

## 1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by KR Planning on behalf of Haysport Properties Ltd (hereafter referred to as 'the Applicant') to accompany a planning application to the Welwyn Hatfield Council in respect of the proposed development at 1-22 Maynard Place, EN6 4JA. The application follows an earlier iteration which was refused for a single reason in September 2020.
- 1.2 In brief, the proposal is a single storey extension above the existing flatted block provided in a quadrilateral roof form to provide 6 new flats with 3 x 2 bed 3 person and 3 x 1 bed 2 person flats.
- 1.3 The principal purpose of this statement is to set out the planning background, including relevant policies, and demonstrate how the proposal has had regard to policy. In so doing, reference will be made to a series of related professional input and the genesis of the application including pre-application engagement, the prior approval process and community involvement thus far.
- 1.4 The overall objective of the scheme is to provide a high quality development at this site whilst safeguarding neighbouring amenity and retaining the character of the area.

2 THE SITE & PROPOSAL.

- 2.1 The application site is situated in Welwyn Hatfield Council administrative area. The site is located near the corner of Station Road and Maynard Place.
- 2.2 The existing building is mixed use with a number of retail stores and cafe's on the ground floor level and two floors of flats above, amounting to 14 which have a private access through a side entrance off Station Road. The building is mainly brick with render to express windows and levels.
- 2.3 The application site is located on the corner of Station Road and Plough Hill in Cuffley, Potters Bar. The site is within close walking distance to Cuffley Train Station.
- 2.4 The Area is predominantly occupied by shops and restaurants at street level with residential use above, with numerous residential blocks in the immediate area



### 3 PLANNING POLICY

- 3.1 This section of the Statement provides an analysis of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 3.2 Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 3.3 While not forming part of the statutory development plan, the following documents remain important material considerations for the determination of planning applications in Enfield:
- National Planning Policy Framework (NPPF) (2018);
  - National Planning Practice Guidance (NPPG) (2014);

The most relevant extracts of these documents are analysed in more detail below.

#### National Planning Policy Framework (2018)

- 3.4 On 24th July 2018, the government adopted the revised National Planning Policy Framework (NPPF). The document provides a consolidated framework of planning policy which replaces the previous National Planning Policy Framework published in March 2012.
- 3.5 The NPPF outlines the presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective, a social objective and environmental objective.
- 3.6 The framework indicates that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 3.7 Where there are no relevant development plan policies, or the policies for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.8 The NPPF constitutes a material consideration in determining applications.

National Planning Practice Guidance (2014)

- 3.9 The Government launched the Planning Practice Guidance web-based resource in March 2014.
- 3.10 Paragraph 001 of Design states good quality design is an integral part of sustainable development. Achieving good design is about creating place, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.
- 3.11 Paragraph 040 of Design states that well designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.
- 3.12 Paragraph 002 of Health and Wellbeing states that the decision making process can consider how development proposals can support strong, vibrant and healthy communities and help create healthy living environments.

Welwyn Hatfield District Plan 2005

- 3.13 The Development Plan comprises (other than the County Council's Waste and Minerals Plan, which is of no relevance in this instance) the Welwyn Hatfield District Plan 2005 and the saved policies therein. The Council submitted a replacement Local Plan for Examination in May 2017. The Hearing Sessions have resumed but an adoption date at this stage is unknown and therefore the draft policies are accorded only limited weight.
- 3.14 As can be seen, there remain unresolved strategic matters, including Green Belt releases and meeting the objectively assessed need for housing, which must be addressed for the Plan to be found sound. Policies in the Plan were listed in the initial (November 2018) pre-app feedback and referred to in the text, possibly on the then understanding that the Plan would be adopted in 2019. It is now clear that it will not be and the Council is not currently relying on its content for development management purposes.
- 3.15 The policy situation is that the adopted plan is only part saved and is dated. Its content must be tempered by the provisions of both the NPPF and complementary PPG but the evidence base of the replacement plan, which has been informed by more recent national policy and statistics, is a material consideration. It is proposed to refer to both Plans insofar as they help inform an assessment of the application

- 3.16 The previous determination listed Policy D1 and M14 as justification for the refusal. D1 is an aspirational policy, which contains no criteria for assessment and is otherwise silent on transport grounds. M14 requires that development meet parking standards, which are expressed as a maximum and so therefore zero parking could be policy compliant. Officers should be aware that statute requires only reference to Development Plan policy in the formulation of reasons for refusal (Art 35 of the DMPO 2015).
- 3.17 SD1 Sustainable Development – The Plan is permissive of sustainable development, and this is considered in further detail below.
- 3.18 Policy R1 seeks to prioritise the use of previously developed land over greenfield land. The application proposals would comply with this policy by making an efficient use of previously developed land, to provide much needed new homes.
- 3.19 Policy R2 concerns land which may carry a risk of contamination, and seeks to minimise the risk to sensitive end users, through survey and mitigation measures, as may be required. Policy R7 concerns the protection of ground and surface water. Since this application does not involve the breaking of ground, we do not believe there is any risk associated with these proposals.
- 3.20 Policy R8 concerns flood risk. The application site is within Flood Zone 1, defined by the Government's Planning Practice Guidance as being at a 'low' risk of flooding.
- 3.21 Policy M14, parking standards in new development, and the Council's Supplementary Planning Guidance, and most recent policy in this regard, are considered in the Transport Statement which accompanies this application.
- 3.22 Policy H2 concerns proposals for windfall residential development, and this policy is considered further in Section 5
- 3.23 Notwithstanding the hiatus with the preparation of the Local Plan and its need, amongst others, to find additional housing, the submitted Plan is predicated on growth in terms of housing, employment land and retail provision
- 3.24 The housing figure as submitted is for around 12,000 dwellings in the period 2013-2032 or an implied annual rate of 632 dwellings. For comparison, the same figure for the current Local Plan (1991-2011) was 280dpa (5,600 over 20 years). This increase is a step change and likely to increase further to satisfy the Objectively Assessed Need (OAN) figure

#### 4 MATERIAL CONSIDERATIONS

- 4.1 The sole reason for refusal related solely to highways grounds. Since the refusal, the applicant has engaged with Herts Highways via the pre-application process. The outcome of that process is that Herts Highways are now satisfied as to the manoeuvrability of the parking spaces is achievable and so there is no longer a bar to a planning permission.
- 4.2 It must be noted that this matter could have been conditioned where the greatest risk to the LPA was an unimplemented planning permission.
- 4.3 The Courts (and subsequent Government policy) does not intend that these matters be resolved prior to determination. The starting point for consideration of the correct approach to the drafting of conditions is that set out by the Supreme Court in *Trump International Golf Club Scotland Ltd v Scottish Ministers* [2015] UKSC 74, [2016] 1 W.L.R. 85. That is that the Court asks itself what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense.
- 4.4 The LPA's only consideration when imposing a condition is to have regard to the six tests as to the appropriateness of the condition. The decision maker does not need to turn their mind to how or if the condition can be discharged, as that would render the decision a nullity because you considered an immaterial matter. Originally Circular 11/95 promoted consideration of the prospect of discharge before the grant of permission but this was quashed by the High Court following *Merritt v SSETR & Mendip DC* (summary attached), as explained in this Chief Planning Officer letter:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7976/021125-Letter to Chief Planning Officers- Circular 11 95 - Use of Negative Conditions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7976/021125-Letter_to_Chief_Planning_Officers- Circular_11_95_-_Use_of_Negative_Conditions.pdf)

- 4.5 It is only if you are 100% certain that the condition could not be discharged would you then be entitled to pursue it as a reason for refusal. It's most explicit expression as Government Policy today is as a ground for an award of costs against an LPA as an example of unreasonable behaviour

Principle of development

- 4.6 The upper part of the site is in residential use at present, so there can be no in-principle objection to additional residential use on the site, subject to considerations of matters such as good design and the quality of the development.
- 4.7 This application is made at a time when there is a very substantial shortfall in the supply of housing land within Welwyn Hatfield Borough. The Government require a rolling supply of 5 years' worth of housing, with a 20% buffer (effectively a 6 year supply). The latest Housing DT report (August 2019) suggests that delivery will fall to 72%. . This level of supply is entirely inadequate, and in these circumstances national planning policy requires a change to the normal balance of planning considerations, to increase the likelihood of planning permission being granted for the new homes which are required.
- 4.8 At the same time, the Council are having to make some difficult choices in relation to their new Local Plan. The Inspector examining the Plan has identified the need for a higher level of housing than that which is proposed. The draft Local Plan as originally put forward by the Council proposed around 12,000 homes, and the Inspector has concluded that there is a need for 16,000 new homes. The Council have recently proposed amendments to allow for the provision of 14,000 homes. Covid 19 has prevented the EiP continuing.
- 4.9 The Council's essential reason for failing to meet the need for housing relates to a lack of available development sites within the urban area, and a reluctance to allow the development of Green Belt land. National policy requires that opportunities within urban areas, and particularly on existing brownfield sites such as this, should be explored in full. Only once all such opportunities have been considered can the Council demonstrate the exceptional circumstances required to release Green Belt land for development. It remains to be seen, in this context, whether the Local Plan Inspector will accept a shortfall of 2,000 homes. What is clear is the need for housing, and also the need to make efficient use of available sites within the urban area.

4.10 District Plan Policy H2 concerns ‘windfall housing’ within urban areas. Windfall development is any form of housing which was not allocated in the 2004 District Plan, and thus it now comprises the majority of housing coming forward today, including this application. We consider that the criteria within this policy, which relate to the effect of development on the local area, remain consistent with the NPPF, and so are relevant to this application. The Council have already concluded that the addition of three storeys to Accord House is acceptable in principle, and that it complies with Policy H2. We nevertheless consider the policy’s criteria in the table below, alongside the application’s response.

Policy H2 Criteria		Application Response
H2 (i)	The availability of previously developed sites and/or buildings.	The proposed development would make a more efficient use of previously developed land and an existing building.
H2 (ii)	The location and accessibility of the site to services and facilities by transport modes other than the car.	The application site is in one of the most well-connected places in the Borough, with excellent access to buses and a mainline railway station.
H2 (iii)	The capacity of existing and potential infrastructure to absorb further development.	The proposed development is not of a scale that it would place any unacceptable burden on existing infrastructure.
H2 (iv)	The ability to reinforce existing communities, including providing a demand for services and facilities.	Additional residential development would create an increase in demand for local services, including the new commercial developments in immediate proximity to the site and within the town centre, helping to sustain them.
H2 (v)	The physical and environmental constraints on development of land.	There are no constraints which would prevent the site’s development.



#### Sustainable Development

4.11 National policy outlines that there are three dimensions to sustainable development, which are economic, social and environmental. The proposed development would make a positive contribution towards each of these dimensions, as noted below.

- Economic Sustainability

4.12 Housing development is vital to sustain a local economy and to encourage growth and innovation. National policy repeatedly equates the provision of housing with sustainable economic growth, recognising that it is a key driver for the economy. It also recognises the serious negative effect that a lack of housing can have on economic competitiveness and growth.

4.13 Economic benefits can be generated in many ways. They can be direct, for instance through direct employment during the construction period, or through increased demand for services and facilities in the local area, such as the nearby town centre. They can also be in less direct, but equally vital ways, for instance by providing the housing required for people to be able to both live and work in close proximity. This latter point is particularly relevant to young people, and those on lower incomes, where the housing they need can be particularly difficult to afford. A good supply and range of housing is vital to the health of the local economy.

- Social Sustainability

4.14 The site's location would also allow residents to take a full and active role within local community life, with many opportunities to work, shop and socialise within walking distance of the site. This ease of access to local facilities and other residents can help to encourage strong social links and a sense of community.

4.15 National policy supports the provision of housing to meet social needs, and the need for a suitable amount and range of types of housing is prominent throughout the guidance within the NPPF

- Environmental Sustainability

- 4.16 The site's location will allow for the prioritisation of transport options other than the private car. We note in the Transport Note that there is good access to public transport and local facilities, within a few minutes' walk. This can encourage a sustainable pattern of living, which results in a reduction in carbon emissions through transport.
- 4.17 This is also an inherently environmentally sustainable form of development, as it would make efficient use of previously developed land, which is a scarce resource within the Borough, and the fabric of the existing building. We have noted above that the Council have already concluded that it will be necessary to allocate greenfield Green Belt land to meet future housing needs, and that they consider there is insufficient suitable Green Belt land to meet the need for housing. Making an efficient use of previously developed land in sustainable locations can help to minimise the need for development on Green Belt land, in accordance with local and national planning policies.

#### Quality of Accommodation

- 4.18 The National Technical Housing Standards requires a minimum floorspace areas and this is achieved. The proposed size of the single and double bedrooms all exceed the minimum nationally described space standards of 7.5sqm and 11.5sqm respectfully. All of the dwellings are dual aspect dwellings.
- 4.19 It is acknowledged that no amenity space is provided, but this is itself not unusual in town centre locations where developments cannot be expected to provide the same level of amenity as would be expected in more suburban areas. It should be common ground between the parties that as a one and two bed flat, there need for private outdoor space is not a critical as if the scheme sought to provide family housing

#### Community Infrastructure Levy.

- 4.20 The Community Infrastructure Levy Regulations stipulate that where a levy is in place, development is chargeable on all new floor space where dwellings within Use Class C3 are created. The proposal will involve the creation of 7 new residential dwellings and this will therefore be chargeable development.

#### Scale

- 4.21 Development Plan policy states that proposals should reinforce and/or enhance local character and distinctiveness, and respond to their context in terms of scale, height and massing. The surrounding area comprises a mix of building heights, which is not unusual in a high street context. The proposal, with a scale of 4-storeys with a mansard third floor is therefore considered an appropriate response to the site, having regard to the surrounding area, in accordance with policy requirements.
- 4.22 The proposal when viewed from the streetscene will be of a comparable height to the neighbouring building, seeking a scale and massing that reflects the existing building and the surrounding character. The road geometry either side of the building means that it is read as a stand alone building.

#### Appearance

- 4.23 Policy states that proposals should reinforce and/or enhance local character and distinctiveness, taking account of patterns of development, urban form and building typology. The proposal will comprise a scheme of high quality, proposing quality materials appropriate within the surrounding residential character.

5 CONCLUSION

- 5.1 The revised proposal will create 6 residential units that will contribute to the housing need in the borough, and now has the imprimatur of the Highways Authority followed further information submitted via the pre-application process. There is no impediment to the grant of permission subject to the imposition of suitably worded conditions.
- 5.2 Each residential unit will benefit from meeting the internal space standards as prescribed in the nationally described space standards. Overall the proposed development will provide a high quality development at this site whilst safeguarding neighbouring amenity and retaining the character of the area .
- 5.3 The proposal is considered acceptable with regards to the relevant policies of the Development Plan and with regards to the NPPF and therefore planning permission should be granted.
- 5.4 The proposed development is an inherently sustainable form of development, providing additional housing on a site which already has planning permission for residential development. It would provide a higher density development in a highly sustainable location. The proposals accord with local and national policy, in particularly the national policy requirement to make efficient use of land where there is a particular need for housing. This application would bring clear benefits in helping to meet housing needs, which can be seen to be pressing due to rapidly worsening affordability. The balance of considerations is clearly in favour of granting planning permission.
- 5.5 In addition, this application benefits from the presumption in favour of sustainable development. This is set out by paragraph 11 of the NPPF. It applies both due to the application's compliance with relevant policy requirements, and also due to the shortfall in the supply of housing land (in accordance with NPPF paragraph 11 and footnote 7). It is clear that any policies within the Local Plan which would restrain the provision of housing in this location cannot be given any substantial weight. It is also clear that the proposed development would not result in any adverse effects which could be considered to in any way outweigh the benefits the application would bring. We therefore consider that planning permission should be granted, in accordance with the presumption in favour of sustainable development