

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

DELEGATED APPLICATION

Application No: 6/2018/1153/FULL
Location: 8 Harpsfield Broadway Hatfield AL10 9TF
Proposal: Change of use of property from shop (A1) to ice cream/dessert parlour (A1/A3) and erection of single storey rear canopy seating area
Officer: Mr William Myers

Recommendation: Refused

6/2018/1153/FULL

Context	
Site description	The application site comprises the ground floor of No 8 Harpsfield Broadway, which was formerly used as an A1 retail shop (general convenience store). To the rear of the property there is currently an open yard area which is completely covered with hardstanding.
Constraints (as defined within WHDP 2005)	PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 17.29 FM00 - Flood Zone Surface Water 1000mm (70631) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7591635) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0
Relevant planning history	Application Number: S6/1974/0812/ Decision: Granted Decision Date: 26 March 1975 Proposal: Single storey rear extension. Application Number: 6/2016/1031/FULL Decision: Granted Decision Date: 11 November 2016 Proposal: Proposed change of use to first and second floor from use class C3 (Dwelling House) to use class C4 (HMO) Application Number: 6/2016/1275/FULL Decision: Refused Decision Date: 08 December 2016 Proposal: Change of use from A1 (Shops) to create 2no studio flats C3 (Residential) Application Number: 6/2017/1327/COND Decision: Part Approved / Part Refused Decision Date: 09 August 2017 Proposal: Submission of details pursuant to conditions 2 (parking, cycle & bin storage) and 5(cycle storage) on planning permission 6/2016/1031/FULL dated 10/11/2016

	Application Number: 6/2017/2277/LAWP Decision: Granted Decision Date: 13 November 2017 Proposal: Certificate of Lawfulness for the change of use to Estate Agency		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Consultees and responses	Hatfield Town Council - The Town Council encourages innovative uses of these shops WHBC - Public Health and Protection – No objection, subject to conditions		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input type="checkbox"/> D1 <input type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: TCR25 <u>Emerging Local Plan Submission August 2016</u> SP1 Delivering Sustainable Development SP4 Travel and Transport SP5 Quantity and location of Retail Development SP9 Place Making and High Quality Design SADM4 Development in Designated Centres SADM 11 Amenity and Layout SADM 12 Parking, Servicing and Refuse			
Main Issues			
Impact on Retail Function of the Neighbourhood Centre	<p>The site is within Harpsfield Broadway which is designated as a Small Neighbourhood Centre within the hierarchy of shopping centres identified in the District Plan 2005.</p> <p>Policy TCR25 states that in small neighbourhood centres, changes of use from A1 may be allowed subject to all the five following criteria and to the proposed use addressing a particular local need:</p> <ul style="list-style-type: none"> <i>(i) The loss of the shop would not seriously diminish the provision of local shopping facilities</i> <i>(ii) the proposed use would add to the vitality and viability of the centre;</i> <i>(iii) the centre would remain predominantly in Class A1 Retail use;</i> <i>(iv) it can be demonstrated that the unit has remained vacant for over a year and documentary evidence has been 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;</i> <i>(v) the proposal would provide adequate highway access and service arrangements and would not be detrimental to the highway network, including highway safety.</i> <p>The shopping parade at Harpsfield Broadway is well-established and pre-dates much of the surrounding development, including the Galleria, Parkhouse Court and Hatfield New Town. The re-development of the nearby Hatfield Aerodrome for housing and a business park included the provision of a larger retail centre to serve the new developments, known as Parkhouse Court. This centre has</p>		

been constructed to the west of the Harpsfield Broadway and includes a supermarket and several smaller shops.

It is not considered that 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.

As a consequence, although the proposed development would accord with criteria (i), (ii) and (v), the proposed development would fail to accord with criterion (iii) and as no information has been provided as part of this application to demonstrate that the property has been vacant for a year, and that reasonable steps have been taken to let or sell the unit in its current form, it fails to meet criterion (iv).

As the Council's is now at an advanced stage with its Emerging Local Plan (2016) (Local Plan) relevant policies from this plan should be assessed. Policy SP5 describes the application property as being within the Parkhouse Court shopping area, with the result that it is considered as being part of a large neighbourhood centre and therefore Policy SADM4 applies. Policy SADM4 states:

Within the defined Retail Frontage(s) of Large Neighbourhood or Large Village centres the Council will support proposals for changes of use where:

- i. At least 50% of the Retail Frontage(s) (by number of units) remain A1 retail use;*
- ii. There will be no more than two adjoining non-A1 retail units within any part of the frontage;*
- iii. There would be no harm to the vitality and viability of the centre.....*

...Planning permission will only be granted as an exception to the criteria in this policy where there are overriding benefits to the overall vitality and viability of the relevant Town, Neighbourhood or Village Centre. It will also need to be demonstrated through active and extensive marketing over a period of at least 12 months that there is a lack of demand for an A1 retail use in that location.

As SADM4 includes the shops within Harpsfield Broadway and Parkhouse Court retail centre it is important that this wider centre is assessed. The Council's recent Annual Monitoring Report which was published in January 2018, indicates that at the time of writing, 32% of the retail unit within this shopping centre were in an A1 use. This information therefore indicates that this shopping centre is already well below 50% target for this retail centre. When this analysis is combined with the fact that were this unit to change from an A1 use, it would result in only one other shop being within an A1 use within the immediate row of commercial units, it is judged that the proposed development would fail to meet criterion (i) and (ii) of SADM4. Although this is the case, as discussed previously it is considered that the proposed

	<p>development would be unlikely to harm vitality or the viability of the centre and would as a result meet criterion (iii).</p> <p>Overall, the proposed change of use would fail to meet all the criteria within both Policy TCR25 of the District Plan 2005 and Policy SADM4 of the Emerging Local Plan 2016. Furthermore, as no information has been provided to demonstrate an exception for why these policies should be overridden in the case and no documentation has been provided to demonstrate that there is a lack of demand for an A1 retail use in this location which should be evidenced through an active and extensive marketing of the unit for at least 12 months, there is no reasonable justification in this case to diverge from both the Council's existing and emerging policy in this area.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the National Planning Policy Framework (NPPF) which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.</p> <p>In addition to this application being for a change of use of the premises it also seeks permission for the construction of a single storey rear extension to the unit. The information provided on the plans for this proposed extension are limited with the result that it is unclear whether the proposed structure would be fully enclosed, what materials it would be constructed out of and what the proposed extension would be used for. As a consequence of this it is difficult to undertake a meaningful assessment of the proposed extension. It is therefore considered that if this application were recommended for approval further information would need to be submitted by the applicant to indicate whether the structure would be enclosed or open, what materials it would be constructed from and what it would be used for.</p> <p>In terms of the depth, size and height of the projection it is not considered that this would be unacceptable or out of character given the size of rear extensions that have been constructed to the rear of other retail/commercial unit within Harpsfield.</p>
<p>Impact on neighbours</p>	<p>Given the limited information that has been provided about the appearance of the proposed structure a full analysis of its impact on neighbours cannot be undertaken. Having said this, it is considered that in principle an extension of this side could be acceptable because the land to the rear of this unit, and the other commercial units, is used primarily for deliveries of good and storage of equipment associated with the businesses.</p>
<p>Access, car parking and highway considerations</p>	<p>It is not clear from the proposals whether the proposed parking provision would result in a change in the parking provision which currently exist on the site. As the proposed development would result in a change of use of the premises it is considered that parking provision for the proposed mixed use should be assessed.</p>

	<p>Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p> <p>As a consequence it is important to consider the Council's SPG on Parking Standards and the Council's Interim policy for Car Parking. Given, the lack of information that has been submitted with regards to the proposed use of the rear extension it is not possible to accurately assess what parking provision is required for the proposed use. If it were considered that planning permission should be granted for this proposed use it is considered that appropriate information would need to be submitted about the proposed use of the extension to assess the correct level of parking provision required.</p>
<p>Any other considerations including preserved or enhanced character or appearance of Conservation Area</p>	<p>It is note that the Council's Public Health and Protection team has raised concerns about the location of the customer toilet that is proposed within this application because they consider that the current arrangement could result in a risk to human health. As a consequence of this it is considered that the current floor plans for the proposed use would result in an unacceptable arrangement for the proposed use. If it were to be considered that the proposed development were acceptable it is considered that in accordance with the advice from the Public Health and Protection team that the current arrangement of the toilet be changed so as not to create a potential risk to human health.</p>
<p>Conclusion</p>	
<p>The proposal is considered to be in conflict with Policy TCR25 of the adopted Welwyn Hatfield District Plan 2005 and the emerging Policy SADM4 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 and the relevant policies contained in the National Planning Policy Framework 2012.</p>	

Reasons for Refusal:

1. 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.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
18/8/HBCW H/101	A	Existing And Proposed Floor Plans	15 May 2018
18/8/HBCW H/102	A	Existing Elevations And Existing Section	15 May 2018
18/8/HBCW H/103	A	Proposed Elevations And Proposed Section	15 May 2018
Location & Block Plan		Site Location Plan & Block Plan	2 May 2018

1. POSITIVE AND PROACTIVE STATEMENT

The decision has 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 viewed on the Council's website or inspected at these offices).

Determined By:

Mr Mark Peacock
10 July 2018