

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2016/1068/FULL  
**Location:** Barham Court, 80 Station Road, Cuffley, Potters Bar, EN6 4HY  
**Proposal:** Addition of A3 (Restaurant and Cafe) use alongside previously granted uses A1 (Retail), A2 (Financial and Professional Services) and B1 (Business) to the commercial unit to ground floor  
**Officer:** Mrs J Pagdin

**Recommendation:** Refused

6/2016/1068/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises the ground floor commercial unit in the approved redevelopment of No. 80 Station Road, which is under construction. The approved scheme is for 24 residential units in a part three/part four storey building. The commercial unit is on the western half of the ground floor of the building and has a floor area of 452sqm. This unit has permission for flexible use as Use Classes A1 (Retail), A2 (Financial and Professional Services) or B1 (Business). Along the frontage of the site the approved plans (Drwg No JC:2014.02.01/02RevD) show fifteen car parking spaces (including three disabled parking bays) allocated for use by the commercial unit. The approved plans also show cycle parking facilities on the concrete paving in front of the unit, a loading bay on the bitumen access road in front of the commercial unit and a gated storage area to the west side of the building.</p> <p><u>Proposal</u></p> <p>Full planning permission is sought to include an A3 (restaurant use) in the range of permitted uses for the commercial ground floor unit. Submitted details are as follows:</p> <ul style="list-style-type: none"> <li>• The floor area would be 420sqm (gross internal)</li> <li>• Hours of opening 9am-11.30pm Mondays-Sundays and Bank Holidays.</li> <li>• An estimated 20 full time and 10 part time jobs would be created</li> <li>• 15 car parking spaces (including three disabled bays) provided on the site frontage.</li> <li>• Details of the shop frontage have not been submitted</li> </ul> <p>The building is currently under construction and when complete there will be two flats below the rear half of the commercial unit, orientated to the south, and four flats directly above the unit on the first floor. The flats on the ground floor on the eastern half of the building would be separated from the</p>

	commercial unit by the entrance hall and internal stairways.		
<b>Constraints (as defined within WHDP 2005)</b>	EMPL - ( Sopers Road Employment Area ) PAR - PARISH (NORTHAW AND CUFFLEY) Ward6 - Northaw & Cuffley		
<b>Relevant planning history</b>	<p>S6/1983/0090/ - New control buildings to petrol forecourt, change of use of car showroom to 7 retail shops with stores below and use of vehicle wkshp as light industrial. Refused 14.4.1983</p> <p>S6/1983/0549/ - Four light industrial workshops. Refused 27.10.1983.</p> <p>S6/1983/0721/ - Extension to existing control building. Granted 31.12.1983</p> <p>S6/1987/0236/FP - Erection of building to contain Low Bake Oven in association with Auto Body Repairs. Granted 5.6.1987</p> <p>S6/1992/0809/FP - Installation of 2000 gallon underground diesel tank and associated pipework. Granted 1.2.1993.</p> <p>S6/2014/0243/MA - Demolition of existing buildings and redevelopment to provide 24 residential apartments with 452m2 GEA of either A1, A2 retail or B1 commercial use at ground floor level, together with provision of car and cycle parking and bin storage, and minor works to formalise access and egress points into the site. Approval subject to S106 5.8.2014.</p> <p>S6/2015/0299/DS - Approval of details reserved by condition 5 (noise assessment), 7 (energy statement) and 9 (external lighting) on planning application S6/2014/0243/MA. Approved 9.6.2015.</p> <p>S6/2015/0487/DS - Approval of details reserved by condition 3 (Landscaping), condition 4 (Materials), condition 8 (Construction phase method statement) and condition 10 (Vehicle cross over) of S6/2014/0243/MA. Under consultation.</p> <p>S6/2015/0799/DS - Approval of details reserved by condition 6 (Ground Investigation &amp; Remediation Strategy) &amp; 13 (Surface Water Drainage) of planning permission S6/2014/0243/MA. Approved 17.5.2015.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 35	Object: 41	Other: 2
<b>Publicity</b>	Site Notice Display Date: 14 September 2016 Site Notice Expiry Date: 5 October 2016		
<b>Summary of</b>	Over eighty representations have been received –several from owners and		

<p><b>neighbour responses</b></p>	<p>occupants of the flats within the development of Barham Court, others from neighbours and residents of Cuffley and the Northaw and Cuffley Residents Association.</p> <p>The objections may be summarised as:</p> <ul style="list-style-type: none"> <li>• Neighbours have not been informed of the application;</li> <li>• Object to noise from customers in the restaurant and outside it especially smoking outside;</li> <li>• Alcohol will be served and cause nuisance;</li> <li>• Traffic nuisance and noise from such a large restaurant, especially late at night;</li> <li>• A3 use previously rejected on parking grounds;</li> <li>• Conversion to A3 would cause smells;</li> <li>• Already enough cafes/food outlets in Cuffley;</li> <li>• Heavy traffic and overcrowding;</li> <li>• Devalue the area;</li> <li>• Inadequate parking in an area subject to parking restrictions.</li> </ul> <p>The supporting comments may be summarised as:</p> <ul style="list-style-type: none"> <li>• A family friendly restaurant would be an asset to the area</li> <li>• Increase choice of places to eat</li> <li>• Create local employment</li> <li>• Support local business</li> <li>• Two large car parks in vicinity of the site</li> <li>• Within easy walking distance of family home</li> <li>• Cuffley's traffic is already busy - one restaurant would not increase it significantly.</li> </ul> <p>It should be noted that the grant of planning permission for an A3 use relates to the property and cannot specify a preferred operator or type of restaurant.</p>
<p><b>Town / Parish representations</b></p>	<p>Northaw and Cuffley Parish Council object to the proposal for the following reason:</p> <p><i>“We do not support A3 development. We object because there are already many food outlets in Cuffley. There is a need to maintain a mixed retail offer in the village - Ref, Parish emerging Local Plan. Car parking is inadequate and the local area is subject to car parking restrictions. There would be late night noise and disturbance detracting from the residential amenity of the surrounding properties.”</i></p>
<p><b>Consultees and responses</b></p>	<ol style="list-style-type: none"> <li>1. WHBC Environmental Health - no objection subject to conditions over assessment noise from plant and equipment pre-construction and post-construction, odour control from the kitchen, hours of use and hours of deliveries.</li> <li>2. Northaw and Cuffley Parish Council - see above</li> <li>3. Hertfordshire Transport Programmes &amp; Strategy - no objection. The Highway Authority provided recommendations on the original application (S6/2014/0243/MA). The proposed use would not generate significantly more traffic than the already permitted uses and most trips would occur off-peak. The servicing requirements would not differ</li> </ol>

	<p>significantly from the already permitted uses</p> <ol style="list-style-type: none"> <li>4. Councillor Bernard Sarson – no response</li> <li>5. Councillor George Michaelides – no response</li> <li>6. Councillor Irene Dean - no response</li> <li>7. Vikki Hatfield - significant concerns over where the customers of the restaurant would park. The fifteen on-site spaces are not sufficient to cater for the numbers likely to visit. Car parks around the site have tariffs and are heavily used by commuters. Customers may park in Sopers Rd after the yellow lines finish and may obstruct deliveries and business use. Local roads have some restrictions to prevent all-day parking but Meadway would be affected by customer parking. This road is narrow and would be adversely affected by additional congestion.</li> </ol>
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**Relevant Policies**

- NPPF  
 D1    D2    GBSP1    GBSP2    M14  
 Others

**Main Issues**

**Principle of the proposed use**

The site is within Cuffley settlement where Policy GBSP2 encourages development to be located, provided it is in accordance with the Policies for urban areas in the adopted Plan and is compatible with the maintenance and enhancement of its character.

The site is within the Sopers Road Employment Area and involves the redevelopment of a former petrol station and garage. The site already has planning permission for residential use with a mixed (A1, A2, B1) use unit (S6/2014/0243/Ma) and the impact on Employment Land Policies has been previously considered in the determination of that application.

Policy TCR26 relates to large village centres, and seeks to retain the range of everyday convenience shopping and service facilities for local people by retaining a minimum of 60% of the frontage within each centre in Class A1. The unit would create additional A Class floor-space in the village over and above the shops that were in existence when the Policy was adopted. However, the application site lies outside the village centre of Cuffley and would not involve a loss of A1 in the centre of the village. The permitted use allows for uses within Classes A2 and B1 and it is, therefore, not considered that the theoretical loss of an A1 use under Policy TCR26 is a material consideration in the inclusion of an A3 (cafe or restaurant) use on this site.

However, the criteria in Policy TCR26 regarding the introduction of non-retail uses, such as A2 and A3, include the following relevant considerations:

- The proposal would not harm the amenities of any nearby residential properties;
- The proposal would not be detrimental to the highway network, including highway safety.
- The Council could impose conditions to control the use of premises

	<p>where planning permission may otherwise be refused.</p> <p>The impact on neighbouring residential occupiers and highway matters are dealt with in Sections below.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>Details of the shop-front treatment have not been provided. Policy D1 requires development to be in accordance with design guidance in the Supplementary Design Guidance 2005 (SDG). Section 7 of the SDG relates to shop-fronts and these are required to be of a high standard and harmonise with the character of the existing building and street-scene and provide easy, dignified access to disabled and mobility impaired people. A condition requiring these details to be submitted and approved prior to installation would be required to ensure an appropriate appearance to the building.</p>
<p><b>Impact on neighbours</b></p>	<p>Policy D1 aims to improve and enhance the quality of the existing environment and requires development to incorporate the guidance in the Supplementary Design Guidance. In particular it refers to Policy R19 of the District Plan 2005, which relates to Noise and Vibration Pollution and Section 4 of the SDG requires developments to minimise odours from buildings and plant.</p> <p>Matters of noise of plant, cars and customers and smells from cooking have been raised by prospective purchasers and residents of the development and surrounding neighbours. The Environmental Health Department has not objected to the proposed use but identified potential noise and odour issues and recommended that the noise impact be fully assessed and mitigated and odours be controlled. In addition they have requested control over the hours of operation and hours of delivery.</p> <p><u>Noise</u></p> <p>The Environmental Health Department has advised that noise emitted from the plant and equipment to be installed for the A3 use will need to be at least 10dB below the background noise level at the nearest residential property. The nearest residential properties are directly above and below the unit. The above noise levels should be achievable with the right choice of plant, installation and mitigation measures. A condition is recommended requiring compliance with this noise level criteria and proof that it can be complied with (through an acoustic assessment) before the commercial unit is occupied.</p> <p><u>Noise and Odour from Kitchen Extraction</u></p> <p>Smells from extraction systems can cause nuisance to neighbouring occupiers and the Environmental Health (EH) Department has advised that the extraction system from the kitchen of the proposed A3 use would need to be controlled in line with advice from Defra. The extent of odour suppression will depend on the type of food being prepared. Information about the type of food to be prepared has not been supplied (is not yet known). As such, the EH Department recommended a condition requiring details of odour suppression systems be submitted before building works associated with the use commence and be installed before the use commences. Any extraction system would need to comply with the noise control conditions.</p> <p><u>Noise from activities associated with the A3 use</u></p> <p>There is potential for noise to be generated by the A3 use in terms of customers arriving and leaving and music being played. The impact is difficult</p>

	<p>to assess without knowing the business that would be running the A3 use. Although many letters of support were received for a “family” restaurant with a “local” owner the operator of the restaurant cannot be secured through the planning process. While the A3 use would endure, the operator could change at any time.</p> <p>The scale of the proposed unit indicates that it would have up to 100 customers at one time. This number of people could generate a considerable amount of noise on arrival and departure. Controlling the hours of operation would limit the potential for loss of amenity, resulting from this source of noise, at the nearest residential properties. The proposed hours of opening (or operation) are 9am to 11.30pm every day. In practice customers leaving at closing time may take additional time to leave the site. The potential for noise from these activities could, therefore, extend beyond opening hours, over weekdays, weekends and bank holidays when residents could normally and reasonably expect to be free from such noise. The EH Department, therefore, recommended that the hours of operation, (including opening and closing of the facility (the unit and land within the site)) outside of opening hours to customers should be limited to between the hours of 8am to 11pm on any day.</p> <p>The submitted drawings indicate that music would be played at the restaurant; a grand piano is shown close to the front of the unit and in practice many restaurants play amplified sound. It would be reasonable to require live and amplified music to be contained within the building and not be audible from outside the unit or from the residential units above. A condition to this effect could be imposed.</p> <p>Delivery vehicles arriving and leaving the site are likely to be large vehicles and to generate significant amounts of noise when manoeuvring and unloading. Restrictions could be applied by condition over hours of delivery to between 8am to 8pm Mondays to Fridays, 8am to 5pm on Saturdays and no time on Sundays, Bank and Public Holidays.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p><u>Access</u></p> <p>The development is provided with vehicle and pedestrian access from Station Road with a separate in/out arrangement using the previously existing site accesses. The current proposal would not alter the approved details. The Highway Authority have commented that an A3 would not generate a significantly different level of trips from the approved uses and considers that most would occur off-peak. They conclude the proposal would not materially impact on the highway or transportation network. In addition. It is considered that the servicing requirements would not differ significantly from those for an A1, A2 or B1 use. Therefore, the details approved under Planning Permission Reference Number S6/2014/0243/MA are considered acceptable.</p> <p><u>Parking</u></p> <p>The Council’s Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes 2014 that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG</p>

should be taken as guidance only.

The car parking standards for A3 uses require customer and staff parking; customer parking at 1 space per 5sqm of dining area and staff at 3 spaces per employee. The dining area of 240sqm requires 48 parking spaces. The equivalent of 25 full time staff would require 19 spaces. The total parking requirement would be 67 spaces.

The site is in an Accessibility Zone 4 and is required to provide higher levels of parking than in the main towns. These standards are higher than for the previously-approved uses. Parking standards for Uses within Classes A1, A2 and B1 average 1 space per 30sqm of gross floor-space thus requiring 15 spaces in total. The site layout plan shows 15 spaces provided on the front of the site. Consequently, for an A3 use, there would be a shortfall of 52 on-site spaces. The availability of alternative car parking facilities in the vicinity is, therefore, a key consideration.

There are public car parks in the vicinity of the site and some on-street parking. The Parish-run Sopers Road Car Park adjacent to the application site has over 70 spaces. The car park caters for commuters with all-day parking during weekdays (£4.50 per day with no reductions for evening parking), it has a daily tariff on Saturday (£2) but no charge on Sundays.

The Station Road car park is 150m away and provides approximately 260 spaces, which tend to be full during the weekdays with commuters (£5 per day). Spaces are available and at a reduced charge (£2.50) in the evenings (after 5pm) and at weekends.

Sopers Road itself has single yellow lines, which restrict on-street parking Mondays to Saturdays during the day but on-street parking is available in the evenings (after 6.30pm) and on Sundays.

There is considerable pressure in the vicinity of the site for commuter parking during weekdays (M-F) and for short stay shopper parking for Cuffley centre. The settlement is also subject to parking pressure at the weekends, principally from people using the village centre and the railway station, notably for access into London. Residents have commented that overspill parking occurs on stretches of Meadway at weekends (Saturday and Sunday), when the on-street restrictions do not apply, and that this gives rise to congestion on occasions.

While the peak hours of the proposed use would depend upon the nature of the operation, these are likely to be at lunch times, evenings and at weekends. More parking would be available in local car parks on weekday evenings but at a charge. Lower charges would apply at weekends when there are likely to be some spaces available. A shortfall of spaces would be likely at lunch times and during the day from Monday to Saturdays.

Of particular concern is the impact on Meadway, a residential road with a narrow carriageway and only part-time restrictions during weekdays to deter commuters. There are no restrictions in the evenings or at weekends when the road already becomes congested with parking and turning vehicles on occasion. The Parking Manager has expressed significant concerns over the impact of overspill car parking on the roads around the application site. The take-up of free on-street spaces would be likely to precede the take-up of

	<p>spaces in the car parks for which there is a tariff. The proposal would be likely to give rise to a significant increase in parking in roads around the site during weekdays, evenings and at weekends with resultant congestion on local roads.</p> <p>Policy D5 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 require parking and traffic management to be included in new developments. The Policy recognises that where and how cars are parked can be critical in the finished form of a development and its impact on its setting and the surrounding area. On-site parking provisions are strongly preferred. Where this is not possible the Guidance advises that “on-street parking may be acceptable in well-designed and designated parking bays”. The current proposal makes provision for fifteen spaces on the site. The remaining parking demand would overspill in the vicinity of the site. As set out above the amount of alternative free parking is limited to on-street spaces in the surrounding roads, which are already subject to considerable parking pressure and congestion. The proposal makes no provision for improving the design or making specific designation for on-street parking to meet the overspill parking demand. The shortfall of over fifty spaces is, therefore, considered significant enough to warrant refusal of the application on these grounds.</p> <p>Cycle parking provisions were shown on the plans accompanying the previously approved application (6/2014/2/FP). These were located outside the front of the unit. Adopted cycle parking standards require 4 spaces for customers (based on floor area) and 3 spaces for staff. Cycle parking provision for seven secure and weatherproof spaces is required. This facility could be accommodated on the concrete paving in the front of the unit and, while none has been proposed, it could be secured by condition.</p>
<p><b>Refuse And Recycling</b></p>	<p>Details of the bin storage facilities have not been submitted. It is assumed that these would be in the storage area to the south side of the building. Submission of further details of bin storage facilities could be secured by condition.</p> <p>This area is beneath windows of first and second floor flats. Staff using the waste and recycling bins outside the unit could also generate noise at unsocial hours unless controlled. Use of this area could be restricted by condition to between the hours of 8am to 8pm Mondays to Fridays and 8am to 5pm on Saturdays, Sundays, Bank and Public Holidays.</p>
<p><b>Planning Obligations</b></p>	<p>The S106 Agreement relating to the original planning permission would require updating by a deed of Variation to include reference to the current planning application and the proposed inclusion of use A3 (restaurant) in the permitted uses of the commercial unit. The proposed development would not give rise to any further S106 obligations on behalf of the parties to the original agreement.</p>
<p><b>Conclusion</b></p>	
<p>The proposed development would not be made acceptable by conditions. Certain impacts on the surrounding uses and environment could be controlled, as set out in this report: cycle parking, noise assessment and abatement measures, odour suppression, hours of operation, hours of delivery, details of shop-front. However, the shortfall in car parking could not be satisfactorily addressed through conditions.</p> <p>The application has been considered in terms of the principle of the proposed use and found to be acceptable. The shortfall in car parking and its impact on the surrounding area, particularly local</p>	



residential roads could not be resolved by the imposition of conditions. The application has also been assessed in terms of its impact on the existing and future neighbouring occupiers. Subject to conditions it is considered that environmental impacts of the restaurant use could be adequately controlled by conditions. However, the parking issues remain the outstanding and significant objection to the proposal.

**Reasons for Refusal:**

1. The proposed development would create a demand for car parking that would not be provided for within the application site and would, as a result, create significant overspill parking demand that would give rise to parking congestion on surrounding roads and create inconvenience to other road users and have an adverse impact on the living conditions enjoyed by occupiers of residential properties in the vicinity of the site. The proposal would, therefore, be contrary to Policies M14 and D5 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance - Car Parking Standards 2004 and the Interim Policy on Car Parking and Garage Sizes 2014.

**REFUSED DRAWING NUMBERS**

2.
 

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
BEV-171-WD-001		Proposed Site Layout	31 May 2016
BEV-171-MK-001		Floor Plans	31 May 2016
BEV-171-WD-001		Proposed Site Layout	31 May 2016
160423/GI	A	Proposed Louvered Grilles	31 May 2016
160421/GI	A	Proposed Extraction System	31 May 2016
160422/GI	A	General Layout	31 May 2016
JC.2014.02.01		Location Plan	14 June 2016

**1. POSITIVE AND PROACTIVE STATEMENT**

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 Council's website or inspected at these offices).

**Determined By:**

Mr A Mangham  
9 March 2017