

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/2763/FP

DESCRIPTION OF DEVELOPMENT: Change of use from B1a office to C3 residential, and alterations to building to form 5 apartments, plus ancillary works

RECOMMENDATION:

1. SITE AND APPLICATION DESCRIPTION:

The application site is triangular shaped and situated on the western side of the Great North Road and to the north east of Hatfield Town centre. The site is located adjacent to a railway line to the west and is accessed via a “no through road” to the east. There is pedestrian access to the northern section of the Great North Road, which goes past the application site and over a bridge that crosses the railway.

The application site contains a four-storey building, which is used for office (Class B1) purposes. It is constructed of red brickwork with a flat roof and a rounded projection which accommodates a stairwell.

The surrounding area comprises residential development to the east and a mix of commercial and residential development to the south.

2. SITE DESIGNATION:

The site lies within the settlement of Old Hatfield Conservation Area and an Area of Archaeological Significance as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/2014/1321/OR - Prior approval for the change of use of office building (Use Class B1a) to 4 residential flats (Use Class C3) – Prior approval not required

S6/1992/0379/FP - Change of use of first floor from offices to one two bedroomed flat, approved

S6/2002/0484/LU - Certificate of Lawful use for existing use of first floor as office accommodation, withdrawn

S6/2001/1084/FP - Change of use of first floor from residential to office, refused

4. CONSULTATIONS:

WHBC, Client Services – no objection, recommend conditions

Herts. County Council (Archaeology) – no comment

Herts. County Council, Transport Programmes and Strategy – recommend informatives

5. NEIGHBOUR REPRESENTATIONS:

Three representations have been received from the public which may be summarised as:

- General concern about the capacity of the whole drainage system serving Hatfield Old Town. We have from time to time & too often suffered from the back-flow of sewage from this system into Chequers House. We are concerned that the creation of 5 apartments in Willows may exacerbate the situation.
- In periods of heavy rainfall, water from the hard surfaces between Willow and Chequers leaks into our cellar: we are concerned that the creation of additional roofing and other hard surfaces will exacerbate this problem.
- The proposed cycle store at Willow looks directly into bathroom accommodation in Chequers.
- Note that there are proposed windows in Willow that overlook Chequers – presumably these will have obscure glazing?
- Potential fire and contamination risks arising from the storage of materials under fire escape, both generally and during the construction phase of the Willow project.
- Potential damage to the delicate fabric of Chequers during/as a result of the construction.
- Too many units in an already over-developed area
- No amenity space / outside storage space / parking spaces
- Adjacent to an historic building and out of character
- Adjacent to the ‘through road’ proposed as part of the Salisbury Square redevelopment
- Exit from some of the flats will come directly onto the approved new road which is unsafe

6. TOWN/PARISH COUNCIL REPRESENTATIONS

No representations have been received from Hatfield Town Council.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) Is the principle of residential development
- b) Impact of the development upon the historic character and assets (NPPF)
- c) Impact on amenity on existing and future occupiers (District Plan policies D1 and NPPF, section 7)
- d) Parking and highway matters (District Plan policies M14, Supplementary Planning Guidance and Interim Parking Standards)
- e) Other material planning considerations

8. ANALYSIS:

a) The principle of residential use of the site is accepted following the recent approval of a prior approval application for change of use from B1a to C3 use which permitted the creation of 4 units. This proposal would result in the creation of 5 units following extensions to the property. Whilst the principle has been accepted, it is necessary to determine whether the development would comply with other relevant local and national planning policies. These considerations are discussed below.

b) The site is within the Old Hatfield Conservation area and is also within close proximity to a number of listed buildings. The National Planning Policy Framework (NPPF) outlines a presumption in favour of the conservation of the historic environment. The more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation and in many respects, the NPPF follows the detailed framework laid down in the former PPS5 but without the specific policies.

Para 131 of the NPPF states: *“In determining planning applications, local planning authorities should take account of:*

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

The existing building is understood to be early 20th Century and has undergone a number of changes over the years, not all of them sympathetic to the building – such as the provision of uPVC windows as well as a number of extensions. It is proposed to replace these with white timber sash windows, which would be appropriate and an enhancement. Extensions are proposed - to the rear (east) of the building, which by virtue of their location would have limited impact upon the wider character of the area. Those to the front (west) would be more prominent, however the building has already been extended in this location, somewhat unsympathetically and the proposal would improve the current situation. The accompanying Design & Access statement detail that materials would match the existing building, the dormers would be finished to be reflective of other dormer windows on other buildings within Salisbury Square and the white render to the rear elevation would be removed (through the extension of the building) and this end of the building would be finished in brick to match.

The design of the extensions are considered would match and reflect the existing building in relation to their mass and bulk/ roof pitch etc. and are therefore considered to be of high quality.

The principle of these changes are considered would enhance the building, subject to appropriately worded conditions to agree materials; ensure the finished bond and mortar match the existing building and the windows are replaced as indicated.

The development is considered complies with the NPPF in relation to its historic impact.

c) Policies D1 and D2 are applicable, together with the design elements of the National Planning Policy Framework (NPPF). These require high quality design in all new development and for proposals to respect and relate to the character and context of their location. The residential design guidance emphasis that extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. Additionally, extensions should respect existing spacing and

not appear cramped on the site and the locality in general, not cause loss of light, materials should match and any overlooking towards living areas of adjacent dwellings should be minimised.

There has been comment regarding the development and possibility of over looking with the question of whether the windows overlooking the Chequers will be obscured glazed or not? A number of these would be likely to be obscured (en-suites) or could be conditioned to be so (stairwell). However, a number of the windows are to proposed bedrooms where obscured glazing would result in a poor outlook for future residents.

The adjoining building has three windows and a door to its rear facing towards The Willows. One of these is at ground floor and the others are at first floor (2 x windows and 1 x door). The doorway to the first floor leading to the fire escape is clear glazed, although currently has netting to prevent overlooking. On the ground floor, the window facing south is also clear glazed (proposed to be adjacent to the proposed cycle store), although this would appear would also have some form of curtain. The location of the cycle store in this location could have impact on both occupiers of The Willows, but also occupiers of Flat 3 in relation to the bedroom which faces out in this direction. An alternative location would therefore be required, or appropriate mitigation that does not affect the outlook for the Chequers. It would be reasonable for this to be provided through a condition.

Subject to the above and due to the location of windows in this eastern elevation of the application building, relative to these that are clear glazed within the adjoining building, it is not considered that there would be direct overlooking that would warrant a refusal of planning permission.

d) In relation to parking, the applicant has provided the following information in italics (the Council's response is non-italicized).

Car parking is not available for the new apartments. The Council's Parking Standards Supplementary Planning Guidance (SPG) states that for a development of 4 x no.2 bed and 1 x no.1 bed apartments, a maximum of 4.75 parking spaces should be provided in a Zone 2 location. However, Policy M14 notes the above standards can be reduced in highly accessible locations such as Old Hatfield. We note that car parking permits are available from the Council for local residents. Furthermore, the proposed redevelopment of Salisbury Square would provide enhanced car parking facilities in the immediate local area.

The parking standards within the SPG have already been reduced to take account of the accessibility of the site (there are differing requirements for zones 1 and 2, compared to zones 3 and 4. Additionally, in November 2014, the Council adopted an Interim Parking Standards policy which removed the maximum standards within the SPG and states that parking for each development should be on a case-by-case basis.

It is important to note that the car parking standards attached to the District Plan 2005 are 'maximum' standards and therefore it is not mandatory for them to be met by this proposal. Furthermore, Hertfordshire Highways had no objections to the

scheme when the prior notification application was submitted to Welwyn Hatfield Borough Council in June 2014.

Of greatest significance is the fact that the proposals will lead to a substantial reduction in the demand for car parking when compared with the building's current use. At present the building provides a workplace for between 35 and 40 people, with a full-time equivalent of 35 jobs. The Willow Foundation have confirmed to us that these employees tend to travel to the building independently and by car, creating a demand for around 35 - 45 parking spaces at peak times and throughout the day. In contrast with this, the residents of the five apartments would generate a far lower level of demand, which the Council's parking standards estimate at around 5 spaces. This substantial reduction in demand for car parking is a material consideration in favour of the proposed development.

The existing position with parking provision compared to the proposed, with regard being given to the application approved under the prior approval process is perhaps the most significant argument. The adopted parking standards details that for a B1(a) use, 13 parking spaces should be provided. (1 space per 30m² (376m²)). The applicant advises that the development currently results in a need for 35 parking spaces (based on the number of people working within the building) is therefore a significant material consideration.

Therefore whether the parking standards are used or the number of people working within the building, the proposed development would result in a reduction in the need for parking provision. Overall, it is considered that the development would be likely to reduce the number of parking spaces required for users of this building.

In relation to the redevelopment of Salisbury Square and the proposed thorough road, this development may not go ahead and it is therefore necessary to consider the implication, both if it does and if it does not. It is proposed for the highway to be 'reopened' and for vehicles to pass the front of this building. It would be necessary, at that time, for the safety aspect to be considered and this would be likely to fall within the requirements of the s278 Agreement under the Highways Act. It is also considered that the safety aspect comparing siting of access doors currently utilised to those that would result following implementation of this development, would be relatively comparable.

Hertfordshire Highways, Programmes and Strategy do not raise any objection but recommend informative regarding the storage of materials and 'blocking' of the highway. Both are considered reasonable and are attached.

e) Private amenity space has not been provided for all occupiers of these units – there is a private courtyard on the ground floor for one unit. The Design & Access statement acknowledges this and advises that residents of Old Hatfield have a right of access to utilise the grounds at Hatfield House. This provision has been accepted with other applications as being appropriate. Additionally, it is also likely that occupiers of these units would be more likely to be without young children – being apartments, although it is acknowledged that this might be the case.

Concern has been raised regarding the location of storage of items near the adjoining building's fire escape. It is necessary for fire escapes to remain accessible, however such legislative requirements fall outside of planning control, an informative is recommended to advise of the need to comply with other legislation.

WHBC, Client Services have requested a contribution towards bin provision. However contributions are only sought (financial) for developments that are defined as 'major'. It is however reasonable to attach a condition detailing that bins need to be provided of the size specified.

Houses in Multiple Occupation - Since 11th 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.

As a result of the Direction, it is considered appropriate and reasonable to include on new housing developments within Hatfield details to inform developers that there is an Article 4 direction, by way of an informative, but also include 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 therefore recommended that a condition and informative is attached.

Neighbours objections – the majority of neighbours responses have been addressed within the course of the report. However, there are a number of aspects that have been raised which fall outside of the control of planning – these comprise

- We have a general concern about the capacity of the whole drainage system serving Hatfield Old Town. We have from time to time & too often suffered from the back-flow of sewage from this system into Chequers House. We are concerned that the creation of 5 apartments in Willows may exacerbate the situation.
- In periods of heavy rainfall, water from the hard surfaces between Willow and Chequers leaks into our cellar: we are concerned that the creation of additional roofing and other hard surfaces will exacerbate this problem.
- Potential damage to the delicate fabric of Chequers during/as a result of the construction.

Drainage falls outside of the planning process as raised above. The areas where the proposed extensions are to be located are already hard surfaced and therefore the development will not result in the loss of any soft landscaping. Any damage/construction issues are a civil matter.

9. CONCLUSION:

The principle of residential use has previously been demonstrated through the prior approval application. This proposal would result in the creation of one additional unit, compared to that planning permission. The proposed extensions and modifications to the building and considered reflect and enhance the building. The impact on neighbours amenity, parking provision etc. are all considered to be

acceptable and in compliance with planning policy. Overall, the development accords with national and local planning policy.

10. CONDITIONS:

1. C.2.1 - Time limit for commencement of development
2. C.13.1 - Development in accordance with approved plans and details 1308/01 & 16_226_PL01 & 16_226_PL02 & 16_226_PL03 & 16_226_PL04 & 16_226_PL04 & 16_226_PL05 & 16_226_PL06 & 16_226_PL07 & 16_226_PL08 & 16_226_PL09 & 16_226_PL11 & 16_226_PL12
3. C.5.1 – Samples of materials
4. The brickwork of walls hereby permitted shall be constructed in a bonding to match that of the existing building. Subsequently, the bonding shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with the National Planning Policy Framework

5. Notwithstanding the details on the approved plans showing the cycle store, details of their location, design and specification to serve the residential units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved cycle store shall be made available for use prior to the first occupation of the units and the development shall not be occupied other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: The location of the cycle store as currently shown on the drawings is likely to result in a loss of amenity to the occupiers of the adjoining occupiers due to the location of the cycle store relative to ground floor windows, to protect the residential amenity of adjoining and future occupiers in accordance with Policy 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) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class I of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

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 1995 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 bin store's location as shown on drawing 16_226/PL04 shall be retained in this location unless otherwise approved in writing by the Local Planning Authority. The store shall provide 1 x 1100 litre container for household refuse and, if recycling facilities are to be provided 1 x mini recycling centre shall be provided.

REASON: In the interests of the amenity of the area and to ensure appropriate facilities are provided for future occupiers of the development hereby permitted in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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 inspected at these offices).

INFORMATIVES:

1. INF1 – Other legislation
2. INF6 – Street Naming and Numbering
3. 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.
4. 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.

Signature of author..... Date.....