

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2009/2696/FP</b>
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**NOTATION:**

The site is located within Hatfield Aerodrome (Inset 3) as designated by the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site consists of No.10 Parkhouse Court, a unit which forms part of the ground floor of a five storey residential apartment block on the south eastern corner of Parkhouse Court. The unit was previously in use as a coffee shop (Use Class A3) and is currently vacant. A large public car park is located adjacent to the site.

**DESCRIPTION OF PROPOSAL:**

This application seeks full planning permission for change of use from A3 coffee shop to A5 hot food take-away.

**PLANNING HISTORY:**

S6/2007/0795/FP – Amendment to reserved matters approval reference S6/2005/0675/DE to allow for the relocation/swap of class A1 (shop) and class A3 (restaurant, bars and cafes) uses within the scheme, at units 8, 8A and 12A, Comet Square, Comet Way, Hatfield District Centre.

S6/2005/0675/DE - Mixed use development of district centre comprising shops, food & drink uses, hotel, health centre, day nursery, 267 residential units including affordable and key worker housing, bus interchange, servicing, carparking and landscaping (reserved matters application following outline permission S6/2003/1137/OP).

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy:  
PPS1 Delivering Sustainable Communities

East of England Plan 2008:  
SS1 Achieving Sustainable Development  
T14 Parking

Welwyn Hatfield District Plan 2005:  
SD1 Sustainable Development  
R3 Energy Efficiency  
R19 Noise and Vibration Pollution  
GBSP2 Towns and Specified Settlements  
M14 Parking Standards  
D1 Quality of Design  
D2 Character and Context

## **CONSULTATIONS**

**Hertfordshire County Council – Transportation Planning and Policy:** Does not wish to restrict the grant of permission.

**Environmental Health:** No objection subject to suggested conditions and informative.

**Thames Water:** Recommends the installation of a fat trap on all catering establishments and the disposal of fats, oils and grease by a contractor, in line with best practice.

## **TOWN/PARISH COUNCIL COMMENTS**

Hatfield Town Council – No response (Consulted 06/01/10)

## **REPRESENTATIONS**

The application was advertised by site notice and neighbour notification letters. Three letters of objection were received. The main points of objection were oversupply of take-away (Use Class A5) within Parkhouse Court and increased litter.

## **DISCUSSION:**

The main issues are:

1. Principle of Change of Use
2. Impact on Neighbour Amenity
3. Parking and Highway Issues
4. Sustainable Development

### **1. Principle of Change of Use:**

The existing shop unit was previously in use a coffee shop falling within Use Class A3. The proposed hot food take-away falls within Use Class A5. There are no policies to restrict the proposed change of within Parkhouse Court. The area surrounding the application site is characterised by a mix of uses including a hotel, offices, retail uses, takeaway restaurants and a bus station. The proposed A5 use is therefore not considered inappropriate in this location and would maintain the character of the area in accordance with Policy D2.

### **2. Impact on Neighbour Amenity:**

Within the immediate vicinity of the application site are a variety of uses which attract visitors to the area including a hotel, offices, retail uses, takeaway restaurants and a bus station. The proposed take-away would not result in a significant increase in noise disturbance above the current situation.

The Council's Environmental Health Department have advised that the proposed extraction and ventilation system would provide the appropriate odour control in order to minimise the risk of nuisance to neighbouring occupiers. With regards to noise or vibration, in particular from extraction and ventilation equipment, it is considered reasonable to attach a condition requiring all equipment to be installed maintained and operated so as to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the application site. The proposed change of use would not result in any harmful impact on neighbouring occupiers in

accordance with Policy D1 and R19 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

### **3. Parking and Highway Issues**

Hertfordshire County Council – Transportation Planning and Policy did not object to the proposed change of use. No allocated off street parking exists and none is proposed. However, the application site is located within a Local Centre with a large public car park located adjacent to the application site. Therefore, the proposed change of use would not have a detrimental impact on highway safety or parking provision in accordance with PPG13, Policy T14 of the East of England Plan 2008 and Policy M14 of the Welwyn Hatfield District Plan 2005.

### **4. SD1 Sustainable Development:**

The applicant has submitted details of how the proposal would contribute towards sustainability in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

### **CONCLUSION:**

The proposals comply with the relevant national policies and guidance, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

#### **CONDITIONS:**

1. C.2.1 – Time Limit Full Permission
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:1250 Site Location Plan & PL/01 & PL/02 & PL/03 received and dated 31 December 2009 & CV/3994/1 received and dated 15 February 2010
3. C.7.22 – Prevention of Noise From Plant Machinery and Equipment
4. Extraction & Ventilation Equipment - Notwithstanding the details submitted as part of this application, prior to the commencement of the use hereby permitted, a scheme for the extraction and ventilation equipment to serve the lobby and WC shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and shall be maintained in accordance with the manufacturer's instructions to ensure its continued satisfactory operation.

REASON: To ensure a satisfactory standard of development 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 National Planning Policy PPS1 and Policy SS1 and T14 of the East of England Plan 2008 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 GBSP2, SD1, R3, R19, M14, D1, D2 and Supplementary Design Guidance), 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).

**INFORMATIVES:**

Management Plan: Environmental Health request the submission of a maintenance schedule in respect of ducting and plant in the mechanical inlet and extract systems. This information will be referred to during food safety and/or health and safety inspections.

Disposal of Fats, Oils and Grease: Thames Water recommends the installation of a fat trap on all catering establishments and the disposal of fats, oils and grease by a contractor, in line with best practice, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

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