

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/1977/FULL  
**Location:** 4 Maynard Place Cuffley Potters Bar EN6 4JA  
**Proposal:** Change of use from retail (A1) to a mixed use retail and beauty salon (A1 and Sui Generis)  
**Officer:** Mr Richard Sakyi

**Recommendation:** Refused

6/2018/1977/FULL

<b>Context</b>			
<b>Site and Application description</b>	<p>The site is located within the specified settlement of Cuffley and within the designated Large Village Centre in Cuffley as identified in the Welwyn Hatfield District Plan 2005.</p> <p>The application site comprises a single mid-terrace shop unit forming part of a parade of shops on the west side of Maynard Place. The building is three storey with the ground floor used for retail purposes and the upper two storeys appear to be occupied as flats. A number of parking bays exist to the front of the site. The existing shop unit is vacant, previously in use as furniture shop (Class A1). The surrounding area comprises a mix of uses, with a variety of retail and related uses on Maynard Place.</p> <p>The building is constructed of light red brick with a flat roof. The surrounding street scene contains a number of similar buildings in respect of both size and appearance with a consistent architectural style throughout this parade. Planning permission is sought for change of use from Class A1 to mix use retail and beauty salon (Class A1 and Sui Generis). The submitted Design and Access Statement identifies that beauty, waxing and nails treatments would be available and that the proposed use would employ 6 full-time and 2 part-time staff. The hours of opening would be 09:00 am to 19:00 Monday to Saturday.</p>		
<b>Constraints (as defined within WHDP 2005)</b>	<p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0  Wards - Northaw &amp; Cuffley - Distance: 0  A4D - ARTICLE 4 DIRECTION - Distance: 0  HEN - No known habitats present (medium priority for habitat creation) - Distance: 0  SAGB - Sand and Gravel Belt - Distance: 0</p>		
<b>Relevant planning history</b>	None		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0

<b>Publicity</b>	Site Notice Display Date: 21 August 2018 Site Notice Expiry Date: 12 September 2018
<b>Summary of neighbour responses</b>	None received
<b>Consultees and responses</b>	<p>Public Health and Protection - Commented as follows:</p> <p>Odour from chemicals associated with the nail bar is the main concern for this proposed change of use and its potential to permeate to the residential properties above.</p> <p>Many factors will impact the potential for disturbance such as the chemicals and quantities used, number of customers getting treatments, storage of these chemicals, the level of ventilation and structure of the building. It would be expected that a strategy for odour control should be put in place and look at things such as whether a membrane is required in the ceiling or if local exhaust ventilation and building ventilation is sufficient.</p> <p>Noise from plant and equipment - some type of extract system, both local and for the building will be required to control odours and protect the health of employees in the business. No details of this have been provided.</p> <p>Without details of how odour is to be controlled we cannot be confident that the amenity of the residential properties above will be protected. As such, at this stage we are recommending refusal until a detailed odour control scheme is put forward.</p> <p>Northaw &amp; Cuffley Parish Council - No objection</p>
<b>Relevant Policies</b>	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes	
<p>Policy TCR26 – Large Village Centres Policy R19 – Noise and Vibration Pollution</p> <p><u>Draft Local Plan Proposed Submission August 2016</u>  SP1 Delivering Sustainable Development  SP4 Travel and Transport  SP9 Place Making and High Quality Design  SADM 2 Highway Network and Safety  SADM4 Development in Designated Centres  SADM 11 Amenity and Layout  SADM 12 Parking, Servicing and Refuse</p>	
<b>Main Issues</b>	
<p><b>Principle of development / compliance with local plan Policy TCR26</b></p> <p>Maynard Place Shopping area forms part of the designated Large Village Centre within the District Plan, which include the shopping frontage in Station Road. Policy TCR26 relates to large village centres and outlines that a minimum of 60% of the total frontage of the shopping area should be retained as A1 land use. The policy goes further and states that where there is less than 60% of the frontage in retail use, planning permission will not be granted for further loss of retail units. The Policy is reinforced by the emerging Policy SADM4 of the Welwyn Hatfield Draft Local Plan</p>	

Proposed Submission August 2016 which stipulates that 50% of the frontage of Large Village Centres should remain in A1 retail use. The emerging policy also states that there shall be no more than two adjoining non-A1 retail units within any part of the frontage to prevent harm to the vitality and the viability of the centre. In this case the adjoining properties to the application site are not in A1 use - No. 3 Maynard Place is a Café (Class A3 use) whilst number 5 Maynard Place is a Clinic, Physiotherapy (Class D1 use).

Although the application site is vacant at present, its last use was as a furniture shop (Class A1). Currently, there are a total of 38 units within the Village Centre. Out of the 38 units, 17 are in Class A1 use including the application property. The proposed change of use would result in the total number of 22 units of non-retail uses. It is therefore calculated that 42% of the units in Cuffley would fall within Class A1 uses; and 58% would be within other non-retail uses. This would be well below the minimum thresholds contained within both the adopted Policy TCR26 and the emerging Policy SADM4. Planning permission for a non-A1 use should therefore be refused unless material considerations indicate otherwise.

This application seeks permission for change of use from an existing A1 (retail) use to a mix use A1 and a beauty salon (Sui Generis). Whilst not a consideration under policy TCR26, it is pertinent to note that, although reference has been made to the unit having been vacant for the past 18 months, no detailed marketing information has been submitted to support this application despite this information being requested.

Although the proposed use would have characteristics similar to a hair dresser or a beauty salon, it is considered that this factor alone would not justify a departure from the policies of the development plan.

The applicant has indicated that the front part of the unit will be furnished with shelving displaying beauty products for sale; to the rear of the unit will be a WC, kitchen and office/monitoring room; and between there would be one small room for beauty/waxing treatment and four tables for beauty treatments. The Council is not convinced that the layout of the furniture in the unit would result in a true mixed use as proposed by the applicant, but instead the retail element would be ancillary to the primary use of the unit as a beauty salon. In arriving to this conclusion, the Council has considered the submitted floorplan showing four tables for beauty treatments, as well as the treatment room; and the submitted Design and Access Statement in which the applicant has indicated that there would be seven full-time equivalent employees. This number of employees is considered to be far in excess of what would reasonably be required for a retail use, suggesting that the main offer and function of the business would be the provision of beauty treatments.

Consideration has been given to the proposed change of use, the associated trip generation, the length of time/period which the premises has been vacant (18 months), the lack of information showing whether the property has been marketed and whether there has been any offers for the continued use as retail unit.

It is considered that the proposed change of use would be harmful to the vitality and viability of the overall shopping area to an extent that justifies the refusal of the application.

#### **Impact on the character and appearance of the area**

The submitted plan (front elevation) does not show any significant alterations to the shop frontage. It is therefore considered that the proposal would not have a detrimental impact on the character or appearance of the site, the street-scene or the village centre.

**Would the development maintain the amenity of adjoining occupiers**

The immediate neighbours that would be affected are the residential flats above the unit. The Council's Public Health Protection Officer has indicated that insufficient information has been submitted with the application in respect of how the applicant intends to deal with odour and noise from the proposed use. He has indicated that we cannot be confident that the amenity of the residential properties above including the staff will be protected. As such, at this stage he is recommending refusal until a detailed odour control scheme is submitted.

**Would the development provide / retain sufficient parking?**

The application site does not currently have any allocated onsite car parking spaces and none are proposed as part of the proposal. No information has been provided in terms of number of spaces that would be allocated for the 6 full-time staff. However, the intensity of the proposed use when compared with the existing and nearby uses is not considered to be of detriment to highway safety to warrant refusal. Furthermore, there appears to be no allocated parking within the centre for any specific property and therefore unreasonable to refuse planning permission on parking grounds.

**Conclusion**

Approving a change of use to a predominantly Sui Generis, would result in an undue concentration of non-retail uses that would adversely impact upon the shopping function of this prime shopping area in Cuffley. Whilst it is recognised that diversity of uses in centres makes an important contribution to their vitality and viability, a balance needs to be struck and this proposal tips the balance too far in the direction of non-A1 uses. Furthermore, no information has been submitted to demonstrate that odour and noise resulting from the proposed use can be mitigated.

The proposal is therefore considered to be in conflict with Policies TCR26, D1 and R19 of the adopted Welwyn Hatfield District Plan 2005 and the emerging Policies SADM4 and SADM11 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018. It is therefore recommended that planning permission be refused for the reason(s) below.

**REFUSED DRAWING NUMBERS**

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A101		Existing And Proposed Floor Plans	15 August 2018
A000		Location And Site Plans	26 July 2018

1. The proposed change of use would result in the loss of a Class A1 retail use within the Large Village Centre of Cuffley. As the proportion of Class A1 retail units would be reduced to 42%, it is considered that the replacement of a retail use (Class A1 use) with a beauty salon (Sui Generis use) would undermine the vitality and viability of the village centre. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that exceptional circumstances exist to

justify a departure from the Development Plan and as such the proposal fails to comply with Policy TCR26 of the Welwyn Hatfield District Plan 2005 and Policy SADM4 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

2. Insufficient information has been provided to show how odour from chemicals associated with the nail bar and noise from plant and equipment would be controlled. The proposal is therefore contrary to the objectives of Policy R19 of the adopted Welwyn Hatfield District Plan 2005, which requires appropriate noise mitigation where this can overcome unacceptable impacts on residential amenities; and the advice contained in the National Planning Policy Framework 2018, which requires development to secure a good standard of amenity for all existing and future occupiers of land and buildings.

3. **POSITIVE AND PROACTIVE STATEMENT**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 Mark Peacock  
26 September 2018