

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2007/1574/FP
APPLICATION Site:	Total Service Station, Stanborough Road

NOTATION:

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

DESCRIPTION OF SITE:

The Total Service Station is sited on the western side of Stanborough Road and there are two access points, one is designated for access onto the site and the other to exit the site. Within the site are a number of petrol pumps, a forecourt shop and a car wash.

DESCRIPTION OF PROPOSAL:

This application proposes the variation of condition 7 of planning permission N6/2007/1993/FP (outlined in 'Planning History' below). This application only applies to varying this condition in relation to the forecourt shop and it is proposed that the shop be operated for a 24 hour period. According to the information submitted with the application the forecourt shop has already been operating for a 24 hour period for approximately 5 years.

PLANNING HISTORY:

N6/2003/1040/FP – Single Storey side extension – APPROVED

N6/0791/1993/FP – Erection of petrol filling station, canopy, retail convenience shop, car wash, landscaping and ancillary facilities. (Renewal of permission N6/0042/89/FP) – APPROVED subject to a number of conditions, including:

7. The shop and the car wash hereby permitted shall only operate between the hours of 0600 and 2300 hours on any day, but the sale of petrol shall be allowed to take place at any time of the day.

REASON

To protect the amenities of local residents.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms

Planning Policy Guidance Note 15: Planning and the Historical Environment

Planning Policy Guidance Note 24: Planning and Noise

Hertfordshire Structure Plan Review 1991 – 2011:
XXX

Welwyn Hatfield District Plan 2005:
SD1 Sustainable Development
GBSP2 - Towns and specified settlements
D1 - Quality of design

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Environmental Health – No formal comments received

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

This application has been advertised by neighbour notification letters and site notice and 2 representations have been received. Period expired 19th November 2007 and 4th December 2007.

The following points were raised in letters of representations received:

- The first was to clarify the exact nature of the proposal.
- A 24 hour shop would generate more noise than is already generated by the site, with taxi drivers playing football in the forecourt.
- The lack of toilet facilities on the site was highlighted.

DISCUSSION:

The main issues are:

- 1. Impact on the amenity of neighbouring residents.**
- 2. Other Material Planning Considerations**

1. Total Service Station on Stanborough Road was granted planning consent 14 years ago. This application relates specifically to the forecourt shop, which is site on the eastern side of the site. Adjoining three sides of the site are the rear boundary of a number of residential dwellings in Stanborough Close and Rooks Hill. The nearest of these dwellings is approximately 25-30 metres to the forecourt shop. The original planning consent was subject to a number of conditions, one of which related to the hours of operation of the forecourt shop and car wash.

The original permission (N6/0791/1993/FP) allowed the sale of petrol 24 hours a day through the night pay window. This application proposes altering condition 7 of the original permission to allow the shop to be open for 24 hours. It is possible that this proposal would increase the use of the forecourt, with customers accessing the site solely to use the shop. However, it is not considered that this proposal would result in an unacceptable intensification of use and the majority of the additional activity would be confined with in the shop. Accordingly it is considered that the proposal would not result in an over intensive use of the site during the night and would not be to the detriment of the neighbouring residents amenity.

2. Concerns about the use of the forecourt for activities outside of the scope of this permission have been raised by a neighbouring resident. However it is considered that these can not be considered as material consideration for this application.

No other material planning considerations are deemed relevant to this application.

CONCLUSION:

It is considered that the proposal, in consideration of the existing 24 hour use of the forecourt, would not have a detrimental impact on the amenity of adjoining neighbours.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. The car wash shall only operate between the hours of 0600 and 2300 hours on any day, but the operation of the forecourt shop and the sale of petrol shall be allowed to take place at any time of the day.

REASON

To clarify the nature of the permission being granted and protect the amenity of the adjoining neighbours in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against development plan policies (i.e. Welwyn Hatfield District Plan 2005 SD1, GBSP2 and D1), 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.

INFORMATIVES:

None

DRAWING NUMBERS:

Site Location Plan 1:1250 & 5372-57 received and date stamped 24 OCT 07

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