restrictions apply but Parking Permits are available to residents. The occupants of the property would be able to park on Park Street or in the car park behind the site in Arm and Sword Lane.
- 11.34 Notwithstanding the above considerations Officers have explored the potential for achieving Car Free development for the ground floor flats in this location. Case law illustrates that Local Planning Authorities outside London are not able to prevent through S106 Obligations, residents from owning cars or applying for Residents/Business Parking Permits for Controlled Parking Zones. However, LPA's are able to exclude a property from the Traffic Regulation Order (TRO) that lists the properties eligible for a Residents/Business Parking Permits in any Zone. This method is found, in other Local Authority areas outside London, to be an effective means of deterring residents from owning and parking a car within the vicinity of a site, while maintaining Council control of the parking regulations.

This method has proved useful in enabling developments in historic townscapes and Conservation Areas where on-site parking is, typically, not available.

- 11.35 In other Local Authority areas in Hertfordshire the resource implications of amending a TRO are accommodated by a financial contribution (on average £2,000) secured through a S106 obligation. Parking Services have commented that revision to the TRO would be possible the process would involve consultations and there would be an administrative fee.
- 11.36 With regard to cycle parking, the proposal includes the provision of a cycle store for four bicycles which meets the requirement for one per residential unit as set out in the Car Parking Standards and Interim Policy 2014. This store would be located in the rear yard and, therefore, accessible to all the flats. Details of a secure and weatherproof store can be secured by condition. A condition securing the provision of the cycle store is also recommended.
- 11.37 Accordingly, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies M5 and M14 of the Welwyn Hatfield District Plan 2005. It is, therefore, recommended that the development be approved subject to removal of the ground floor of the property from the TRO and that resources to enable this are secured through a S106 Agreement.

(ii) Refuse and Recycling

- 11.38 The site layout plan shows the bin store location within the rear yard. The gate to the yard is within 25m of the highway in Park Street, which refuse vehicles already service. WHBC Client Services have no objection. Further details of the bin stores details can be secured by condition.

(iii) Houses in Multiple Occupation

- 11.39 Since 12th 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.
- 11.40 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 dwelling-house to a C4 HMO. It is therefore recommended that conditions are attached.

Planning Obligations

- 11.41 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010. These introduced regulation 122, which provides limitations on the use of planning obligations.

In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development. Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list of 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.

11.42 The proposed development gives rise to the necessity for the following obligation:

Contribution (up to £2,500) to the administrative costs of amending the TRO for Old Hatfield Residents Parking Zone to exclude the ground floor flats at the application site (No 23 Park Street) from the list of properties eligible for parking permits.

The TRO would be amended prior to the occupation of the ground floor units.

Conditions

11.43 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are 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.

12 Conclusion

12.1 The proposed development has been considered in terms of the principle of the proposed uses, the quality of the design, and its impact on the Conservation Area and adjacent Listed Building and is considered acceptable in these regards. The application has also been considered in terms of the impact on Highways and parking, the public right of way and cycle and refuse bin facilities and found acceptable in these regards.

12.2 Subject to conditions over the submission of samples of materials appropriate to the Conservation Area, use of obscure glazing on windows facing the yard of No 25 Park Street, a Construction Management Plan and further details of the bicycle store and bin stores, the proposal is considered compliant with Policies of the NPPF, the District Plan and Supplementary Guidance.

13 Recommendation

12.1 It is recommended that planning permission be granted subject to

Completion of a S106 Agreement by 1st December 2017 to secure the following obligation:

1. Contribution (up to £2,500) to the administrative costs of amending the TRO for Old Hatfield Residents Parking Zone to exclude the ground floor flats at No 23 Park Street from the list of properties eligible for parking permits

And the following conditions:

1. 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 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

2. Before any demolition, clearance, building or other works commence on site, a Construction Management Plan and Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, specifying:
 - a) Construction vehicle numbers, type, routing;
 - b) Traffic management requirements;
 - c) Construction and storage compounds (including areas designated for car parking);
 - d) Cleaning of site entrances, site tracks and the adjacent public highway;
 - e) Provision of sufficient on-site parking prior to commencement of construction activities;
 - f) Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.
 - g) Any proposal for fencing of a site compound. (Thereafter the compound and fencing shall be retained until building and clearance work has been completed).

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.

3. The proposed windows at ground and first floor of the flats hereby permitted, that face onto the rear yard of No 25 Park Street shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

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

4. No development shall commence before details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

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

5. No development shall commence before details of the location, design and specification of the secure and weatherproof bicycle store to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, M14 and D1 of the Welwyn Hatfield District Plan 2005.

6. 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.

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

Plan Number	Revision Number	Details	Received Date
P-01	A	Location Plan	7 November 2016
P-03		Existing & Proposed Block Plans	16 November 2016
P-25	A	Proposed Elevations Rev A	14 February 2017

P-11		Existing Ground Floor & Cellar	16 November 2016
P-12		Existing First Floor Plan	16 November 2016
P-13		Existing Roof Plan	16 November 2016
P-14		Existing Sections	16 November 2016
P-15		Existing Elevations	16 November 2016
P-21	A	Proposed Ground Floor Plans	14 February 2017
P-22	A	Proposed First and Second Floor Plans	14 February 2017
P-23	A	Proposed Roof Plan	14 February 2017
P-24	A	Proposed Sections	14 February 2017

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

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 Council's website or inspected at these offices).

Informatives

1. The planning regime for flats and maisonettes differs in many important ways to that which covers houses. Bear in mind that the permitted development rights which apply to many common projects for houses do not apply to flats. You should not need planning permission if you are fitting windows which are identical, like-with-like replacements. However, if the new windows differ in appearance or size to those you are replacing (for instance, different glazing patterns) you may need to apply for planning permission. If new openings would be created you will need to apply for planning permission.

OR

It is recommended that planning permission be refused if a S106 Agreement is not completed on or before the 1st December 2017 for the following reason:

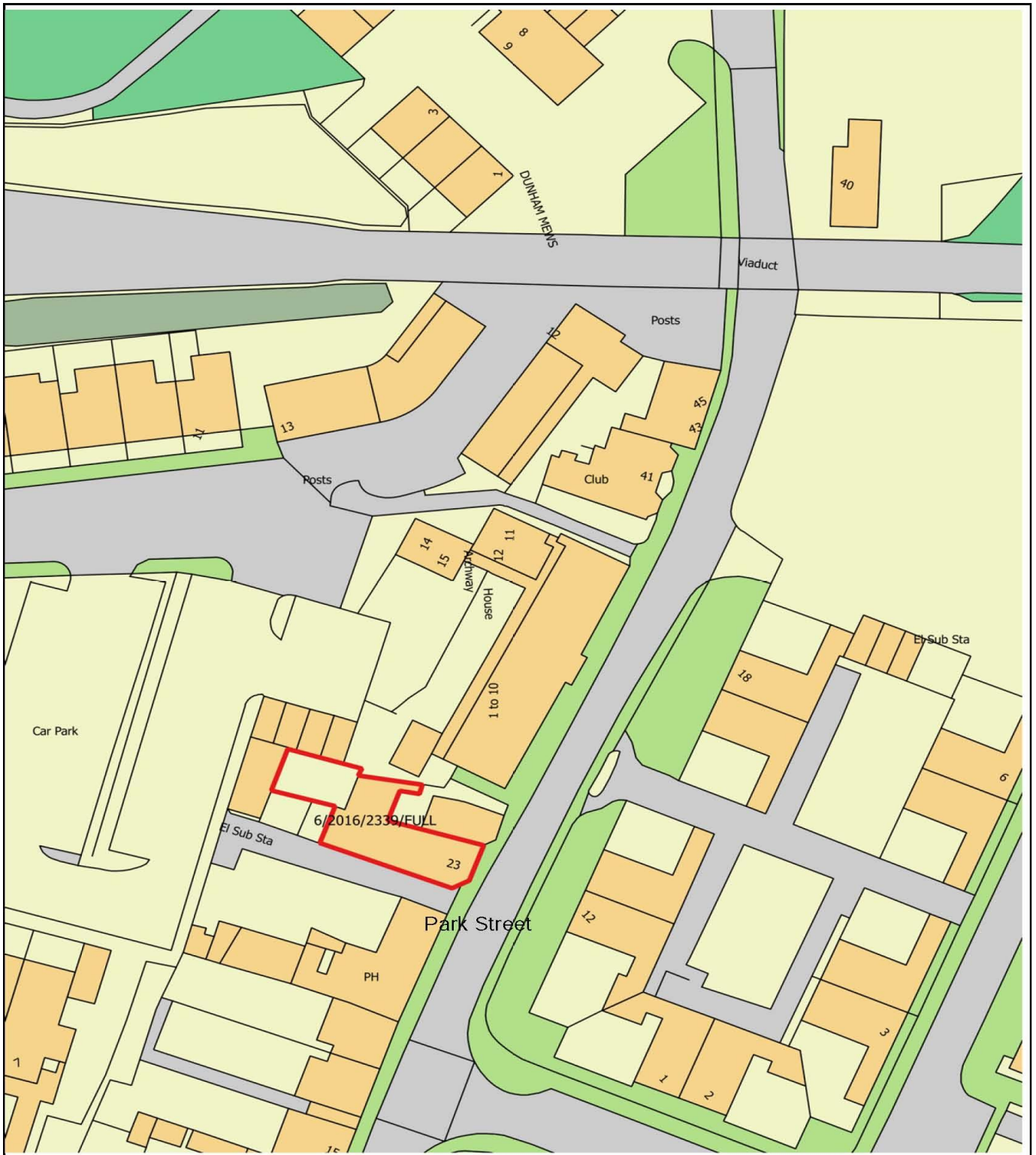
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate 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 requires

financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy IM2 and M4 of the Welwyn Hatfield District Plan 2005.

Author: June Pagdin (Development Management)

Date of Expiry: 4.1.2017

Time Extension: 28.4.2017



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

Title:		Scale: DNS	
23 Park Street, Hatfield		Date: 2017	
Project:	DMC Meeting	Drawing Number:	6/2016/2339/FULL
		Drawn:	Baras Mast-Ingle
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