

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2017/2513/FULL  
**Location:** 33-34 Salisbury Square Hatfield AL9 5AF  
**Proposal:** Conversion of existing ground floor (Class A3) restaurant to form two (2xbed) flats (Class C3) including part demolition and extension at ground and first floor (rear) with associated external alterations.  
**Officer:** Mrs June Pagdin

**Recommendation:** Refused

6/2017/2513/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises two ground floor units at No's 33 and 34 Salisbury Square, Hatfield. The site is within Old Hatfield Conservation Area and faces onto the landscaped central area of Salisbury Square at the heart of the large neighbourhood centre of Old Hatfield.</p> <p>The current and authorised use of the ground floor units is Class A3 (restaurant). The building is three stories high at the front with a single storey flat roof extension at the rear. The two upper floors are residential flats, which are accessed from the rear across the flat roof over the rear part of the restaurant. The existing two storey rear extension has a flat roof and appears be some years old. It is likely to pre-date the designation of the Conservation Area and does not benefit from planning permission. There are a few stairs up to this roof from Batterdale at the rear of the property where the land level is higher than at the front of the property.</p> <p>A narrow rear yard behind the restaurant has a flight of stairs up to double gates that give access to the public passage and steps between the application property and the three storey building at No 35 Salisbury Square, which is in service use at ground floor with flats above.</p> <p>The building is at the end of a short terrace with the three storey building at No's 31 and 32 Salisbury Square, which were in office use (Class B1(a)) and have been converted to residential flats (S6/2015/1034/MA).</p> <p>Full planning permission is sought for the following:</p> <ul style="list-style-type: none"> <li>• Change of use of the ground floor units from Class A3 (restaurant) to Class C3 (residential), two x two bedroom flats</li> <li>• Removal of roof over small rear yard</li> <li>• Flat-roofed extension to rear at ground and first floor to create 48sqm additional floorspace (34sqm at first floor 14sqm at ground floor)</li> <li>• Removal of shop front and replacement with brick façade with full-height arched multi-pane windows</li> <li>• The application states that two existing car parking spaces are retained</li> </ul>

<p><b>Constraints (as defined within WHDP 2005)</b></p>	<p>CA - Conservation Area: Old Hatfield - Within  PAR - PARISH (HATFIELD) - Distance: 0  ROW - FOOTPATH (HATFIELD 007) - Distance: 19.93  Wards - Hatfield East - Distance: 0  A4HD - Article 4 HMO Direction - Distance: 0  HEN - No known habitats present (high priority for habitat creation) - Distance: 0  HEN - No known habitats present (medium priority for habitat creation) - Distance: 0  SAGB - Sand and Gravel Belt - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: E6/1973/3712/ Decision: Granted  Decision Date: 06 September 1973  Proposal: Roofing in rear yard and alterations to shop front</p> <p>Application Number: S6/1985/0252/ Decision: Granted  Decision Date: 6 June 1985  Proposal: Change of use from retail showroom to restaurant</p> <p>Application Number: S6/1985/0486/FP Decision: Granted  Decision Date: 27 September 1985  Proposal: Incorporation of existing retail shop into adjoining restaurant.</p> <p><u>1-7 Salisbury Square</u>  Application Number: S6/2011/1994/MA Decision: Approval Subject to s106  Decision Date: 07 February 2013  Proposal: Redevelopment of Salisbury Square; demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures; construction of new road and layout of public spaces; erection of new building containing 19 flats and 4 shops with basements; new two level car park; erection of terrace of 5 houses with road and footways; access alterations, drainage and all ancillary works</p> <p><u>8-14 Salisbury Square (York House)</u>  Application Number: S6/2016/1086/FULL Decision: Granted  Decision Date: 28 July 2016  Proposal: Demolition of existing staircase extension and construction of new staircase extension with lift; construction of two storey side extension to form two B1 studio units; extension of ground floor shopfronts forward to existing column line on Salisbury Square; external alterations to elevations including re-cladding in brickwork and render, new shopfronts and fenestration; provision of new plant enclosure.</p> <p><u>16-18 Salisbury Square (Willow House)</u>  Application Number: S6/2014/1321/OR Decision: Granted  Decision Date: 14 August 2014  Proposal: Prior approval for the change of use of office building (Use Class B1(a)) to 4 residential flats (Use Class C3).</p> <p>Application Number: S6/2014/2763/FP Decision: Granted  Decision Date: 16 March 2015  Proposal: Change of use from B1(a) office to C3 residential, and alterations to building to form 5 apartments, plus ancillary works. Commenced.</p>

	<p><u>31 Salisbury Square</u>  Application Number: S6/2015/1034/MA      Decision: Granted  Decision Date: 13 August 2015  Proposal: Change of use from existing offices (B1) to six residential dwellings (C3), extension and conversion of existing loft space to one dwelling and erection of new block in existing car park to provide three dwellings</p> <p><u>36 Salisbury Square</u>  Application Number: 6/2017/1176/PN11      Decision: Granted  Decision Date: 31 August 2017  Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 16x 1 bedroom flats.</p> <p>Application Number: 6/2017/1902/FULL      Decision: Refused  Decision Date: 01 March 2018  Proposal: Change of use of ground floor from sui-generis to residential (C3) to include the creation of 2 x 1-bedroom and 3 x 2-bedroom flats with external alterations including new fenestration, associated cycle &amp; bin stores, car parking and landscaping.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 3	Object: 13	Other: 1
<b>Publicity</b>	Site Notice Display Date: 23 November 2017 Site Notice Expiry Date: 14 December 2017 Press Advert Display Date: 22 November 2017 Press Advert Expiry Date: 6 December 2017		
<b>Summary of neighbour responses</b>	<p>The objections from neighbouring occupiers may be summarised as:</p> <ul style="list-style-type: none"> <li>• Loss of local amenities</li> <li>• Other properties have changed the centre from offices/commercial to residential</li> <li>• This is the only restaurant in the local area</li> <li>• A3 use should be retained to ensure vibrancy of the centre when the wider redevelopment scheme for Salisbury Square has occurred (referring to units 1-7 and 8-14)</li> <li>• Proposed change of use undermines large neighbourhood centre Longer term view should be taken</li> <li>• Ghost town lack of community focus</li> <li>• The centre needs new shops and restaurants</li> <li>• Parking is a serious issue</li> <li>• There is limited parking in the area already this would worsen the situation</li> </ul> <p>Old Hatfield Residents' Association objected on the grounds of harm to the vitality and viability of the Old Hatfield, loss of A3 which should be retained for when Salisbury Square is redeveloped, contrary to the draft Local Plan 2016, proposal will exacerbate existing parking problems in Old Hatfield</p> <p>The supporting comments can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The site is in a sustainable location despite no car parking being provided on the site</li> <li>• Housing is welcomed</li> <li>• The location is poor for a restaurant</li> <li>• A vacant unit is detrimental to the Old Hatfield Conservation Area the</li> </ul>		

	<p>proposed use is better than a vacant unit.</p> <ul style="list-style-type: none"> <li>• The design would preserve and enhance the building and the Conservation Area</li> <li>• No amenity space is provided for the flats but there is access to Hatfield House and grounds nearby</li> </ul>
<p><b>Consultees and responses</b></p>	<p>WHBC - Public Health and Protection Requires a noise impact assessment which assesses both commercial noise and noise from nearby roads and railway. The applicant will need to be able to show that external amenity areas meet the 55dB WHO Guidelines for Community Noise levels.</p> <p>WHBC - Parking Services - The Design and Access Statement refers to two parking spaces in the car park but these are not within the site boundary. Their location needs to be clarified. While in theory, the proposal meets the standards, in practice this is not likely to be sufficient.</p> <p>Hatfield Town Council - Hatfield Town Council Planning Committee wished to make a major objection to this application due to a loss of retail/restaurant unit, lack of parking and not in keeping with the neighbourhood with Old Hatfield</p>
<p><b>Relevant Policies</b></p>	
<p><input checked="" type="checkbox"/> NPPF  <input checked="" type="checkbox"/> D1   <input checked="" type="checkbox"/> D2   <input checked="" type="checkbox"/> GBSP1   <input checked="" type="checkbox"/> GBSP2   <input checked="" type="checkbox"/> M14  <input checked="" type="checkbox"/> Supplementary Design Guidance   <input checked="" type="checkbox"/> Supplementary Parking Guidance   <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes  Others: TCR24, D5, R19</p> <p>Draft Local Plan (Submitted May 2017)  SP 5  SADM 4</p>	
<p><b>Main Issues</b></p>	
<p><b>The principle of the change of use from A3 restaurant to C3 residential</b></p>	<p>The application site has been use as a restaurant (Class A3) since 1985. It is located in Old Hatfield and faces onto the public green in Salisbury Square. The proposal involves the change of use of the ground floor of the building from A3 to two x two bedroom flats in Use Class C3 (single household dwelling).</p> <p>Local Plan Policy TCR24 of the Welwyn Hatfield District Plan 2005 identifies Old Hatfield as a large but dispersed village centre with a key role in supporting the local business community, comprising several offices and local residents. As such, it displays a mix of convenience, specialist and service uses, for example accountants' and solicitors' offices. These uses are not located in one frontage but are dispersed within the centre, being based in and around Salisbury Square. The area is separated from the rest of Hatfield and from other neighbourhood centres by the Great North Road and the East Coast railway line.</p> <p>The retail function supports both the businesses and the residents in the local area. Policy TCR24 does not specifically address the issue of loss of A3 uses to residential use. However, the aim of the Policy is to retain the centre's shops and services to maintain this supporting role. In reference to proposals for change of use to B1 Business use, it provides criteria with which to consider proposals and pressures for changes of use to other purposes. These are that other uses would only be permitted at first and second floor and</p>

then only provided they did not lead to a loss of (alter alia) A3 uses and not involve a loss of residential accommodation. This policy aims to resist the loss of retail and service functions in the face of pressure for other uses. These criteria are also relevant in considering a change of use to Class C3. The proposal would involve the loss of the only A3 facility in the centre and the loss of ground floor commercial units and would undermine the role of the centre. It would, therefore, be contrary to the spirit of Policy TCR24.

The Council recognises that Old Hatfield has suffered from pressures for change of use. It has been particularly affected by the recent changes in the General Permitted Development Order 2015 (as amended), which allows change of use from offices (B1(a)) to residential (C3) subject to the Prior Approval process. However, the remaining offices and the residents of these new residential units require convenience and supporting services.

The redevelopment of part of Salisbury Square at Nos 1 to (S6/2011/1994/MA) has commenced and will increase the number of residents in Salisbury Square, reinforcing the need for retail and service uses. The redevelopment of York House (S6/2016/1086/FUL) has commenced and will retain five retail units (A1 use) and two floors of offices including an 84sqm extension over two floors.

In the context of redevelopment and renewal of the Old Hatfield centre, the Draft Local Plan Proposed Submission 2016 identifies, in Policies SP 5 (Quantity and Location of Retail Development), that Old Hatfield is a large neighbourhood centre providing a range of facilities at the heart of the local area. Old Hatfield provides a supermarket and other local shops and services including pubs and churches. Shopping frontage has been designated where there is a focus on shopping and service facilities for the needs of the local community. Appendix D of the document identifies properties in Salisbury Square and The Broadway as such shopping frontages and includes the application properties.

Policy SADM 4 states that in designated Retail Frontages the Council will support proposed changes of use where:

- i) At least 50% of the retail frontage remains in A1 use;
- ii) There will be no more than two adjoining non-A1 retail units within any part of the frontage;
- iii) There would be no harm to the vitality and viability of the centre.

Planning permission will only be granted as an exception to the criteria in this policy where there are overriding benefits to the overall vitality and viability of the centre. It will also need to be demonstrated through active and extensive marketing over a period of at least 12 months that there is a lack of demand for an A1 retail use in that location.

The Local Plan has been submitted to the Inspectorate and Examination In Public is underway. Some weight can be given to the policies contained in it and to those policies which have not been objected to can be given more weight in determining planning applications. Policies SADM 4 and SP 5 have not been objected to and so can be given significant weight.

The results of a survey of the Old Hatfield Centre retail frontage, undertaken in January, as set out in the table below:

Use Class	Shop No's	No of units	% of total existing units	% of future units
A1 retail	1, 2, 30 Sals Sq, 5 and 9 Broadway	5	21	
A2 service	35 Sals Sq, 7 Broadway	2	8.3	
A3 rest/cafe	33, 34 Sals Sq, 3 Broadway	3	12.5	
A5 take-aways	3, 4, 27, 28 Sals Sq	4	16.6	
Vacant	6, 7, 8, 9, 10, 11 & 12 (awaiting redevelopment) 29 Sals Sq	8	33.3	
Sui Generis	5 Sals Sq	1	4	
Residential (was B1(a))	32 (part of 31) Sals Sq	1	4	
Total		24	do not add due to rounding	21

While the number of units in A1 use and vacant (all those vacant have A1 use authorised) is 53.3%. The application proposal would not result in a loss of A1 use so the percentage of A1 uses would remain at 53.3% as at the present time. However, the seven units at No's 1-7 have planning permission for redevelopment as four units with mixed A1, A2 and A3 class uses. After redevelopment the proportion of units in A1 use could be lower but the floor area would be increased. The new units represent a potential for, but not a guarantee of, continued A1 use. They also offer potential for, but no guarantee of, A2 and A3 uses. With regard to criterion ii), there would be three adjoining units in non-A1 uses but this is already the case and the existing situation would not be worsened by the proposal. The proposal is considered to meet the first two criteria of this policy.

With regard to criterion iii), consideration must be given to whether the proposed change of use would affect the vitality and viability of the retail frontage. Neighbouring residents have commented that the restaurant is the only one for some distance and that it contributes considerably to the convenience offer of the centre. The other A3 use in the centre has Prior Approval for A3 use and temporary use as a daytime coffee bar. The local public houses do provide some food and there are four take-aways but there is no other eat-in restaurant within Old Hatfield since The Jaipur at No 23 Park Street closed a few years ago.

	<p>Vitality relates to the function but also the appearance of busyness. Salisbury Square has been the subject of several planning applications to change use of office buildings to residential flats and to construct additional flats. In addition, York House is being refurbished for B1(a) use and is currently vacant. Therefore, while the Square is currently in a phase of transition, in the longer term the occupation of the new and refurbished units as flats would increase the number of local residents likely to be present in the area in the evening as well as daytime office workers with a consequent increase in the customer base for local shops and services. The current application would result in the loss of the sole permanent A3 Class use in the Square.</p> <p>The front ground floor flat would have three full-height windows installed in the front elevation looking directly onto the pedestrian footway in Salisbury Square serving habitable rooms. While this scale of window would achieve a lively frontage for a retail or service outlet it compromises the privacy of the occupants of a residential flat and would require screening, which would adversely affect the lively appearance and vitality of the parade.</p> <p>The proposed change of use would be likely to have the effect of reducing the vitality, especially of the evening economy, and eroding the viability of the Large Neighbourhood Centre. For this reason it is considered contrary to existing and emerging policies TCR24 of the Welwyn Hatfield District Plan 2005 to permit loss of the A3 use in this location, and would be contrary to criterion iii) of Policy SADM 4 of the emerging Local Plan.</p>
<p><b>High Quality of Design (quality of accommodation, amenity space, privacy)</b></p>	<p>Policy D1 of the Welwyn Hatfield District Plan 2005 requires a high quality of design in all new developments. Policy R19 requires developments to not affect or provide living condition in terms of noise nuisance. The Supplementary Design Guidance 2005 (SDG) also requires high quality design to provide adequate living standards for future occupiers.</p> <p>The proposed development would provide two x two bedroom flats in the ground floor of the building and a first floor rear extension. The ground floor flat in the front half of the building would be accessed from the Square through a small lobby. The ground and first floor flat (as extended) would be accessed via a steep new flight of stairs at the rear from Batterdale, to reach the rear yard; a 2.3m drop in land level. The first floor flats would continue to be accessed from the rear from Batterdale at ground level over the roof of the proposed ground floor rear flat.</p> <p>As highlighted above, the front ground-floor flat would have three full-height windows installed in the front elevation looking directly onto the pedestrian footway in Salisbury Square. These would serve two bedrooms and the living room. While this scale of window achieves a lively frontage for a retail or service outlet it compromises the privacy of the occupants of a residential flat.</p> <p>The rear yard would be reduced in size to 11sqm and provide a ground floor amenity area for the rear ground floor flat for sitting out and clothes drying. The space would need to accommodate the flight of stairs. The indicative plan and sections do not show a satisfactory arrangement for the stairs. As such the amenity area would be contrived and not functional as a sitting out area or clothes drying area. No amenity area would be provided for the front flat. Refuse/recycling storage appears to currently be made on the pavement outside the site. The submitted plans show no location for refuse/recycling storage for either flat that would enable practical transfer to the pavement edge for collection. As such the layout and provisions within the site would not</p>

	<p>provide adequate levels of amenity and accommodation for two flats.</p> <p>The arrangement of rooms is such that the access to the existing flats would be over the roof of the ground floor flats and in particular directly over one of the bedrooms and the kitchen of the open plan living area. This is not considered to provide satisfactory adequate living conditions for the occupants of the ground floor rear flat in terms of noise with regard to Policy R19. It is not possible to assess the stacking of rooms as the layout of the first floor flats has not been provided.</p> <p>Overall the proposed development would fail to provide adequate living conditions for the future occupants of the proposed flats in terms of privacy, amenity and noise and is, therefore, considered to be contrary to the NPPF, Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.</p>
<p><b>Respects and relates to the character and context of the Conservation Area</b></p>	<p>NPPF (paragraphs 58-60) supports good design that responds to local character, is visually attractive and promotes and reinforces local distinctiveness. Paragraph 132 outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset (which includes Conservation Areas), 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given.</p> <p>Paragraph 133 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial Paragraph 134 states that this should be weighed against the public benefits of the proposal. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances and is consistent with Policy SADM 15 of the Emerging Local Plan.</p> <p>Local Plan Policies D1 and D2 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</p> <p>Section 5 of the 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.</p> <p>The application site is located in the Old Hatfield 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. The front elevation at first and second floors is built in red brick. To the rear, a previous flat-roofed extension (built prior to the declaration of the Conservation Area) and the rear</p>



	<p>elevation are painted white and have a consistent size and massing of timber framed, sash-style windows, white sills and red lintels. The rear extension at No's 31 to 32, the adjacent building has a pitched roof and windows with the same massing as the original building. The above policies require the key features of the original building and its setting to be retained, replicated and enhanced.</p> <p>A brick façade with full-height arched windows onto Salisbury Square would be installed on the front elevation of the ground floor. The features would reflect the shape of the windows of the adjoining building (No's 31-32) but would be much taller. They would create a massing of glazing that jars with the elevation of the adjacent building (which has windows more in character with a residential use) and would not sit comfortably in the front elevation of the building in a prominent position in the Square. Windows on the north and south elevations of the rear extension do not replicate the fenestration of the existing building in terms of shape and size. Both elevations would be clearly visible from the street-scene and fail to relate well to or enhance or improve the appearance of the application building or the row of buildings in which it is located.</p> <p>The rear extension at the first floor would be of a height that would not relate well to the floor levels of the existing building. The flat roof would be level with the window lintels of the existing first floor windows. While it would be finished in render to match the existing building, it would have a flat roof and be out of keeping with the character of the original building and with the strong vernacular of this parade of three-storey red brick buildings, all of which exhibit pitched roofs. Flat roofs are present in the single-storey garages on Batterdale but two and three storey buildings all have pitched roofs. This flat roof element at first floor would be clearly visible from Batterdale at the rear; a busy road providing access to the car parks and the pedestrian passage. The street trees to the rear of the site are deciduous trees with high canopies and only provide partial screening of the rear of the site when viewed directly from the rear and no screening when viewed from along Batterdale to the north and south. The building as extended would appear contrived and cramped within its site.</p> <p>The design of the proposed development fails to replicate the key features of the original building or of its setting. The proposal would introduce uncharacteristic massing of windows and doors and the rear extension would be of a height and design that would not replicate or enhance the appearance of the building and its setting. It would also appear cramped within its site. As such it would be out of keeping with the character of the host building and the Conservation Area and would be contrary to the NPPF, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidelines 2005.</p>
<p><b>Impact on the living conditions of neighbours</b></p>	<p>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 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.</p>

	<p>The properties most likely to be affected are the flats at 31-35 Salisbury Square, and in Batterdale to the rear.</p> <p>The proposed extension would be a sufficient distance from the flats at No 35, separated by the pedestrian passage, to not give rise to an overbearing impact or loss of light to the existing flats at No 35 Salisbury Square. No new windows would be positioned in the northern elevation of No 34, facing No 35, so the levels of privacy at that property would not be adversely impacted by the proposed development.</p> <p>Given the site configuration and the orientation of the buildings, the proposed rear extension would not be of a scale to cause an overbearing impact or loss of light to the existing flats at 33 and 34 Salisbury Square. The new windows in the south elevation at first floor would not directly face the existing windows to the flats at the first and second floor and would not give rise to a significant increase in overlooking of the internal spaces of those properties.</p> <p>The properties in Batterdale would not be offset from the southerly view from the new windows in the proposed rear extension and the nearest rear elevation is 28m away. In addition, there is a mature tree which provides screening through its trunk and canopy, between the rear of the application site and the rear of properties in Batterdale.</p> <p>In terms of impact on the living conditions of neighbouring occupiers the proposal is considered acceptable.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>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 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.</p> <p>The car parking provision for long-term residential spaces for the existing first and second floor flats is outwith the application site. Short-term parking for customers to the previous A3 use was available during the day in the Controlled Parking Zone (Limited to 2 hours to discourage commuter parking) and unrestricted hours after 6pm. There is a Residents' Parking Zone in operation in Batterdale and the surrounding roads, which allows Permit Holders to park in the Controlled Parking Zone.</p> <p>The proposed development would create 2 new dwellings, (two x two bedrooms requiring 1space each) generating a demand for 2 spaces in total. The proposed scheme would create demand for 2 long-term residential spaces over and above the previous uses. The Council's Parking Manager has commented that the two car parking spaces referred to in the Design and Access Statement are not within the application site. The development does not demonstrate where these two spaces are. However, it is clear from the submitted plans that the two required spaces would not be provided within the application site.</p>

	<p>The location is accessible by public transport (Zone 2) and the car parking standards have been adjusted to take this into account. The roads and car parks in this area are the subject of severe overnight parking pressure from existing residential uses in Old Hatfield village including recently developed properties and changes of use.</p> <p>The proposal does not make adequate on-site provision for the likely parking demand. It is likely to add to the cumulative pressure for overnight parking in the area and to result in congestion and inconvenience to existing residents contrary to Policy M14 of the Welwyn Hatfield District Plan 2005.</p> <p>Notwithstanding the above considerations Officers have considered 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, Local Planning Authorities 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.</p> <p>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. No such agreement has been requested or provided. As this provision has not been secured as an alternative to on-site parking spaces the proposal is considered to be contrary to Policy M14 of the Welwyn Hatfield District Plan 2005.</p> <p>The proposal does not include any provision for secure and weatherproof cycle parking. As such, the proposal does not meet the requirement for one cycle space per residential unit as set out in the Car Parking Standards and Interim Policy 2014. The small and contrived rear amenity area for the rear flat and lack of any amenity area for the front flat indicate that there is insufficient space for the required provisions to be made within the application site and that the proposed development would result in overdevelopment of the site. The proposal would, therefore, be contrary the National Planning Policy Framework, Policy M14, D5 and IM2 of the Welwyn Hatfield District Plan 2005, Parking Standard Supplementary Planning Guidance and the Interim Policy for Car Parking Standards and Garage Sizes.</p>
<p><b>Refuse and Recycling</b></p>	<p>The site layout plan shows no refuse/recycling stores within the site boundary. At present the restaurant wheelie bin appears to be stored on the pavement in the pedestrian passageway. The steep steps down to the rear yard and the lack of on-site provisions are a strong indication that refuse/recycling storage cannot be provided within the proposed development on the site. This is another indication that the proposal constitutes overdevelopment of the site.</p>
<p><b>Houses in Multiple Occupation</b></p>	<p>Since 12<sup>th</sup> 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</p>

	<p>for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document 2012.</p> <p>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 to this effect when planning permission for new dwellings is granted in Hatfield.</p>
<p><b>Planning Obligations</b></p>	<p>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.</p> <p>In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:</p> <ul style="list-style-type: none"> <li>(a) necessary to make the development acceptable in planning terms;</li> <li>(b) directly related to the development; and</li> <li>(c) fairly and reasonably related in scale and kind to the development.</li> </ul> <p>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.</p> <p>The proposed development gives rise to the necessity for the following obligation:</p> <p>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 33-34 Salisbury Square) from the list of properties eligible for parking permits.</p> <p>The TRO would be amended prior to the occupation of the ground floor units.</p>
<p><b>Conclusion</b></p>	
<p>In this case, if the application were to be considered for approval, conditions covering the use of materials appropriate to the Conservation Area, provision of car parking and cycle parking and bin storage facilities would be required. However, for the reasons set out below, the objections to the proposed development on the grounds of loss of restaurant use, quality of design and overdevelopment, impact on character of the building and Conservation Area and lack of parking provisions, cannot be overcome by the imposition of conditions</p> <p>The proposal would involve a loss of A3 use in this location and is considered to be contrary to existing TCR24 of the Welwyn Hatfield District Plan 2005 and emerging policy SADM 4 of the Draft Local Plan (Submitted May 2017).</p>	

In terms of design, the proposed development would fail to provide adequate living conditions for the future occupants of the proposed flats in terms of privacy, amenity, bin storage and noise. In addition, it would fail to replicate the key features of the original building or of its setting, introducing uncharacteristic massing of windows and doors and the rear extension would be of a height and design that would not replicate or enhance the appearance of the building and its setting. It would also appear cramped within its site. As such it would be out of keeping with the character of the host building and the Conservation Area. For these reasons the proposal is considered to be contrary to Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005, the NPPF and the Supplementary Design Guidance 2005.

The proposal makes inadequate provisions for car and cycle parking for the future occupiers of the site, contrary to Policies D5 and M14 of the Welwyn Hatfield District Plan 2005, the Parking Standard Supplementary Planning Guidance (SPG) and Interim Policy of Car Parking and Garage Sizes 2014.

1. The proposed change of use would reduce the vitality, especially of the evening economy, and erode the viability of the Large Neighbourhood Centre of Old Hatfield. For this reason it is considered contrary to Policy TCR24 of the Welwyn Hatfield District Plan 2005 and to criterion iii. of Policy SADM4 of the emerging Local Plan.
2. The proposed development would fail to provide adequate living conditions for the future occupants of the proposed flats in terms of privacy, amenity, noise, provision of refuse/recycling store and cycle store facilities. The proposal, thereby, constitutes overdevelopment and is poor quality design contrary to the National Planning Policy Framework, Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
3. The design of the proposed development fails to replicate the key features of the original building or of its setting. The proposal would introduce uncharacteristic massing of windows and doors in the front elevation and the rear extension would be of a height and design that would not replicate or enhance the appearance of the building and its setting. It would also appear cramped within its site. As such it would be out of keeping with the character of the host building and the Conservation Area and would be contrary to the National Planning Policy Framework, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidelines 2005.
4. 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 required non-financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to the National Planning Policy Framework, Policy M14, D5 and IM2 of the Welwyn Hatfield District Plan 2005, Parking Standard Supplementary Planning Guidance and the Interim Policy for Car Parking Standards and Garage Sizes.

## REFUSED DRAWING NUMBERS

5.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
154-210		Front Elevation Context	31 October 2017
154-220	A	Existing Section C-C	15 November 2017
154-221	A	Proposed Section A-A	15 November 2017
154-222	A	Proposed Section B-B	15 November 2017
154-101	A	Existing Ground Floor Plan	15 November 2017
154-102	A	Existing First Floor Plan	15 November 2017
154-103	A	Proposed Ground Floor Plan	15 November 2017
154-104	A	Proposed First Floor Plan	15 November 2017
154-201		Existing Front Elevation	31 October 2017
154-202		Existing Rear Elevation	31 October 2017
154-203	A	Existing North Elevation	31 October 2017
154-204	A	Existing South Elevation	31 October 2017
154-110	A	Ground Floor Demolition Plan	15 November 2017
154-111	A	First Floor Demolition Plan	15 November 2017
154-205		Proposed Front Elevation	31 October 2017
154-206		Proposed Rear Elevation	31 October 2017
154-207	A	Proposed North Elevation	31 October 2017
154-100		Site Location Plan	10 November 2017
154-120	A	Site Plan	15 November 2017

## 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).

### **Determined By:**

Mr Mark Peacock  
24 April 2018