

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

DELEGATED APPLICATION

Application No: 6/2021/3337/FULL
Location: 40 Wigmores North Welwyn Garden City AL8 6PH
Proposal: Change of use from a clothes shop (E(a)) to a sunbed salon (E(c)(iii))
Officer: Ms Elizabeth Mugova

Recommendation: Granted

6/2021/3337/FULL

Context	
Site and Application description	<p>The application site comprises a ground floor unit which is located on the western side of Wigmores North. The unit is currently vacant and was last used as a men's clothing store. The site lies within the Welwyn Garden City Town Centre, the Welwyn Garden City Conservation area, Primary Retail Core and Retail Frontage as designated in the Welwyn Hatfield District Plan 2005.</p> <p>A similar proposal for change the use from a shop to a nail bar/beauty salon (6/2019/2885/FULL) was granted permission but has not been implemented.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: WGC1; - Distance: 0 PRC - Primary Retail Core (Primary Retail Core) - Distance: 0 Town - Welwyn Garden City Town Centre - Distance: 0 Wards - Handside - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2711305) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7566684) - Distance: 0 MIX - Mixed Use Frontages - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: C6/1983/0755/ Decision: Granted Decision Date: 11 January 1984 Proposal: New shop front</p> <p>Application Number: N6/1995/0817/FP Decision: Granted Decision Date: 30 January 1996 Proposal: Alterations to existing shop front</p> <p>Application Number: 6/2019/2885/FULL Decision: Granted Decision Date: 16 January 2020 Proposal: Change of use from A1 (shop) to Sui-Generis (nail bar/beauty salon)</p>
Consultations	

Neighbour representations	Support: 1	Object: 0	Other: 0
Publicity	Press Advert Display Date: 5 January 2022 Press Advert Expiry Date: 26 January 2022 Neighbour letters		
Summary of neighbour responses	50 Church Road Welwyn Garden City – Support <ul style="list-style-type: none"> The unit has been vacant for a considerable period of time and therefore a proposal to bring it back into use should be supported. The area is blighted by having the shop front covered in a metal grill 24 hours a day 		
Consultees and responses	WHBC Public Health and Protection – No objection subject to a condition and informatives		
Relevant Policies			
<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			
Main Issues			
Is the development within a Conservation Area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Would the significance of the designated heritage asset be preserved or enhanced?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Comment (if applicable):			
Would the development reflect the character of the building?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Comment (if applicable): The site is located within Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The specific historic environment policies within the NPPF are contained within paragraphs 189-208. The site is currently vacant, and the last known use was a clothes shop (class E), the proposed change of use to a sunbed salon (class E) falls within the same use class and is considered to be acceptable. The proposal would be in keeping with the nearby commercial properties within the surrounding area. Furthermore, no alterations are proposed to the external appearance of the building. Therefore, the change of use of the building would not in itself impact upon the character and appearance of the Conservation Area, the streetscene or the town centre in general. Should external alterations be required in the future, this may require planning permission and this information should be provided as part of an application for planning permission. Any signage may also require separate Advertisement Consent.			
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Comment (if applicable): Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.			

One comment has been received, which is in support of the application.

The proposed development would retain an acceptable level of amenity with neighbouring properties and complies with Policies D1 and R19 and the NPPF.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The application site does not currently have any allocated onsite car parking spaces and none are proposed as part of the development. There are no parking spaces that would be allocated for the equivalent 2 full-time and 4 part-time staff (equivalent of 4 full-time). However, the intensity of the proposed use when compared with the existing and nearby uses, is not considered to be detrimental to highway safety such as to warrant refusal.

Furthermore, the application site is located within the centre of Welwyn Garden City, close to a number of public car parks. The train station and bus station are within a short walk from the site. It would therefore be unreasonable to refuse planning permission on the grounds of parking alone.

Any other considerations

Environmental Health

Public Health and Protection team have been consulted on this application and present no objection subject to one condition restricting times for carrying out noisy construction works.

Health & Safety

The applicant must be aware of the relevant health safety legislation and guidance in relation to running of a sunbed salon. Please contact the Council's Public Health and Protection team if more information is required. They can be contacted on 01707 357 242 or via email at e.health@welhat.gov.uk.

Conclusion

Subject to the suggested condition, the proposed development would accord with the relevant national and local planning policies.

Conditions:

1. All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays
If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

Reason – to protect neighbouring occupiers from noise from construction works beyond reasonable times

DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
LP		Location Plan	1 December 2021
PR(2-)01	D	Existing & Proposed Floor Plans	1 December 2021
PR(2-)02		Block Plan	1 December 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. 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).

Informatives:

1. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
3. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
4. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
5. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
6. All pile driving shall be carried out by a recognised noise reducing system.
7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

9. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
 10. Any emergency deviation from these conditions shall be notified to the Council without delay
 11. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
 12. Permissible noise levels are not specified at this stage.
2. Dust control
 1. All efforts shall be made to reduce dust generation to a minimum.
 2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
 3. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
 4. You are hereby advised that any alterations to the shopfront would require an application for planning permission, or if the alterations were to involve a new fascia sign, they would require advertisement consent.

Determined By:

Mr Derek Lawrence
2 February 2022