

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1847/FP
APPLICATION Site:	3 Parkhouse Court, Hatfield

NOTATION:

The site is located within the Hatfield Aerodrome, Inset 3, as outlined in the Welwyn Hatfield District Plan 2005

DESCRIPTION OF SITE:

The masterplan for the redevelopment of the Hatfield Aerodrome site, as adopted in the relevant Supplementary Planning Guidance dated November 1999 states that the “*creation of a District Centre is a key component of the overall development*” and that the “*area will become the heart of the scheme creating a sense of place within a high quality, safe environment*”. It is intended that the District Centre will contain, amongst other elements, appropriate shopping, food and drink, and health care uses, to serve the population of the new residential development.

The land covered by this designation is some 9.8 hectares adjoining the west side of Comet Way, located partly behind Waters Garage and Harpsfield Broadway, and stretching 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 3 in Hatfield District Centre, which faces on to Parkhouse Court and is currently vacant.

DESCRIPTION OF PROPOSAL:

This application is for the change of use of Unit 3, Parkhouse Court from an A1 use (retail) to part A2 use (estate agent) and part sui generis (nail salon). The unit is currently vacant and was previously used as a pharmacy. The proposal would involve the subdivision of the site to create two independently accessed premises.

PLANNING HISTORY:

Relevant recent applications within Parkhouse Court.

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.

SUMMARY OF POLICIES:

National Planning Policy Framework, March 2012

Welwyn Hatfield District Plan 2005:

D1: Quality of Design

D2: Character and Context

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

SD1: Sustainable Development

HATAER2 – Mixed Use

Hatfield Aerodrome Supplementary Planning Guidance, November 1999

CONSULTATIONS

Welwyn Hatfield Council (Building Control) – No adverse comments.

Welwyn Hatfield Council (Public Health and Protection) – The premises is to be dual use, Nail Bar and a Letting Office. Two tables in the nail bar appear to have no indication of mechanical extraction or details of air exchange between the two premises. The ventilation must be suitable and sufficient to maintain a comfortable working environment in both establishments.

The following information was requested:

A good standard of ventilation is recommended and an extractor hood or downdraught table is suggested. Are ventilated treatment tables used and vent to the outside?

If filters are used in ventilation units, how often are these changed?

If they have a downdraught table for or extractor hood for odour control, a competent engineer must examine it thoroughly and test its performance regularly (e.g. annually)?

Walls to be 2 x 100mm block work with min 50mm cavity filled with isover wool and 15m Gyproc board, do they have evidence that the walls and ceiling prevent air exchange between the two premises?

REPRESENTATIONS

This application has been advertised by means of a site notice. One response was received from Welwyn Hatfield Access Group.

A query was made over whether the proposal would comply with building regulations and have level access points.

DISCUSSION:

- 1. Impact on the vitality and viability of the District Centre**
- 2. Environmental health considerations**
- 3. Other material planning considerations**

1. Unit 3 is located within Hatfield District Centre, as defined in the Hatfield Aerodrome Masterplan (1999). The Section 106 Agreement relating to the land at Hatfield Aerodrome, Comet Way, Hatfield, sets out the agreed retail floorspace breakdown for the District Centre, and makes provision for a total of 1672sq.m of A1 retail floorspace and 279sq.m of A2 retail floorspace. These figures have however since been revised as part of the development process, and the amount of A1 retail floorspace in the centre has subsequently been increased and now stands at 1997 sq.m, whilst the amount of A2 retail floorspace has been significantly reduced.

Unit 6 was granted consent for change of use from A1 to A2 through the approval of planning application S6/2008/1260/FP. Although this has increased the provision non A1 floorspace, the overall provision that has been provided mainly by the creation of the Aldi store is significant. When considering the range of goods that are sold in this store it provides a very versatile A1 use.

The proposed change of use would create a nail salon which similarly to a beauty salon has a sui generis use. Although this does not fall within an A1 use, the function of the use has similar characteristic to an A1 use. There are not any similar uses within the vicinity and this would add to the range of shops that available in Parkhouse Court.

The proposed A2 use would accommodate an estate/lettings agent. It has been acknowledged that there is an existing similar use on the opposite site of Parkhouse Court, which is managed by the applicant. Although the amount of floorspace within this use would increase, overall the proportion of floorspace with an A2 use would form a relatively minor component of the units within Parkhouse Court.

It should be noted that the application site is a vacant unit and there is currently another A1 vacant unit, although each change of use must be assessed to ensure

that the overall proportions of uses is acceptable, the proposal would create an open premises which would be preferable to the current closed unit.

In summary, the proposed nail bar would add footfall to the Parkhouse Court area and which is likely to result in addition activity and trade within the neighbouring units. This would have the effect of adding to the vitality and viability of the shopping area and accord with the intentions of the Hatfield Aerodrome SPG.

The proposed A2 use would improve and expand an existing business located within Parkhouse Court. This would allow an existing business that has established to improve without having to relocate. The proposed amount of A2 floorspace is considered to be acceptable and would retain an appropriate balance of uses within Parkhouse Court. Given that the nature of an A2 use is generally appropriate in a shopping area and that there is not yet any retail frontage policy for the District Centre it is considered that this proposal would therefore be acceptable.

2. The proposal has been assessed by the council environmental health team. Concern has been raised over the standard of ventilation that the proposed nail bar would have and that appropriate equipment would be installed. Due to the proposed subdivision resulting in a very enclosed unit it is important that fumes from any chemicals used are extracted and are not contained within the unit or transferred to the neighbouring premises.

Therefore, it is necessary that appropriate air extraction equipment and a maintenance programme is agreed to ensure the ventilation is acceptable. An appropriate condition could ensure that the nail bar is not operating prior to the installation of suitable equipment which has been agreed by the local planning authority.

3. Other material planning considerations.

Parking provision: The application has indicated that both units would have a relatively low number of staff. The site is located close to public car parks and a bus interchange. The parking requirement for the site would not significantly differ from an A1 use and there is not a requirement to provide any further off road parking in this case.

Residential amenity: The site has residential properties above. Subject to the agreement of appropriate air extraction equipment for the nail salon the proposal would not have an adverse impact upon the residential amenities of the surrounding occupiers.

Protected Species: The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are

protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981). The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

CONCLUSION:

This application is acceptable given that it only seeks a minor change to the overall uses within the Parkhouse Court shopping area. The function of Parkhouse Court would not be affected and the proposal would accommodate a vacant unit. It also remains consistent with the overall aims and objectives of the Hatfield Aerodrome masterplan and the provisions of the current consents for the District Centre and it is not anticipated that the proposed change of use will have a detrimental impact on either the vitality or viability of the District Centre.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (as amended).

2. Development should be carried out in accordance with approved plans/details site location plan 1:1250 & 3/PHC/H/101 Revision A received and dated the 19 October 2012.
3. Prior to occupation of the nail salon hereby approved, details of appropriate air extraction equipment including any external fixings, acoustic specification, a maintenance programme and the construction of the walls and ceilings of the units shall be submitted to and approved in writing by the local planning authority prior to their installation. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005.

INFORMATIVES:

1. The applicant is advised that they are also required to submit applications to the Council for any signage at this unit, and that any future development will need to be in keeping with the character and design of the District Centre.
2. Appropriate air extraction is required for the proposed nail salon to provide a good standard of ventilation. It is recommended that an extractor hood or

downdraught table is fitted to meet the requirements of condition 3. Please include details to illustrate if the air extraction is to be vented outside. Within any management details please note if filters are used in ventilation units and how often are these changed. A competent engineer must examine it thoroughly and test its performance regularly (e.g. annually).

It is suggested that the walls are constructed to be 2 x 100mm block work with min 50mm cavity filled with isover wool and 15m Gyproc board. Please provided details with condition 3 to show how the proposed units ceilings and walls would be constructed to prevent air exchange between the two premises.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework and Development Plan policies GBSP2, HATAER2, D1, D2, R19, M14 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also 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).

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