

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/0637/FP
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NOTATION:

The site lies within the settlement of Old Hatfield (Conservation Area) as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application unit is a disused video rental shop located with a pedestrianised area called Salisbury Square. Salisbury Square comprises a variety of units that fall within different use classes. When the surrounding area is taken into account, Old Hatfield has 44 units which fall into the following proportions of uses:

Use	A1	A2	A3	A4	A5	Vacant	Other	Total
TOTALS	12.5	13	4	4	1	5	4.5	44
% OF TOTALS	28.4%	29.5%	9.1%	9.1%	2.3%	11.4%	10.2%	100.0%

(Surveyed 28/04/2008)

DESCRIPTION OF PROPOSAL:

The application applies for a change of use from A1 to sui generis to form a dog/pet grooming salon and retail of pet accessories. The application has detailed proposed alterations to the floor plan to accommodate this new use. Basic elevation plans have been provided illustrating alterations to the shop front.

PLANNING HISTORY:

S6/0185/78 - Change of use of first and second floors from residential to offices - Refused

S6/0009/82 - Change of use from dwelling to offices - Refused

S6/0416/83 - Change of use from residential to office on first and second floors - Refused

S6/0150/92/FP - Conversion of maisonette to form two separate flats - Refused

S6/2007/835/FP - Change of use from A1 to A2 – Refused for the following reasons:

- 1) The proposed change of use would result in the loss of an A1 retail unit, thereby affecting the vitality and viability of the shopping area. The proposal is therefore contrary to Policy TCR24 of the Welwyn Hatfield District Plan 2005.
- 2) The application site is not capable of accommodating an off road parking space to meet the parking standards as set out within the Supplementary

Planning Guidance of the Welwyn Hatfield District Plan 2005. The proposal is therefore contrary to Policy M14 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG13: Transport

PPG14: Development on Unstable Land

PPG15: Planning and the Historic Environment

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None.

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and specified settlements

TCR24: Old Hatfield

M14: Parking standards for new developments

D1: Quality of design

D2: Character and context

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

TOWN/PARISH COUNCIL COMMENTS

No comment received.

REPRESENTATIONS

This application have been advertised by a site and press notice and no representations have been received. Period expired 30 June 2009.

DISCUSSION:

The main issues are:

- 1. Impact of the development on shops and services in Old Hatfield**
- 2. Other material planning considerations**

1. Old Hatfield has a specific Policy (TCR24) within the District Plan relating to change of use. The area is recognised as having a unique retail function serving both residents and local businesses. The preamble to Policy TCR24 details that Old Hatfield has suffered from pressures for change of use from convenience retail uses to either specialist retailing uses, or non-retail uses, such as service and hot food outlets. This has eroded the provision of local convenience shopping.

Within the district plan there is a strong emphasis on the importance of maintaining and, if possible, improving the provision of convenience retail uses with in Old

Hatfield. Policy TCR24 reflects this by only allowing the change of use to A2 and A3 where there will not be the loss of an A1 unit.

Within Old Hatfield there is a total of 44 units, 27 within Salisbury Square. At the time of the site visit 5 units appeared to be vacant with one building/previous company within Salisbury Square occupying 3 of these.

The proposed use would be sui generis, although the previous use was for an A1 unit, it is considered to have a very similar function to an A1 use as it would provide a service and a component of the unit would be for retail. The proposed unit would be comparable to several uses that fall within an A1 use and in some ways would have a similar impact upon the retail area. The proposed use would be restricted to certain customers, however, so would a pet shop that would fall within an A1 use. The use of the shop would not be excessively specialist to the extent that the future visitors would be too limited and not have a benefit to the area as a whole.

The existing unit has been vacant for some time and has a disused/derelict appearance from the front. The existing unit does not add to the vitality of the area and in many ways an occupier unit would be better in terms of the visual amenity of the locality and the footfall or attraction to the square in general.

It should be noted that the proposed use would be sui generis and therefore requires planning permission to change to and from this use. In this case, the proposed use would add to the vitality and viability of the area by bringing a vacant unit back into use and offering a facility that is not currently available in the area.

The applicant has included a supporting statement which details that the shop has been vacant for 3 years. Some supporting evidence has been included to demonstrate that the unit has been marketed, but this does not show advertisements for the whole period of the site being vacant. The details include a letter from an estate agent who has been advertising the premises for the whole period and not seen interest for an A1 use. Although a change of use from A1 would usually require a greater level of detail demonstrating that an A1 use is not viable, the proposed use is considered to be closely related to an A1 use. When considering the existing unit has not been trading and has stood vacant for such a long time, the proposal is arguably a change of use from a vacant unit rather than an A1 unit.

When considering that since the previous application 5 units within Old Hatfield have remained vacant, a pragmatic assessment is necessary to ensure that the area retains visitors and services for the local residents. Furthermore, the proposed use cannot change without planning permission and it is likely that under the current policy requirement only an A1 or other appropriate use would meet the relevant policy requirements. Therefore, each application should be assessed on its merits and this change of use would not set a precedent for other changes of use in Salisbury Square, particularly any that result in a loss of A1 units.

In summary, the proposed change of use would not have an adverse impact upon the vitality and viability of the shopping area. When considering the existing vacant shop, the proposal would be an improvement to the character and context of the area and to bring the unit back in to use would be an improvement to the character of the surround Conservation Area. The proposal is considered to meet the aims of Policy TCR24 of the Welwyn Hatfield District Plan 2005.

2. The application forms state that the new use would operate from 9am to 5pm Monday to Friday and from 9am to 2pm on Saturday. These hours are not

considered to be excessive and would be comparable to the A1 uses within the locality. No objection has been raised with regard to noise and disturbance to the nearby residential units. The proposal is not considered to have an adverse impact upon the residential amenity of the surrounding occupiers.

The application has illustrated that the shop front would be changed. When considering the appearance of the existing shop front, which has been disused and fallen into disrepair, alterations to this could be beneficial to the character and appearance of the locality. Due to the limited information that has been submitted, any approval would have to be conditioned to agree materials. Advertising to the shop frontage maybe require through a separate advertisement consent application. Subject to an appropriate shop front the resultant building would improve the character of the area and enhance the character and appearance of the surrounding Conservation Area. The proposed alterations are consider to comply with the requirements of PPG15.

The applicant has stated that the site has off road parking for 2 cars. The area to the rear of the premises appears to have a parking space which could accommodate one car. Although this area may not be sufficient for 2 cars the parking arrangement would not have change from the current A1 unit. The Old Hatfield area has public car parking. This area is located close to the application site an is considered to be sufficient for visitors to the site who are likely to only be within the area for a short period of time. When considering the proposed use's similarity to an A1 use, the existing parking arrangements are considered to be acceptable. The application site is located within a relatively accessible area close to bus links and Hatfield Train Station. The proposal would meet the requirements of Policy M14 of the Welwyn Hatfield District Plan 2005.

The application has been submitted with a sustainability checklist that notes the proposal would bring a vacant unit into use. It also notes that alterations to the building will aim to reduce green house gasses. Considering the proposal is for the change of use of an existing building, these provisions are considered to be a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005.

Chalk Mining

The proposed development related to the change of use of an existing building and would not involve any extensions to the existing structure. The proposal would not add any substantial additional weight to the existing building or result in a 'higher risk' use and a risk assessment for chalk mines is not necessary.

CONCLUSION:

The proposed change of use would regenerate a disused unit which has been vacant for over three year into use. The proposed use would be one that is not already within the locality and this would vitality and viability to the area, whist creating a greater footfall within the shopping area, which may be beneficial to other existing retail units. The proposed change of use would be restricted as it is a sui generis use and would not result in the complete loss of an A1 unit, due to the proposal containing a shop for pet accessories. The proposed development is considered to be acceptable and to comply with the requirements of Policy TCR24 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: 3 Year Standard Time Limit
2. C.13.1: Development in accordance with approved plans/details Site Location Plan 1:1250 & Plan of Site 1:100 & Drawing No M/1 & Drawing No M/2 & Drawing No M/ received and dated 20 May 2009.
3. C.5.1: Materials to be submitted and agreed

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning Consent for Change of Use:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG13, PPG15, PPG14, East of England Plan 2008 SS1, ENV6 and T14 and development plan policies SD1, D2, TCR24, M14, D1, GBSP2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. 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: None.

DRAWING NUMBERS:

Site Location Plan 1:1250 & Plan of Site 1:100 & Drawing No M/1 & Drawing No M/2 & Drawing No M/ and date stamped 20 May 2009.

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