

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 28 FEBRUARY 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2018/2968/FULL

11 AND 11A HOLLY CLOSE, HATFIELD, AL10 9JB

CONVERSION OF EXISTING 6-BEDROOM DWELLING AT 11 HOLLY CLOSE INTO  
TWO SELF-CONTAINED 2-BEDROOM FLATS

AGENT: DLA Town Planning

(Hatfield South West)

**1 Site Description**

- 1.1 The application site is situated on the western side of Holly Close and accommodates a mid-terrace dwelling with front and rear gardens. The surrounding area and street scene are residential in character and contain dwellings similar in respect of both size and appearance. The property is one of a group of dwellings which form part of an originally planned residential area of Hatfield Town dating from the 1950's.
- 1.2 A small one bedroom dwelling (11a Holly Close) which adjoins the north side of the application property was erected following the grant of planning permission in 2004 under reference S6/2004/0330/FP. The same application also included permission for a part two storey, part single storey rear extension to the application property to form a five bedroom dwelling. Nos.11 and 11a share a vehicular access and a block paved area to the front of the property which provides off street parking for up to five cars.

**2 The Proposal**

- 2.1 The five bedroom dwelling at 11 Holly Close now has 6 bedrooms and planning permission is sought for the conversion of this dwelling into two self-contained 2-bedroom flats. The proposal does not include any extensions or alterations to the external appearance of the building.
- 2.2 No.11 and 11a benefit from private rear gardens, albeit the garden serving No.11a is very small and awkward in shape. It is proposed to realign the boundary fence with the aim of providing a functional garden for both No.11a (45sqm) and the ground floor flat (56sqm).
- 2.3 In terms of car parking, there are 5 existing parking spaces within the site boundary which would be retained. The proposal does not include any amendments to the sites access arrangements.

2.4 This application is identical to that refused at Development Management Committee on 7 December 2017 (planning reference: 6/2017/0090/FULL). The reason for refusal is stated as follows:

*'The proposed subdivision of the family dwelling into flats would result in harm to the character of the area by virtue of the change in intensity of use of this narrow cul-de-sac as well as detrimentally impact upon the amenity of neighbouring properties. The proposal is therefore contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005.'*

2.5 Under Section 70A of the Town and Country Planning Act 1990, as amended, a local planning authority have the power to decline a subsequent application however this is subject to a number of conditions. One of these conditions is that the authority think there has been no significant change in the relevant considerations since the date of determination of the previous application.

2.6 Since the determination of the above application it has been established that the Council cannot show a five year supply of deliverable housing sites and therefore the revised 2018 National Planning Policy Framework (NPPF), paragraph 11(d), is engaged. Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies. Footnote 7 of paragraph 11 states that for applications involving the provision of housing, out-of-date policies include situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

2.7 The NPPF also introduces a new chapter (11) on *Making effective use of land*, and states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

2.8 Whilst the proposal would only involve the net increase of one dwelling, it would nevertheless boost the supply of housing in the borough. Officers are of the view that the above factors represent a significant change in the relevant considerations since the above identical application was refused. The development proposal therefore warrants re-consideration.

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

3.1 The application is presented to Development Management Committee because Councillor James Broach has called it in and Hatfield Town Council have responded with a major objection

3.2 Councillor James Broach's reason for call-in states:

*'As the applicant's letter states that this application is identical to the one that was refused recently, my call in will be very similar to the last one: I wish to call this application in for consideration at DMC. This application has an unusually long planning history - the applicant has been told numerous times that his house should be returned to C3 use. By converting it into 2x2 bed flats, the proposal could potentially house up to eight occupants - which is completely out of keeping with the local area, both in terms of numbers, and the fact this site is surrounded by houses, not by flats. Looking at the reason for the refusal of the*

*last application which was as follows: The proposed subdivision of the family dwelling into flats would result in harm to the character of the area by virtue of the change in intensity of use of this narrow cul-de-sac as well as detrimentally impact upon the amenity of neighbouring properties. The proposal is therefore contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005. Given that no material changes have been made to this proposal, I feel that it is still contrary to sections D1 & 2 of our district plan. From the plans, it is not clear what outdoor amenity space has been afforded to residents of the first floor flat. Item 127f of the NPPF states that a high standard of amenity must be provided to users, and if the applicant has failed to provide outdoor green space to the first floor occupants, then this application should be refused. I have concerns about the potential welfare of this many residents being crammed into a family home, and feel this needs particularly close attention. Parking is already a nightmare in this part of Hatfield - which was best documented by an ambulance being unable to reach a patient due to the chaotic parking in this area. Any further traffic, including construction traffic, could exacerbate this. I am concerned about the precedent that turning a family home into flats would set, especially in this area of Hatfield. Our family homes need to be kept as such - would you allow the whole of this area to potentially be converted into flats? I cannot believe that yet another application has gone on for this site. As with previous applications, I am happy for you to refuse planning permission under delegated authority if that is the recommendation of officers.'*

3.3 Hatfield Town Council's major objection states:

*'It appears that no outdoor amenity space will be given to the upstairs flat which appears to be contrary to NPPF guidelines. This application is out of keeping with the surrounding properties which are all houses, not flats. The intensification of the use of the property will cause harm to the cul de sac and amenities of neighbouring properties.'*

#### **4 Relevant Planning History**

4.1 Application Number: 6/2017/2064/FULL

Decision: Refused

Decision date: 08 December 2017

Proposal: Conversion of existing 6-bedroom dwelling at 11 Holly Close into two self-contained 2-bedroom flats

4.2 Application Number: 6/2017/0090/FULL

Decision: Refused

Decision Date: 26 May 2017

Proposal: Conversion of existing dwelling at 11 Holly Close into two self contained 2-bed flats and extension of front porch

4.3 Application Number: S6/2015/1179/FP

Decision: Granted

Decision Date: 13 October 2015

Proposal: Change of use from nil use to dwelling (C3)

4.4 Application Number: S6/2013/2313/LUE

Decision: Refused

Decision Date: 22 November 2013

Proposal: Certificate of lawfulness for existing use of House in Multiple Occupation (C4)

- 4.5 Application Number: S6/2013/0743/FP  
Decision: Refused  
Decision Date: 10 October 2013  
Proposal: Change of use from a dwellinghouse (Use Class C3) to a six bedroom house in multiple occupation (Use Class C4)
- 4.6 Application Number: S6/2012/2415/FP  
Decision: Refused  
Decision Date: 16 January 2013  
Proposal: Change of use from eight bedroom dwelling house (use class C3) to an eight bedroom Large House in Multiple Occupation (Sui Generis)
- 4.7 Application Number: S6/2012/1198/FP  
Decision: Granted  
Decision Date: 16 October 2012  
Proposal: Retention of single storey rear extension
- 4.8 Application Number: S6/2004/0330/FP  
Decision: Granted  
Decision Date: 24 May 2004  
Proposal: Erection of two storey extension to existing dwelling and one new dwelling

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Supplementary Design Guidance, February 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014 (Interim Parking Policy)

## **6 Site Designation**

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 Neighbouring occupiers were consulted by way of letter. Two replies have been received, one from 9 Holly Close objecting to the application and the other from 11 Holly Close supporting the application. The comments for each are summarised below:

### *Objection*

- Noise from building works and use as 2 properties
- History of overcrowding of property
- Being used as a hotel
- Additional parking pressures and rubbish

## 7.2 Support

- Excellent opportunity to increase affordable housing in Hatfield
- No detriment to neighbours or the environment
- Conversion from 6-bed HMO into 2 flats would positively reduce noise and inconvenience to neighbours
- Ample off-road parking to the front
- Efficient use of land

## 8 Town Council Representations

### 8.1 Major objection stated as follows:

*'It appears that no outdoor amenity space will be given to the upstairs flat which appears to be contrary to NPPF guidelines. This application is out of keeping with the surrounding properties which are all houses, not flats. The intensification of the use of the property will cause harm to the cul de sac and amenities of neighbouring properties.'*

## 9 Consultations Received

- 9.1 Hertfordshire County Council Transport Programmes and Strategy – No objection
- 9.2 Welwyn Hatfield Borough Council Public Health & Protection Team – No objection
- 9.3 Welwyn Hatfield Borough Council Client Services Team – This development can be incorporated into the existing Alternate Refuse and Recycling Collections (ARRC).
- 9.4 Welwyn Hatfield Borough Council Parking Services Team – No objection

## 10 Analysis

### 10.1 The issues to be considered are as follows:

1. **The principle of the development**
2. **Quality of design and impact on the character and appearance of the area**
3. **Quality of design with particular regard to the residential amenity and living conditions of neighbouring occupiers and future occupiers**
4. **Access, impact on the highway network and parking provision**
5. **Other material planning considerations**
  - i) **House in multiple occupation**
  - ii) **Letting for short-term accommodation**
  - iii) **Refuse and recycling storage**
  - iv) **Landscaping**
  - v) **Restrictive covenants**
6. **Overall balance and conclusion**

## **Background**

- 10.2 The house was used as an eight-bedroom House in Multiple Occupation (HMO) in the period leading up to the date when an enforcement notice was issued on the 11 November 2013. The enforcement notice was upheld by the Planning Inspectorate on the 20 October 2014. Exactly when occupation by eight persons started (as opposed to a smaller number) is not clear but seems to have been some time after alterations were made to the property in 2010. Before then, apparently from 2009, the house was evidently used as an HMO, but not with as many as eight occupiers. Even though there had evidently been some multiple occupancy in the past by smaller numbers of people, the use of the property as an eight-bedroom HMO was unlawful.
- 10.3 In the absence of precise historical details, the Planning Inspector concluded that it is quite likely that by the time of application S6/2013/0743/FP in April 2013 the property had lost all use rights, since the existence of an intervening use (whether lawful or unlawful) usually indicates abandonment of a previous use. In the circumstances the Inspector judged it appropriate to assess the case on the basis that it was a change of use from “nil use” to use as an HMO for occupation by six persons. The appeal against refusal of planning permission was subsequently dismissed resulting in the application site having a nil use.
- 10.4 Planning permission was granted in October 2015, under reference S6/2015/1179/FP, to the return of the application site to its historical use as a dwellinghouse falling within Use Class C3 with six bedrooms.
- 10.5 An almost identical application to the current proposal at this site was refused by the Development Management Committee in May 2017 and the only reason for refusal given was as follows:
- “The proposed alterations to the porch would result in overdevelopment of the site, out of keeping with the character of the area contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy)”*
- 10.6 An identical application to the current proposal at this site was refused by Development Management Committee on December 2017 and the reason for refusal is stated in paragraph 2.4

### **1. The principle of the development**

- 10.7 Local Plan Policy SD1 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Local Plan. Policy R1 requires development to take place on previously developed land and Policy GBSP2 directs new development into the existing towns and specified settlements within the district. These objectives are consistent with the Council’s Emerging Local Plan.
- 10.8 The NPPF promotes an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Also, as outlined in paragraph 2.7, when there is a shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make the optimal use of the potential of each site.

- 10.9 Policy H3 deals with loss of residential accommodation and states that planning permission will not be granted for redevelopment which would result in the net reduction in the number of dwellings within the district. The policy does not deal specifically with the loss of 'family homes'. In this case, the proposed conversion of the existing single dwelling to form two self-contained flats would result in a net increase of one dwelling and therefore accords with Policy H3 of the Welwyn Hatfield District Plan.
- 10.10 Policy H4 outlines that the Council will generally support applications for the conversion of large residential units to provide smaller self-contained units provided that it does not result in a development that is detrimental to the appearance of the application building and the visual amenity of the area; would not adversely affect the amenity of neighbouring residential properties; and would provide appropriate amenity space. These issues are discussed below.
- 10.11 The application site currently hosts a two storey six bedroom mid-terrace dwelling located within the Town of Hatfield. The application site is also located within an area which is accessible by non-car modes of transport and where there are services and facilities available within walking distance of the site. Furthermore, there are no known physical or environmental constraints at this site. Based on the above, the proposal would not be in conflict with Local Plan Policies SD1, R1, GBSP2, H2, H4; Emerging Local Plan Policies SP1 and SP3 of the Emerging Local Plan; or the NPPF subject to an assessment of the scheme against the principles of sustainable development governing residential development which are considered below.

## **2. Quality of design and impact on the character and appearance of the area**

- 10.12 In addition to Policy GBSP2, H2 and H4 outlined above, Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These policies are broadly consistent with Policy SP9 of the Emerging Local Plan.
- 10.13 The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 10.14 The proposal does not include any extensions or alterations to the external appearance of the building.
- 10.15 Concerns have been raised regarding the changing character of the area due to the loss of family homes and the development of flats. However, there is no policy which refers to types of occupancy, or guidance in respect of the form or pattern of development, other than in terms of overall design and harmonisation.

- 10.16 Whilst there are concerns that this development could set a precedent which could have a cumulative and detrimental effect on local character, it is noted that no similar sites or applications to which this might apply have been put forward within Holly Close. Furthermore, each application is considered on its own merits and a generalised fear of precedent can only be given very limited weight in the consideration of this planning application.
- 10.17 As reasoned above, the development would be compatible with the character of this part of Hatfield, and therefore there would be no conflict with either the Local Plan or the NPPF.

### **3. Quality of design with particular regard to the residential amenity and living conditions of neighbouring occupiers and future occupiers**

- 10.18 There would be no impact upon the living conditions or residential amenity of the occupiers of neighbouring properties in terms of overlooking, loss of light or overbearing impact.
- 10.19 In regards to the use, and the potential intensification of the use of the property as residential, it is notable that the number of bedrooms within the building would be reduced from six to four, albeit across two separate dwellings.
- 10.20 In terms of the potential for the proposal to result in additional noise disturbance to the occupiers of the adjoining property, whilst the use may intensify to some degree due to the separate units, this increase would not result in additional generation beyond what would be expected as reasonable noise within a residential environment. In addition, the potential for a small increase in the total number of car journeys and the associated noise from vehicles would be relatively small in comparison to the total amount of vehicles which use Holly Close. Therefore, the increase in visitors is unlikely to have any material impact on neighbour amenity in comparison to the existing situation. It should be noted that noise disturbance from anti-social behaviour is covered by other legislation and therefore can only be given very limited weight in the consideration of this planning application.
- 10.21 The resulting increased density of the site is not considered to be substantial and the potential for additional noise or disturbance as a result would not be sufficient to justify a refusal on this basis alone. In this respect, no objections are raised with regard to Local Plan Policy H4, D1 and R19 or Emerging Local Plan Policies SP9, SADM11 and SADM18.
- 10.22 Now turning to the amenity of future occupiers of the proposed flats. 11 and 11a Holly Close currently both benefit from private rear gardens, however the garden serving 11a is very small and awkward in shape. This application would realign the rear boundary fence between No.11 and No.11a to provide a functional garden space for the proposed ground floor flat at No. 11 and the one-bed dwelling at No. 11a. Although the proposed first floor flat would not benefit from any private rear garden space, this would not necessarily provide unacceptable living conditions for occupiers who are content with this type of accommodation. In addition, the dwelling would be of an acceptable size internally and public park (Roe Hill Park) is situated within close walking distance from the application site which future occupiers can enjoy. Hatfield Town Council have expressed concern regarding the absence of outdoor amenity space for this proposed first floor flat and that this appears to be contrary to NPPF guidelines. The NPPF does not stipulate the requirement for outdoor amenity space but does state that

a high standard of amenity should be provided for future occupiers. For the above reasons, there would be no conflict with national policy.

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

- 10.23 The proposal does not include any amendments to the sites access arrangements. Hertfordshire Highways have been consulted for this application and consider it unlikely that any aspect of the development would result in detrimental impact to highway visibility or safe use, nor would the proposal result in a material impact to highway capacity to warrant an objection. As such, Hertfordshire Highways do not wish to restrict the grant of planning permission.
- 10.24 Car parking standards are set out within the Council's SPG. In August 2014 the Cabinet Housing and Planning Panel approved the Interim Parking Policy. This document identifies the car parking standards set out in the SPG Parking Standards as guidelines rather than maximums and states that parking provision will be assessed on a case by case basis.
- 10.25 Nos.11 and 11a Holly Close share a vehicular access and a block paved area to the front of the property. This area provides off street parking for up to 5 cars which can be independently accessed.
- 10.26 The Council's SPG recommends 1.5 off street spaces for a 2-bedroom flat in this area. On this basis, 3 on-site parking spaces would typically be required for the proposed conversion, which is the same as the existing 6-bedroom house.
- 10.27 No.11a is a 1-bedroom property for which 1.25 spaces are recommended. Therefore, the total recommended parking provision for the resultant 3 residential units would be 4.25 spaces, which can be rounded up to 5 spaces.
- 10.28 There are 5 existing parking spaces within the site boundary which are to be retained. Hertfordshire Highways have considered the arrangement of layout of parking is achievable. The proposal therefore accords with Council's Parking Standards and Policy M14 of Welwyn Hatfield District Plan. A planning condition is suggested to ensure that the provision of a parking space for both No.11 and No.11A is retained permanently.
- 10.29 In terms of cycle storage, the SPG identifies a requirement for one long term secure cycle storage space per residential unit. The frontage of the application site would be a shared space between 11 and 11a Holly Close. The location of the cycle store is shown on the proposed site plan and a suitably sized gap of 0.95m would be provided for access. A planning condition requiring further details with regard to the design of the cycle store is required and can be submitted to and approved in writing by the Local Planning Authority in accordance with Policies M14, D1 and D2 of the District Plan 2005; and Policy SADM12 of the Emerging Local Plan.

#### **5. Other material planning considerations**

##### ***i) House in multiple occupation***

- 10.30 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.

- 10.31 As a result of the Direction, it is considered appropriate and reasonable to apply a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is also reasonable to remove permitted development rights for a change of use from a C3 dwellinghouse to a C4 HMO. It is therefore recommended that conditions are attached.

***ii) Letting for short-term accommodation***

- 10.32 In March this year the Council received a complaint that the application property was being used as a bed and breakfast. Similar claims relating to short-term letting or a hotel use have been received in response to this application. Having reviewed the response from the completed Planning Contravention Notice which was served on the owner of the property, the Council's Enforcement Officer has determined that further investigation into the current use of the property is required in order to identify whether there is currently a breach of planning control at 11 Holly Close.

***iii) Refuse and recycling storage***

- 10.33 The introduction of 'wheelie bins' and recycling boxes has led to problems with the storage of these containers. The proliferation of bins can create a considerable amount of clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2 and Policies SP9 and SADM12 of the Emerging Local Plan. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements.
- 10.34 Consideration must be given not only to the provision of bin stores, but also to whether or not householders are likely to feel adequately encouraged to make consistent use of these areas. In this case the Proposed Site Plan shows the storage of bins to the front of the site against the existing boundary hedge. There is space available around the storage area to provide a screen, or a timber enclosure or similar. This would not only protect the visual amenity of the streetscene but would also encourage occupants to return the bins to the designated area. A planning condition is therefore suggested requiring details of the design of the bin store to be submitted to and approved by the Local Planning Authority in accordance with Policies D1, D2 of the District Plan 2005; and Policies SP9 and SADM12 of the Emerging Local Plan

***iv) Landscaping***

- 10.35 Local Plan Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 and D2 would again be relevant. Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles. In this case, whilst no planting of significant amenity value would be affected by the proposed development, the existing boundary hedge

which encloses much of the front of the site is considered to have significant value in terms of visual amenity and the character of the area to warrant protection. A condition is therefore suggested requiring the retention of the existing hedge to maintain the character of the area and to reduce the visual and environmental impacts of additional parking and bin storage.

- 10.36 In terms of boundary treatments and landscaping within the rear gardens which would serve the ground floor flat and 11a, only limited landscaping details have been provided. Therefore, conditions are also suggested requiring these details to be approved and implemented for the benefit of future occupiers in accordance with Local Plan Policies GBSP2, D1, D2 and D8 and Policy SADM1 of the Emerging Local Plan.

#### **v) Restrictive covenants**

- 10.37 Matters relating land ownership and restrictive covenants are not protected by planning legislation and therefore carry little weight in determining planning applications. An informative is suggested so that the applicant is aware that planning permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts.

#### **Conditions**

- 10.38 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.

### **11 Overall balance and conclusion**

- 11.1 The proposed development would provide a satisfactory level of accommodation for its future occupants, would maintain the character and context of the area, respects the amenity of the occupiers of adjoining premises and provides sufficient parking while also promoting sustainable methods of transportation.
- 11.2 The proposal would make a small contribution of one additional unit towards the Council's supply of housing and make optimal use of the application site. This is especially important given the Council cannot show a five year supply of deliverable housing site and that that the scale of supply falls considerably well short of five years.
- 11.3 Whilst this application is identical to that refused at Development Management Committee in December 2017, the change in relevant considerations particularly in terms of housing land supply would overcome the reasons for refusal.

## 12 Recommendation

12.1 It is recommended that planning permission be granted subject to the following conditions:

1. Within one month from the date of the decision notice, details of the design and specification of a store or screen for the refuse and recycling bins to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling store or screen shall be constructed, equipped and made available for use, in accordance with the approved details, 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 visual amenity of the streetscene in accordance with Policies GBPS2, D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

2. No development shall commence until a scheme for the provision of secure cycle parking on site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies GBSP2, M14, D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

3. The hedges marked on the Proposed Site Plan (Drawing No.P-03 Rev A) shall be retained. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in accordance with a specification previously submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the existing planting in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies GBSP2, D1, D2, D8 of the Welwyn Hatfield District Plan 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

4. No development shall take place until full details of the hard boundary treatment to delineate the rear garden area of 11 and 11a Holly Close has been submitted to and approved in writing by the Local Planning Authority. These details must include:
  - (a) Elevation (at 1:50 or 1:00 scale including scale bar); and
  - (b) Material type

The approved details must be carried out prior to occupation of the development and retained permanently thereafter.

REASON: To ensure a satisfactory standard of development in the interest of visual amenity, to provide usable private amenity space for the benefit of the future occupiers, and to enable acceptable privacy between the private rear gardens in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

5. The five parking spaces as designated on the Proposed Site Plan (Drawing No. P-03 Rev A) shall be allocated and made available for parking before the development hereby permitted is first occupied. This provision must be retained permanently thereafter for the parking of vehicles for residents/occupiers of No.11A Holly Close and the two new flats (Nos.11B & No.11C) and must not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety and in accordance with the Policy M14 of the Welwyn Hatfield District Plan 2005, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

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, Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018 and the National Planning Policy Framework.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
1080467		Site Location Plan	19 November 2018
P-02	A	Proposed Floor Plans	19 November 2018
P-03	A	Existing & Proposed Site Plans (Redacted)	19 November 2018
P-01	A	Existing Floor Plans & Elevations	19 November 2018

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

## 1. POSITIVE AND PROACTIVE STATEMENT

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

### **Informatives:**

1. 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.
2. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
3. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
4. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

David Elmore (Development Management)

Date: 01/02/2019

Time Extension: 01/03/2019



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	<b>Title:</b> 11 & 11a Holly Close Hatfield		<b>Scale:</b> DNS
			<b>Date:</b> 2019
	<b>Project:</b> DMC Committee	<b>Drawing Number:</b> 6/2018/2968/FULL	<b>Drawn:</b> Ida Moesner
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