

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

DELEGATED APPLICATION

Application No: 6/2018/2092/FULL
Location: 8 Harpsfield Broadway Hatfield AL10 9TF
Proposal: Change of use from shop (A1) to ice cream/dessert parlour (A1/A3) and erection of single storey rear canopy seating area
Officer: Mr William Myers

Recommendation: Granted

6/2018/2092/FULL

Context			
Site and Application 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 Central - Distance: 28.54 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 15.44 FM10 - Flood Zone Surface Water 100mm (2726722) - Distance: 0 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: 6/2018/1153/FULL Decision: Refused Decision Date: 10 July 2018 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		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 7 September 2018 Site Notice Expiry Date: 28 September 2018		
Consultees and responses	Hatfield Town Council - The Town Council encourages innovative uses of these shops WHBC Public Health and Protection – No objection		

Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
Others: TCR25

Emerging Local Plan Submission August 2016

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

Would the impact on the Neighbourhood Centre be accepted

Yes No

Comment (if applicable):

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.

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:

- (i) *The loss of the shop would not seriously diminish the provision of local shopping facilities*
- (ii) *the proposed use would add to the vitality and viability of the centre;*
- (iii) *the centre would remain predominantly in Class A1 Retail use;*
- (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;*
- (v) *the proposal would provide adequate highway access and service arrangements and would not be detrimental to the highway network, including highway safety.*

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 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. It is important to note that the applicant has provided evidence as part of this application that the property has been empty for over a year and that the property has been marketed during this time. 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), (iv) and (v), the proposed development would fail to accord with criterion (iii) and as the centre would fail

to remain predominantly in an A1 use. It is considered given the evidence that has been provided which demonstrates that the unit has been marketed and has been empty for over a year that the proposed use would provide a viable use to the unit which would be beneficial to the centre by providing an active frontage which would attract people to the centre.

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 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. As discussed previously it is considered that the proposed development would be unlikely to harm vitality or the viability of the centre and would instead improve the overall vitality and viability of the centre, with the result that it would meet criterion (iii). In addition, as the applicant has provided evidence to demonstrate that the unit has been vacant for over a year and has been marketed as an A1 unit for over 1 year it is considered that the proposed development meets the exceptional test set out within this policy.

Overall, although the proposed change of use of the premises would result in the loss of an A1 use from the centre and the development would not meet all the criteria set out within policies TCR25 of the District Plan 2005 and Policy SADM4 of the Emerging Local Plan 2016, it is considered that given the evidence that has been provided as part of this application as well as the fact that the proposed use would improve the vitality of the centre that it would be acceptable in this case.

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

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.

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 proposed extension would be a large addition to the rear of the property but as a number of units in the immediate area have extensions of a similar size, with some being greater in size. As a consequence, it is not considered that it would be out of keeping with the character of the area. Furthermore, the proposed use of matching material within the extension would mean that it would be in keeping with the existing unit.

Would the development reflect the character of the property?

Yes No N/A

Comment (if applicable): Discussed above.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable):

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

It is proposed that the extended building would have a total internal floor area of approximately 90m². In addition, the proposal would result in the erection of the rear extension within an area that is currently available for parking.

Paragraph 105 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; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 109 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

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.

As a consequence it is important to consider the Council's SPG on Parking Standards and the Council's Interim policy for Car Parking. As the proposed development would result in the creation of an A3 unit with a total floorspace of approximately 90m², the proposed use should provide approximately 16 spaces. As the proposed development would only provide two car parking spaces this would result in a shortfall of 14 spaces. Notwithstanding the above, it is important to consider that the units within Harpsfield Broadway and Parkhouse Court retail centre are severed by a public car park and the LPA are not aware of any evidence to imply that the car park lacks capacity to support this development. Furthermore, the site is located within walking distance and cycling distance of a large population. The site benefits from immediate access to footways, cycleway as well as public transport. The site is therefore considered to be one of the most sustainable locations in the Borough. Any potential for overspill on-street parking is not considered to have a prejudicial impact on the availability of parking for existing residents and business given that streets in a wide area surrounding the application site are subject to parking controls. For the same reason the proposal would not have severe impact on the operation of the highway network. On this basis, there is no objection to the proposal on the grounds of parking provision.

Conclusion

It is considered that the proposal, which would bring an unused unit back into active use, is acceptable and would not adversely affect the amenity of the occupants of neighbouring properties. The proposal is considered to meet the fundamental aims of the relevant policies, discussed above, and would benefit the vitality of the shopping parade. In addition, it is considered that the proposal would be beneficial to the community within the immediate area and when combined with the other benefits would accord with the aims of Paragraph 85 of the NPPF. It is therefore recommended that planning permission be granted.

DRAWING NUMBERS

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
18/8/HBCWH /101	C	Existing and Proposed Floor Plans	2 January 2019
18/8/HBCWH /102	A	Existing Elevations	10 August 2018
18/8/HBCWH /103	C	Proposed Elevations	2 January 2019
Site Location Plan		Site Location Plan	10 August 2018

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 applicant is advised to contact Environmental Health at Campus East, Welwyn Garden City, Tel: 01707 357242, with regard to the necessary food, hygiene and sanitary standards.
2. 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 which may affect the land.

Determined By:

Mr Mark Peacock
4 January 2019