

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT  
DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2013/1563/FP</b>
<b>APPLICATION Site:</b>	<b>12 Harpsfield Broadway, Hatfield</b>

**NOTATION:**

The application site is in Hatfield. It is excluded from the Green Belt in accordance with Policy GBSP1 as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site is 12 Harpsfield Broadway which is a ground-floor restaurant and bar located towards the end of a parade of shops (with residential accommodation / storage space above) facing east onto Harpsfield Broadway. The restaurant occupies a corner plot between Harpsfield Broadway and Jetliner Way. The adjacent premises to the south is an estate agent and to the north is a smaller, single storey unit, set back from the main row of shops, which is also an estate agent.

Harpsfield Broadway runs parallel to Comet Way, on the opposite side of the road from The Galleria complex and car-park. Immediately to the rear (west) of the application site is a bus interchange and hotel. Further to the west are modern blocks of flats.

**DESCRIPTION OF PROPOSAL:**

This application seeks planning permission for the erection of a shisha smoking shelter.

The proposed shelter would be situated to the rear (west) of the restaurant, within the rear courtyard area. The shelter would have a mono-pitched roof which would measure up to 3.6 metres high. The entire structure would measure nearly 12 metres long and approximately 3 metres wide.

**PLANNING HISTORY:**

S6/2013/0603/FP - Erection of new mansard roof  
A(G) 14/05/2013

S6/2004/0221/FP – Change of use from sui generis, car rental to Class A3 (Food and Drink)  
A(G) 12/05/2004

S6/2003/0459/LU – Use of first and second floor as offices  
A(G) 09/06/2003

S6/1994/0595/FP – Erection of new workshop/store  
A(G) 27/10/1994

### **SUMMARY OF POLICIES:**

Welwyn Hatfield District Plan 2005:  
SD1: Sustainable Development  
GBSP2: Towns and Specified Settlements  
R3: Energy Efficiency  
D1: Quality of Design  
D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005  
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

National Planning Policy Framework

### **CONSULTATIONS:**

Herts Fire and Rescue Service – No comments received.

WHBC Building Control – No comments received.

WHBC Environmental Health – No objections or recommendations to make.

### **TOWN/PARISH COUNCIL COMMENTS:**

Hatfield Town Council – No comments received

### **REPRESENTATIONS:**

The application was advertised by neighbour notification letters and a site notice. A letter of representation was received from the Welwyn Hatfield Access Group. The comments are summarised below:

- Concerns about limited access and circulation space around the shisha shelter.

## **DISCUSSION:**

The main issues are:

1. The impact of the proposal on the character and appearance of the existing property and the surrounding area
2. Impact on the residential amenity of neighbouring properties
3. Parking provision
4. Other material considerations

### **1. The impact of the proposal on the character and appearance of the existing property and the surrounding area**

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. They should also be visually attractive as a result of good architecture and appropriate landscaping.

The NPPF goes on to note that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Policy D1 of the Welwyn Hatfield District Plan 2005 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.

The proposed shisha shelter would be situated to the rear (west) of the restaurant, within the rear courtyard area. It would have a mono-pitched roof which would measure up to 3.6 metres high and the entire structure would measure nearly 12 metres long and approximately 3 metres wide. The shelter would be partially visible above the rear boundary fence at the application site, however it is not considered that it would detract from the character and appearance of the wider area. The surrounding area is characterised by the rear courtyards of the buildings along Harpsfield Broadway which are all bounded by a tall, wooden close-boarded fence, which creates a non-active frontage facing onto the bus interchange. The proposed structure is considered to have a functional appearance and it would be viewed alongside the rear extension and rear balcony area at the site, which are also utilitarian in character. Overall it is considered that the proposed structure would at

least maintain the character of the area and the proposal is therefore considered to be in accordance with Policy D2 of the District Plan.

## **2. Impact on the residential amenity of neighbouring properties**

No representations were received from any neighbouring occupiers.

The proposed structure would be located at the far end of the restaurant's outdoor area and it is therefore not considered that it would impact on any of the neighbouring properties in terms of overbearing impact or loss of light or outlook. Furthermore, the Council's Environmental Health officer has raised no objection to the proposal.

Overall, the proposal is considered to be acceptable in this respect.

## **3. Parking Provision**

The proposal would not affect the parking availability at the site and it is not considered that it would create a need for more parking to serve the business. The proposal is therefore considered to be acceptable in this respect.

## **4. Other Material Planning Considerations**

**Sustainable Development:** The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

**Protected Species:** The presence of protected species is a material consideration, in accordance with, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "*a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*" The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

## **CONCLUSION:**

It is considered that the design would adequately respect and relate to the existing building and the surrounding area. The impact on the residential amenity of neighbouring properties is also considered to be acceptable. The proposed development is therefore considered to be in accordance with the National Planning

Policy Framework and 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 for commencement of development
2. C.13.1 The development/works shall not be started and completed other than in accordance with the approved plans and details: Block and Site Plans & SS01 & SS02 & SS03 & SS04 & Side and top view received and dated 12 August 2013 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. The materials to be used for the development shall be as detailed in the application hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

**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 viewed on the Councils website or inspected at these offices).

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