

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/3182/FULL  
**Location:** 12 Harpsfield Broadway Hatfield AL10 9TF  
**Proposal:** Mixed-use development comprising of 8 student residential units (incorporating 21 study bedrooms), 169 sq.m of a4 commercial space(existing) with the associated on-site parking, pedestrian access, refuse and cycle storage  
**Officer:** Mr William Myers

**Recommendation:** Refused

6/2018/3182/FULL

<b>Context</b>	
<b>Site description</b>	The application site contains a three storey building which has a lawful use as an A3 (Restaurant) at ground floor level and a B1a (Office) Use at first and second floor.
<b>Constraints (as defined within WHDP 2005)</b>	PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 8.63 FM00 - Flood Zone Surface Water 1000mm (70631) - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0
<b>Relevant planning history</b>	Application Number: S6/2013/0603/FP Decision: Granted Decision Date: 14 May 2013 Proposal: Erection of new mansard roof  Application Number: 6/2017/0746/PN11 Decision: Prior Approval Required and Refused Decision Date: 23 May 2017 Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.  Application Number: 6/2017/2288/FULL Decision: Withdrawn Decision Date: 11 December 2017 Proposal: Change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.  Application Number: 6/2018/0233/PN11 Decision: Prior Approval Required and Granted Decision Date: 04 April 2018

	<p>Proposal: Prior approval for the change of use from office (B1) (a) to dwellinghouse to include the creation of 4 dwellings</p> <p>Application Number: 6/2018/2036/PA  Decision: Refused  Decision Date: 01 October 2018  Proposal: Pre application advice for the conversion of existing building into 10 flats (4x1bed, 6xstudio) and construction of rear extensions and a mansard roof with dormer windows.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 1	Other: 0
<b>Publicity</b>	Site Notice Display Date: 18 January 2019 Site Notice Expiry Date: 8 February 2019		
<b>Summary of neighbour responses</b>	<p>A summary of the comments received are listed below:</p> <ul style="list-style-type: none"> <li>Given the nature of the development and the size of the rooms it is likely that the building will be occupied by more than 21 residents</li> <li>There is insufficient parking in the area</li> <li>Proposed access to the rear of the property onto the bus station is unacceptable</li> </ul>		
<b>Consultees and responses</b>	<p>Hertfordshire Transport Programmes &amp; Strategy – Proposed access would constitute a breach of the Highway Act.</p> <p>Hatfield Town Council – (Major Objection) This application will create over concentration of potential occupiers into a very small building. There is insufficient amenity space. Overall the design is of poor quality and Members were unclear of means of escape in case of fire.</p> <p>WHBC Public Health and Protection – Insufficient information has been provided by the applicant to demonstrate that existing neighbouring residents and future occupants of the building would not be unacceptably impacted by the use of the ground floor of this building as a bar</p> <p>WHBC Parking Services – Insufficient parking provision within the application site</p> <p>WHBC Client Services – No objection, subject to condition</p>		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input 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: SD1, H2, D8 Emerging Local Plan 2016: SP1, SADM1, SP4, SP9, SADM11, SADM12			
<b>Main Issues</b>			
<b>Principle of Development</b>	Policy SD1 of the Council's District Plan states that development will be permitted where it can be demonstrated that the principles of		

	<p>sustainable development are satisfied and that they will accord with the objectives and policies of the Plan. Policy R1 states that in order to make the best use of land, the Council will require development to take place on land which has been previously used or developed. Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the NPPF which encourages the provision of more housing and the effective use of land by reusing land that has been previously developed.</p> <p>The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site of which Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:</p> <ul style="list-style-type: none"> <li>i. The availability of previously-developed sites and/or buildings;</li> <li>ii. The location and accessibility of the site to services and facilities by transport modes other than the car;</li> <li>iii. The capacity of existing and potential infrastructure to absorb further development;</li> <li>iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;</li> <li>v. The physical and environmental constraints on development of land.</li> </ul> <p>Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.</p> <p>The application site lies within the town of Hatfield as designated within GBSP2 of the Welwyn Hatfield District Plan. The site currently hosts a restaurant at ground floor level and has prior approval to convert the upper floors into four flats under application: 6/2018/0233/PN11. The site is located within close proximity of a number of shops, and restaurants, and a bus station. In addition, The Galleria shopping centre, Hatfield Town Centre, Hatfield Business Park and the University of Hertfordshire are all within walking distance of the site with the result that it is within close proximity to a wide range of services and facilities.</p> <p>The development would not conflict with criteria i-iv of Policy H2 or Policy SADM1 of the Emerging Local Plan and could be acceptable in principle subject to its impact upon the existing environment. The physical and environmental constraints on the development and land have been assessed below.</p>
<p><b>Design (form, size, scale, siting) and Character</b></p>	<p>District 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</p>

<p><b>(appearance within the streetscene)</b></p>	<p>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 objectives are broadly consistent with the Council's Emerging Local Plan 2016 and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.</p> <p>The proposed development would result in the extension of the building to its rear with a mansard roof being create at the top, with the result that the building would be effectively a four storey building on the same footprint as the existing building. It is proposed that these additions would allow for the use of the ground floor as a bar, along with car parking, cycle storage and bin storage, with the upper floor accommodating 8 residential units. It is described by the applicant that these residential units would include 2x four bedroom units, 1x three bedroom unit and 5x two bedroom units.</p> <p>It is not clear how the applicant has arrived at this description because the floor plans do not appear to support this breakdown of the residential units. With the exception of the four and three bedroom units, all the other individual bedrooms have all the facilities to make them self-contained residential units and they do not appear to need to share any of the communal facilities. In addition, the level of information provided means that it is not apparent which facilities within the residential part of the building would be communal for all residents; which facilities would be shared by more than one unit but not all units; and which facilities would be solely private. If it is the case that all residents would have access to the communal facilities within the building then it would be appropriate to consider this part of the building as a single residential unit. The result of this is that the residential part of the building would need to be considered as one large HMO with a Sui Generis Use as defined within the Use Class Order 1987, as amended.</p> <p>It is noted that the applicant has stated that the ground floor of the building has an existing A4 Use (Drinking Establishment) but this is not supported by the Council's planning records for the site which demonstrate that this space has only been granted permission for A3 Use (Restaurant). As a consequence, it is considered that the use of the ground floor of the building for an A4 Use needs to be assessed by this application. Given the applicant has applied for a mixed use of the building with these two uses specified it is judged that the use of the whole building should be considered as a Sui Generis Use.</p> <p>The application site is within a defined retail frontage within both the District Plan 2005 and Emerging Local Plan 2016. Although there is a presumption for A1 retail to be retained in this area, it is judged that the change of this use to an A4 use would not be any more unacceptable than the current A3 use.</p> <p>The proposed additions to the existing building would substantially increase the size of the building, particularly in terms of its depth and bulk. This increase in bulk would be most noticeable from the north of</p>
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the site because the depth of the building from this perspective would effectively double at above ground floor level. It is considered that the proposed increase in the size of the building would not be unacceptable and would not be out of character with the buildings within the immediate area. The reason for this is because a number of neighbouring buildings within the immediate area are of a similar size, height and bulk to that proposed by this application.

The proposed mansard roof reflects the adjoining terrace and is sympathetic in scale to its environment and to the original property. The roof extension would project approximately 1.8m above the existing parapet and would be set back approximately 600mm from the outside wall of the building on all sides. It is relevant that the visible bulk from public vantage points at ground level would be limited due to the height of the building and the set back.

The proposed positioning of the amenity area at first floor level outside the windows for the communal kitchen/dinner and bedroom four of what is referred to by the applicant as Unit A, does not amount to a high quality of design. The reason for this is because this communal space would be directly outside the only window that serves bedroom 4 of Unit A. As this amenity space would be available to up to 21 residents at any time during the day or night this would mean that the occupier of this room would likely be regularly disturbed by other residents using this space for social purposes. In addition, as the staircase that serves this communal area provides an access to the residential part of the building it is judged that it would be common for residents to use this access at any time during the day or night, and at all times of the year. In addition, there appears to be inaccuracies between what is shown on the floor plans and what is shown on the elevation drawings with regards to the vegetation that is shown in front of bedroom four on the floor plans but not on the elevations. Notwithstanding this, the vegetation shown on the floor plan would not be sufficient to protect the amenity of the future occupiers of this room and could have further negative impacts on the quality of accommodation in terms outlook and daylight.

A further inaccuracy within the submitted plans is that the floor plans appear to indicate an access into the bus station area to the rear of the site but the elevations do not show this. It is judged if a door is proposed within this elevation that such an access would be unacceptable because the door would open immediately onto a bus station. As a result such this layout and access arrangement would constitute poor design.

With regards to the communal areas, it is not clear from the proposed submission who would be responsible for the upkeep and maintenance of these communal areas and the facilities that they contain. There is a risk that these spaces could quickly deteriorate in the absence of a clear management plan or obligation to specify how these spaces would be furnished, equipped, maintained and kept permanently open for the enjoyment of the residents within the residential part of the development for the lifetime of the development. It is therefore considered that if this application were recommended for approval further information would need to be submitted by the applicant to indicate how this communal

	<p>space would be appropriately managed for the permanent use of the residents who would occupy the residential part of the development.</p>
<p><b>Impact on neighbours</b></p>	<p>As a consequence of the nature of the proposed development it is considered that it is important to assess what impact the proposed development would have on existing residents within the immediate area and future occupiers of the residential units.</p> <p><i>Existing residents</i></p> <p>With regards to the proposed bulk, scale and design of the extended building, it is judged that the setting back of the southern flank wall from the southern boundary by appropriately 3m at first floor level would limit the impact of the proposed extension on residents to the south of the site. This design feature would mean that the proposed extension would not be unacceptably overbearing on the neighbouring properties to the south. In addition, due to the fact that the extensions would be to the north of dwellings to the south, it is judged that the proposed additions would not result in a material loss of light to the residents to the south of the application site.</p> <p>It is noted that the windows within the southern elevation of the building would all be obscure glazed. It is judged that when this feature is combined with the setting back of the southern flank wall from the boundary of the site that these windows would not have an unacceptable impact on the levels of privacy that the neighbouring residents to the south of the site currently enjoy. In addition, subject to a condition being imposed, if the application were approved, that the proposed planting be permanently retained and the glass balustrade be permanently obscured, it is judged that these features would appropriately screen the amenity space so that its use would not have an unacceptable impact on residents within the immediate area.</p> <p>As discussed above although the applicant has stated that the ground floor of the building has an existing A4 (bar) Use it is considered that there is no evidence to support this. As a consequence, it is important to consider the impact of this change of use. As the current lawful use of the ground floor of the building is as an A3 (restaurant) use it is judged that the proposed use of this space as a bar is likely to generate a lot more noise than the existing use. Although the application site is not located within a quiet residential area, there are a number of residential dwellings above the shops to the south. It is important to note that although a noise assessment has been submitted as part of this application this assessment relates to the use of the ground floor as a restaurant. As a consequence it does not provide an adequate assessment of whether the residents within the immediate area would be appropriately protected by the noise generated from the new use as a bar. It is therefore considered, in accordance with the comment provided by the Council's Public Health and Protection Team, that without an appropriate noise assessment to demonstrate that the noise generated by the proposed use would not unacceptably impact on these residents, there is currently insufficient information to assess the acceptability of this use.</p>

	<p><i>Future occupants</i></p> <p>It is considered that the proposed use of obscured glazing within every window that would serve a communal rooms on the first, second and third floor would constitute poor design and it would make these rooms materially deficient for future occupiers. This deficiency would mean that future residents would not be provided with adequate communal space.</p> <p>As the proposed use of the ground floor of the building would be as a bar, and such a use is likely to generate a significant amount of noise, it is judged in accordance with the comments from the Council's Public Health and Protection Team, that a detailed noise assessment of this use would need to be carried out before its acceptability could be appropriately assessed. As it stands insufficient information has been provided by the applicant to demonstrate that future occupants would not be unacceptably impacted by the use of the ground floor of this building as a bar.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>It is proposed that the extended building would contain a total of 21 residential tenancy units and approximately 169m<sup>2</sup> of commercial floor space in A4 (bar) Use.</p> <p>Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 109 states that <i>“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”</i></p> <p>Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p> <p>As a consequence it is important to consider the Council's SPG on Parking Standards and the Council's Interim policy for Car Parking. As the proposed development would result in the creation of a 21 unit Sui Generis HMO and 169m<sup>2</sup> of A4 Use floor space, the proposed use should provide approximately 11 spaces. Although the proposed plans indicate that the scheme would provide three car parking spaces, the amount of space allocated for these parking spaces is insufficient to meet the Council interim parking standards. As a consequence of this, the proposed development would only be able to provide two car parking spaces. As the proposed development would only provide two car parking spaces this would result in a shortfall of 9 spaces.</p> <p>It is noted that the applicant has stated that the proposed residential development would be for students which may result in a lower demand</p>

	<p>for parking compared to other types of accommodation. A car-free development can be acceptable in exceptional circumstances, however, in this case insufficient evidence has been provided by the applicant to justify why this could be achievable and acceptable in this case. In addition, no obligation has been submitted by the applicant to restrict the residential occupation of the building to students only.</p> <p>Further to the above, it is important to note that the Highways Authority have objected to the proposed development because the vehicular access to these spaces would be in breach of the Highway Act as the access road is only for buses to access the bus station to the rear of the site. This therefore means that although the submitted plans illustrate that the development could accommodate two car parking spaces, these spaces are not realistically achievable.</p> <p>Taking account of the above, inadequate parking provision would be provided for the proposed development, contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and NPPF.</p>
<p><b>Sustainability</b></p>	<p>Policy SD1 of the District Plan and Policy SP1 of the Emerging Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. The NPPF outlines, in section 2 of the document, that there three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of commercial floor space required to meet the needs of present and future generations; as well as a an environmental role which includes protecting and enhancing the built environment.</p> <p>The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefits and adverse effects to be achieved across those three areas. In this instance the efficient use of a vacant site, the location of the development would be highly accessible for local amenities and public transport, and would provide additional accommodation in the area to support local shops and services. In addition, the development has the potential to offer a greater range of accommodation which would have some social benefit if it was of good quality design. The proposal would also have an economic benefit through the construction phrase of the development.</p> <p>It is not considered though that these social and economic benefits to the scheme would overcome the environmental harms that have been identified within this report. These are the unacceptable impact that the proposed development would have on the amenity of neighbouring residents, and future residents, and failure to provide adequate parking</p>



	provision for the proposed development.
<b>Conclusion</b>	
<p>The positioning of communal areas and amenity space, would harm the amenity and living conditions of future occupier of residential units within the proposed development to an unacceptable degree. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Emerging Local Plan 2016 and would fail to accord with the Council's Supplementary Design Guidance and the National Planning Policy Framework 2019.</p> <p>Insufficient information has been provided as part of this application to enable the Local Planning Authority to fully assess the noise implication of the proposed development. Accordingly it has not been possible to assess whether the proposed development would comply with Policy R19 of the Welwyn Hatfield District plan and the National Planning Policy Framework 2019.</p> <p>The proposed development would provide insufficient parking provision, with the result that it would be contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework 2019.</p>	

**Reasons for Refusal:**

1. The positioning of communal areas and amenity space, would harm the amenity and living conditions of future occupiers of residential units within the proposed development to an unacceptable degree. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Emerging Local Plan 2016 and would fail to accord with the Council's Supplementary Design Guidance and the National Planning Policy Framework 2019.
  
2. Insufficient information has been provided as part of this application to enable the Local Planning Authority to fully assess the noise implications of the proposed development. Accordingly it has not been possible to assess whether the proposed development would comply with Policy R19 of the Welwyn Hatfield District Plan and the National Planning Policy Framework 2019.
  
3. The proposed development would provide insufficient parking provision, with the result that it would be contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework 2019.

**REFUSED DRAWING NUMBERS**

4.	<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
	01-0718-HB		Location and Block Plan	2 January 2019
	02-0718-HB-BL-EX		Existing Block Plan	14 December 2018

02-0718- HB-BL-PR	Proposed Block Plan	14 December 2018
02-0718-HB	Existing Floor Plan	14 December 2018
03-0718-HB	Existing Second Floor and Roof Plan	14 December 2018
04-0718-HB	Proposed First and Second Floor Plans	14 December 2018
04A-0718- HB	Proposed Roof and Loft Plan	14 December 2018
08-0718-HB	Existing Elevations/Sections	14 December 2018
09-0718-HB	Proposed Elevations	14 December 2018
10-0718-HB	Proposed Sections	14 December 2018

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).

**Determined By:**

Mr Mark Peacock  
3 April 2019