

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 2 AUGUST 2007
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

(a) S6/2007/0955/AD

ERECTION OF INTERNALLY ILLUMINATED FASCIA AND PROJECTING SIGNAGE

(b) S6/2007/0956/FP

INSTALLATION OF NEW SHOP FRONT AND CHANGES TO GROUND FLOOR FENESTRATION

(c) S6/2007/0957/FP

ALTERATIONS TO VEHICULAR ACCESS AND CAR-PARKING LAYOUT, ERECTION OF A TIMBER FENCE AND ASSOCIATED LANDSCAPING

(d) S6/2007/0958/FP

INSTALLATION OF AIR CONDITIONING PLANT

AT FORMER PUBLIC HOUSE, 59 STATION ROAD, CUFFLEY

APPLICANT: Tesco Stores Limited

Northaw & Cuffley Parish

1 Site Description

- 1.1 The site is located on the northern side of Station Road and comprises the former Harvester, public house and restaurant. The application site areas across the four applications varies with each of the applications, however Tesco Stores Limited has an interest in the wider L-shaped plot (approximately 0.25 hectares) on which the Harvester, the car park and rear gardens stood. The use of the site relates only to the front half of the site to the rear boundary of the existing building and adjacent to the rear section of the external chimney stack and across the parking area.
- 1.2 The existing building is set back from the highway with two vehicle crossings separated with soft landscaping and brick wall which provides access to the two areas of car park, the larger of which is located to the west of the building and adjacent to the flats at 45-55 Station Road. Adjacent to the south-westerly access point is a signal controlled pedestrian crossing.
- 1.3 The building is mainly a two storey red brick construction with cream rendering at first floor and ornamental window louvered shutter, although a later addition facing the highway is single storey as well as to the eastern (side elevation facing 61-63 Station Road) and northern (rear) elevations.

- 1.4 Within close proximity of the site is the main shopping area of Cuffley which comprises a mixture of retail and non-retail uses with residential accommodation above, residential accommodation comprising flatted and maisonettes and to the east, within a short walking distance, Cuffley railway station.
- 1.5 The agents have advised that further work will be undertaken regarding the upper floors and the remainder of the site and an application will be submitted in the near future in relation to this.

2 Planning History

- 2.1 Those relevant to this application and of a recent nature
- 2.2 S6/0582/92/FP Alterations to front elevation including formation of new front entrance lobby
Granted
- S6/0105/96/FP Erection of a single storey side and rear extension to provide new restaurant seating area together with external alterations to the existing building, car parking, fencing and lighting.
Granted
- S6/0426/96/FP Erection of a single storey side and rear extension to provide new restaurant seating area together with external alteration to the existing building, car parking, fencing and lighting (revised scheme)
Granted

3 General Representations Received

- 3.1 The application has been advertised by means of press notice and site notice at the site and additionally at Northaw and Cuffley Parish Council and by neighbour notification letters. The consultation period expired on the 19th July. However, the period was extended for 14 days for 'Keep Cuffley Rural' to enable further representation to be made in connection with the updated Transport Statement, which expired on the 30th July. Furthermore, neighbour representations received up until the day of decision will be taken into account and reported to Members.
- 3.2 2 letters of support have been received raising the following points:
- Cuffley not served well by present shops
 - Benefit to those unable to drive or walk far
- 3.3 A total of 97 objections letters have been received, largely objecting to the principal of the development. The general points raised are detailed below, with those comments relating to specific applications or parts of applications detailed within the relevant application:
- Existing shops can meet need
 - Increased litter
 - Decline in business in current shops
 - More than enough Tesco within close proximity
 - Increased pollution, nuisance, noise disturbance and danger
 - Proposal contrary to policy TCR2

- Anti-social behaviour
- Loss of jobs
- Future extensions of building
- Impact upon villages across country (precedent set)
- Loss of village atmosphere

3.4 **Northaw and Cuffley Parish Council**

“Northaw & Cuffley Parish Council has studied the submitted plans and are greatly concerned on the following issues:-

Cuffley neighbourhood shops consists of 36 units, the majority are A.2 and A.3 and as such are not vulnerable to any competition generated by the proposed re-development of the "Harvester" site.

However of the A.1 retail units, five family-based businesses will be at risk since they will be in direct competition with a multi national aggressive retailer.

Whilst competition is not a planning issue, it may create an economic climate that could make it difficult for existing family businesses to trade. This would most certainly affect the vitality and viability of the Village Centre and could be contrary to Policy TCR2 of the Welwyn Hatfield District Plan 2005.

The Parish Council also believes that the proposed development would create a significant harmful environmental impact by virtue of unacceptable traffic generation. There would be far more vehicles accessing and egressing the site every day. This would exacerbate the already unacceptable congestion created by the existing Co-op store approximately 100 yards west of the proposed development. This may also be contrary to Policy TCR2 Welwyn Hatfield District Plan 2006.

We trust the Planning Control Committee will consider our real concerns when deciding this application.”

- 3.5 A further letter has also been received from **Northaw and Cuffley Parish Council** in connection with the ‘Keep Cuffley Rural’ referendum. The audit as provided is as follows:

Number of dwellings in Cuffley	2,198
Number of electors in Cuffley	4,180

Source Electoral Registration Unit, Welwyn Hatfield Council

Referendum Voting Papers sent to	2,161 dwellings	
Referendum Voting Papers returned	1,386	(64.1%)
Number of Electors voting	2,914	(69.6%)
Number of Electors Voting NO	2,428	(58.1%)
Number of Electors Voting YES	486	(11.6%)
Number of Electors abstaining/no opinion	1,266	(30.3%)

- 3.6 **Northaw and Cuffley Residents Association** opposes all four of the planning applications. Their objections may be summarised as follows:

- 83% of those papers returned voted against Tesco

- Station Road has a series of 9 major and minor intersections
- The increase in traffic movements of the retail use compared to public house will generate additional traffic, increased congestion, increased journey times and increased chance of accidents.
- The number of parking spaces will not be adequate to deal with the number of vehicles, which will lead to illegal parking in the area
- The parking arrangements would not provide space for cars to access or leave when delivery vehicles are present vehicles will find their path blocked when goods are being transferred.
- What will be the parking restrictions be?
- Concern for children during peak times using the crossing.
- Problems with more than one lorry arriving at the same time
- Angles of lorries leaving the site will have reduced visibility and will lead to disruption
- No need for further cash machines, will generate significant amounts of traffic and encourage people to park illegally
- More than enough range within Cuffley with the existing shops and Tesco Express will lead to a decline in business
- Noise and disturbance from delivery vehicles, use of cash machine (at all hours), cars manoeuvring, trolley use by customers and delivery of goods, air conditioning units
- Inaccuracies of traffic survey (traffic flow is four times more than shown), inappropriate modelling tool used, over simplification of existing situation, does not take into account cash machine users
- Planning committee should consider future developments and use of upper floors

3.7 **Keep Cuffley Rural** object to the proposal. Their objections may be summarised as follows:

- Will likely significantly harm the vitality and viability of Cuffley village centre
- Would create a significantly harmful environmental impact due to increased traffic generation increasing congestion
- Inaccuracies of Transport Statement
- Danger to pedestrians with enlarged access
- No requirement for a further cash dispenser
- Do not consider the number of spaces (18) to be adequate
- Would like Tesco to clarify their parking policy
- Delivery vehicles will result in noise and disturbance and when they arrive at the same time, congestion
- Off-street parking for servicing vehicles in beneficial
- Already 10 Tesco stores within 5 mile radius

4 Principal of the Conversion

4.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005, Statutory Instrument 2005 No. 85 details that under Class A:

“Development consisting of a change of use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (restaurants and cafes),

A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule.”

is permitted development and therefore the Planning Authority is not able to prevent the conversion of the building into retail use and the discussion therefore does not relate to the principal of the change of use of the building.

4.2 The Local Planning Authority is therefore unable to control a number of aspects of objections received in connection with the application and a number are also outside of the scope of planning legislation. These include:

- Decline in business in current shops
- Number of Tesco within close proximity
- Increased pollution, nuisance, noise disturbance and danger
- Anti-social behaviour
- Loss of jobs
- Future extensions of building
- Impact upon villages across country (precedent set)
- Planning committee should consider future developments and use of upper floors
- Loss of village atmosphere
- What will be the parking restrictions be?
- Planning committee should consider future developments and use of upper floors

4.3 Policy TCR2 would be applicable to this site if the proposal necessitated in a change of use application. For reasons previously given, this is not the case and therefore not applicable to any of the applications submitted.

(a) Advertisement Application (S6/2007/0955/AD)

5 The Proposal

- 5.1 Advertisement consent is sought for a fascia sign, background of dark blue above the new front entrance which would incorporate the standard Tesco logo in the form of individual letters in red, 'express' in stone white, underlined lettering in blue and illuminated from behind with LED (Light Emitting Diodes). The dimensions of the sign would be 4200 x 800mm.
- 5.2 Additionally, a projecting sign is proposed, one elevation (eastern) of the same colour and details as the fascia described above, the other elevation (western) would be titled 24hr cash. This would be located to the right hand side of the front elevation, 2.8 metres from ground level.
- 5.3 A wall mounted luminaire is proposed above the ATM and would illuminate the proposed CASH sign and machine. Further non-illuminated vinyl signs are proposed to the windows of the store with 'Welcome' and opening hours displayed.

6 Planning Policy

- 6.1 Welwyn Hatfield District Plan
D1 – Quality of Design
- 6.2 Supplementary Design Guidance February 2005

7 Representations Received

- 7.1 For general representations refer to paragraph 3.3.
- 7.2 Letters have been received objecting to the proposal raising the following points, specific to this application:
- Illuminated signs not in keeping with surroundings
 - Signage and shop front not benefiting building or fitting in with surrounding area
 - Impact on climate change
- 7.3 **Hertfordshire Highways** does not wish to restrict the grant of planning permission. Recommend a condition be attached.

8 Discussion

- 8.1 This application has been brought to a Planning Control Committee as a result of local councillor call-in.
- 8.2 The main issues to be considered in connection with the application are:
- 1) Impact upon public amenity
 - 2) Impact upon highway safety
- 8.3 Supplementary Planning Design Guidance (Section 6), referred to by policy D1 details the criteria that advertisements should accord with, this includes:

1. Well designed and sensitively positioned relating to the scale, character and design of the building on which they are positioned and not detract from the character of the street scene
 2. Size and position should respect the architectural features of the building
 3. Proposals that would create visual clutter would not be permitted
 4. Projecting signs should harmonies with fascia depth in terms of size and position
 5. Illumination should be carefully controlled and only permitted where it would not be visually intrusive
 6. Consent will not be granted for any sign that would be a danger to public safety.
- 8.4 Addressing these points, the fascia sign has been designed so that it fits sensitively within the proposed new shop front and would be located within the centre section of the building. This ensures that both its size and position respects the architectural features of the main building both with the proposed new shop front but also in relation to the existing fenestration and building design of the first floor. Siting signage to the centre section of the building results in signage that would not clutter the front of this building, nor would detract from the character of the street scene.
- 8.5 Its illumination would be from behind the individual letters and detailing and would thus not be visually intrusive and would be similar in characteristics to other illuminated signage within this part of Cuffley which comprises both externally illuminated by spot light and tubular lighting (for example, Rococo and Hannah Couzens Photography) as well as internal illumination (for example Cuffley Motor Company).
- 8.6 These same considerations also apply to the projecting sign and cash sign above the ATM. The projecting sign is very modest and its size, being smaller than the depth of the fascia sign would maintain the character of both the proposed and existing elevations of this building. Its location towards the south-eastern elevation of the building enables the features of the building to be maintained. The design and illumination of the sign is very similar in principle to the fascia sign and is therefore considered acceptable and complies with local plan policy. Illumination of the cash sign is from above with an approximately 200mm high luminare. This is shown to provide lighting in a downwards direction and it is therefore considered that this would not result in visually intrusive lighting.
- 8.7 The other signage to the shop front in the form of vinyl sheeting is considered to be very modest and subordinate to the frontage of the building and would not result in visual clutter, nor have any impact on public amenity or highway safety.
- 8.8 In relation to climate change resulting from the energy use for the illumination, whilst climate change is a material planning consideration, it is only possible to consider public amenity and highway safety with advertisement applications. However, it is considered that any impact upon climate change resulting from energy use for the illumination would be likely to be minimal and no more a contributory factor than illumination to other retail and non-retail uses within Cuffley and the wider borough.

9 Conclusion

- 9.1 The signage and illumination of the signage is considered would not result in detriment to highway safety nor would be visually intrusive and would comply with local plan policy.

10 Recommendation

- 10.1 It is recommended that express consent for the advertisement application S6/2007/0955/AD is approved subject to the following conditions:

1. C.10 – Standard Advertisements
2. C.10.1 – External Illumination

INFORMATIVE

1. The intensity of illumination shall be controlled at a level that is within the limit recommended by the Association of Public Lighting Engineering in the publication "Brightness of illuminated Advertisements" A.P.L.E. Technical Report No 5 to prevent drivers of vehicles along the adjacent Station Road being dazzled or distracted, leading to interference to the free and safe flow of traffic along the highway

(b) New Shop Front Application (S6/2007/0956/FP)

11 The Proposal

- 11.1 This application seeks full planning permission for the provision of a new shop front and associated alterations. The new shop front would involve the demolition of the existing single storey front elevation and small single storey side extension. The shop front would incorporate a glazed frontage and where applicable the frame would be of dusty grey aluminium with the entrance to the centre of the frontage comprising automatic bi-parting doors, a new masonry wall to the south-eastern part of the building which would provide screening to a service yard and located adjacent to the proposed ATM.
- 11.2 Where appropriate existing openings are to be either filled in with masonry and painted to match the existing building or made good.

12 Planning Policy

12.1 Welwyn Hatfield District Plan

- D1 – Quality of Design
- D2 – Character and Context
- D5 – Design for Movement
- D7 – Safety by Design
- D9 – Access and Design for People with Disabilities

- 12.2 Supplementary Planning Guidance Parking Standards January 2004
Supplementary Design Guidance February 2005

13 Representations Received

- 13.1 For general representations refer to paragraph 3.3.
- 13.2 Letters have been received objecting to the proposal raising the following points, specific to this application:
- Signage and shop front not benefiting building or fitting in with surrounding area
 - Two other cash machines nearby
- 13.3 **Welwyn Hatfield Access Group** request that this application is considered subject to the standards and criteria outlined in the current District Plan (Policy D3d, Policy D5) and that planning approval is conditional on compliance with the detailed access requirements.

14 Discussion

- 14.1 This application has been brought to a Planning Control Committee as a result of local councillor call-in.
- 14.2 Letters have been received objecting to the proposal raising the following points, specific to this application:
- 1) Impact upon the character of the existing building

- 2) Impact upon the character of the area
 - 3) Impact upon movement for people with disabilities
- 14.3 Policy D1 requires the standard of new development to be of a high quality which incorporate the design principles and standards of the local plan and Supplementary Design Guidance.
- 14.4 The alterations would involve the demolition of the existing single storey front extension which would appear to have been a later addition. The demolition of this part of the building would therefore in principle result in the building returning towards its original built form in relation to its frontage.
- 14.5 The design of the frontage is predominantly glazed with brickwork between these elements and rendered and painted to match the existing building. The proposal has been designed to reflect the form of the existing building with its smaller inset central section and two larger outer sections. The design is consistent with the form of the building and also with other shop fronts within Cuffley and therefore complies with policy D1.
- 14.6 Policy D2 requires developments to respect and relate to the character and context of the area and should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 14.7 The character of this part of Station Road, Cuffley is very mixed with developments built throughout the twentieth century. The demolition of the single storey front extension and replacement with the proposed shop front would maintain the existing character and as previously discussed be in keeping with the character of other shop frontages within the street scene. The proposal would therefore accord with policy D2.
- 14.8 New development should be designed to allow access by the disabled, young children in prams and those who are temporarily disabled. The levels within the site rise slightly particularly towards the front entrance of the building. The plans indicate that the internal floor levels of the building are to be lowered to prevent the need for external ramped access. The proposal therefore provides for the movement of people with disabilities and thus complies with policy D9.
- 14.9 With regards to the number and proximity of cashpoint (ATM) machines, the planning authority is unable to control the number of these, although is able to consider the design of the machine and its relationship with its parent building and use by disabled persons and also possible crime that might result with its installation. The design of the machine is reflective of the design of the proposed frontage which, as already discussed, is considered complies with policy. Due to the proximity of other machines, there is no more likelihood of crime being attracted to the area with this machine than any of the others. Its height has been positioned so this would be easily accessible for use by those who are able bodied and those less able bodied. The proposal is therefore considered acceptable and would comply with policies D1, D2, D7 and D9.

15 Conclusion

- 15.1 The proposed alterations are considered compliment both the existing building and the wider street scene. They provide access for people with disabilities and as such are considered complies with local plan policy.

16 **Recommendation**

16.1 It is recommended that application S6/2007/0956/FP is approved subject to the following conditions:

1. C.2.1 – Time Limit for Commencement of Development
2. The materials to be used in the construction of the development hereby permitted shall be in accordance with the details submitted on drawing number P201 Revision E unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure a satisfactory standard of development in the interests of visual amenity in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

16.2 The reason for grant of permission is as follows:

The proposal has been considered against development plan policies of the Welwyn Hatfield District Plan 2005 D1, D2, D5, D7 and D9, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

(c) Vehicular Access and Parking Application (S6/2007/0957/FP)

17 The Proposal

- 17.1 This application seeks full planning permission for alterations to the existing vehicular access and parking layout with the introduction of a timber fence towards the rear of the parking area.
- 17.2 The existing access arrangement towards the south-west of the site is proposed to be made redundant and the footpath extended. The cross-over to the south-east would be upgraded and would provide access and egress for customers. This cross-over would also provide access for servicing vehicles with a new opening formed further to the south-west adjacent to the parking lay-by to the flats to the west. This would involve the provision of a dropped kerb and telescopic bollard that would automatically drop down when service vehicles wish to exit. Service delivery vehicles would then enter from the east and exit to the west thus preventing any need for vehicles to reverse out into the highway.
- 17.3 The parking area is approximately half the area that was provided when the building was in use as a restaurant and public house. It is proposed to separate these two areas with a 1.8 metre high close boarded timber fence. To the other boundary a 2.2 metre high fence is proposed adjacent to the proposed air conditioning plant area. (The Planning Department at this time does not have formal details of the use of the remaining part of the land to the rear, which is outside of the application site). As a result of the alterations to the access arrangements and demolition of the front extension, a total of 20 spaces are proposed, two of which would be for disabled customers.
- 17.4 During the course of the application an amended Transport Statement has been submitted which has been copied to Hertfordshire Highways as well as copies made available for public comments.

18 Planning Policy

- 18.1 Hertfordshire Structure Plan 1991-2011
29 – Traffic and Safety Implications of Development Proposals
- 18.2 Welwyn Hatfield District Plan
D1 – Quality of Design
D2 – Character and Context
D5 – Design for Movement
D8 - Landscaping
D9 – Access and Design for People with Disabilities
M5 – Pedestrian Facilities
M6 – Cycle Routes and Facilities
M14 – Parking Standards for New Development
- 18.3 Supplementary Planning Guidance Parking Standards January 2004
Supplementary Design Guidance February 2005

19 Representations Received

- 19.1 For general representations refer to paragraph 3.3

19.2 Letters have been received objecting to the proposal raising the following points, specific to this application:

- Increased congestion
- Limited parking facilities
- Proximity of new access to pedestrian crossing and zig-zags
- Delivery vehicles will increase congestion
- Poor access
- Increased pollution, nuisance, noise disturbance and danger
- Increased journey times
- Increased chance of accidents
- Loss of parking across village (subdivision of site)
- Inaccurate Transport Statement
- Problems with delivery vehicle access and egress

19.3 **Welwyn Hatfield Access Group** request that this application is considered subject to the standards and criteria outlined in the current District Plan (Policy D3d, Policy D5) and that planning approval is conditional on compliance with the detailed access requirements.

19.4 **Hertfordshire Highways** raise some concerns regarding the proposals but consider that they could be addressed at implementation stage. They comprise:

- conflict between pedestrians and unloading of deliveries;
- angle of delivery vehicle leaving the site will have restricted visibility to the left; and
- conflict between service vehicles entering the site and private vehicles exiting the site.

19.5 They however, recommend granting approval with conditions.

20 Discussion

20.1 This application has been brought to a Planning Control Committee as a result of local councillor call-in.

20.2 The main issues to be considered in connection with the change to the vehicular access and parking provision application are:

- 1) Impact upon parking and highways matters
- 2) Impact upon character of the area
- 3) Impact upon movement for people with disabilities

20.3 It should be noted that consideration needs to be given to the fact that the conversion of the building, as well as the sub-division of the site can take place without any input from either the Local Planning Authority or Hertfordshire Highways should the building be retained in its current form and existing access points are used.

20.4 The consideration for this application primarily relates to the new vehicle access points and whether they would impact upon highway safety but also as it constitutes the proposed application the proposed parking layout and landscaping.

- 20.5 Policy M14 requires parking provision for new developments to be made in accordance with standards within the Council's supplementary parking standards.
- 20.6 For an (A1) retail foodstore up to 500m² gross floor area, the maximum number of parking spaces required equates to 1 space per 30m². Cuffley is designated as being within zone 4 and therefore 75-100% of the maximum number of spaces is required. The proposed development comprises a 384m² store and therefore 13 parking spaces are required. Additionally, 3 spaces are required for disabled motorists. The application shows a total of 20 spaces of which 2 are disabled and therefore overall there is an over supply of parking provision.
- 20.7 Whilst this supply is significantly over what is required, consideration must be given to the fact that the former use could be converted into A1 (shop) use without the need for any alterations to highway access or parking provision. Therefore the whole of the site, including the parking area sectioned off, would result in a considerable over supply of parking which would be contrary to policy and also to the aims of sustainable development and encouraging people to use means other than the private motor vehicle.
- 20.8 Whilst there is an over supply of 7 spaces, one of the points raised in the representations was the loss of parking. Insistence on compliance with the parking standards would only compound this. It is therefore considered appropriate to accept an over supply of parking and sub-division of the site. In relation to disabled provision, it would not be unreasonable to include a condition for the provision of an additional disabled space.
- 20.9 With regards to cycle provision, 1 short term space per 150m² gross floor area and 1 long term space per 10 maximum staff on site at any one time are required. The supporting statement indicates that provision will be made for a minimum of 2 cycle parking spaces. Again, to increase the sustainability of the site it would not be unreasonable to require 3 short-term spaces (rounding up the requirement) as well as long term spaces for staff. Details have been submitted that indicate that total staffing will be between 20-25 with 6 on duty at any one time. Therefore one additional long term space is required for staff making a total of 4 spaces. A condition has accordingly been suggested for these spaces to be submitted and agreed which would then comply with policy M6.
- 20.10 In relation to the new access arrangements and delivery arrangements, these have been assessed as to whether the proposed changes are acceptable in terms of highway safety and/or detrimental to flow of vehicles on Station Road. The potential increase in number of vehicles to and from the site as a result of the change from a public house/restaurant to retail and increase in journey times is not an issue as this change of use is permitted development and can be implemented without any change to existing highway access.
- 20.11 The revised Transport Statement deals with the errors within the first appraisal allowing for a robust analysis of the proposed level of traffic that will use the new access. It is considered by HCC Highways that the new access arrangements will accommodate the traffic associated with the proposal and remove an existing access. As such the changes proposed in this application would not have an unreasonable impact on the safety and operation of the adjoining highway.
- 20.12 In relation to servicing vehicles leaving the site and concerns raised by HCC Highways. It would be possible to alter the angles of vehicles leaving the site by

utilizing one of the proposed parking spaces. Should this be deemed as the safest option for vehicles egressing, provision of 19 parking spaces would still be in excess of local plan policy and standards required, as previously discussed. This would therefore comply with policy 29 of the Hertfordshire Structure Plan 1991-2011 and policy M14 of the Welwyn Hatfield District Plan 2005.

- 20.13 Additionally, with regards to the proximity of the widened access adjacent to the pedestrian crossing, HCC Highways and their safety team have assessed the application and do not have any concerns regarding the proposed changes in relation to increasing the chance of accidents or pedestrian safety.
- 20.14 A new pedestrian layout is proposed within the site with new access points from the footpath on Station Road. Pedestrians are kept separate from vehicles accessing the site when entering from the south-east and thus would have safe and convenient access. To the south-west, there would be need for some negotiation of vehicles by those on foot when crossing the parking area. However, it would be possible to distinguish between parking areas and proposed pedestrian paths with the use of different materials and a condition for this is suggested. Therefore the proposal complies with policy M5.
- 20.15 Policy D1 requires the standard of new development to be of a high quality which incorporates the design principles and standards of the local plan and Supplementary Design Guidance. Policy D2 requires the character and context of the area to be maintained as a minimum or enhanced where possible.
- 20.16 Internally, although there would be changes the overall provision of hard standing would not be significantly altered although the area in front of the building would involve the removal of the stepped access and parking to the east in a different configuration, it is considered that the proposal would be in compliance with policies D1 and D2.
- 20.17 The proposed access arrangements would involve the loss of some existing soft landscaping in front of the building and adjacent to the public highway and also to the west with the alterations to the access points for customer parking and delivery vehicles. Drawing P502 B indicates that replacement landscaping is proposed and a condition has been accordingly suggested. It is considered that this would result in the character of the area as a minimum being retained in compliance with policies D2 and D8.
- 20.18 The proposed application also includes details regarding the subdivision of the wider site, which would be achieved with the provision of a 1.8 metre high close boarded timber fence. A fence of up to 2 metres in height, where not adjacent to a highway, constitutes permitted development by virtue of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 2, Class A and therefore this does not constitute a requirement for submission of a planning application.
- 20.19 However, to the rear boundary and adjacent to the condenser units (refer S6/2007/0958/FP); a fence of 2.2 metres is proposed which does require planning permission. Its location perpendicular to the rear walls of the garages facing Tolmers Road and the ground levels being significantly lower here than within the former beer garden would ensure that there would be no detriment to either the amenity of adjoining occupiers or to the character of the area and thus would comply with policies D1 and D2.

20.20 The access for people with disabilities has previously been discussed within application S6/2007/0956/FP which was considered complies with policy D9.

21 Conclusion

21.1 The proposed access and parking arrangements would not have a detrimental impact upon traffic flow or highway safety. The proposed alterations are considered compliment both the existing building and the wider street scene and together with proposed fencing and landscaping the proposal complies with Hertfordshire Structure Plan and Local Plan Policy.

22 Recommendation

22.1 It is recommended that application S6/2007/0957/FP is approved subject to the following conditions:

1. C.2.1 – Time Limit for Commencement of Development
2. C.8.1 – Disabled Parking Provision
There shall be three (3)....
3. No development shall commence until a scheme of the provision of short term and secure long term cycle parking on site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON

In order to ensure that there is adequate provision for cycle accommodation within the application site, encouraging alternative means of transport in accordance with policies M6 of the Welwyn Hatfield District Plan 2005.

4. C.4.1 – Landscaping
(e, f and g)
5. C.4.2 – Implementation of Landscape Planting
6. Before first occupation of the approved development, all access arrangement serving the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be completed and constructed to the specification of the Highway Authority and Local Planning Authority.

REASON

To ensure that the access is constructed to the current Highway Authority specification in accordance with policy 29 of the Hertfordshire Structure Plan 1991-2011.

7. C.8.12 – No Occupation until Spaces Laid Out
8. C.8.18 – Visibility Splay
9. Concurrent with the construction of the access, visibility splays of 2.4m x 45m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

REASON

To provide adequate visibility for drivers entering or leaving the site in accordance with policy 29 of the Hertfordshire Structure Plan 1991-2011.

10. C.8.5 – Wheel Washing Equipment

22.2 INFORMATIVE

1. To ensure that work undertaken on the highway is constructed to the current Highway Authority 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 adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
2. Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain a variation to the Traffic Regulation Order for the alterations to the parking provision within the lay-by on Station Road.

22.3 The reason for grant of permission is as follows:

The proposal has been considered against development plan policies of the Hertfordshire Structure Plan 1991-2011 29 and Welwyn Hatfield District Plan 2005 D1, D2, D5, D8, D9, M5, M6, M14, Supplementary Planning Guidance Parking Standards January 2004 and Supplementary Design Guidance February 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

(d) Installation of Air Conditioning Plant

23 The Proposal

23.1 Full planning permission is sought for the provision of three air conditioning units and a floor mounted twin bed condenser unit towards the rear of the eastern elevation of the building. These units would be adjacent to the rear elevations of the garages that face onto Tolmers Road and the condensers would be screened by the previously mentioned 2.2 metre high fence (S6/2007/0956/FP).

24 Planning Policy

24.1 Welwyn Hatfield District Plan

D1 – Quality of Design

D2 – Character and Context

R19 – Noise and Vibration Control

24.2 Supplementary Design Guidance February 2005

25 Representations Received

25.1 For general representations refer to paragraph 3.3

25.2 Letters have been received objecting to the proposal raising the following points, specific to this application:

- Increased noise
- Air-conditioning units adjacent to residential dwellings

25.2 **Environmental Health** does not object to the proposal but recommend that conditions are attached to any approval.

26 Discussion

26.1 This application has been brought to a Planning Control Committee as a result of local councillor call-in.

26.2 The main issues to be considered in connection with this application are:

- 1) Impact upon the character of the building and street scene
- 2) Impact upon the amenity of adjoining occupiers

26.3 Policy D1 requires development to incorporate the design principles and policies of the local plan and guidance contained within the Supplementary Design Guidance with policy D2 requiring the character of the area to be either maintained or ideally enhanced.

26.4 The three units are proposed to be sited on the eastern side boundary. They would be located on the single storey element which faces onto the garage block. Their design is fairly typical of air conditioning units which would be partially screened with open mesh. The larger condenser units would be sited further to the rear of the side elevation of the building. As both of these elements would be screened from wider public vantage points by close boarded fencing, they would not have impact upon either the design or character of the existing building or street scene and would therefore comply with both policies D1 and D2.

- 26.5 In relation to noise and impact upon amenity of adjoining occupiers and potential occupiers of the first floor accommodation, a noise report has been submitted by the agents. This has been assessed by Environmental Health who have reservations regarding the proposed noise level and the conditions suggested by the acoustic consultants. Using guidance within BS8233: 1999, relating to internal noise levels, Environmental Health recommend a noise level that is lower than that suggested by the consultants. BS8233 indicates that the sound reduction provided by a partially open window is between 10 and 15 dB. The report would appear to be based upon the 15dB level but it is considered the lower level of 10dB should be used, particularly as the figures only relate to partially open windows, a wide open window would give less sound reduction. BS 8233 indicates that for reasonable resting/sleeping conditions 30 dB is a good standard and 35dB is a reasonable standard. With an external level of 46 dB and a 10 dB reduction the internal level would be 36 which would be above the reasonable level.
- 26.6 It is recommended that the acoustic surveyors suggested level of 5dB above the background be reduced to 2.5dB and that this should be a rating level, so that with a 10 dB reduction the resulting internal level would be within the reasonable range. Accordingly a condition has been suggested.
- 26.7 In relation to the siting of the units and condensers, whilst there is no objection to these being sited on the flank elevation, it would be better if they were positioned on the rear wall to reduce any potential impact on the closest residential properties 61-63 Station Road. Discussions are currently ongoing with the agents to establish whether the positioning on the rear is a possibility and it is hoped that this matter will shortly be resolved.
- 26.8 In terms of the air conditioning plants impact upon the street scene and character of the building, it is considered that there would be no detriment to these (in either location) and would therefore comply with policies D1 and D2. However, as there is no objection in relation to amenity to the adjoining occupiers with the units on the eastern elevation, it is proposed to recommend approval subject to conditions.

27 Conclusion

- 27.1 The proposed development would not have a detrimental impact upon the amenity of adjoining occupiers, character of the existing building or street scene. The proposal therefore complies with local plan policy.

28 Recommendation

- 28.1 It is recommended that application S6/2007/0958/FP is approved subject to the following conditions:

1. C.2.1 – Time Limit for Commencement of Development
2. The noise emitted from fixed plant on the site shall not exceed the existing background noise level determined to be 41dB, by a rating level of more than 2.5 dB between the hours of 2300 and 0700 hours on any day. The noise levels shall be determined 1 metre from a façade containing a window to a habitable room in the nearest noise sensitive property. The measurements shall be made according to BS 4142:1997.

REASON

To protect the residential amenity of adjoining occupiers in accordance with policies R19 and D1 of the Welwyn Hatfield District Plan 2005.

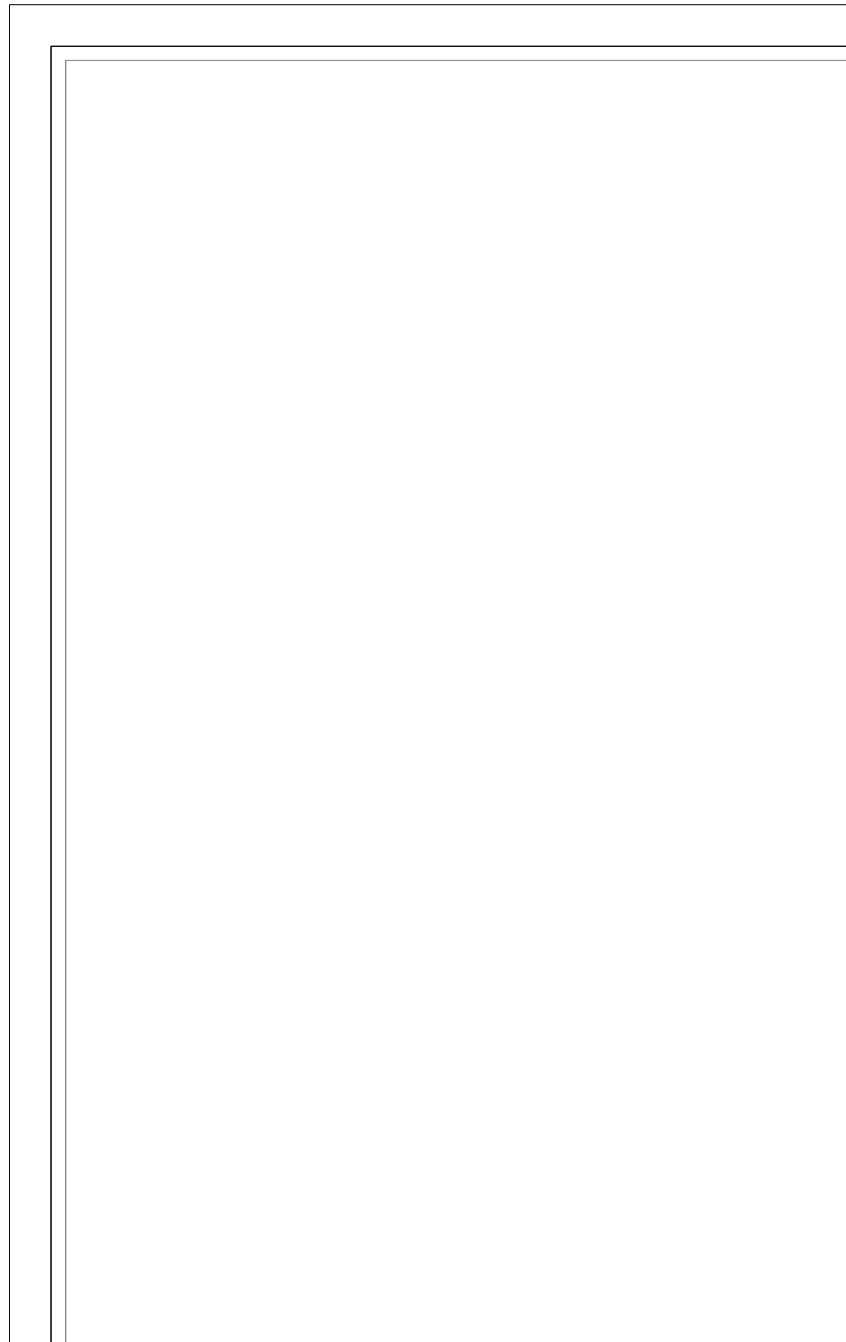
28.2 The reason for grant of permission is as follows:

The proposal has been considered against development plan policies of the Welwyn Hatfield District Plan 2005 D1, D2 and R19 and Supplementary Design Guidance February 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

Chris Conway, Chief Planning and Environmental Health Officer

Date 18 July 2007

Background papers to be listed (if applicable)



2007/955,956,957 & 958 Tesco Store, 59 Station Road Cuffley

Rita Gore