

**4/00062/12/FUL - CHANGE OF USE OF GARAGE/STORE TO SHOP.
HEMEL FOOD GARDEN, CENTRAL NURSERY, TWO WATERS ROAD, HEMEL
HEMPSTEAD, HP3 9BY.
APPLICANT: SUNNYSIDE RURAL TRUST - MS E NORRINGTON.**

[Case Officer - Andrew Parrish]

[Grid Ref - TL 05593 05936]

Summary

The application is recommended for approval. The change of use would have no adverse effect on the open land status of the area. Subject to control over the type of goods sold, it is not considered that the use would impact on the vitality or viability of existing town or local centres. Subject to a Management Plan, there would be no harm to highway safety. The proposed use is not considered likely to result in a significant increase in traffic that would be detrimental to the amenities of adjoining or nearby residents. In all other respects there would be no harm. It therefore meets all the relevant local plan and emerging core strategy policies.

Site Description

This application relates to the Council's Central Nursery site. It is located along the southwestern boundary to the towpath of the Grand Union Canal with access from Two Waters Way past K2 restaurant, and between Nos. 15 and 16 Two Waters Road. The whole site is situated between the canal and the river. The application site itself relates to a single storey flat-roofed painted-brick building situated at the northern end of the site, north of the greenhouses.

Proposal

Permission is sought for the change of use of the building from garage/store to retail.

Referral to Committee

The application is referred to the Development Control Committee as it relates to Borough Council land.

Planning History

- | | |
|----------------|--|
| 4/01382/11/FUL | INSTALLATION OF REPLACEMENT BOUNDARY FENCING
Granted
02/11/2011 |
| 4/01881/99/4 | PROVISION OF NEW PORTABLE BUILDING, STORAGE SHED AND SECURITY FENCING
Granted
02/12/1999 |
| 4/01347/98/4 | PROVISION OF STEEL PORTAL FRAMED STORAGE AND MESS FACILITY WITH ADJACENT PORTABLE TOILET BLOCK
Granted
24/09/1998 |
| 4/01812/97/4 | ERECTION OF AGRICULTURAL EQUIPMENT STORE, MESS ROOM FACILITY AND VARIOUS ANCILLARY BUILDINGS. RELOCATION OF 2 EQUIPMENT STORES |

Granted
26/02/1998

4/01626/97/4 ERECTION OF TWO AGRICULTURAL STORAGE BUILDINGS
Granted
27/11/1997

4/01608/96/4 ERECTION OF ONE POLYTUNNEL
Granted
13/02/1997

4/01609/96/4 ERECTION OF POLYTUNNEL
Granted
13/02/1997

4/00929/96/4 PROVISION OF NEW PORTACABIN
Granted
05/09/1996

4/01194/92/4 ERECTION OF GREENHOUSE BUILDING
Granted
06/11/1992

Policies

National Policy Guidance

PPS1, PPS3, PPS9, PPG13

Circular 11/95, 1/2006, 05/2005

Draft National Planning Policy Framework (NPPF): Note: Existing PPG's and PPS's remain in force until formally superseded by the NPPF

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 44, 51, 58, 107, 113 and 116

Appendices 4, 5 and 8

Emerging Core Strategy

CS1, CS4, CS5, CS7, CS8, CS9, CS10, CS11, CS12, CS13, CS25, CS26, CS27, CS29, CS31

Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Representations

Strategic Planning and Regeneration

The proposal is welcomed in principle as it seeks to establish an on-site shop outlet selling produce from the nursery. The nursery is run as a not for profit enterprise that seeks to engage with the community to promote horticulture, local food production, crafts and nature conservation.

The site falls within Open Land (Policies 9 and 116) where the aim is to safeguard the general open character of the land. The proposal is to reuse an existing garage/store. Therefore, this is unlikely to have any impact on the wider integrity of the open land. Policy 9 also encourages uses that serve nature conservation and educational purposes.

The main issue is the proposed provision of retailing from the site. Normally, national (PPS4) and local policy (Policies 38, 40 and 41) would direct new investment to established shopping centres. In this case the amount of retail is small scale (56 sqm) and it seeks to sell local produce from the nursery. Unfortunately, similar farm shops (and garden centres) do have a tendency to expand the range of goods sold beyond that linked to what it produces/locally sourced (and into non-food items). Providing the scale remains small and the type of goods sold from the unit can be controlled so that it does not expand into an open retail use, this need not be a problematic use in retail terms.

HBRC (in summary)

1. The location of the site is within an ecologically important corridor associated with the River Gade / Bulbourne / Grand Union Canal. The building proposed for Change of Use is adjacent to the canal and mature trees and as such is highly likely to be within an area used by bats, although has no records from this particular area.
2. Although there are no details submitted with the proposals, the building appears to be modern and flat roofed and made of metal. This is unlikely to support a bat roost, although bats could, in theory, fly into it if accessible. The immediate grounds of the site are of hardstanding which further reduces the likelihood of the building being immediately attractive to bats.
3. Considers that there is a low likelihood of bats being present within the existing garage / store. Recommends an informative.

British Waterways (in summary)

No comments

Environment Agency

No comments

Herts Highways (in summary)

Considers that there is very little within this application to support it from a highways position.

Whilst understanding the applicant is a non-profit making charity, there is the potential for

future highway concerns once the business grows. The change of use to a shop may attract a higher vehicle generation to a site that may not be able to cope with that demand and therefore needs careful consideration.

The highway authority needs to know what the likely trip rate to and from the site will be. This will allow it to determine whether the shop's customers that drive would lead to conditions that would be detrimental to highway safety and capacity. An indication based on current or other like for like charity run shops would be considered sufficient.

It is not possible to determine whether the access to the site off Two Waters Road is wide enough to allow two vehicles to pass. It is also unclear whether the shop will attract large vehicles like HGV's for servicing and that they have enough space within the site to manoeuvre.

The opening hours for the shop are recorded as being from 10 am in the morning to 3 pm in the afternoon. This would avoid peak hour movements, which in turn would reduce the capacity concerns raised above.

Questions whether section 19 of the application form is correct - No staff.

Comments on further details

Does not wish to restrict the grant of permission subject to the following condition and an informative:

1.) Before the development is brought into use a Site Management Plan for the control of traffic entering and leaving the site shall be submitted for approval.

Reason: In the interest of highway safety.

Considerations

Policy and Principle

The site falls within an Open Land area where under Policy 116, changes of use are acceptable provided:

- a. The location, scale and use of the new development is well related to the character of existing development, its use and its open land setting;
- b. The integrity of the wider area of open land is not compromised;
- c. In the case of sites which accommodate existing uses regarded as inappropriate to an open land area, proposals must:
 - (i) not have a significant adverse impact on the character and environment of the site or its open land setting, or
 - (ii) result in overall environmental improvements to the site in relation to its open land setting.

The building is existing, therefore will have no additional impact on the open land setting or character.

The building is relatively small scale, therefore the new use will be well related to the character of the existing development.

The proposed retail use would be related closely to the existing nursery use, selling the applicant's local produce (fresh fruit, vegetables, preserves) and will provide info to the local community about training and other activities in the local area. Sunnyside Rural Trust is a not for profit charity that works with people with learning disabilities and the rest of the community through horticulture, local food production, natural crafts and nature conservation. The proposal therefore accords with (a)

The integrity of the wider open land would not be compromised by the new retail use given its small scale. There is existing car parking adjoining the site therefore no additional impact in terms of the need for additional hard surfacing. The proposal therefore accords with (b)

The existing nursery use is an appropriate use to this Open Land area, therefore the proposed use accords with (c).

The main issues relate to the impact on highway safety, town centre retailing and residential amenities.

Impact on highway safety

The highway authority has raised concerns that insufficient information has been submitted to demonstrate that there would be no adverse effect on highway safety.

The applicant has supplied additional information which confirms the following:

- Public access/shop opening to be arranged to avoid peak travelling times (i.e. 10am to 3pm);
- The gate from Two Waters Way will (as it is now) be kept shut at all other times;
- All access IN for the public will be via Two Waters Way and all access OUT will be through the parking area and via Two Waters Road. This is to avoid the potential safety issues of cars pulling on to Two Waters Way and also ensure safety for non vehicle travellers into/out of and through the car parking / residential areas.

It is also confirmed that trading hours exclude Sundays and that estimated weekday trips would be 10 and Saturdays 10-20. In addition, it is noted that the current use of the site shared with residents and ongoing Council activity has not created problems to date and that HGV deliveries have decreased since the Central Nursery was in full Council operation. It is not envisaged that the shop will require any HGV deliveries due to its small size, only for the ongoing nursery activity on behalf of the Council which has always had access to the site via Two Waters Way (K2). No new staff are required to run the shop.

The case officer has noted that visibility for right turning traffic both into and out of the site from Two Waters Way (K2) access is poor due to the blind summit caused by the canal bridge. However, given the above circumstances, subject to the one way system for visiting members of the public, together with an hours restriction, it is not considered that there would be any significant impact on highway safety.

The highway authority have raised no objection subject to a condition seeking details of a Management Plan.

Impact on town centre

Policy 44 is relevant and requires a sequential approach to site selection. In quantitative and qualitative terms, the proposal is not considered likely to impact on the vitality or viability of existing town or local centres. The use is specifically related to the produce produced on site and its *raison d'être* could not practically be reproduced off-site in a local centre. It would

provide an extension of the range and diversity of outlets available to shoppers and is easily and safely accessible by a choice of means of transport to the local population.

Unfortunately, similar farm shops (and garden centres) do have a tendency to expand the range of goods sold beyond that linked to what it produces/locally sourced (and into non-food items). Providing the scale remains small and the type of goods sold from the unit is controlled so that it does not expand into an open retail use, this need not be a problematic use in retail terms.

Impact on residents

There are residential properties along Two Waters Road which both back onto the existing car park and front the proposed access out of the site for visiting members of the public. However, the proposed use is not considered likely to result in a significant increase in traffic that would be detrimental to residents' established amenities.

The proposal would therefore accord with Policy 11.

Other matters

The Ecology Officer at HBRC has recommended an informative vis a vis bats, although the likelihood of bats being affected by the change of use is considered small.

The site is in Flood Zone 3, however the Environment Agency has raised no objections.

The site falls adjacent to the Grand Union Canal, however, BWA raise no objections.

The adjacent canal corridor is a Local Wildlife Site. However, the proposed change of use will not impact on this status.

Conclusion

For the above reasons, this application can be supported.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The use hereby permitted shall not commence until details of a car parking layout to serve the use shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure satisfactory provision of off-road car parking in the interests of highway safety.

- 3 The use hereby permitted shall not commence until details of a Site**

Management Plan for the control of traffic entering and leaving the site shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of vehicular access and egress to the site in the interests of highway safety.

- 4 **The premises shall be used as a farm shop only and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or reenacting that Order with or without modification). For the purposes of this condition a farm shop shall be deemed to comprise produce (e.g. fresh fruit, vegetables, preserves, crafts etc) produced locally on site at the Hemel Food Garden.**

Reason: To safeguard the vitality and viability of nearby town and local centres and their regeneration in accordance with Policies 38, 39 and 41 of the Dacorum Borough Local Plan 1991-2011.

- 5 **The premises shall only be open to customers between 10.00 am and 3.00 pm on Mondays to Fridays; 10.00 am to 3.00 pm on Saturdays; and not at all on Sundays , Bank Holidays and Public Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and highway safety.

- 6 **There shall be no external lighting without the prior express approval of the local planning authority.**

Reason: To safeguard the visual amenities of this designated Open Land area.

- 7 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**2510-SRT-003
2510-SRT-004**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site falls within an Open Land area where under Policy 116, changes of use are acceptable in principle provided the use would be well related in scale, location and use to the character of the existing development, and the integrity of the wider area of open land is not compromised. The proposal would comply with the above. There would be no harm to existing local centres, the impact on the local highway network would be acceptable and there would be no adverse impact on residential amenities.

The proposal would accord with Policies 9, 11, 44 and 51 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

2, 9, 11, 13, 44, 51, 58, 107, 113, 116

Emerging Core Strategy

CS1, CS4, CS5, CS7, CS8, CS9, CS10, CS11, CS12, CS13, CS25, CS26, CS27, CS29, CS31

INFORMATIVES:

Ecology

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Hertfordshire Highways

Whilst the additional comments provided by the applicant assist in assessing the proposal, concerns about how a one-way access system would be enforced remain although it is recognised that the traffic generated will be small. Therefore the Highway Authority recommends that the condition set out above be attached to any permission that may be granted. The Site Management Plan should include signing details, how the gate would be managed and how a one-way system would be operated.