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| <b>4/00655/19/FUL</b>        | <b>CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO 3 NO. RESIDENTIAL UNITS, TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS AND PROVISION OF PARKING.</b> |
| <b>Site Address</b>          | <b>UNIT 2 RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL</b>  |
| <b>Applicant</b>             | <b>Harkalm Investments Ltd, C/o Agent</b>   |
| <b>Case Officer</b>          | <b>James Gardner</b>  |
| <b>Referral to Committee</b> | <b>Contrary views of Markyate Parish Council</b>  |

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposal is to provide 3 new units of accommodation within a vacant commercial unit. Attempts have been made to market Unit 2 but it has nonetheless remained vacant since construction. As a result, consideration now needs to be given to alternative uses.

2.2 In light of concerted efforts to market the unit it is considered that conversion to a residential use would be acceptable and would not conflict with saved Policy 45 of the Dacorum Local Plan (2004).

2.3 Adequate parking has been provided for the new residential units.

## **3. Site Description**

3.1 The application site is located to the north of Hicks Road, Markyate, and comprises a vacant commercial unit.

3.2 Unit 2 is located on the eastern side of the site and has permission to be used for a flexible use (A1, A2, A3, A4 and B1). Consent for the unit to be operated as a gym and sports injury clinic was approved in 2017 (see 4/00169/17/FUL) but has not been implemented.

3.3 The site forms part of the redevelopment of Hicks Road within application ref: 4/01173/11/MFA.

## **4. Proposal**

4.1 Planning permission is sought for the change of use of Unit 2 (Class A1, A2, A3, A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations.

It will be noted that planning permission has already been granted for the conversion of Unit 2 as part of planning application 4/01278/18/FUL. This application has, however, been challenged by an interested party and is now subject to the process of Judicial Review by the High Court. The grounds of the challenge relate solely to the conversion

of Unit 1 from a D1 surgery to an A1 convenience store; therefore, the purpose of this application is to facilitate the conversion of Unit 2 under a standalone permission.

## **5. Relevant Planning History**

### 4/01173/11/MFA

Comprehensive redevelopment to provide a range of 75 residential dwellings; new class B1, B2 and B8 accommodation (including the retention of two light industrial buildings within Sharose Court); a new surgery/health centre (Class D1); 3 commercial units (for class A1/A2/A3/A4 and B1 use), creation of a public square, associated landscaping; formation of new access roads and provision of 197 car parking space (amended scheme)

**Approved 04/07/2012.**

### 4/00528/13/NMA

Non-Material Amendment to planning permission 4/01173/11/MFA, namely minor alterations to elevations, internal layout, turning circles and access

**Approved 13/08/2013.**

### 4/00169/17/FUL

Proposed change of use from flexible use (A1/A2/A3/A4 and B1) to a gym and sports injury clinic/hub (D2)

**Approved 31/03/2017.**

### 4/01278/18/FUL

Change of use of Unit 1 (Class D1 Surgery/Health Centre use) to Class A1 convenience food store, together with change of use of Unit 2 (Class A1/A2/A3/A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations, landscaping, amendments to Richmond Square and provision of parking.

**Approved 05/12/2018**

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS4, CS8, CS11, CS12, CS16, CS17

### 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 19, 21, 45, 57, 58

### 6.4 Supplementary Planning Guidance / Documents

- Hicks Road Masterplan (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## **7. Constraints**

- A5 (200M BUFFER)
- Former Land Use
- LARGE VILLAGE

## **8. Representations**

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

## **9. Considerations**

Main Issues

9.1 The main issues to consider are:

- Policy and Principle
- Parking and Impact on Highway Safety
- Impact on Appearance of Building and Street Scene
- Other Material Considerations

### **Policy and Principle**

9.2 The loss of shops outside of designated local centres is restricted by saved Policy 45 of the Dacorum Local Plan (2004) unless:

- (a) there is another shop in similar use available for customers within a convenient walking distance, or, in the absence of such an alternative, all reasonable attempts to sell or let the premises for shop purposes have failed; and
- (b) the alternative use complements the function and character of the area.

9.3 A marketing note, dated 27<sup>th</sup> March 2018, prepared by Brasier Freeth Chartered Surveyors outlines the steps taken to market Unit 2.

9.4 In summary, formal marketing commenced in September 2015 and there was some interest shown, culminating in an offer being made, and accepted, by a fitness studio on the understanding that a change of use to D2 could be obtained.

9.5 Planning permission was granted for a change of use to a “gym and sports injury clinic /hub” on 31<sup>st</sup> March 2017 under planning permission 4/00169/17/FUL. However, the marketing note goes on to state that the permission was never implemented “as *the transaction ground to halt in September 2017 due to funding issues.*”

9.6 The unit has been unoccupied since it was constructed and therefore its conversion to a residential purpose would not result in the loss or displacement of an existing retail function.

9.7 Subsequent to the completion of the Hicks Road development, the General Employment Area designation has been removed. As such, there is no specific requirement for the retention of employment floorspace in this area. Therefore, given that a) there has been no interest from B1 operators b) the unit is not currently being used for a B1 use (and thus there would be no displacement of an existing operator), and c) the loss of the B1 use was deemed acceptable when planning permission 4/00169/17/FUL was granted, the loss of the B1 use does not give rise to concerns.

9.8 Saved Policy 19 of the Dacorum Local Plan (2004) is supportive of the re-use of vacant commercial premises in town / local centres and residential areas, subject to the retention of necessary local facilities.

9.9 The residential use of Unit 2 would complement the recently approved retail shop at Unit 1 (approved under 4/01278/18/FUL) and would not be out of keeping with the general character of the immediate area, which is predominantly residential.

#### **Parking and Impact on Highway Safety**

9.10 The conversion of Unit 2 would result in the formation of 3 new residential units (one 1-bed flat and two 2-bed flats), giving rise to a maximum parking standard of 4.25 spaces (1.25 spaces x 1 + 1.5 spaces x 2).

9.11 A total of 4 car parking spaces are proposed to be allocated to the new residential units. Details of their location are set out on drawing no. 1675/001 (Rev.D). Notwithstanding a deficit of 0.25 spaces, the development is considered to be acceptable as it would make efficient use of an existing vacant commercial unit, provide much needed housing for the local area, and would not be detrimental to highway safety. It is proposed to make use of the underutilised cycle storage located to the rear of the site. A condition will be included with any grant of planning permission which requires the parking spaces to remain available to the owner occupiers of the respective flats in perpetuity.

9.12 Hertfordshire Highways have been consulted and have not raised objections subject to the inclusion of conditions and informatives. However, the proposed conditions have already been addressed so it will not be necessary for them to be included with any grant of planning permission.

9.13 The development is therefore considered to be acceptable in terms of parking provision and highway safety, thus according with saved Policies 57 and 58 of the Local Plan, Appendix 5 of the Local Plan and Policy CS12 of the Dacorum Core Strategy (2013).

#### **Impact on Appearance of Building and Street Scene**

9.14 There would be no adverse effects.

9.15 The alterations to the external appearance of the building relate the replacement of the full-height commercial windows with windows of a more residential character. The Council's Conservation and Design Officer has been consulted and is satisfied

with the proposal.

9.16 In summary, no objections are raised to the proposed external alterations to the building; therefore, the development is therefore considered to accord with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

#### Effect on Amenity of Neighbouring Properties

9.17 Consideration has been given to the potential impacts of the proposed development on the occupiers of surrounding properties and it is not considered that the conversion of the ground floor of this building to a residential purpose would be injurious to the residential amenity of neighbouring properties.

9.18 It should be noted that the proposal would not result in any new built development; rather, it would consist of altering the existing fabric of the building – such as windows and doors – in order to residential accommodation.

9.19 Consequently, the development would comply with Policy CS12 of the Dacorum Core Strategy which seeks, amongst other things, to ensure that development does not result in visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

#### **Other Material Considerations**

##### Refuse

9.20 It is proposed to make use of the bin storage area which serves the existing flats.

##### Flood Risk

9.21 Unit 2 is located within Flood Zone 1 (the lowest classification) and thus the proposed residential use is considered to be appropriate. The development would comply with Policy CS31 (Water Management) of the Dacorum Core Strategy.

##### Community Infrastructure Levy (CIL)

9.22 This application is CIL liable.

### **10. Conclusions**

10.1 The proposal would bring a vacant commercial unit into a productive use and the provision of three new flats would make a small but valuable contribution to the borough's housing stock. Adequate parking has been provided for the new residential units.

10.2 The principle of converting Unit 2 to a residential use has already been established by planning application 4/01278/18/FUL. This is a material planning consideration.

10.3 The purpose of this application is to facilitate the conversion of Unit 2 under a standalone permission so that it is not delayed by the Judicial Review process.

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

Conditions

| No | Condition   |
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| 1  | <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>   |
| 2  | <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>PL/1675/001      Rev. D<br/>           PL/1675/002      Rev. H</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>  |
| 3  | <p>The materials to be used in the construction of the external alterations hereby permitted shall match in size, colour and texture those used on the existing building.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Policy CS12 of the Dacorum Core Strategy.</p>   |
| 4  | <p>The 4 parking spaces shown on drawing no. 1675/001 Rev. D (received on 20 March 2019) shall be kept permanently available for parking and retained for the sole use of the 3 residential units hereby approved.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p>  |
| 5  | <p>The residential units hereby approved shall not be occupied until a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to first occupation of the new residential units and retained thereafter.</p> <p>Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 127 (f) of the NPPF (2018)</p> <p>INFORMATIVES</p> <p>Highways</p> <p>AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should</p> |

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|  | <p>be sought from the Highway Authority before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300 1234047.</p> <p>AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> |
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## Appendix 1

### Consultation responses

| HCC - Dacorum Network Area   | No Objection |
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| <p>Change of use of unit 2 (class a1/a2/a3/a4 and b1) to 3 no. Residential units, together with associated external alterations and provision of parking.</p> <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: <ul style="list-style-type: none"> <li>• Location and layout of the four allocated car parking spaces. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</li> </ul> </li> <li>2. Cycle Parking Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose. Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)</li> </ol> <p>Highway Informative: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:</p> |              |

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

COMMENTS / ANALYSIS: The application comprises of the change of use of a commercial unit within a larger mixed use development to three residential units and parking at Unit 2, Richmond Square, Hicks Road, Markyate. Hicks Road is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS & PARKING: The proposals do not include any new/altered vehicular or pedestrian access from the highway.

The proposals include four car parking spaces (the same as existing), the level of which is considered to be acceptable by HCC as Highway Authority although would require submission of details as to the location and layout of these parking spaces. The applicant is reminded that Dacorum Borough Council (DBC) is the parking authority for the district and therefore ultimately should be satisfied with the levels of parking.

EMERGENCY VEHICLE ACCESS: The proposed dwellings would be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

WASTE COLLECTION: Provision would need to be made for an on-site refuse/recycling store within 30m of the dwelling and within 25m of the kerbside/bin collection point. All bins must not be stored on the highway verge and the collection method must be confirmed as acceptable by DBC waste management.

CONCLUSION: HCC as Highway Authority has considered that the proposals would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informatives and conditions.

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| DBC - NOISE POLLUTION & HOUSING               | No Objection |
| No objection on noise or air quality grounds. |              |

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| Markyate Parish Council   | Objection |
| These were originally built as commercial properties. There is insufficient amenity space to be made residential. In the Council's opinion, when the Co-Op is opened, |           |



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| would that not encourage more businesses to come in? |
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**Appendix 2**

**Neighbour notification/site notice responses**

**Objections**

**Supporting**

| Address | Comments |
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**Commenting**

| Address | Comments |
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