

**DESIGN AND ACCESS STATEMENT FOR THE CHANGE OF USE OF THE
PROPERTY FROM A SHOP (USE CLASS A1) TO AN ICE CREAM/ DESSERT
PARLOUR (USE CLASS A1/ A3) AND THE ERECTION OF A SINGLE STOREY
REAR CANOPY SEATING AREA**

AT

**8 HARPSFIELD BROADWAY
HATFIELD
HERTFORDSHIRE
AL10 9TF**

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1. INTRODUCTION

1.1 This Design and Access Statement has been prepared in support of a planning application for the change of use of the property from a shop (Use Class A1) to an ice cream parlour (Use Class A1/ A3) and the erection of a single storey rear canopy seating area. The proposed hours of opening are midday to 11pm.

1.2 The application site comprises one of the central units in a parade of seven units which front directly onto Harpsfield Broadway and Comet Way beyond it. It is a small unit with a very limited floorspace. The parade is a standalone building with a mix of uses at ground floor level and predominantly office and residential use above. On the opposite side of Comet Way is the Galleria Centre with a wide range of retail and other outlets, while to the rear of the parade is Parkhouse Court, a recently- built mixed use retail centre.

1.3 This application is being submitted further to the refusal of application 6/2018/ 1153/FULL which was for the same development. That application was refused on the following grounds;

“The proposed change of use would result in the loss of a Class A1 retail unit within the Harpsfield Broadway and the Large Neighbourhood Centre of Parkhouse Court. As the proportion of Class A1 retail units within this area is already well below the 50%, it is considered that such replacement of a Class A1 shop with a primarily Class A3 use, with ancillary Class A1 use, would undermine the Council’s attempts to maintain an appropriate level of A1 shops within the area. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority any exceptional circumstances to justify a departure from the Development Plan and as such the proposal fails to comply with Policy TCR25 of the Welwyn Hatfield District Plan 2005 and Policy SADM4 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 and the advice contained in the National Planning Policy Framework 2012”.

1.4 The Case Officer report for the application raised concern with the application in that it failed to comply with criteria (iii) and (iv) of Policy TCR25 of the Local Plan and criteria (i) and (ii) of Policy SADM4 of the Local Plan. Specifically, that the centre would not remain predominantly in Class A1 retail use and it had not been demonstrated that the unit had remained vacant for over a year and documentary evidence had not been provided that all reasonable attempts to sell or let the premises for continued use as a shop had failed, and/ or the presence of vacant units in the parade indicate a lack of demand for retail use (Policy TCR25); and at least 50% of the retail frontage (by number of units) would not remain in A1 retail use and there would be more than two adjoining non-A1 retail units within any part of the frontage (Policy SADM4).

1.5 However, 8 Harpsfield Broadway has been vacant for a period of over one year and while there have been expressions of interest from potential tenants/ occupiers of the property, these have been very few. The premises were

advertised by an Estate Agents, Brown and Lee, from soon after it became vacant, on all their on line marketing channels, their personal client database and by means of 'To Let' board at the premises. The unit was advertised between 3rd August 2017 and 6th March 2018 in this manner (please refer to Appendix 1 for a copy of the advertisement). **Prior to it being advertised in this manner, it had been rented out once for a period of around six weeks to a retailer. However, due to a lack of success and insufficient footfall along the parade and sales for the shop, the tenant was unable to pay the rent and the unit closed.**

- 1.6 The prospect of success of the continued use of the premises as an A1 retail outlet may therefore be strongly questioned. Allowing the change of use of the site to a use which would be far more likely to attract customers to the parade (particularly as the other units in the parade are either vacant or house a use that does not attract much passing custom) is therefore to be encouraged.
- 1.7 The units comprise a car parts shops, an estate agent, a vacant unit (formerly a tattoo studio), a second vacant unit (the application premises), a print shop, a café and a restaurant.
- 1.8 The restaurant is predominantly open in the evenings (it is only open for two and a half hours at lunchtimes), while the vacant units do not attract any trade for the parade of units. The other uses in the parade are not the type of uses that draw passing trade to the shops along the parade, rather they are quite specialist uses that only attract customers for specific purposes and do not act as general attractors to the area. There is therefore very little passing trade for Harpsfield Broadway. This is borne out by the fact that the application premises have remained vacant for a period of over one year (despite marketing), and by the fact that the adjacent tattoo parlour closed in May 2018 (the premises have subsequently been removed from the company's website – there is a remaining outlet on the website in Letchworth Garden City).

2. THE PROPOSED DEVELOPMENT

- 2.1 The proposed development is for the change of use of the unit at 8 Harpsfield Broadway from the currently vacant newsagents (Use Class A1) to an ice cream/ dessert parlour (Use Class A1/ A3), together with the erection of a single storey canopy seating area to the rear of the premises. The canopy seating area would measure 8m by 5.82m and would have a sloping roof 2.85m high 150mm from the boundary with 7 Harpsfield Broadway. It would have a light weight wooden roof secured on a wooden frame. The canopy would accommodate seating for around 25 customers.

3. THE PLANNING CASE

- 3.1 The Council's concerns regarding the loss of the A1 use of the premises raised at the time of the previous application on the site (ref. 6/2018/1153/FULL) are considered to be a little short-sighted. This is because the unit at 8 Harpsfield Broadway has remained vacant for over a year and despite the limited interest shown in the unit, there is evidently little prospect of the premises being let out as a sustainable retail unit.
- 3.2 The centre is already significantly below the target of 50% in A1 retail use specified in the policies. The loss of one A1 unit would not be material, especially when the Galleria is taken into consideration – it is felt to be sufficiently close to Harpsfield Broadway and Parkhouse Court that it is material to the consideration of the application. Moreover, the size and floorspace of the application premises is small such that as a proportion of the overall retail floorspace in this part of Hatfield, it is very limited.
- 3.3 While the Council's Annual Monitoring Report (AMR) of January 2018 states that only 32% of the units in the Neighbourhood Centre of Harpsfield Broadway and Towerhouse Court are in A1 use, a far higher proportion of the units in the Galleria is in A1 use (over 80%). This shopping centre is a very popular retail destination, particularly given that the nearby Hatfield town centre is underperforming as a retail centre. Many of the units in the town centre are vacant or are occupied by charity shops which is often taken to indicate a failing retail area and lack of demand from the larger chains of retailers or independent stores. Paragraph 4.2 of the AMR states within the designated retail centres, there have been notable net gains in retail floorspace in Hatfield Town Centre as a result of the changes of use in White Lion Square. This has offset the losses in Welwyn Garden City Town Centre, though these have primarily been as a result of the change of use to the new gym in the Howard Centre. Welwyn Garden City nevertheless remains as a popular retail destination as evidenced by the continued high levels of footfall there. Accordingly, the gains in retail floorspace in Hatfield indicate that it is a thriving retail centre. This in turn suggests that the small unit at 8 Harpsfield Broadway is not of any significance to the retail success of Hatfield, particularly as it has been vacant for more than a year. Accordingly, the change of use of the unit to the proposed ice cream/ dessert parlour would not be harmful to the retail prospects of the town. In contrast, it would act as an attractor to the parade of shops of which it forms a part and this area of Hatfield, encouraging spending in it or either or both of Parkhouse Court and the Galleria. This would be a particular benefit to the grant of permission for this application.
- 3.4 Paragraph 4.7 of the AMR recognises that in the Parkhouse Court Neighbourhood Centre, the low proportion of A1 shops reflects the centre's higher proportion of restaurant, bar and hot food takeaway uses. Given the low vacancy rate in the centre, this is not currently considered to be of concern. This suggests that, contrary to the Council's consideration of the previous application

at 8 Harpsfield Broadway, the loss of a small A1 unit that has been unsuccessful in marketing in the past year would not be contrary to the Council's approach to retail provision in this part of Hatfield and would not be harmful to the retail success of the area. Accordingly, the change of use of the unit should be approved.

- 3.5 At the time of the previous application on the site, the Council considered *'the proposed development would not seriously diminish the provision of local shopping facilities as the unit is currently closed, with the result that the proposed use would not harm the vitality of the centre by providing an active frontage. The proposed development would provide adequate highway access and servicing arrangements to the rear to facilitate its use. As the existing parade of shops only contains one other A1 shop within a row of seven retail units it is considered that the proposed development would not assist in maintaining a frontage that is predominantly A1, as this development would be primarily an A3 use with only an ancillary, or incidental, A1 use'*.
- 3.5 However, the car parts shop and the print shop are A1 uses and there is therefore not only one other A1 use in the row of seven retail units, as claimed by the Council. It is evident that a reasonable A1 presence in the parade would remain should the use of 8 Harpsfield Broadway change to an A1/ A3 use. A potential benefit of allowing the change of use would be to attract more people to the parade and to make the remaining vacant unit seem more attractive as a possible additional retail unit, thereby encouraging its opening.
- 3.6 With regard to Neighbourhood Centres, the text to policy TCR25 of the District Plan states *'Within these centres, there are fewer units and it is therefore essential that they provide a range of local functions and are not allowed to change to non-retail uses that would be more appropriately located in a larger centre and would encourage travel. Local functions include everyday convenience shopping and in some instances services related to a shopping trip such as banks and cafés'* However, with the possible exception of the estate agents, the existing uses in Harpsfield Broadway cannot be said to provide a range of local functions. An ice cream/ dessert parlour (which is not dissimilar to a café) is far more likely to be a successful attractor to the parade of units than the current vacant A1 uses present there.
- 3.7 It is considered that the Council is being very limited in terms of its analysis of the retail provision in the area, only considering the outlets in the Harpsfield Broadway and Parkhouse Court in their assessment of the application. The Galleria should be included in the assessment as it is in such close proximity to Harpsfield Broadway and Parkhouse Court and it must be considered to have a bearing on the success of the retail provision in the area as a whole. It is a matter of a few minutes' walk from Harpsfield Broadway and Parkhouse Court.

- 3.8 Considering the total retail provision in Harpsfield Broadway, Parkhouse Court and The Galleria, the loss of one A1 unit to a mixed used A1/ A3 unit is negligible in terms of the overall retail provision in this part of Hatfield. The Galleria contains 80 individual outlets, of which over 80% are in A1 use. A number of these may be viewed as being anchor stores – the main attractors to the centre – or very popular lower end of the price range outlets. The floorspace of many of these units is large and they are popular retail outlets in terms of attracting custom. Moreover, the shop turnaround rate in the centre is very low – once an outlet has become established there, it tends to remain for a long period of time. Consequently, there is a low shop vacancy rate in The Galleria.
- 3.9 Furthermore, the entertainment provision within the centre ensures that it remains as a shopping destination able to attract many people, particularly families.
- 3.10 In terms of retail use in this part of Hatfield therefore, the provision is very good. Accordingly, the loss of the single, small A1 unit that is at 8 Harpsfield Broadway would not be at all significant to the overall retail floorspace provision in the area. It cannot reasonably be said to represent a significant element of the retail provision in the area. Its loss to the proposed A1/ A3 ice cream/ dessert parlour use would therefore not be material in terms of the overall retail provision in the area.
- 3.11 Rather than maintain the presence of a small, vacant A1 unit in Harpsfield Broadway that does not increase the attractiveness of the parade, but may be viewed as a negative feature of the area, the Council should be more proactive and permit the change of use of the premises to the proposed ice cream/ dessert parlour for the positive benefits that it would have as an attractor to the Broadway.
- 3.12 The proposed single storey canopy to the rear of the unit would be a light weight structure which would not be viable from the front of the parade of units and would only be visible to a limited degree from the service road to the rear of the parade as a consequence of its limited nature and the rear and flank boundary treatments of the site. It would not result in any harm to the street scene or the amenities of the neighbouring occupiers as a result of its limited nature and siting in relation to those properties.

4. POLICY CONSIDERATIONS

- 4.1 With regards to the relevant Development Plan policies, the adopted District Plan is the main planning document to have regard to in terms of the consideration of this application as the emerging Local Plan is still undergoing its examination by the Planning Inspectorate. The policies in this plan are therefore of more limited weight.

- 4.2 The relevant policy in the District Plan is Policy TCR25 and refers to Neighbourhood Centres. At the time of the previous application on the site (ref. 6/2018/1153/FULL), the Council was satisfied that the proposed change of use would not seriously diminish the provision of local shopping facilities, would add to the vitality and viability of the centre and would provide adequate highway access and servicing arrangements and would not be detrimental to the highway network, including highway safety. The Council's concerns with the previous rested on the fact that the centre would not remain predominantly in A1 use and evidence was not provided that all reasonable attempts to sell or let the premises for continued use as a shop have failed, and/ or the presence of vacant units in the parade indicates a lack of demand for retail use.
- 4.3 However, given that the unit has remained vacant for over a year and the attempts at marketing it have **not been successful**, Policy TCR25 permits the change of use away from A1 retail use. The proposed ice cream/ dessert parlour would, in contrast to the vacant unit, act as a positive element of the parade and would attract people to the parade. The attractiveness of the parade as a whole would also be increased. The evidence provided with this application shows that the all reasonable attempts to sell or let the premises as a shop have failed, therefore demonstrating that it is not a realistic or attractive prospect as an A1 retail outlet. Moreover, the presence of the adjacent vacant unit (formerly the tattoo studio) demonstrates that there is a lack of demand for the retail units in the parade.
- 4.4 District Plan Policy TCR25 would therefore be complied with by the development.
- 4.5 In terms of the emerging Local Plan Policy SADM4, there would still be two units in the parade in A1 use – the car parts shop and the print shop – while the vacant former tattoo studio would potentially be an A1 use (subject to it being let out as such a use, which if the proposed ice cream/ dessert parlour is permitted and is a success, attracting footfall to the parade, would be more likely as it would increase the overall attractiveness of the parade). There would therefore be three units in A1 use. This would then only represent a very minor shortfall below the 50% target of the units being in A1 use. Moreover, the change of use would not result in there being more than two adjoining units in A1 use as 9 Broadway, Murrays Direct (a car parts shop) is an A1 use. Given the fact that the application premises have been vacant for over a year and there has been little material interest in its use as a retail outlet, an exception to Policy SADM4 may reasonably be made in this case. This would result in the vacant unit being occupied in a manner that would benefit Harpsfield Broadway as a parade, the Neighbourhood Centre of which it forms a part, and the wider area of this part of Hatfield as a whole.
- 4.6 In term of the National Planning Policy Framework 2018, paragraph 85 states *'Planning policies and decisions should support the role that town centres play at*

the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that ... allows a suitable mix of uses...'

- 4.7 With regards to the proposed change of use at 8 Harpsfield Broadway, an A1/ A3 unit would promote the long- term vitality and viability of the parade and the Neighbourhood Centre of which it forms a part as it would act as attractor to the parade and the area, rather than the unit remaining vacant. Moreover, it cannot be known how long the unit may remain vacant if the proposed change of use is not permitted: while it remains vacant, the unit does nothing to enhance the attractiveness of the parade (or the Neighbourhood Centre) as a retail destination. Granting the proposed change of use would have an instant effect on the attractiveness of the parade. It is also relevant to consider that the premises would have a new shopfront which would be more physically attractive in terms of its appearance and that of the parade as a whole, than the currently shuttered shop. This would also act as a positive benefit of the proposed development.
- 4.8 As paragraph 7 of the National Planning Policy Framework states, '*The purpose of the planning system is to contribute to the achievement of sustainable development*'. The economic role of sustainable development is '*Helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity*' (paragraph 8). Allowing the change of use at 8 Harpsfield Broadway would be in full accordance with this guidance as it would be responsive to the fact that the current A1 use of the premises is not and has not, for over a year, been attractive to potential occupiers of the premises.
- 4.9 It is therefore evident that the National Planning Policy Framework would be complied with by the proposed development.

5. CONCLUSION

- 5.1 As has been fully explained and discussed in this Design and Access Statement, the proposed change of use of 8 Harpsfield Broadway, Hatfield AL10 9TG would act as a positive attractor to the parade. The use of the premises as an A1/ A3 ice cream/ dessert parlour would enhance the area as a retail destination through the removal of the vacant/ shuttered unit and its replacement with the proposed premises. The fact that the unit has remained vacant for over a year and attempts at marketing it have been unsuccessful in attracting a viable use for the premises is such that the change of use should be permitted. The new use would have a positive benefit for the premises itself, the Neighbourhood Centre and this part of Hatfield as a whole and should therefore be granted planning permission.

APPENDIX 1

THE MAKERTING FOR

**8 HARPSFIELD BROADWAY,
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