

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2008/1879/FP
------------------------	------------------------

NOTATION:

The site lies within the Green Belt as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of a listed Grade II Public House which is located on the corner of Northaw Road West and Vineyards Road. The building occupies a prominent location in the centre of the village and is an L Shaped building with the central section comprising of a two storey building finished in a cream painted render under a plan tile roof.

At either end of the building are single storey structures finished in a black stained horizontal timber ship-lap feather-edge weatherboarding under a terracotta pantile roof.

A car park exists to the east side of the Public House and is accessed from Vineyards Road. To the north side of the site is a beer garden which is laid out to grass with a few wooden benches and tables.

DESCRIPTION OF PROPOSAL:

The proposal is to convert the existing storeroom and function room to a restaurant to be used in conjunction with the existing Public House.

No external changes are proposed to the building. The internal changes required comprise of forming new door openings in existing walls and to upgrade the internal walls in the single storey section of the proposed accommodation. This part of the scheme is discussed in more detailed as part of the accompanying Listed Building Application (S6/2008/1880/LB).

PLANNING HISTORY:

S6/1993/0532/LB – Erection of porch to rear door – approved 27/09/93

S6/1993/0531/FP - Erection of porch to rear door – approved 27/09/93

S6/1992/7033/AD – Externally illuminated panel sign – approved 28/09/992

S6/1992/0569/LB – Erection of externally illuminated panel sign – 28/09/92

S6/1992/0530/lb – Alterations to rear elevation including enlarged window opening: formation of new door, enlarged door opening and insertion of French doors – 08/08/93

S6/1988/1068/LB – Internal Alterations – approved 5/12/88

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPG4 ; Industrial and Commercial Development and Small Firms

PPG13: Transport

PPG15: Planning and the Historic Environment

East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R3: Energy Efficiency

R5: Waste Management

R19 : Noise and Vibration Pollution

M14: Parking standards for new developments

D1: Quality of design

D2: Character and context

D9: Access and Design for people with disabilities

RA17 – Re-use of Rural Buildings

EMP8: Employment Sites Outside of Employment Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Highways Authority – does not wish to object subject to planning conditions

TOWN/PARISH COUNCIL COMMENTS

S6/2008/1879/FP – The PC leaves this for Officer Decision

S6/2008/1880/FP - The PC leaves this for Officer Decision

REPRESENTATIONS

This these applications have been advertised and 6 representations have been received. Period expired 11/11/08.

The issues raised can be summarised as follows:

- The parking provision is inadequate for the proposed restaurant
- Noise is a concern as the proposed building has no sound proofing and when used previously as function room this caused disturbance to neighbours. Can a restriction be imposed to be not used as a function room
- Can the extractor fan be positioned to blow away from Vernons House
- The farm immediately across from the road has buildings which are used 6 months of the year for calving and it requested that this activity is not affected by the proposal.

DISCUSSION:

The main issues are:

1. The principle of a change of use
2. Green Belt Policy
3. The impact of the proposal on the integrity of the listed building.
4. Other Material Planning Considerations

1. The principle of a change of use

The location of the Public House is outside of any employment area and so policy EMP8 (Employment Sites Outside of Employment Areas).

This policy requires the following criteria to be complied with:

On existing employment sites outside the designated employment areas, as shown on the Proposals Map, proposals for new employment development or redevelopment will only be permitted where all of the following criteria are met:

(i) The development would be of a similar scale to the existing activities on the site;

(ii) The development would not have any adverse effects on the residential amenities of any nearby properties;

(iii) The development would provide adequate parking, servicing and access arrangements and would not have an adverse impact on the highway network, including highway safety.

Each of these will be considered in turn.

The proposal would utilise the existing structures on the site and would create a Mixed A3/A4 use. The scale of the use proposed is considered to be in proportion with the existing A4 Use and so Criteria (i) requirement is complied with.

In regards to criteria (ii) the proposed activity should not unduly harm the residential amenity of adjoining neighbours. A number of letters of representation have raised concerns about the previous use of the single storey accommodation as a function room with the noise disturbance that resulted from this. The Council's Environmental Health Department were consulted as part of the application process and advises that the storage/function room is currently subject to a H&S prohibition notice, prohibiting use due to a collapsing ceiling and also there are noise complaints on record whilst under a previous management primarily from events held in the function room.

Environmental Health have therefore requested the following conditions:

No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc) which is audible at the site boundary shall be installed without the prior written consent of the Local Planning Authority.

REASON:: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

These requirements from the Council's Environmental Health Department are considered to be reasonable, particularly in regards to the single storey area which is a timber structure. Following a site visit, the fabric of this building was inspected and this appears to be poorly insulated. Following discussions with the applicant and agent on site, it was agreed that the existing internal wood cladding had no particular historic merit and that this could be removed to allow a new acoustic insulation to be inserted and then a new plasterboard finish applied. This would increase the energy efficiency of the building as required by Policy R3 and also improve the current acoustic performance of the building. Notwithstanding these improvements, the further condition requested by Environmental Health would ensure the future use of the building is within the limits of the acoustic performance improvements achievable with the existing listed structure.

In summary, criteria (ii) will be satisfied subject to the planning condition requested by Environmental Health and a further condition for the final technical specification details for the building to be submitted for written approval by the Council prior to the commencement of works.

In regards to Criteria (iii), Hertfordshire Highways was consulted during the application and comments received which raised no objection in regards to the continued use of the existing access or the level of parking provision proposed. The planning conditions requested relate to storage of materials and contractors parking on site and for wheel washing facilities.

In regards to parking, concerns have been raised by neighbouring residents that no additional parking is to be provided. The comments of the Highways Authority are a material planning consideration, and no concerns have been raised that the proposed development would result in an unreasonable impact on highway safety and operation of the adjoining highway.

Notwithstanding this, the Local Planning Authority is the determining authority in regards to parking provision and Policy M14 and the accompanying Supplementary Planning Guidance – Parking Standards is relevant.

There are currently around 15 parking spaces which according to the current parking standards would be sufficient for the existing bar area and staff.

In regards to the additional restaurant area, the guidance would suggest that around a further 10 spaces should be provided. The issue here is whether this potential shortfall is likely to result in a significant overspill of parking onto the adjoining roads and result in a highway safety concern.

The proposed operation of the premises is a mixed use and so it would be reasonable to envisage that some of the clientele could also use the bar area as well as the restaurant. Taking into account that the parking standards are a maximum and that the Public House is in the centre of the village where locals may visit the bar by foot rather than car and that no objections has been raised by the Highways Authority, on balance it would be difficult to justify withholding planning permission for this particular location solely on parking grounds taking into account the particular merits of this site and proposed use.

In summary, the proposal is considered to comply with Criteria (iii) of Local Plan Policy EMP8 and M14 along with the accompanying Supplementary Design Standards – Parking and national guidance given by PPG 13 on the basis that each site should be considered on its own particular merits and that this would not set a precedent for other development sites.

2. Green Belt Policy.

Planning Policy Guidance Note 2 – Green Belt is relevant.

Paragraph 3.4 of PPG2 lists acceptable uses within the Green Belt, however, restaurants are not listed. The proposal by definition is therefore considered to represent inappropriate development.

Turing to very special circumstances, PPG2 in paragraph 3.2 states that these will only exist unless any harm is clearly outweighed buy other considerations.

The proposal, however, is to re-use existing spare rooms in the building complex and so there will be no change to the visual appearance of the existing premises. The only Green Belt concern that can be argued is the further intensification of use of the site through additional visitors that may be generated by the additional facility.

A balance in these situations has to be struck in regards to ensuring that the viability of the public house is such that it remains a community facility and that no unnecessary harm results to the Green Belt. It is common knowledge that since the changes in smoking laws, many public houses have seen their custom reduced and the applicant has advised that the restaurant is essential for the future plans they have for the site. Although some further intensification of use of the site is likely to result, it is considered that this would be within acceptable limits.

Very Special Circumstances are therefore considered to exist to justify setting aside Green Belt Policy as the resultant potential intensification of use of the site is

outweighed by other considerations that the premises is better placed to remain a viable business and an asset to the community life of Northaw Village.

3 The impact of the proposal on the integrity of the listed building.

Planning Policy Guidance Note 15 is relevant.

The main issue here is whether the proposed works are acceptable in regards to the impact on the existing integrity of the building.

The reason for the works is to create a new link between these areas with the main original part of the building as currently they can only be accessed through external doors.

It is surprising that no link currently exists between the main part of the building and the two storey wing and possibly this may have been closed off in the past. Following a site meeting further detailed drawings have been submitted showing the opening located in a section of the wall which is thinner than the rest as this would result in less intrusion to the brickwork and could be the location of an earlier door.

In regards to the widening of an existing gap, this amendment was again considered to have less impact than the earlier proposal of creating a completely new door opening. Finally the size of the opening proposed into the single storey building has been reduced. Further sectional drawings have been produced to show some of the features of the building.

In regards to other changes, it is proposed to close the exiting gap in the ground floor ceiling and to remove the internal timber cladding in the single storey structure which appears to be a very modern addition which is out of keeping with the character of the building and to but back plasterboard.

A balance has to be struck between maintaining the historic character of the building and to allow the building to adapt to future uses. The viability of the public house will be improved if these buildings can be brought into use as there original function in terms of outbuildings and secondary habitable accommodation are now redundant. To secure the investment needed to carry out the remedial works urgently needed to the two storey area (subject to a prohibition notice due to the dangerous ceilings) the proposed use would be appropriate.

The applicants have submitted revised drawings showing the new openings to be as small as possible. Taking all these factors into account, and subject to more detailed drawings and information required by a planning condition below, it is considered the proposal will comply with PPG15

4 Other Material Planning Considerations

Policy R3 requires measures to maximise energy conservation through the design of buildings. The single storey structure appears to have limited insulation in regards to heat insulation. The submitted design drawing shows a section of how this will be improved and it would be reasonable to impose a planning condition to require further details of the extent of the proposed works. This work will also improve the acoustic insulation of the building as already discussed above.

In regards to materials, no changes are proposed to the external appearance of the existing building and so no planning condition is required under this application. In regards to the internal changes, as the structure is listed, further details will be required under the Listed Building Consent (LBC) application to be submitted and agreed, however, this is related solely to this LBC application.

CONCLUSION:

It is considered that the proposal complies with the requirement of Planning Policy EMP8 and the parking requirements of Policy M14 subject to the planning conditions below.

Particular concern was raised by third parties in regards to potential noise disturbance from the new activities, however, the conditions below will require the fabric of the building to be upgraded and that noise levels are kept to an acceptable level to comply with the requirements of the Council's Environmental Health Department.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard 3 Year Time Limit
2. C.13.1: Development in accordance with approved plans/details 9150-P002 received and dated 03/10/08 & 9150/P/001 Rev A & 9150-P003 & 9150-S-002 received and dated 21/11/08.
3. No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc) which is audible at the application site boundary shall be installed in the 'restaurant' area as annotated on approved drawing 9150/P/001 Rev A (Received and dated 21/11/08) without the written prior consent of the Local Planning Authority.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

4. All areas for parking and storage of delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

REASON: In the interest of highway safety and free and safe flow of traffic and to comply with PPG13.

5. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engage on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

REASON: To ensure that no obstruction to the public highway occurs during the construction period and to comply with PPG13.

6. Notwithstanding the details shown on approved drawing number 9150-P003 (date stamped 21/11/08), prior to the commencement of works, further details are to be submitted to show the extent of the proposed work in regards to the upgrade of the single storey building to comply with the energy efficiency requirements of policy R3 and the acoustic requirements given in policy R19 of the adopted Welwyn Hatfield District Plan 2005. No use of the single storey building shall take place until the approved scheme has been completed and written confirmation of approval has been received from the local planning authority. Thereafter, the sound insulation measures shall not be changed without the prior written agreement of the local planning authority.

REASON: To ensure that the approved use as a restaurant will not result in an unacceptable level of noise impacting on the residential amenity of adjoining neighbours and that the energy efficiency of the existing structure is improved to an acceptable level and to comply with the requirements of Policies R3 & R19 of the adopted Welwyn Hatfield District Plan 2005.

7. C.8.5 Wheel washing equipment.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPG4 & PPG13 and PPG15 East of England Plan 2008 Policies SS1, SS2, ENV6, ENV7 & T14 and local development plan policies SD1, GBSP1, R3, R5, R19, M14, D1, D2, D9, RA17 & EMP8 of the Welwyn Hatfield District Plan 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).

INFORMATIVE:

This planning application is to be implemented in conjunction with the planning conditions imposed with the Listed Building Consent Approval granted by application S6/2008/1880/LB.

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