

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2015/0017/FP

SITE ADDRESS: 3A Parkhouse Court, Hatfield

DESCRIPTION OF DEVELOPMENT: Change of use from Sui Generis Use (Nail Salon) to Use Class A5 (Hot Food Takeaway) with internal and external alterations.

RECOMMENDATION: GRANT CONDITIONALLY

1. SITE AND APPLICATION DESCRIPTION:

The masterplan for the redevelopment of the Hatfield Aerodrome site, as adopted in the relevant Supplementary Planning Guidance dated November 1999, states that the application site falls within a District Centre. The land covered by this designation is some 9.8 hectares adjoining the west side of Comet Way and stretches westwards to Mosquito Way, to include the listed hangar building. To the north of the District Centre site is the Commercial Area and the listed Administration Block and Canteen Block, whilst to the south are the Bishop Square offices and the recently rebuilt Beales Hotel.

This application concerns Unit 3A in Hatfield District Centre, which faces on to Parkhouse Court and is currently comprised of a Nail Salon. This application seeks to change the use of the premises from a Nail Salon (Sui Generis) to a hot food takeaway (A5).

2. SITE DESIGNATION:

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

3. RELEVANT PLANNING HISTORY:

Relevant recent applications within Parkhouse Court:

S6/2012/1847/FP - Change of use and subdivision of existing unit (use class A1) to create an estate / letting agents office (use class A2) and nail salon (use class Sui generis) – Granted 13/12/2012

S6/2008/1260/FP – Change of use from A1 (Retail) TO A2 (Betting Office) – Approved 12 September 2008.

S6/1999/1064/OP – Outline planning permission for the redevelopment of the Hatfield Aerodrome site in accordance with masterplan (including District Centre).

S6/2003/1137/OP – Full permission for 200 flats and Nursing Home, also outline permission for District Centre including shops, food and drink uses, hotel and health

centre, day nursery, residential uses including affordable and key worker housing, bus interchange, servicing and car parking.

S6/2005/675/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).

S6/2007/795/FP – Amendment to reserved matters approval reference S6/2005/675/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.

4. CONSULTATIONS:

Welwyn Hatfield Borough Council Environmental Health – No objections

Welwyn Hatfield Borough Council Client Services – No objections

5. NEIGHBOUR REPRESENTATIONS:

The application was advertised by means of neighbour notification and site notice. 11 representations have been received from addresses in Clarkson Court, Harpsfield Broadway and Parkhouse Court which have objected to the proposal. Their comments are summarised as:

- There would be an excessive amount of A5 uses within the District Centre.
- Detrimental impact on the character of the area.
- Noise and disturbance to neighbouring properties.
- Lack of parking provision.
- Detrimental impact on community safety.
- Detrimental impact in terms of highway safety.
- Proposal would erode the variety of services available to residents.

One comment has also been received from an address in Clarkson Court raising concerns regarding the excessive amount of A5 uses. Furthermore, a petition against the development has been signed by 19 residents in Parkhouse Court and Clarkson Court.

The detrimental impact the proposal would have on the operation and competitiveness of the adjacent businesses has also been raised in the above objections. However, this is not considered to form a material planning consideration.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

None received

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues in the determination of this application are:

1. Principle of the change of use from Sui Generis to A5 (SD1, Emerging Local Plan, Hatfield Aerodrome SPG & National Planning Policy Framework (NPPF))
2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & SDG & NPPF)
3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)
4. Other Material Planning Considerations
 - (i) Highway and Parking (M14 and SPG)
 - (ii) Refuse and Recycling Storage (D1 & IM2 & M4)
 - (iii) Community Safety (D7)

8. ANALYSIS:

1. Principle of the change of use from Sui Generis to Class A5 (SD1, Emerging Local Plan, Hatfield Aerodrome SPG & National Planning Policy Framework (NPPF))

The application property was changed to a Sui Generis use under application S6/2012/1847/FP and has been operating lawfully as a Nail Salon since this permission was granted.

At the time of the adoption of the current Development Plan, the aerodrome site had not been constructed. Hatfield Aerodrome Inset 3 map, however, identifies that the site is located with a District Centre.

Within the Development Plan, paragraphs 13.10 and 13.16, reference is made to the District Centre as a local centre and also a neighbourhood centre. There are no specific policies within the plan relating to the 'District Centre'. The District Centre is also referred to as a Large Neighbourhood Centre in the Council's emerging Local Plan and emerging policy SADM14 seeks to protect the variety of services available to residents within this Large Neighbourhood Centre and specifically to the percentage of A1 retail uses. However, given the relatively early stage of this emerging plan, it is considered that reference to the District Centre as a Large Neighbourhood Centre, and the associated emerging policies, carry little weight in the determination of this application.

With regards to the above, it is considered that, at present, there is no specific policy regarding the percentage of units to be retained in defined uses at the District Centre within the Development Plan. Additionally, no reference is made to the appropriate mix of units at the District Centre within the Hatfield Aerodrome SPG and the associated S106 agreement. Accordingly, there are no policies directly relating to a

certain percentage, or other appropriate measurement, for the mix of retail and other uses at the Centre. It is, therefore, considered that the current Development Plan is somewhat silent in this regard.

Paragraph 14 of the NPPF states that where a development plan is silent developments should be approved without delay unless any impacts of doing so would significantly outweigh the benefits when assessed against the policies within the Framework or specific policies indicate the development should be restricted.

The NPPF seeks to ensure that communities have access to a variety of services and facilities within strong neighbourhood centres (par. 69) and Section 8 of the NPPF seeks to promote healthy, sustainable, communities. As discussed above, at this present time it is not considered that the application is located within a neighbourhood centre and, in the absence of information detailing local need, it is not considered that the addition of an A5 use, resulting from a change of use from a Sui Generis use, would result, in this instance, in an unsustainable development that would significantly harm the availability of services to local residents. Furthermore, the proposal would result in the creation of jobs within the area and, in this regard, represents sustainable economic growth, with regard to paragraph 19 of the NPPF. The economic benefits the proposal would provide weigh in favour of the development.

Section 38 (6) of Part 3 of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan and determination is, unless material considerations indicate otherwise, to be in accordance with that plan.

The proposed development would result in the loss of a Sui Generis use (Nail Salon) and the addition of an A5 use to the District Centre. The Development Plan is, with regard to the Planning and Compulsory Purchase Act, the primary consideration when determining applications. However, within the current Development Plan, there are no policies specifically preventing the loss of a Sui Generis use or the change of use to an A5 use within the District Centre. It is acknowledged that there is intent within the emerging Local Plan to designate this district centre as a Large Neighbourhood Centre and that there are emerging policies to appropriately manage the services offered in this Large Neighbourhood Centre (principally the retention of A1 uses). As such, in the overall balancing exercise, it is considered that as the Development Plan is somewhat silent in this regard and subject to there being no material considerations that significantly outweigh the loss of a Sui Generis use to an A5 use (see discussion below), the principle of the loss of a Sui Generis use to an A5 use is acceptable.

2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & SDG & NPPF)

Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the

proposal and how it harmonises with the existing buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

It is noted that concerns have been raised with regards to the impact the proposal would have on the character of the area. No alterations to the façades of the building are proposed other than the installation of two small louvre grilles and a condenser unit to the north-east (rear) elevation and a pedestrian door on the north-west (side) boundary. Given that the application site is located within a District Centre, comprised of several existing A5 units, and this proposal would make no discernible change to the principal elevation of the unit within its wider context, it is considered that the proposed development would not result in significant harm to the character of the immediate area to the extent that would warrant a refusal of permission.

Having regard to the above, it is considered that the proposal would be appropriate for the District centre and visually acceptable. Accordingly, the proposal is not contrary to saved policies D1 and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF.

3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)

Policy D1 and the Supplementary Design Guidance aim to preserve neighbouring amenity and policy R19 states that proposals will be refused if they generate unacceptable levels of noise and disturbance. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

It is noted that concerns have been raised regarding the proposals potential impact on neighbouring amenity, in terms of noise and disturbance. The applicant has provided details on the extraction system and plant machinery to be used. On discussion with Welwyn Hatfield Borough Council Environmental Health Officers it is considered that, as the extraction system has an internally located silencer and would be fitted with grease filtration and an activated carbon odour control unit, the extraction system and plant machinery are acceptable.

Planning permission is sought for the proposed A5 use to operate from 11:00am to 11:00pm Sunday to Thursday, and from 11:00am to 1:00am on Fridays and Saturdays. The applicant has also stated that deliveries to the proposal would occur outside of sensitive hours and, where there are loading bay restrictions, service deliveries will take place within the allowable hours. On this basis, and with regards to the developments location within an existing District Centre comprised of other A5 uses that is adjacent to Comet Way, it is considered that the opening hours and delivery of good to the unit would not result in significant impacts to residential amenity, in terms of noise and disturbance.

Taking all of the above into account, and in particular as WHBC Environmental Health are not opposed to the scheme, it is considered that the proposal, which

would be located in an existing District Centre comprising uses similar to that proposed, would not result in significant harm to neighbouring amenity, in terms of noise and disturbance, to the extent that would warrant a refusal of permission. The proposal is, therefore, not contrary to policies D1 and R19, the Supplementary Design Guidance or the relevant paragraphs of the NPPF.

4. Other Material Planning Considerations

(i) Highway and Parking (M14 and SPG)

Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

The proposed development would be served by the existing local centre car parking which was created under the masterplan for the Hatfield Aerodrome Site. It is considered that the proposal, which is of an appropriate use for the District Centre, would not introduce a form of development that would unacceptably increase demand for parking provision in the area. Accordingly, the proposal is not contrary to paragraph 39 of the NPPF in this regard.

The highways and transport infrastructure have been completed for the masterplanned area and were designed to accommodate a particular level of development based on a mix of use classes. As this proposal represents an appropriate use for the District Centre, it is considered that the traffic has already been accepted within the highway improvement schemes associated with the delivery of the Hatfield Aerodrome Business Park and District Centre. It is therefore considered that the proposal would not result in significant detrimental impacts to highway safety over and above the existing Sui Generis use and that the proposal is acceptable in this regard.

(ii) Refuse and Recycling Storage (D1 & IM2 & M4)

The Council has adopted a Supplementary Planning Document 'Planning Obligations' which may require a development to provide financial contributions for new bins and recycling facilities. The Council's Clients Services Department has been consulted and on this occasion has not requested a financial contribution, stating only that the waste would be managed via a trade waste agreement arranged directly by the business with the provider. Having regard to this, the proposal complies with local planning policy D1 in this regard.

(iii) Community Safety (D7)

Policy D7 seeks to ensure that developments contribute to safer communities and, in addition, paragraph 69 of the NPPF states that developments should result in environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

It is noted that concerns have been raised in this regard. However, as the proposal is consistent with the type of uses associated with the District Centre, it is considered that the development would not result in significant levels of crime and disorder that would disrupt the existing community.

9. CONCLUSION:

As the Development Plan is somewhat silent with regard to the proposed change of use in the District Centre and there are no material considerations that significantly outweigh the loss of a Sui Generis use to an A5 use the principle of the proposed change of use is acceptable.

The impacts of the proposal have also been considered on the visual amenity of the area, on the amenity of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with the NPPF

10. CONDITIONS:

1. C.2.1 - Time limit for commencement of development
2. C.13.1 - Development in accordance with approved plans and details: 00482-01 Rev. B & OPP/143723/002 & 00482-05 Rev. C & OPP/143723/001 & details of extraction system and plant machinery within the submitted 'Supporting Information on the Proposed Extraction System and Plant' received and dated 07 January 2015
3. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 11:00am to 11:00pm Sunday to Thursday, and from 11:00am to 1:00am on Fridays and Saturdays and no customer shall be permitted to be on the premises outside of these times.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 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 inspected at these offices).

INFORMATIVES:

1. Welwyn Hatfield Borough Council is the enforcing Authority for food safety. The applicant is advised to consult the Environmental Health service before internal alterations take place to ensure the premises will comply with food safety requirements and to arrange for food premises registration.

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