

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

DELEGATED APPLICATION

Application No: 6/2020/1660/FULL
Location: 12 Harpsfield Broadway Hatfield AL10 9TF
Proposal: Erection of part four, part single storey rear extension and erection of a mansard roof extension to facilitate the creation of six new residential dwellings formed of 2 x studio and 4 x 2b4p units. Ground floor to be changed from a A3 restaurant to a A4 drink establishment, three vehicle parking spaces and cycle and refuse storage internally
Officer: Mr William Myers

Recommendation: Refused

6/2020/1660/FULL

Context	
Site and Application description	<p>The application site contains a three storey building which has a lawful use as an A3 (Restaurant) at ground floor level. While permission has previously been granted for the residential use of the first and second floor of the building the current use of these floors as HMOs does not benefit from planning permission. Furthermore, a recent application for retrospective permission for this use of the building has been refused. The reasons for this refusal are set out below. As a consequence, while the existing floor plans for the first and second floor of the building which have been submitted as part of this application indicate this use, and the proposed development does not refer to the retention of this use, it is necessary as part of this application to consider the acceptability of this use.</p> <p>Further to the above, it is considered that the proposed development relates to the change of use of the ground floor from A3 to A4 (both now within Class E of the Use Classes Order 1987 (as amended), the retention of two HMO units within the existing first and second floors and the extension of the building to facilitate the creation of six 2-bedroom flats.</p> <p>Application (6/2020/1177/FULL) for the retention of the HMO units within the existing building has been refused and there are no material differences between this application and that refused., it is not considered necessary therefore to fully reconsider the acceptability of these aspects of the development within this application. It is noted that this proposal does include material difference which were outside the scope of the previous application with the result that these difference are considered within this report.</p> <p>With regards to the change of use of the ground floor unit, it is considered that as both the existing and proposed uses now fall within the Class E of the Use Classes Order 1987 (as amended) that this change does not constitute development.</p>
Constraints (as defined within	PAR - PARISH (HATFIELD) - Distance: 0

<p>WHDP 2005)</p>	<p>Wards - Hatfield Villages - Distance: 0</p> <p>A4HD - Article 4 HMO Direction - Distance: 0</p> <p>CP - Cycle Path (Cycle Facility / Route) - Distance: 5.92</p> <p>FM00 - Flood Zone Surface Water 1000mm (70631) - Distance: 0</p> <p>HAT - Hatfield Aerodrome - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>HHAA - Hatfield Heritage Assessment Area(Hatfield Business Park) - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: S6/2013/0603/FP Decision: Granted Decision Date: 14 May 2013 Proposal: Erection of new mansard roof</p> <p>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.</p> <p>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.</p> <p>Application Number: 6/2018/0233/PN11 Decision: Prior Approval Required and Granted Decision Date: 04 April 2018 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: 6/2018/3182/FULL Decision: Refused Decision Date: 03 April 2019 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</p> <p>Application Number: 6/2020/1177/FULL Decision: Refused Decision Date: 14 August 2020 Proposal: Retention of the use of the first and second floor levels from Retail (A1) to 2 small HMO units (with no more than four occupants each).</p> <p>Reasons for Refusal</p> <ol style="list-style-type: none"> 1. The proposed development would result in the concentration of houses in multiple occupation exceeding 20 percent of the total number of dwellings

	<p>within a 50 metre radius of the application site, contrary to Criterion HMO1 of the Welwyn Hatfield Borough Council Houses in Multiple Occupancy Supplementary Planning Document 2012. The application therefore fails to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1 and D2 of the Welwyn Hatfield District Plan 2005; Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document 2012; and the National Planning Policy Framework.</p> <p>2. The proposed development by virtue of the lack of dining/communal areas, poorly designed amenity space and three bedrooms which would fail to meet the minimum internal layout standards set out within Criterion HMO5 of the Welwyn Hatfield Borough Council Houses in Multiple Occupancy Supplementary Planning Document 2012 and as such, would result in poor quality design and unsatisfactory living conditions for the occupants of the property contrary to Policy D1 of the Welwyn Hatfield District Plan 2005; Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.</p> <p>3. An inadequate level of car parking provision is provided or is available to serve the development which would further exacerbate the existing car parking pressures within the vicinity which would be harmful to the character of the area. The proposal is therefore contrary to Policy M14 and D1, D2 of the Welwyn Hatfield District Plan 2005; Supplementary Planning Guidance Parking Standards 2004; Interim Policy for Car Parking Standards and Garage Sizes 2014; Criterion HMO2 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.</p> <p>4. Insufficient and inaccurate drawings have been submitted with the application to adequately assess the provision of car parking, cycle storage and bin storage against Policies GBSP2, D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; Criterion HMO4 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Supplementary Design Guidance 2005; Policy SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Press Advert Display Date: 5 August 2020 Press Advert Expiry Date: 19 August 2020		
Consultees and responses	HCC Hertfordshire Transport Programmes & Strategy – Object because the proposed access constitutes a breach of the Highways Act and the information submitted to support the application is sufficient for the Highways Authority to make an appropriate assessment. WHBC Councillor Duncan Bell - Whilst I accept that the site would benefit from		

	<p>some development, I am concerned at the level and nature of the parking provision.</p> <ul style="list-style-type: none"> • Only 3 spaces are to be provided for 6 dwellings. We have seen from experience, particularly with the student accommodation facility at the nearby Comet Hotel, how under-provision of parking leads to pressure on surrounding roads. In this case, the surrounding area, the unused bus station, is already used for commuter parking. • From the drawings, it appears that the 3 parking spaces, built into the ground floor, are open on to Jetliner Way. There is a risk that such spaces become litter traps, unless enclosed by garage doors. • To allow for access to these 3 spaces, it would appear to be necessary to apply double yellow lines along a short stretch of Jetliner Way, causing a loss of at least two existing spaces. Are HCC or WHBC in a position to apply such a restriction? • The area surrounding the unused bus station is currently a rather neglected litter trap, and is used as a large informal car park much of the time. If there was some way that this development could, as part of the parking solution, take some ownership of part of the area behind the development, and alongside the bus station, then perhaps a win-win could be achieved. <p>Hatfield Town Council - This application could lead to potentially 36 residents living at the property. There will only be 3 parking spaces - this is not adequate. There will be only 7 bike racks, this is not adequate. The area designated as amenity space for the HMO is a staircase LANDING not a room. We are greatly concerned at the lack of fire precautions and fire escapes. Cramming this much into the property is overdevelopment of the site. There has been no attempt by the applicant to make the building suitable for a person requiring additional adaptations, hand rails, ramps let alone a lift.</p> <p>WHBC Client Services – No objection</p> <p>WHBC Public Health and Protection – No objection, subject to conditions</p>
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Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
 Others: SD1, R1, H2, D8, R7, Houses in Multiple Occupation Supplementary Planning Document (2012)

Emerging Local Plan Proposed Submission August 2016 (Key Policies):

SP1 (Delivering Sustainable Development)
 SP3 (Settlement Strategy and Green Belt)
 SP4 (Travel and Transport)
 SP9 (Place Making and High Quality Design)
 SADM1 (Windfall Development)
 SADM2 (Highway Network and Safety)
 SADM11 (Amenity and Layout)
 SADM12 (Parking, Servicing and Refuse)
 SADM14 (Flood Risk and Surface Water Management)

SADM16 (Ecology and Landscape)
SADM18 (Environmental Pollution)

Main Issues

Principle of Development

Policy SD1 of the Council's District Plan states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the 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.

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:

- i. The availability of previously-developed sites and/or buildings;
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
- iii. The capacity of existing and potential infrastructure to absorb further development;
- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
- v. The physical and environmental constraints on development of land.

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.

The application site lies within the town of Hatfield as designated within GBSP2 of the Welwyn Hatfield District Plan. 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.

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.

With regards to the proposed change of use of the ground of the building from a restaurant (A3) to a bar (A4). As changes within the Use Class Order 1987

	<p>(as amended), which came into effect on the 1st September 2020, mean that these two uses now fall within Class E of this Order it is not considered that this change constitutes development.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</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 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 with a single storey rear projection. 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 residential units. It is noted that the applicant has described residential part of the development as creating six (6) new residential dwellings formed of two studios and four 2-bedroom units.</p> <p>While it is not disputed that part of the proposed development relates to the creation of these units it is important to note that as the two HMO units shown within the existing building do not benefit from planning permission these also form part of the proposed development. As the acceptability of these units has already been considered within application 6/2020/1177/FULL and the consideration for these within the application are materially the same, it is considered that it is reasonable and appropriate to come to the same conclusions on these units within this application.</p> <p>Although it is not necessary to specifically consider the acceptability of these unit within this report, it is judged that it is reasonable and appropriate to give consideration to how these units relate to the other aspects of this proposal.</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 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 be acceptable 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.</p> <p>Although, there is no objection to the proposed extensions in principle, it is considered that the proposed layout and number of units would result in a form of development which would appear contrived and cramped within its setting. The reasons for this are; the layout of both HMO units would fail to meet minimum space standards set out within the Council's Houses in Multiple Occupation Supplementary Planning Document 2012; the amenity space provided would be of a low quality because of its limited size for the number of units, there is a lack of privacy it would enjoy and its proximity to the windows</p>

	<p>within flats which adjoin this area; the bin storage area for the proposed units would only be accessible by walking around the outside of the building and this bin storage area would be shared with the proposed bar use on the ground floor; the proposed access to the flats would be onto a road which has a lawful use as a bus station and there is no footpath linking this access to the nearest footpath on Jetline Way; and the inability of the proposal to provide a policy compliant level of parking provision within the site. These points are discussed in further detail within the following sections of this report.</p> <p>Overall, and as alluded to above, the proposed layout and design of the building represent a poor standard of design, contrary to Policies D1 and D2 of the Council's Local Plan, Supplementary Design Guidance and the NPPF.</p>
<p>Impact on neighbours</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 light to the residents to the south of the application site.</p> <p>With regards to privacy, although it is noted that some of the windows within the southern elevation of the building would be obscured the large sliding doors within this elevation, which would serve habitable rooms, are not shown as being obscure glazed. As a consequence, the proposed development would result in a material change in the levels of privacy which the rear windows within of No. 11a Harpsfield currently enjoy. Although it is noted that these proposed windows would not look direct towards the rear windows of these units, it is judged that given their, size, use and proximity to these adjoining windows which, it appears from the site visit, serve habitable rooms that this relationship would be unacceptable. As a consequence, it is considered that these windows, would need to be obscured and restricted in their opening, with the result that they would be inappropriate for the primary windows serving these habitable room. It is considered therefore that this represents a design flaw within the proposed development.</p> <p>With regards to the proposed change of use of the restaurant, it is judged that the proposed use of this space as a bar is likely to generate 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. While it is considered that the proposed use would change the nature of the activities and the levels of noise generate at ground floor level, it is considered that these changes could be appropriately addressed by conditions. This opinion is supported by the the Council's Public Health and Protection Team.</p>

Future Occupiers

Policy SADM11 of the Emerging Local Plan 2016, requires as a minimum, for all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings. The proposal seeks permission for two studio flats, four 2-bedroom flats and two 4-bedroom HMOs.

It is considered that all the proposed flats would be sufficient in size to meet the minimum space standards set out with the NDSS. However, the two 4-bedroom HMOs were found to be unacceptable within 6/2020/1177/FULL, as there is no material difference between these units in this application, it is considered that it is reasonable and appropriate to come to the same conclusion here.

Further deficiencies within the design of the proposal can be seen by the fact that the only windows which would serve the kitchen/dining room of flat 2 and the HMO unit on the first floor face would onto the raise platform at this level which is referred to as communal amenity. It is considered that such a feature represents poor design because this communal amenity space would be accessible by all the flats and it is likely that other residents may congregate within this space. It is considered that the negative implications of this design feature would be further exacerbated by the fact that both these rooms would be served with floor to ceiling windows and that people using this space would be able to stand immediately adjacent to these window. It is therefore considered that this relationship would be unacceptable because future occupiers would feel the need to obscure views of their private living space on a regularly basis. In addition, this would mean that their outlook and the level of natural light which they would expect to receive from these windows would be unacceptably compromised. It is considered therefore that this represents a further design flaw within the proposed development.

Further to the above, it is considered that the proposed access to the flats is unacceptable. The reason for this is because the only access to the flats is not served by a footpath but it would instead require future occupiers to walk on a road which forms part of the adjoining bus station. It is considered that such an access is unacceptable in both design and safety terms.

Amenity Space

Policy SADM11 of the Emerging Local Plan, Policies H4 and D1 and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. Restrictions allied to the recent Covid-19 pandemic have highlighted the importance of good quality private outdoor amenity space.

Although limited information has been provided about the proposed amenity space, it is considered that the proposed amenity space would be of a low quality. It would appear that the design of the application site was dictated by the number of units and size of the building rather than outdoor space considerations. This is because of its limited size for the number of units, lack

	<p>of privacy that it would enjoy and its proximity to the windows within the first floor flats to the proposed amenity space. Furthermore, while there is no objection to the size of the balconies which are proposed for the flats concern is raised with regards how usable these balconies would be for future occupiers as a result of the noise from the dual carriage immediately to the east of the site and the bus station to the west of the site. The overall amount and quality of outdoor amenity space would be notably poor and is indicative of a poor design, contrary to Policy D1 and the SDG.</p> <p><i>Noise</i></p> <p>Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan.</p> <p>While it is considered that levels of noise generated by transport and commercial activities within the immediate area high and no information has been provided as part of this application on how this would be addressed, it is considered that these could be appropriately mitigated by appropriate conditions. This opinion is supported by the Council's Public Health and Protection Team.</p> <p><i>Air Quality</i></p> <p>Policy R18 of the District Plan states the Council will have regard to the potential effects of a development on local air quality when determining planning applications. Consideration will be given to both the operational characteristics of the development and to the traffic generated by it. This approach is reflected in Policy SADM18 of the Emerging Local Plan.</p> <p>The Council's Public Health and Protection Team have raised concerns about air quality issues within the immediate area, as a consequence, it is considered that it would be reasonable to impose a condition on any approval which would require that an air quality impact assessment be submitted and approved prior to the occupation of the proposed development.</p> <p>Further to the above, the proposal is unacceptable in terms of its effect on the living conditions of the occupants of neighbouring properties and it would not provide acceptable living conditions for the future occupiers of the proposed dwelling. Accordingly the proposal would result in unacceptable living conditions for future occupiers, through inadequate external amenity space and internal living space. The scheme would therefore conflict with Policies D1 and D2 of the District Plan (2005), Policies SP9 and SADM11 of the Emerging Local Plan, the Supplementary Design Guidance (2005) and NPPF.</p>
<p>Access, car parking and highway considerations</p>	<p>It is proposed that the extended building would contain a total of two studio flats, four 2 bedroom flats, two 4 bedroom HMO units and approximately 169m² 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</p>

	<p>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. It is considered that the residential units should seek to provide 13 car parking spaces. With regards to the proposed change of use of the restaurant to the bar, as this does not constitute development it is not necessary to consider this change. 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 in size to meet the Council’s interim parking standards. This is because these proposed spaces would constitute internal parking spaces with the result that they should be 6m in depth and 3m in width but while the depth of the parking area would be sufficient, the width of this entire area is only approximately 8.8m. 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 11 spaces.</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>With regards to cycling provision it is considered that the proposed residential unit within this proposal should seeks to provide six cycle storage spaces for the flats and eight cycle storage spaces for the HMO units. As the proposed plans indicate that the development would only provide seven cycle storage spaces this would represent a shortfall of seven spaces.</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>Any other considerations including preserved or enhanced character or appearance of</p>	<p><i>Concentration of HMOs</i></p> <p>As the concentration of HMO has not been considered elsewhere within this report it is considered that it is reasonable and appropriate to discuss this here.</p> <p>The Welwyn Hatfield Borough Council Houses in Multiple Occupancy Supplementary Planning Document (HMO SPD 2012) sets out the Council’s</p>

<p>Conservation Area</p>	<p>objective to retain a balance of different housing types and the policies and criteria for achieving this aim. Section 5.2 of the HMO SPD sets out that a change of use from C3 to a large HMO (Sui Generis) will be determined in relation to all the Criteria in the SPD (HMO1 to HMO6).</p> <p>Criterion HMO1 of the SPD sets a benchmark for determining whether there is an overconcentration of HMO's within an area. Applications for change of use to a HMO will not be permitted where the proportion of HMO's would exceed 20% of the total number of dwellings within a 50m radius of the centre of the application property. This criterion enables the Council to manage future changes in land use and to ensure that the surrounding area is not adversely affected by new HMO's. The 20% concentration level has been selected to prevent concentrations which result in an adverse impact but still allows a number of new HMO's to meet future need.</p> <p>There are 12 residential properties located within the 50m radius of the existing application site. The information sources, which include licensed/unlicensed houses in multiple occupation and council tax records for student exemption indicate that of these 14 units, 3 are being occupied as an HMO. Including the two unlawful HMO units at the application property, this figure increases to 5 existing HMO's, which represents approximately 35.7% of the total number of properties operating as a HMO.</p> <p>While it is noted that the proposed development would result in the creation of six additional residential units as part of this proposal this would still result in the concentration of HMOs within the immediate area being 25% of the total number of properties operating as HMOs.</p> <p>The proposed development would therefore fail to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1 and D2 of the Welwyn Hatfield District Plan 2005; Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document 2012; and the National Planning Policy Framework.</p>
<p>Sustainability</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. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, 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 housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the 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 benefit and adverse effects to be achieved across those three areas.</p>

	<p>In favour of the scheme is a social benefit through the provision of eight windfall residential units. The Council are unable to demonstrate a five-year supply of deliverable housing sites. The proposed development would contribute towards the identified shortfall in housing supply, which is a benefit to which moderate weight is attached.</p> <p>In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the development. However, this benefit would be short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be limited in effect because the proposal is only for eight units. With regards to the change of use of the ground floor from a restaurant to a bar it is considered that this change would be neutral because the two uses would generate a similar level of employment and commercial activity.</p> <p>It is not considered that the limited economic and moderate social benefits to the scheme would not overcome the environmental harms that have been identified within this report.</p>
<p>Conclusion</p>	
<p>In conclusion, the proposed development would result in conflict with the District Plan, the Emerging Local Plan and the NPPF. For the reasons given above it is recommended that planning permission is refused.</p>	

Reasons for Refusal:

1. By virtue of the number of units proposed, the low quality external private amenity space, the unacceptably poor outlook and levels of privacy proposed for the kitchen/dinner of flat 2 and kitchen of the first floor HMO, the location of the bin storage area and that the residents would share this area with the bar, the unacceptable access to the flats via a road with no footpath and the lack of space to provide a policy compliant level of parking provision within the site, the development proposed would appear as an over intensive form of development that would appear contrived and cramped in its setting. Accordingly the proposed development would be of a poor standard of design, failing to take the opportunities to function well and add to the overall quality of the area, contrary to Policies D1 and D2 of the District Plan (2005), Policies SP9 and SADM11 of the Emerging Local Plan (2016), 'Supplementary Design Guidance' (2005) and the National Planning Policy Framework.

2. The proposed development would result in the concentration of Houses in Multiple Occupation exceeding 20% of the total number of dwellings within a 50 metre radius of the application site. The application therefore fails to maintain an appropriate balance and variety of residential properties within the locality and the resulting imbalance in the community would have a material and harmful effect on the character of the area contrary to Policies SD1 and D2 of the Welwyn Hatfield District Plan 2005; Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document 2012; and the National Planning Policy Framework.

3. The proposed development by virtue of the lack of dining/communal areas, poorly designed amenity space and three bedrooms which would fail to meet the minimum internal layout standards set out within Criterion HMO5 of the Welwyn Hatfield Borough Council Houses in Multiple Occupancy Supplementary Planning Document 2012 and as such, would result in poor quality design and unsatisfactory living conditions for the occupants of the property contrary to Policy D1 of the Welwyn Hatfield District Plan 2005; Criterion HMO5 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.
4. An inadequate level of car parking provision is provided for the proposed development which would further exacerbate the existing car parking pressures within the vicinity which would be harmful to the character of the area. In addition, the parking spaces which are proposed cannot lawfully be accessed because to do so would constitute a breach of the Highway Act. The proposal is therefore contrary to Policies M14, D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Planning Guidance Parking Standards 2004; Interim Policy for Car Parking Standards and Garage Sizes 2014; Criterion HMO2 of the Houses in Multiple Occupation Supplementary Planning Document 2012; Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.
5. The proposed fenestration within the southern elevation of the building would result in an unacceptable loss of privacy for occupiers of No. 11a Harpsfield Broadway. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Design Guidance and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
EX-L001		Location Plan	10 July 2020
EX-S001		Existing Sections	10 July 2020
EX-E003		Existing Side Elevation 2	10 July 2020
EX-P002		Existing First Floor	10 July 2020
EX-E002		Existing Side Elevation 1	10 July 2020
EX-P001		Existing Ground Floor	10 July 2020
EX-P003		Existing Second Floor	10 July 2020
EX-E001		Existing Front Rear Elevations	10 July 2020
EX-P004		Existing Roof Plan	10 July 2020
PR-P005		Proposed Roof Plan	10 July 2020
PR-P002		Proposed First Floor	10 July 2020

PR-P003	Proposed Second Floor	10 July 2020
PR-E001	Proposed Front Rear Elevations	10 July 2020
PR-P001	Proposed Ground Floor	10 July 2020
PR-P005	Proposed Loft Plan	10 July 2020
PR-S001	Proposed Sections	10 July 2020
PR-E003	Proposed Side Elevation 2	10 July 2020
PR-E002	Proposed Side Elevation 1	10 July 2020
PR-L001	Proposed Location Site Plan	10 July 2020

1. POSITIVE AND PROACTIVE STATEMENT

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

Informatives:

1. It is important to note that the HMO units shown within the plans submitted as part of this application are unlawful and require planning permission.

Determined By:

Mrs Sarah Smith
4 September 2020