

ITEM NUMBER: 5g

22/01442/FUL	Change of use of ground floor (with basement) from Class E(a) retail, to Sui Generis, café serving alcohol	
Site Address:	97 High Street Hemel Hempstead Hertfordshire HP1 3AH	
Applicant/Agent:	Mrs Claire Hobson	Mr Mark Biddiss
Case Officer:	Sally Robbins	
Parish/Ward:		Hemel Hempstead Town
Referral to Committee:	Applicant is a DBC Councillor.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposed development is acceptable in principle, noting the site's location within the town centre of Hemel Hempstead. The proposed change of use from Class E (retail) to Sui Generis (café serving alcohol) is supported by Policies CS4 and CS16 of the Core Strategy. There would be no detrimental impact upon designated heritage assets, nor would the proposed change of use cause harm to the residential amenity of surrounding properties, to accord with Core Strategy Policies CS27 and CS12 and Saved Policies 119 and 120 of the Local Plan.

3. SITE DESCRIPTION

3.1 The application site comprises a Grade II listed building and is located on the east side of the High Street in Hemel Hempstead old town, within the Conservation Area. The site comprises a retail unit at ground floor level with residential units above. The surrounding area comprises a mix of uses, including residential, retail, cafes/restaurants and drinking establishments.

4. PROPOSAL

4.1 The application seeks full planning permission for the change of use of the ground floor and basement unit from Class E (retail) to Sui Generis (café serving alcohol). The hours of use would be: 08:00 - 23:00 Mondays to Fridays; 09:00 - 23:00 on Saturdays; and 09:00 - 22:00 on Sundays and Bank Holidays.

5. PLANNING HISTORY

Planning Applications

22/01443/ADV - Facsia and hanging board signs
Pending Decision

4/02214/08/FUL - Change of use of ground floor and basement from retail (A1) to employment agency (A2)
GRA - 22nd December 2008

4/01110/03/FUL - Change of use of ground and basement from retail to residential
GRA - 3rd July 2003

4/01152/98/FUL - Change of use on ground floor and cellar from retail and storage to residential
GRA - 4th September 1998

6. CONSTRAINTS

Area of Archaeological Significance: 36
CIL Zone: CIL3
Hemel Hempstead Conservation Area
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Character Area: HCA14
Smoke Control Order
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS16 - Shops and Commerce
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards Supplementary Planning Document (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of Development
Impact on Heritage Assets
Impact on Residential Amenity
Impact on Highway Safety and Parking.

Principle of Development

9.2 The site resides within the town centre of Hemel Hempstead, which is the focus for homes, jobs and services. Policy CS4 of the Core Strategy supports a mix of uses in town centre locations, including shopping uses, catering establishments, leisure and social uses. As a result of the change of use, the town centre would lose a retail unit. Policy CS16 of the Core Strategy does seek to retain sufficient existing shops in the town centre. However, it goes on to state that diverse evening economy in the town centres will be supported, provided that their social and environmental impacts are controlled. Furthermore, the current use of the unit (Class E) does cover a wide range of uses, including catering establishments.

9.3 Taking all of the above into account, it is considered that the proposed development is acceptable in principle. There is no objection to the loss of the retail unit and the proposed café serving alcohol is supported by Policy CS16. The main issues of relevance relate to the impact on heritage assets, the impact on residential amenity of surrounding properties and the impact on highways safety / parking.

Impact on Heritage Assets

9.4 The site is located within Hemel Hempstead Conservation Area, wherein Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have special regard for preserving or enhancing the character and appearance of conservation areas. This is further supported by Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and the NPPF.

9.5 The application site comprises a Grade II listed building. Saved Policy 119 of the Local Plan states that changes of use and the need for them must be compatible with the fabric, interior and setting of the listed building. Consideration must be given to Section 66 of the Act, which requires local authorities to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest that they possess.

9.6 There will be no physical changes to the fabric of the building as a result of the proposed development. The submitted plans show that internally the shop floor would be repurposed as a café providing seating at ground floor level. Externally, the fascia and hanging board signs would be changed, however these are the subject of a separate advertisement consent application (ref. 22/01443/ADV). The signs would not be illuminated and the Conservation Officer has raised no objection to their design.

9.7 Regarding the change of use, the Council's Conservation Officer has raised no objection to the proposal, however did query whether any changes are proposed to the basement. The applicant has been informed that any such changes to the fabric of the listed building would require listed building consent. It is confirmed that the subject of this application is solely for the change of use of the retail unit.

9.8 Taking all of the above into account, it is considered that the proposed change of use is acceptable in terms of its impact on heritage assets. The proposal will protect and conserve the integrity, setting and distinctiveness of the listed building and conservation area, to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policy CS27 of the Core Strategy and Saved Policies 119 and 120 of the Local Plan.

Impact on Residential Amenities

9.9 Policy CS12 of the Core Strategy states that new development should, amongst other things, avoid disturbance to properties in the surrounding area. An objection has been received from one of the neighbouring residential properties regarding light / noise pollution and querying the necessity of the proposed café in the locality.

9.10 In accordance with Policy CS4, a mix of uses is sought in the town centre and catering establishments are encouraged. Looking at the surrounding area, the High Street comprises a variety of business uses including a range of retail shops, restaurants, hairdressing/barber salons, professional services and drinking establishments. Whilst the proliferation of any one type of catering establishment is discouraged, it is not considered that the proposed development would result in such an abundance of cafés to warrant refusal on those grounds. The High Street would retain a predominant shopping function with an appropriate mix of shops and services. It is therefore not considered that an objection could be sustained regarding the necessity of the proposed café in this location.

9.11 In terms of light and noise pollution, the Council's Environmental Health Officer has been consulted and raised no objection on the grounds of noise, odour or air quality, subject to the inclusion of informative notes regarding waste management and construction working hours.

9.12 In addition, there would be no outdoor seating and the opening hours would be restricted to the following: 08:00 - 23:00 Mondays to Fridays; 09:00 - 23:00 on Saturdays; and 09:00 - 22:00 on Sundays and Bank Holidays.

9.13 It is considered that the above measures are adequate to ensure that the social and environmental impacts are controlled, to accord with Policy CS16. Bearing in mind the town centre location, within which a mix of uses is supported, and taking all of the above into account, it is considered that the proposed change of use will not give rise to significant noise and disturbance to neighbouring residential properties. The proposal therefore complies with Policy CS12 in that regard.

Impact on Highway Safety and Parking

9.14 There is currently no parking provision on site and there would be none provided for the proposed development. Taking into account the town centre location, within close proximity to public car parks, it is not considered that the proposed change of use would have a detrimental impact on local parking provision. There would be a parking shortfall when assessed against the Parking Standards Supplementary SPD (2020), however there is currently a shortfall in relation to the existing use. There are short-stay parking bays immediately outside the shop and further along the High Street and a longer stay car park within close proximity. The site resides within a sustainable centre location and it is therefore considered that there will be no harmful impact on local parking provision. Nor would it have an impact on highway safety. The proposed development therefore complies with Core Strategy Policy CS12.

Other Material Planning Considerations

9.15 None

Response to Neighbour Comments

9.16 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.17 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application site resides within CIL Zone 3, however the application is not CIL liable.

10. CONCLUSION

10.1 The proposed change of use from Class E (retail) to Sui Generis (café serving alcohol) is considered to be acceptable, having regard to the impact on heritage assets and the residential amenity of the surrounding area. The proposal therefore complies with Core Strategy Policies CS4, CS12, CS16 and CS27, Saved Local Plan Policies 119 and 120 and the relevant sections of the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**.

Conditions and Reasons:

- 1. The development hereby permitted shall begin 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 take place other than between the hours of:**

- (a) 08:00 - 23:00 Mondays to Fridays;**
- (b) 09:00 - 23:00 on Saturdays;**
- (c) 09:00 - 22:00 on Sundays and Bank Holidays.**

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

- 3. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**LOCATION PLAN
01 PLANS AND ELEVATIONS**

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

Informatives:

- Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

2. Construction Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
3. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
4. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The application site is grade II listed and lies within the Hemel Hempstead Conservation Area.</p> <p>There is no objection to the change of use from retail to a cafe.</p> <p>However, can it be confirmed that the existing and proposed basement plans are the same. If any changes are required to the fabric of the listed building as part of this change of use then LBC will be required.</p>
Environmental And Community Protection (DBC)	<p>CONTAMINATED LAND:</p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of</p>

land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

NOISE, ODOUR & AIR QUALITY:

With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.

Working Hours Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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Construction Dust Informative: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative: Under no circumstances should waste produced from construction work be incinerated on site. This includes

	but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
32	1	0	1	0

Neighbour Responses

Address	Comments
82 High Street Hemel Hempstead Hertfordshire HP1 3AQ	Regarding the proposed change of use and application for grant of a Premises Licence at the above address I would like to object. As much as premises already exist in the High Street providing the proposed services (so such are not required by another provider) I am concerned that the proposed use will cause both noise and light pollution in an otherwise quiet environment.