

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2015/1034/MA

SITE ADDRESS: 31 Salisbury Square, Hatfield, AL9 5JD

DESCRIPTION OF DEVELOPMENT: 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

RECOMMENDATION: Approve with conditions

1. SITE AND APPLICATION DESCRIPTION:

The application site is located to the west side of Salisbury Square and accommodates a three storey terrace building with an enclosed parking court to the rear. Salisbury Square to the front of the site is a pedestrianised area characterised by public open space mostly laid to lawn surrounded by a mix of uses including retail, office, restaurants/takeaways and residential properties.

This application seeks full planning permission for 10 apartments in total, comprising the conversion of the existing building into 6no 2 bed apartments, extension and conversion of existing roof space to provide 1no 2 bed apartment and the erection of new block within the existing car park to provide 2no 1 bedroom apartments and 1no 2 bedroom apartment.

2. SITE DESIGNATION:

The site lies within Old Hatfield Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/2014/0021/OR – Prior approval for the change of use of ground, first and second floor office building (Use Class B1) to 6 x 2 bedroom flats (Use Class C3 residential) (Prior approval not required 06/03/2014)

S6/2001/0042/FP – Alterations to rear elevation and construction of boundary wall to maximum height of 2.4m (Granted 06/07/2001)

S6/1997/0677/FP – Change of use of ground floor from Class A2 to B1 office (Granted 26/09/1997)

S6/1975/0409/FP – Rear extension to bank and offices (Granted 29/08/1975)

4. CONSULTATIONS:

No objections have been received in principle from Hertfordshire County Council, Transport, Programs and Strategy; Hertfordshire County Council Development Services; Welwyn Hatfield Borough Council Environmental Health; Welwyn Hatfield Borough Council Housing and Welwyn Hatfield Borough Council Contract Services subject to suggested planning conditions and informatives.

Hertfordshire County Council has confirmed that no planning obligations or financial contributions are sought in respect of this proposal.

5. NEIGHBOUR REPRESENTATIONS:

No representations have been received from the neighbouring occupiers.

Welwyn Hatfield Access Group raised a number of queries directly with the applicant's agent and forwarded a copy of their letter to the Council. The letter did not state any objection to the proposal.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

The Town Council has commented with the following: "Hatfield Town Council express concern that the application fails to provide any car parking spaces in the proposals. In fact the application loses the 5 car parking spaces that are currently on the site. Old Hatfield is particularly short on car parking and a proposal to create dwellings without car parking spaces was not considered appropriate by the Town Council Planning Committee."

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) The acceptability in principle of residential development (R1, SD1, GBSP2, H2 and NPPF)
- b) Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area and would respect and relate to the character and context of the property (GBSP2, D1, D2, SDG and NPPF)
- c) Impact on residential amenity of neighbouring properties and future occupiers (D1, SDG and NPPF)
- d) Parking provision and impact on the highway (M14, SPG, Interim Parking Standard and NPPF)
- e) Other material planning considerations (H10, D1, D2, M4, IM2, SPD and NPPF)

8. ANALYSIS:

- a) The acceptability in principle of residential development

The principle of residential use of the site is accepted following the recent approval of a prior approval application for the change of use of ground, first and second floor office building (Use Class B1) to 6no 2 bedroom flats (Use Class C3). This proposal would result in the creation of 10 units following extensions to the property and the erection of a new block at the rear of the site. Whilst the principle has been accepted, it is necessary to determine whether the development would comply with other relevant local and national planning policies. These considerations are discussed below.

Local Plan Policy SD1 aims to promote sustainable development; Policy R1 requires development to take place on previously developed land and Policy GBSP2 directs new development into the existing towns and specified settlements within the district.

These objectives are consistent with the National Planning Policy Framework (NPPF) which encourages the provision of more housing and the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 of the District Plan 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.

The application site is located within the Old Hatfield and as such there are a range of services and shops within walking distance. The site is well situated to benefit from Hatfield railway station and the new bus/taxi interchange which is situated approximately 150m to the north east. Furthermore, there are no known physical or environmental constraints at this site. The proposal would, therefore, not be in contradiction with Local Plan Policies R1, H2 and GBSP2 subject to an assessment of the scheme against the principles of sustainable development and saved policies governing residential development which are considered in detail below.

- b) Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area and would respect and relate to the character and context of the property

The site is within the Old Hatfield Conservation area. Section 72 of the Listed Buildings and Conservation Areas Act states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

It is now accepted case law that preserving the character or appearance of a conservation area can be achieved not only by a positive contribution to preservation, but also by development which leaves the character or appearance of the area unharmed.

Local 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. GBSP2 requires proposals to be compatible with the maintenance and enhancement of the character of the area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design. In addition, Section 12 of the NPPF outlines a presumption in favour of the conservation of the historic environment. The more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation.

The existing building is understood to date from the early 20th Century and has retained many of its distinctive original features. The front of the building, which is prominent in views from Salisbury Square, would remain largely unaffected by the proposals to extend to the rear. The rear of the building is visible from Batterdale, however, here the character of Old Hatfield is more functional, being largely dominated by surface car parking and service yards to the rear of 27-34 Salisbury Square. Nevertheless, the design of the extensions and alterations would adequately respect the scale and architectural style of the existing building. The enlarged roof would maintain the existing pitch with the addition of a flat crown concealed behind half round clay tiles to match existing. There are examples of similar crown roofs within the immediate context of the site and they are also a feature of the proposals to redevelopment the north side of Salisbury Square which were approved under reference S6/2011/1994/MA. The proposed dormers would be subservient to the roof of the building and situated below the ridge line and away from the edge of the roof in accordance with the SDG. Overall it is considered that the design of the extensions would be of a high quality and meet the requirements of Local Plan Policy D1.

The scale of the new block would be clearly subservient to the existing building and the neighbouring properties fronting onto Salisbury Square. Whilst the proposal would increase the density of development within the application site, given the scale of the new block and its location within an urban area, it is not considered to result in overdevelopment of the site. The new block has also been designed to incorporate features that reflect the style and form of the buildings fronting onto Salisbury Square, including similar materials and detailing. Although new development should not attempt to mimic the existing early 20th Century buildings, it should respect their character and detailing. For example, in terms of materials, window design, doors, eaves and ridge detailing. The submitted drawings show that plain clay tiles, brick walls and steel framed windows and metal rainwater goods are

proposed. Consequently, there would be a broad consistency in general appearance of materials between new additions and the original building. Notwithstanding the above, the success of this proposal will rely on the quality of the detailed design and the materials specified. Therefore, it would be reasonable to condition details of finishes, including samples of materials, to be submitted and approved by the Local Planning Authority prior to the commencement of development.

Subject to careful adherence to quality external materials used in its finish, which can be controlled by condition, it is considered that the proposal would adequately preserve the character of the area and sufficiently sustain this part of Old Hatfield Conservation Area in accordance with the NPPF. The proposal therefore complies with the advice set out the NPPF as well as Local Plan Policies GPSP2, D1 and D2.

- c) Impact on residential amenity of neighbouring properties and future occupiers

Local Plan Policy D1 applies which seeks to provide a good standard of design in all new development. The Council's SDG on design supplements Policy D1 and expects that development should minimise overlooking between dwellings, and should not cause loss of light or be unduly dominant from adjoining properties, as a result of the length of projection, height or proximity. No objections have been received from the occupiers of adjoining properties or the Town Council on amenity grounds.

Giving consideration to the scale and design of the proposal, the siting of windows in the adjoining properties, the orientation of the building and separation distance, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. In addition to issues of privacy, the use of roof terraces has the potential to harm the amenities of neighbouring occupiers as a result of noise and disturbance. In this case, although the roof terraces would be large enough to sit out on, they are not so large so as to encourage a significantly large number of people to occupy the space at any one time. In these circumstances, the roof terraces are therefore unlikely to cause harm to the amenities of neighbouring occupiers by reason of noise and disturbance. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, no objections are raised with regard to Local Plan Policy D1 and the SDG.

In addition to the impact on neighbouring properties, it is also necessary to consider the residential amenity of future occupiers of the proposed development. Private amenity space has not been provided for all occupiers of these units, although, six of the proposed flats would benefit from a small roof terrace. Residents of Old Hatfield have a right of access to utilise the grounds at Hatfield House, approximately 300m

from the site. This provision has been accepted with other planning applications as being appropriate mitigation for a lower provision of private amenity space. Additionally, being flats, it is also less likely that the new properties would be occupied by families with young children, although it is acknowledged that this might not always be the case.

It is noted that Welwyn Hatfield Borough Council Environmental Health Team did not object to the proposal. There are no indications that noise from traffic or the railway has caused any disturbance to existing residential properties in the area, as such it is unlikely that the proposed development would be detrimentally affected. Similarly, there are restaurants/takeaways next to the site, however, no complaints have been made regarding these premises in the past. The neighbouring businesses are considered unlikely to cause a significant noise disturbance to future occupants of the development. There is also no indication that the proposed development would be sited on land deemed to be contaminated, accordingly, no objections are raised in this regard.

d) Parking provision and impact on the highway

Paragraph 39 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, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and 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. The SPG identifies the site as within Zone 2, one of the most accessible areas of the Borough where, in this case, a maximum parking provision of 9.5 spaces applies.

The application site is within a sustainable location, within walking distance of a range of shops and services and with good access to public transport. In particular, the site is well situated to benefit from Hatfield railway station and the new bus/taxi interchange which is situated approximately 150m to the north east. From here buses provide local services as well as to destinations around Hertfordshire. Hatfield railway station has direct trains to London, Peterborough and Cambridge as well as to the north. There are also good pedestrian and cycle provision in the surrounding area with links to the Hatfield Town Centre and local facilities and amenities. Given the parking restrictions that exist around Old Hatfield, it is highly unlikely that any future residents would park on street. Visitor parking is available within several nearby public car parks.

In terms of cycle storage, the Parking Standards SPG identifies a requirement for one long term secure cycle storage space per residential unit. The submitted Site Plan shows that an existing outbuilding would be maintained as a communal cycle store with direct access from Batterdale.

Given the site's accessible location, the number of units proposed, the parking restrictions around the site and the provision of cycle storage, it is considered that a car free development in this location would not give rise to a detrimental impact to highway safety to warrant the refusal of the application. Therefore no objections are raised with regard to the NPPF and policy M14 of the District Plan or the council's Supplementary Parking Standards.

In terms of impact on highway safety, it is proposed to remove the existing crossover to Batterdale and reinstate the footpath as shown on drawing No.P12 Revision A. It is also noted on this drawing that the existing gates are to be adapted to permit pedestrian access only, however, no detail in respect of entry treatment is provided. Without appropriate entry treatment there shall be a potential for vehicles to enter the site, at a point with limited visibility. For this reason details of the pedestrian only gate are sought by condition to ensure a satisfactory standard of development in the interests of highway safety and to ensure the development would be in accordance with the National Planning Policy Framework.

e) Other material considerations:

Refuse and Recycling Storage: The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Inappropriate storage of bins on the highway can also disrupt pedestrian and the traffic movements. In this case the submitted Site Plan shows a refuse store to the rear of the site which would be enclosed behind the existing boundary wall and a new 1.8m high close boarded fence with gated access. No comments were received from Welwyn Hatfield Borough Council's Contract Services Team. It is therefore not necessary for a planning condition requiring details of a bin storage area to be approved by the Local Planning Authority.

Lifetime Homes Standard: Local Plan Policy H10 requires all residential developments of five or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime Homes standards. A planning condition is suggested to ensure that a minimum of two units are provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Houses in Multiple Occupation: Since 12th January 2012, there has been an article 4 direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.

As a result of the Direction, it is considered appropriate and reasonable to include on new housing developments within Hatfield details to inform developers that there is an Article 4 direction, by way of an informative, but also include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is therefore recommended that a conditions are attached.

Planning Obligations and S106 Legal Agreement: Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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 for 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 an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005.

Hertfordshire County Council Development Services and Hertfordshire County Council Transport, Programs and Strategy have confirmed that no planning obligations or financial contributions are sought in respect of this proposal.

The Council's Planning Obligations SPD also triggers the provision of waste and recycling facilities, green space and play facilities for developments of 10 units or more. However, Client Services have not requested any financial contribution and given the relatively small charge that would apply in respect of green space and play facilities, in this case, it is not considered expedient to seek a legal agreement to secure these funds.

9. CONCLUSION:

The principle of residential use of the site is accepted following the recent approval of a prior approval application for change of use from B1 to C3 use which permitted the creation of 6 units. This proposal would result in the creation of 10 units following extensions to the property and the erection of a new block at the rear of the site. It is considered that the proposal, due to its siting, scale and design, would be adequately preserve the Old Hatfield Conservation Area. In this respect, subject to suggested planning conditions relating to detailed finishes and materials, this proposal complies with the objectives of the National Planning Policy Framework and Policies GBSP2, D1, D2 of The Welwyn Hatfield District Plan, 2005.

10. Conditions:

1. 30.1 – Development in accordance with approved plans and details: P10 & P11 & P13 received and dated 12 May 2015 & P12 Revision B received and dated 03 August 2015

PRE-DEVELOPMENT

2. 6.1 – Samples of materials to be submitted and agreed

3. No development must take place until detailed drawings of the new windows and doors including a section of the glazing bars and frame moulding and clearly showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill details have been submitted to, and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details.

4.

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

5. No development must take place until detailed drawings of the architectural detailing including the soffits, eaves, ridge detailing, rainwater goods, glass balustrades and metal railings have been submitted to, and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details.

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

6. No development shall commence until details of at least two residential units to be built to Lifetime Homes standards have been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details.

REASON: To provide accessible housing to meet the requirements of Policy H10 of the Welwyn Hatfield District Plan 2005.

PRE-OCCUPATION

7. Prior to first occupation of the development details of the pedestrian only gate must be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in the interests of highway safety and to ensure the development would be in accordance with the National Planning Policy Framework.

POST-DEVELOPMENT

8. 13.6 – Hours of Construction (no demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 8am to 1pm on Saturdays)

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer’s report which can be inspected at these offices).

INFORMATIVES:

1. INF1 – Other Legislation
2. NF6 – Street Numbering

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

5. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication “Roads in Hertfordshire - Highway Design Guide”. Before proceeding with the proposed development, the applicant should contact the County Council Highways via either the website www.hertsdirect.org/services/transtreets/highways/ or telephone 0300 123 4047

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