DELEGATED FILE NOTE

CASE OFFICER: ...Tom Donovan.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01199/FP	Change of Use of first floor from Class A1 (Retail) to Class D2 (24-hour Gymnasium) and minor external alterations	18-19 Brand Street Hitchin Hertfordshire SG5 1JE

Submitted Plan Nos

001-LP Rev.A 002-EP Rev.A 003-PP Rev.A 004 EandP ELE

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 8 – Development in Towns
Policy 43 - Shopping Areas in Town Centres
Policy 45 - Shopfronts
Policy 55 – Car Parking Standards

1.2 **National Planning Policy Framework**

Section 7 - Requiring good design
Section 8 – Promoting healthy communities
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

1.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**

Strategic Policies
SP1: Sustainable Development in North Herts
SP2: Settlement Hierarchy
SP3: Employment
SP9: Design and sustainability
SP10: Healthy Communities.
SP13: Historic Environment

Development Management Policies
ETC5: Secondary Shopping Frontages
D1: Sustainable Design;
D3:Protecting living conditions;
T2: Parking
HE1: Designated Heritage Assets

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Local residents/public notice**
None received.

3.2 **Highways**
No objection.

3.3 **Environmental Health**
No comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a two storey building which has a car park on the roof. It is located on the north-side of the road and is designated in the Emerging Local Plan as Secondary Shopping Frontage. The site is in the Hitchin Conservation Area.

4.2 **Proposal**

4.2.1 Change of use from Use Class A1 (retail) to Use Class D2 (24-hour gymnasium). Minor alterations to front entrance.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:
--The principle of the proposed use.
--The effect on the living conditions of neighbouring properties.
--The effect on the character and appearance of the area and whether the proposal would preserve or enhance the character and appearance of the Hitchin Conservation Area.
--The impact that the proposed development would have on the safe operation of the highway and car parking provision in the area.

4.3.2 Principle: Saved Local Plan
Under the Saved Local Plan the application site is not with a 'shopping frontages' area and is therefore a retail use in not afforded any special protection. There is therefore no objection to the principle of the change of use based on policies contained within the Saved Local Plan.

4.3.3 Principle: Emerging Local Plan
Under the Emerging Local Plan the application site is designated as 'Secondary Shopping Frontages' and therefore policy ETC5 is applicable. However, the policy references the ground floor level of buildings only and therefore there is no objection to the principle of the change of use of the first floor from A1 to D1. Limited weight is attached to the Emerging Local Plan at this stage in any case.

4.3.4 Impact on neighbouring properties
As the site is located in the town centre I do not consider that the use would have a particularly significant impact between the hours of 7am and 11pm daily. However, a key consideration is the extent of any disturbance that may occur between less sociable hours due to the fact that the gym would be open 24 hours, 7 days a week. This issue has been considered elsewhere in the District and it has been concluded that, whilst there is a possibility of disturbance whilst people enter and leave the gym, it is unlikely that this would cause a significant impact in the vast majority of cases. There may be isolated instances of disturbance but these are not likely to be regular and ongoing issues. I therefore consider that the proposed change of use would not cause any significant harm to the living conditions of neighbouring properties and that any isolated instances of disturbance can be sufficiently dealt with under the Environmental Protection Act.

4.3.5 The application site does not appear to share any boundaries with residential properties and therefore it is unlikely that noise, vibration or any other related matter would cause any disturbance to others residing within the fabric of or adjoining the building

4.3.6 Design and appearance/ Impact on the conservation area
The physical changes proposed as part of this application are minor and therefore I

raise no objection on design grounds. The proposal would therefore preserve the character and appearance of the Hitchin Conservation Area.

4.3.7 Highway safety
Highway safety would not be compromised as a result of the proposal.

4.3.8 Car parking
The proposal would not involve any change to the current car parking situation.

4.4 **Conclusion**

4.4.1 Planning permission should be granted for the proposed development

4.5 **Alternative options**

4.5.1 None applicable.

5.0 **Recommendation**

5.1 I recommend that planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Proactive Statement:

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 proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 June 2018	