

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 18 AUGUST 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

N6/2016/0868/FP

22 PARKWAY, WELWYN GARDEN CITY, AL8 6HG

CHANGE OF USE FROM OFFICES (1) TO PUBLIC HOUSE (A4) AND REAR ONE AND TWO STOREY EXTENSIONS

APPLICANT: J D Wetherspoons

(Handside)

1. Site Description

- 1.1 The application site comprises a vacant building and associated car park and gardens last used for office purposes. This imposing building is located in a prominent position facing onto Parkway and was originally built as a house with a large garden. It has been extended in the past with a part single and part two storey extension on the rear elevation. The original rear garden is now also covered in hardstanding and set out as a car park. The short front garden remains and is mainly put to lawn with timber posts linked with chains marking the boundary with the footpath. A vehicular access leading along the side of the property to the parking at the rear is located adjacent to the right hand (northern) boundary.
- 1.2 Adjacent to the northern boundary and linked to the application premise by a single storey structure are a similarly imposing house, now used as a doctor's surgery. Further north are a further 4 large houses, each different but clearly designed as a group and set on spacious plots with large rear gardens. All are now in commercial use and have parking in the back gardens and most have had sizeable rear extensions which considerably alter their appearance at the rear, although from the front as viewed across Parkway the integrity of the group remains largely intact.
- 1.3 To the south of the site is a formal area of open space comprising the Reiss Memorial Garden. This occupies the corner with Russellcroft. The rear (west) boundary of the site adjoins the gardens of Asquith House, a complex of flats for older people located on Guessens Road and opposite is the open gardens and boulevard of Parkway.

2. The Proposal

- 2.1 The application proposes that the building be extended and used as a public house (Class A4). The link with number 20 would be demolished and a two storey side extension constructed leaving a reduced width of access along the northern side of the building. The existing first floor rear extension would be extended further rearwards and at ground floor level it is proposed to extend still further rearwards towards the boundary with Asquith House flats. The ground floor extension would project 16.5 metres further into the plot than the existing ground floor extension and at its widest point would be 17.6 metres wide. The resulting building would be 8 metres from the rear boundary.
- 2.2 A tiled roof would be constructed around the perimeter of the extension within which there would be a flat roof hidden from view. This roof area would be utilised for siting external plant such as air conditioning units. Also on the flat roof area would be a large glazed lantern feature measuring 5 by 10 metres to illuminate the customer area below. This roof lantern and plant and machinery would be screened from view by the sides of the perimeter tiled roof.
- 2.3 On the northern side of the building it is also proposed to construct a two storey flat roofed extension that wraps around part of the existing two storey rear extension. At first floor level this extension and the existing first floor rooms within the building would be utilised partly for storage and for customer toilets. A second floor area within the existing building would be used for staff room and facilities.
- 2.4 Whilst the majority of works proposed are to the west (rear) and northern (side) of the building the front elevation would also be altered with additional opening doors introduced to the left side of the central door and the creation of a terrace area fronting onto Parkway. The introduction of commercial kitchens into the building would also result in three new extract flues/cowls appearing above the roof of the rear extension, visible from the north and south and from homes to the west.
- 2.5 The distance between the rear of the extended building and the boundary with the neighbouring flats would measure 8 metres. Within this area there would be a bin storage building; a canopy area (smoking area) and a fence up to 3.5 metres high described as an acoustic fence. Access to the rear garden area would be possible from the interior of the public house via a range of doors on the rear elevation.
- 2.6 This current application represents a resubmission of the previous application with the main changes as follows: -
- The rear ground floor extension has been reduced in width and depth. The reduced width means that a greater amount of planting on the south (Reiss Memorial Garden) side will be retained where previously it would have been removed (T8 and T9 (Ash) still to be removed). The

reduced depth means the rear elevation of the ground floor extension would be further from the west boundary with Asquith House.

- A 3.5m high acoustic fence is proposed between the rear of the extension and the boundary with Asquith House. This fence would be set 3m from the boundary and so trees and shrubs between the existing boundary and the proposed acoustic fence would be retained (apart from one tree (T2 Ash) which would be removed and (T1 Field Maple) which will be removed and replaced with a new tree).
- The revised elevations now show two fan extracts and a vertical discharge cowl above the ridge of the ridge of the rear extension roof.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Cowan has called it in for the following reasons:

"I wish to call in this application for member decision. My reasons include the importance to the town, the conflict with existing policies, the need to get a clear decision by members on a matter of such importance, and the very widespread public interest it will generate".

4. Relevant Planning History

- 4.1 N6/2015/0895/FP - Change of use from offices (B1) to public house (A4) and rear one and two storey extensions. This planning application was refused for the following reasons: -

1. *The proposed extension represents a very significant increase in the footprint of the building and in combination with the proposed first floor extensions, general alterations and the introduction of a 'false' roof over much of the ground floor extension is considered to represent an overdevelopment of the plot such that it fails to reflect the form, scale and design of the existing building, and would obscure original architectural features and the original form of the building contrary to the aims of Welwyn Hatfield District Plan Policies D1 and D2 and contrary to the aims of the National Planning Policy Framework Paragraphs 56 – 58 which requires good design in all developments.*
2. *The proposed extension and alterations would result in a building that fails to reflect and respond to the deliberately planned spatial pattern of buildings and open space and separation between buildings on Parkway and Guessen's Road. These features are important to the form, character and appearance of development along this and other sections of Parkway. The development would therefore cause substantial harm to the character and appearance of this very important part of the Welwyn Garden City Conservation Area and un-registered historic park and garden (Parkway and The Campus) which is not outweighed by any substantial public benefits and is therefore considered to conflict with Policies R28, D1, D2 and TCR11(i) of the Welwyn Hatfield District Plan 2005 and contrary to paragraph 133 and of the National Planning Policy Framework.*

3. *The proposed extension would result in the loss of landscape tree and shrub planting which contributes to the setting of the existing building and to the wider conservation area and adjoining urban open land, designed as a key part of the Garden City by Louis de Soisson. The proposal would therefore conflict with Policies D4, D8, R28 and R11 of the Welwyn Hatfield District Plan 2005 which seek to ensure new development enhances the public realm and includes landscaping which enhances biodiversity in the area and reflects the strong tradition of urban landscape design in the district.*

4. *Use of the extended building and beer garden as a public house as proposed would be likely to have a seriously adverse effect upon the amenity of nearby neighbours who are used to a very quiet environment . Harm to amenity would arise from (i) noise emanating from the public house and garden during the day and late into the night/early morning caused by customers and servicing of the public house with activities such as bottling and waste disposal; (ii) odour nuisance potentially arising from kitchens, cigarette smoke in the beer garden and from refuse storage within the beer garden; (iii) incidents of light nuisance resulting from the illumination of the exterior of the building and the beer garden into the night/early morning; (iv) general activity and noise associated with comings and goings of customers late into the night/early morning and potential anti-social behaviour. The Local Planning Authority does not consider that these adverse impacts are outweighed by positive factors associated with the use such as the economic benefits of job creation, increased footfall and knock-on benefits for other businesses in the vicinity and considers that the proposal would therefore conflict with the objectives of Policy TCR11 of the Welwyn Hatfield District Plan 2005 which seeks to ensure new development has no adverse effect on the amenity of occupiers of nearby residential areas and Policy R19 which seeks to refuse development likely to result in unacceptable levels of noise, and is contrary to advice contained in the NPPF paragraph 123.*

- 4.2 N6/2012/1043/FP - Re-tiling of main roof and re-roofing of flat roof to include raising of brick parapets granted

- 4.3 N6/2011/2220/FP - Rearrangement and extension to existing car parking granted

- 4.4 N6/2001/0662/FP – Change of use of ground floor to a learning workshop to provide education training and associated services granted

- 4.5 N6/2007/0037/FP – application to erect a 2.5 storey and single storey extension for mixed B1(a)/D1 use at 18 Parkway – Refused and appeal dismissed.

- 4.6 N6/1991/0893/FP – Single and three storey extensions and associated parking granted

- 4.7 N6/1998/0835/FP – Erection of single storey and three storey extension to office building, together with provision of 14 No. parking spaces granted
- 4.8 N6/1998/0247/FP - Erection of single storey and three storey extensions and associated car parking granted.

5. Site Designation

- 5.1 The site is located within the Welwyn Garden City Town Centre and Welwyn Garden City Conservation Area as identified in the Welwyn Hatfield District Plan 2005. The site also abuts land identified as Urban Open Land (Parkway and Reiss Memorial Gardens) on two sides, as well as adjacent to an un-registered Park and Garden.

6. Representations Received

- 6.1 The application was advertised by means of neighbour notification letters, by site notice and by advertisement in the local newspaper.

At the time of writing 266 representations have been received.

- 6.2 261 objections can be summarised as follows: -

- The use should be considered to be in conflict with the council's adopted policies regarding appropriate uses on Parkway. (ref. paragraphs 8.2 – 8.4).
- Adverse effect on highway safety with inadequate parking and access in the area. It will have a negative impact on the area affecting residential neighbours and users of the adjoining surgery and involves a loss of parking spaces from within the site. (ref. paragraphs 8.21 – 8.22).
- Noise and smoke and lighting from the beer garden will impact upon neighbours late into the evening. (ref. paragraphs 8.17 – 8.20).
- Increased litter in the vicinity to the detriment of the area. (ref. paragraph 8.24).
- Antisocial behaviour from customers/drinkers adding to strain on police resources. (ref. paragraph 8.24).
- Potential spread of drinking onto the Parkway and adjacent memorial gardens to the detriment of the character of the area. (ref. paragraph 8.24).
- Parkway has been the divide between the commercial activities of the town centre and the residential areas to the west and should continue as such. (ref. paragraphs 8.2 – 8.4).
- Odour and extraction noises from kitchens affecting residents nearby. (ref. paragraphs 8.17 – 8.20).
- Servicing and waste collections will increase noise, odours and traffic. (ref. paragraphs 8.17 – 8.22).
- Service vehicles will either have to block Parkway or public on street parking spaces will be lost. (ref. paragraphs 8.21 – 8.22).

- The poor quality design does not respect local context and character of the conservation area. The extension is far too large and the flat roofed extension would not be in character with its surroundings and fails to preserve or enhance the character and appearance of the conservation area. (ref. paragraphs 8.5 – 8.16).
- The existing building and its neighbours form a key group or original WGC homes in a key part of the conservation area, and encapsulates the spirit and identity of WGC. (ref. paragraphs 8.5 – 8.16).
- The development would allow the town centre to spread into neighbouring residential areas. (ref. paragraphs 8.2 – 8.4).
- The use will lead to signage which may not be appropriate in this location. (ref. paragraphs 8.5 – 8.16).
- A precedent would be set for other similar uses and extensions.
- Use of the proposed beer garden and open area to the rear of the public house and activity associated with the use generally will result in a serious loss of amenity for residents and will be harmful to the area. (ref. paragraphs 8.17 – 8.20).
- The council has a duty to protect the Conservation Area. (ref. paragraphs 8.5 – 8.16).
- The development will result in the loss of trees and landscaping and makes no provision to improve bio-diversity on the site. (ref. paragraphs 8.5 – 8.16).

6.3 4 letters of support can be summarised as follows: -

- The development will bring jobs and business to the town
- The town needs improved facilities for the future
- It will benefit the town and its younger people

6.4 One writer neither objects nor supports the application but comments that more should be done to allow the expansion of the town centre into adjoining areas.

6.5 Welwyn Garden City Society Objects –

The development would set unacceptable precedents - The first would allow similar developments to be established along Parkway between The Campus and Church Road and potentially, over time, most likely well beyond that location.

The second would mean that councillors would have to disregard the current Planning Policy, TCR 11, which protects buildings on this side of Parkway against redevelopment. This is specifically intended to “act as a buffer between the retail core and the residential areas which adjoin the town centre, helping to reduce noise and disturbance for the nearby residents” as is set out in the policy objective.

Failure to abide by those policies would be especially detrimental to all those people who have relied on them as well as anyone who have bought their houses or flats in areas that are currently protected.

The policies for the town centre and adjoining neighbourhoods were agreed after extensive public consultation, were subject to the strict scrutiny of the Planning Inspectorate and were thus, effectively, approved by Central Government.

Failure to abide by them would simply mean that other, commercially inconvenient, policies could equally well be tossed aside. This is not in the interests of the Town or any residents. Indeed, we would wonder what the point is of any planning policy if this elementary objective cannot be successfully defended.

This planning application should be refused on the grounds of the precedents that it would create and the damage that it would bring and pose to the Town and, specifically, the Conservation Area.

The proposals

The applicant's proposals make significant changes the front elevation and destroy the neo-Georgian proportions by the insertion of two sliding folding doors sets to one side of the front elevation. This has no precedent in the Conservation Area.

The view from Parkway will also be disfigured by the addition of a brick built, two storey, flat roofed blockhouse that extends back into the property, beyond the First Floor, such that it will be seen from Russellcroft Road to the South. This has no parallel in the architecture of this Garden City

The size of the proposed redevelopment is disproportionate to the size of the plot and represents gross overdevelopment of the site. Despite statements that the proposals are smaller than contained in the first application, the reduction is, we suggest, minimal. Redevelopment on this scale is unprecedented in the Conservation Area. The application drawings show that 292 seats at tables are included. We have calculated that the total capacity of the site could amount to in excess of 500 people.

This application should be refused on the grounds of over development alone.

Community value

The Council's policy on this site, TCR11, states:

“the Council will allow proposals for the conversion and change of use of buildings for office, community, cultural and residential uses (Use Classes B1(a), C3 and D1), provided that the proposal would: (i) Preserve or enhance the character of the Conservation Area; and (ii) Not harm the amenities of the occupiers of nearby residential areas. Proposals for the redevelopment of existing buildings in these areas will not be permitted unless it can be demonstrated that the new building would enhance the character of the Conservation Area.”

We comment on the applicants claim that this policy allows the building to be used as Public House since, as the latter, it has, “community value”. This argument are taken from other recent legislation allowing buildings that *the local community* judge to be of benefit to them by putting them back into use. The key point here is that it is for the community to judge if the building is of importance to them and not for any commercial company to claim that their activities would achieve community use when, so far, the local community, as represented by the Council, has rejected the proposals for this site.

The presentation by J D Wetherspoon to the “locals”, at the Gosling Stadium on 16 October 2015 would have left the company in little doubt that the “locals” (i.e. the community) did not want this building to be converted into a pub. It is should also be noted that, so far, the company has not communicated with this Society or any other local group on this application prior to submission, or indeed, after the last application to engage with the local community as to its future intentions. Most letters went unanswered. This is not the conduct of a company conscious of its links to “the community”.

The argument presented by the applicant that Planning Policy TCR11 is not up to date by using a spurious comparison with other planning legislation, is not only perverse, but ignores the fact that this planning application will be determined in accordance with the policies in the current District Plan. Although account may be taken of any policies included an Emerging Plan, these will have less weight than the relevant existing policies.

More recently, the company appears to be pre-empting a change of use by unloading refrigeration equipment, beer barrels and fire extinguishers for storage at the rear of its property whilst also causing offense in the process to the staff in doctor’s surgery next door and abusing the disabled parking facilities. This is not the mark of a good neighbour and puts real doubt into people’s minds about the claims made about the Wetherspoon brand. This is in contradiction to the claims made by the company that it is a “good neighbour”. Section 4.27 to 4.29 of their Planning Statement refers.

Town Centre location

Much effort is made of the applicant’s claim to demand a location for a Public House at this location because it is entitled to the sequential approach having failed to obtain a site elsewhere within the town centre. We suggest that this claim is neither valid or relevant and that the applicant’s opinion that they are entitled to carry any beneficial Planning Policies into other areas as a matter of commercial convenience is mistaken. Whilst the applicant claims that he is entitled to the sequential approach for finding a site suitable for his perceived needs, it has failed to supply any evidence to meet the requirements of Section 24 as regards the demonstration of flexibility as to format or scale

Whilst 22 Parkway is in the defined Town Centre Area the site is, and remains, subject to Planning Policy TCR11. This policy is clear and the purpose of that policy is also given. Notwithstanding the claims that, as the current Local Plan has not yet been adopted, there is no evidence provided

that the clarity or intent behind that policy is to be altered in any way. We suggest the probability is that this will remain.

Noise

The applicant has submitted a number of references of appeals the company has made in relation to planning appeals that it has won in respect of the noise levels expected within town centres.

We suggest that all these references have no bearing upon this application. Whilst it is accepted that occupants within Town Centres must be expected to endure a higher level of noise than those in, say, a residential zone, the position here is different. This building is at the edge of a designated Town Centre where it is protected by, and subject to, specific and special planning conditions.

Planning Policy TCR11 is clearly intended to support the transition from a Town Centre to a residential area. That area is immediately behind the property. The residents in that area have been accustomed to a low level of noise and indeed, many of them have been relying on TCR 11 to ensure that this remains the case.

Comments on the particular cases cited are as follows:

The Oxted Inn, West Oxted, Surrey: the residential accommodation is on the floors immediately above the pub.

Comment : This is not the situation in this application.

84-86 Staines Road, Hounslow: This relates to the expectations of people living in an area of heavy commercial activity.

Comment: Parkway is not an area of heavy commercial activity.

3-34 High Street, Wealstone: The occupants of premises in an area devoted to an evening economy cannot be expected to have the same degree of tranquillity as those living in a residential area.

Comment : The residents living behind the applicant's property currently enjoy a quiet environment and that should continue.

115- 117 High Street, Rickmansworth: Here it is the case where the occupants live in a Town Centre and should expect a degree of night time noise.

Comment : In the current application, the residents do not live in a Town Centre and are entitled to expect a low level of night time noise commensurate with a residential area . They do not want to see it compromised.

Conservation Area

This application relates to a property that is in the Conservation Area. As such, it must follow the principles that apply to the area. In the Societies

opinion, it singularly fails to respect these principles. The appearance of the building is changed in ways that would not be permitted elsewhere in the Conservation Area and, contrary to what the applicant states, are wholly detrimental to both the building and the Conservation Area with alterations alien to the original Neo- Georgian design and features.

This building, together with those on the same side of Parkway from No 8, were identified as key buildings for local listing in the last Conservation Area Review dated September 2007 and were recommended as “potentially suitably suitable for consideration by English Heritage for statutory listing”.

The applicants Planning and Access Statement states that the proposed appearance of the redeveloped property would add “interest and variety to the Conservation Area”. It is assumed that this statement is, of itself intended as sufficient evidence to support the need to “enhance the amenity in the area” as required by TCR 11.

Elsewhere the applicant states that the proposed appearance of the redeveloped property does not “unduly detract from the character of the Conservation Area”. These two statements are incompatible in that, either the proposals add ‘interest and variety’ or they do not ‘unduly detract’. The fact that the company’s own advisors state that in some way there is detracting is sufficient evidence to refuse the application since the key test in the policy TCR 11 is that any redevelopment in the area must “enhance” it. By its own admission, it fails this test.

The statements made by the applicant’s agent continue to be simply “Alice in Wonderland” comments, having no basis in reality relating to an area that boasts the largest concentration of 20th century domestic housing within the same Conservation Area in the UK.

The glass balustrade, which is likely to be some 1.5m high above the adjoining pavement, is not a feature found elsewhere in the Conservation Area or, indeed, the Town Centre.

Section 17 of NPPF under Core planning principles states planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. This core principle is not apparent in the application drawings. In seeking to redevelop this building into a Public House, as illustrated by the proposed design, the applicant appears to have taken little, or no, account of the materials or design details common to the Conservation Area. It shows a little regard, or respect, for the sense of place enjoyed by this building.

A Conservation Area requires a demanding standard of design and respect for the surrounding area and buildings for successful integration. These proposals fail on all counts.

The proposed “acoustic wall” has no precedent within the Conservation Area. It has no architectural merit and has dubious technical benefits in sound attenuation.

Section 132 of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed, or lost, through alteration to, or destruction of the heritage asset, or, development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.” No such justification is demonstrated in this application.

This building must be seen as part of a group of six buildings that are themselves, collectively, an asset and these in turn are an intrinsic design element of the Town Centre and a space that has few equals in urban design. This building cannot be considered in isolation and away from the asset grouping of the five others

Design

The proposals to alter the frontage will destroy the symmetry of the original, Neo Georgian, design. None of the other properties have been allowed to change their front elevations and this policy should continue. Permitted changes to this building would set a precedent for changes in the other five houses within the group and destroy their collective visual cohesion.

The false mansard roof to the rear extension intended ‘hide’ the extractor equipment is a structure that is visible from the public space of Parkway and the Richard Reiss Memorial Garden. This is not a feature from the Louis De Soisson architectural palette and is quite alien to the original design. The North elevation also features a windowless brick structure of some five metres in height from ground level appearing as ‘tacked onto’, and unsympathetic, to the style of the original building. The visual and physical link of the single story roof is lost.

It fails one of the key planning principles as set out in Section 17 of the NPPF as regards good design.

The proposed smoking area and drinking area to footpath / pavement boundary would set a precedent. Similar proposals have been refused on the other side of Parkway. The glass panel fence to the front of the drinking area at the front is not a feature of Parkway properties. Moreover at some 1.5m high, (1.1m minimum Building Regulation balustrade plus the step to paving level), this glass would have the appearance of a screen wall and the chain fence we would suggest as being a dangerous delineation marker for a drinking and smoking area. It is extraordinary that part of this same frontage should be shown as a “grass pub garden” with tables sited on it

The application should be refused on design grounds alone. A Conservation Area requires a demanding standard of design for success. This simply fails every test.

Trees

We are concerned that the applicant is likely to approach the planning authority at a later date and, notwithstanding the claims on the plans that many trees will be retained, it is most likely they will be removed. The proximity of the proposed acoustic wall and the building works and paved surfaces suggest many of the trees would not survive the inevitable damage to their root structure.

It is also evident that since the property has been in the hands of the applicant, little or no attention has been given to the maintenance of the building and certainly the trees. The grass which is largely unkempt and the hedges have not been cut. Ivy has been allowed to grow rampant on the trees at the sides and rear. By cutting them down or losing them, the houses behind would be seen from Howardsgate.

Parking and loading

There is no provision for customer parking or delivery vehicles loading and unloading other than on the Public Highway where it is restricted to defined bays parking including a disabled allocation for the adjacent Doctors Surgery. Therefore, the local community and shoppers would bear all the competing pressures for space in the immediate locality. Further the neighbours would all be subject to the departure of customers and staff after midnight with the noise of car doors, engines and the activities of customers departures.

Conclusion

This application is proposing the eventual destruction of a key part of the Welwyn Garden City's heritage as Parkway becomes an avenue for commerce and a gateway into the residential area. This is an unacceptable overdevelopment that is, both, unsympathetic with the Conservation Area status of the location and a singularly poor design.

The Welwyn Garden City Society respectfully suggests that this application is refused

- 6.6 Welwyn Hatfield Access Group – Makes a number of observations on the access provisions within and around the building.
- 6.7 Welwyn Garden City Heritage Trust – Object, this is a totally unsuitable location.
The town centre is currently rightly de-lined by the central reservation of Parkway in respect of retail/commercial properties.
Those properties on the west side of Parkway, originally large private houses which have changed use, have retained their original frontages and are what

can best be described as 'passive Monday to Friday' commercial premises such as Doctors, dentists, offices etc.

To allow a public house in that location would be totally against the character and ethos of the town, and could be the beginning of 'creep' of the retail/commercial sector away from the town centre towards the adjacent residential areas.

In respect of this application:

There is NO parking in the vicinity apart from 'on street' parking which is limited and restricted.

There are no facilities for deliveries unless vehicles stop on the street, taking up valuable parking spaces for the general public.

That part of Parkway is currently regularly congested and subject to queuing from the junction with Bridge Road. The possibility of deliveries; people being dropped off; taxis waiting for people or plying for hire would only make this much worse.

There is an elderly persons complex immediately behind the proposed development. These residents would inevitably be disturbed by the use, including late night use, of this development at the end of their communal gardens. These elderly people deserve our respect and the protection of their assets and amenities.

There is a Doctors' surgery next door and the use of these premises as a public house would likely disturb patients to those premises who may be wishing to discuss delicate or distressing matters.

There is another Doctors' surgery at the rear of the proposed development.

There is a commemorative garden alongside of the premises. The lack of any real garden area in the development means this garden would likely become that amenity and be used by patrons.

7. Consultations Received

7.1 Hertfordshire County Council Transport, Programs and Strategy

Hertfordshire County Council as Highway Authority repeats its comments made in respect of the 2015 application for a slightly larger extension and does not wish to restrict the grant of permission subject to conditions being imposed.

Comments:

The resubmission of this application is now supported by a Transport Statement (TS) prepared by Northern Transport Planning dated July 2015. This document provides sufficient information.

Parkway, Welwyn Garden City is an unclassified road, providing a local distributor function within the Hertfordshire road hierarchy, and provides a one way arrangement, with southbound traffic being directed along the eastern route, and northbound via the westerly side. The site is immediately located adjacent to the circulatory arms of Parkway, enabling east / west movement across the central boulevard area. The centre of Parkway provides public

open space, and represents a Garden Village 'boulevard'. Parking is permitted, on-street, with marked bays in Parkway, with double yellow controls protecting junctions and restricting parking. Guessens Road (a local access road, providing frontage access to predominantly residential properties) is subject to localised, single yellow restrictions restricting parking Monday to Saturday, 8am – 6pm.

Welwyn Garden City town centre provides opportunities for parking both on-street and by multi-storey / surface car parking provision. I would observe that the proposal represents the loss of the parking on-site previously provided for the office use, representing a loss of 14 spaces.

Trip generation

The TS has utilised Trip Rate Information Computer System (TRICS) to establish the likely trip rates associated with the new use, and I am satisfied with this approach. The TS presents total people trips for weekday, and therefore a reasonable presentation of likely attendance across the day. The TS has then applied census Journey to Work data to establish the percentage of these trips that would be by private vehicle, suggesting 43.3, representing Census 2011 data for Welwyn Hatfield 006 as the destination (2011 super output area – middle layer).

I would observe that as a basic function TRICs would provide a vehicle trip rate assessment output based upon the selection criteria chosen by the TS. The use of the TRICS output provides a trip rate attendance slightly above that proposed within the TS but not notably so. The TS then applies an assumption that all persons attending the public house would do so in a group and therefore presents that the split selected within the TS is an overestimation. Whilst the basis upon which the trip rate is established may be difficult to fully agree, it is recognised that the proposed pub is located within Welwyn Garden City town centre, and that there exist a wide variety of evening / lunchtime destinations (dining / drinking) and therefore that the migration of persons enjoying an evening out might reasonably be across several locations in an evening, I do not disagree with the TS assumption that the proposal might generate 13 two way trips in a lunchtime peak (13:00 – 14:00) and 16 two way trips in the evening.

Uses of this class are not considered to generate AM peak movements, and the TRICS analysis presented identifies that PM peak movements are lower (circa 20 vehicles). The TS presents that many trips will be reassigned from existing trips on the network (pass by) rather than unique new trips associated with the use, such a position is not contested by the Highway Authority, accepting that many users of the proposed facilities will be attending the main town centre for retail or other recreational purposes and shall attend the proposed public house as a linked trip. I do not consider that the TS presents an unreasonable case, and agree that the level of trips generated by the site shall not be unacceptable nor have a severe impact on the highway network. Peak hours for the proposed use are outside of accepted daily peaks on the highway network. It is recognised that the proposed public house does not

provide dedicated parking for customers and is reliant on local public parking facilities Parking.

The changes to provide the proposed public house results in loss of parking to the rear of the existing office. Customers attending the site shall be required to use on-street, or public parking supply. The LPA shall wish to ensure that they are satisfied that sufficient space exists to accommodate any such parking demand. The TS presents that the site is in close proximity to parking on Parkway, which are marked bays adjacent to the kerb. Parking within the immediate vicinity of the site is subject to control (2 hr max, no return within 2 hours) between hours of 8am and 6pm. Restrictions in adjacent roads include Russellcroft Road.

The TS has undertaken an assessment of parking usage during the day and evenings, identifying that the spaces are subject to regular use. The TS suggests that occupancy, particularly of those spaces most local to the site, is very low between 23:30 and 08:00 daily, and this would generally accord with the local land uses around the site all ceasing to operate during these hours. It is the highway authority's understanding that the Borough have recently commissioned Town Centre car parking studies and therefore that the LPA, in consultation with their parking team, shall be able to assess the adequacy of parking controls and availability to establish the impacts of any parking likely to occur associated with the use sought.

On behalf of the County Council as Highway Authority I do not consider that the use shall give rise to an unacceptable impact on the local highway in terms of parking.

Servicing

A concern underpinning the highway authority's earlier recommendations in respect of this application were arrangements for servicing associated with the use of the site. The development proposals (drawing F1765-10 rev E) identify retention of the existing driveway access to the rear, served by existing crossover. The Highway Authority identified that the nature of vehicles attending the site would be Heavy Goods Vehicles in the main, delivering wet / dry and perishable goods to the site, and that the area of this frontage servicing court was insufficient to fully accommodate a large goods vehicle and that this would result in HGVs blocking partially / fully the footway, such that it interfered with other highway users. Such basis gave rise to my recommended reason for refusal numbered '2' in the response dated 11/6/15.

It is noted that this area is retained, and therefore the same concerns exist. It is presented that this matter might be resolved by condition '1' above. This would remove the area for use by delivery vehicles and remove the requirement for vehicles to reverse onto / off the local distributor function, nor interfere with pedestrians using the footway along Parkway.

The Transport Statement includes at Appendix G, a draft servicing management plan. The TS presents the level of deliveries to the site as low,

numbering 13 large movements per week. The level of vehicle trips associated with wet, dry, perishable and refuse is not deemed a concern in terms of highway capacity. The removal of vehicle access to the site does require servicing to occur from the highway, and such an arrangement shall need to have regard to local parking controls and restrictions. The application suggests that all deliveries shall be undertaken such that they may reasonably use local on-street facilities, and present – through the Delivery Management Plan (draft) all deliveries and servicing to be undertaken before 8.30am, they having demonstrated that the parking on-street is sufficiently undersubscribed that this would be reasonable to achieve. Subject to the LPA determining, through consultation with their parking team that this is reasonable and workable, it would remove the highway authorities concerns on such matters. It might be considered reasonable to adjust local (immediate) bays to protect their use to loading / unloading only until 8.30am (from 7.30am, representing hour from which enforcement activity shall occur), reverting to parking after 8.30. Such an adjustment to parking controls might reasonably protect their use to support the delivery management plan, but shall be for the LPA under their responsibilities for parking enforcement to agree. I have revised the condition slightly in order that start time of deliveries is defined, but satisfied that the LPA may elect to change this in consideration of residential amenity.

The Draft Delivery Management Plan is acceptable, and should be appropriately secured via s106 or condition, linked to the use. At the advice of the LPAs parking team, a contribution towards the cost of providing appropriate revisions to parking controls within Parkway should be secured.

Sustainability

The site is less than 5 minutes walk from the centre of the main shopping area, including other eating and drinking establishments as well as employment. Bus and rail services are available in this area in easy accessible reach, however it is recognised that bus frequencies decrease in the evening. The town centre is provided with a large amount of public pay and display / pay on exit parking as well as on-street parking provision, all controlled by the Local Authority. Parkway provides pedestrian routes across the central plaza connecting Parkway to the wider town centre, with the site within 30m of controlled crossing points on Parkway for pedestrian safety.

Other

The provision of garden to rear shall ensure that no chairs / tables shall need be located within the footway.

Conclusion

The proposed change of use is unlikely to result in a significant increase in vehicle trips to the site, and therefore not considered to be unacceptable. Delivery Management Plan secured appropriately, along with physical off-site works to reinstate the footway and remove vehicle access to the site will ensure that deliveries / servicing shall need to be accomplished within the

controls on-street. The LPA shall be responsible for determining the impact that any additional parking locally shall have, but I do not consider that such parking shall have an unacceptable impact on highway safety or local highway capacity. It may be that the LPA, as advised by their parking team, may wish to secure contributions towards any necessary changes to local parking controls.

A S106 agreement should be secured requiring that the delivery management plan shall be implemented and maintained thereafter, ensuring that all delivery and servicing movements are accomplished after 6am but before 8.30am daily.

1) Prior to the commencement of the use hereby permitted the existing vehicle crossover to the site shall be removed, and the footway reinstated to the same line / level and construction as the adjacent footway to the satisfaction of the highway authority. Appropriate frontage treatment should be applied to prevent unauthorised use of this area for loading / parking.
Reason: In the interest of pedestrian safety.

7.2 **Welwyn Hatfield Borough Council Environmental Health:**

Objects to the use of the rear beer garden at any time.

Levels much lower than the WHO guideline levels have been assessed to be a statutory nuisance, and in planning requirements this would be a significantly higher level of disturbance than the planning test of "loss of amenity".

WHO Guidelines are only acceptable for noise types including transport and steady "anonymous" noise sources. They are not deemed suitable for those with an effect which have caused or likely to cause auto-response or a psycho response due to the character of the noise such as shouting in a beer garden. In this instance merely considering the absolute decibel level is an inappropriate method of predicting the impact of the noise source.

WHBC view in respect to its application of the NPPF criteria (for NOEL etc) is only relevant for steady noise sources such as transport and plant. It does not consider its application for noise from beer gardens as appropriate. As such the use of the WHO criteria by Spectrum for all noise sources in the application is deemed inappropriate....

The character of the noise must be considered. It is therefore quite possible that in this case the level may not exceed the WHO guideline values and still amount to a nuisance.

People noise by its very nature is extremely unpredictable, it will consist of general talking, shouting, laughing and screaming. Someone calling out to one of their friends to get their attention will also get the attention of the residents in the nearest sensitive receptor.

The human voice is designed for communication and for getting attention when the right tone and volume is used. It is also accepted that when people

consume alcohol that the volume of their voices rise. Therefore by making a comparison of this in relation to an L Aeq. level is entirely inappropriate. This form of comparison will mask any instances of shouting, laughing and screaming and the direct subjective effect this has on local residents. It is not in the nature of the area to have beer gardens and smoking areas of this nature so close to residential properties and therefore it will completely change the current noise environment. This noticeable change in character will be very likely to cause complaints and will result in a nuisance investigation.

I cannot accept the consultant's assumptions that the beer garden will only be used for 50% of the time in semi occupied state. Summer days are likely to result in significant use of the beer garden; at this stage potential numbers and capacity in that area are an unknown quantity.

It will be one of only a few in the centre of Welwyn Garden City and is unlikely to be representative of that used in your beer garden modelling criteria. Welwyn Garden City is not a large City Centre and that side of Parkway back onto a quiet residential street. This approach method is highly suspect and likely to be significantly under estimating the noise levels – Beer garden use will be based upon individuals personal needs and comfort and of course the weather. I have considerable doubt concerning the figure of 50% and it would be practically impossible to predict its usage.

The proposed 3.5m fence and canopy is not likely to provide an effective barrier at this location. This is because some of the closest receptors are flats which have balconies at height. In any event the use of the WHO daytime guidance levels in itself is not indicative of likely complaints in relation to the use of the beer garden.

The monitoring location used by Spectrum was 3.5m above ground. It is likely that this is not reflective for both the ground floor, first floor and second floor of the nearest receptor. The location of the on-site monitoring is also open to question.

Using the daytime, LA eq. level for people is not appropriate in these circumstances. Even if this criteria is applied the issue of the character of the noise (people noise) remains. Character of the noise (i.e. shouting, arguing etc) is the matter which is most likely to cause complaints, not the absolute level.

The detail of the odour risk assessment was suitable and sufficient. Clearly the applicant must implement the design and operational method statement of the odour consultants report for there to be negligible or slight adverse impact.

However it must be noted that no amount of risk planning and design of odour abatement and control can be sure of success until the site has been put into operation.

Further the wording “Slight adverse impact” is a subject phrase which is open to interpretation.

It could be for example that slight adverse impact (in terms of DEFRA guidance context) could still cause potential odour nuisance complaints.

With regards to the remaining parts of the premises an extensive range of conditions are recommended addressing noise - control measures, odour control measures, opening/closing times, delivery times and bottling out times, lighting schemes and waste provision.

7.3 Hertfordshire Constabulary – “I can’t support this application due to its location. In my opinion the chances of this facility co existing in any form of harmony with its neighbours is remote. The very close proximity of residential accommodation will lead to conflict and ultimately calls to the police. I can see problems with drinkers spilling out onto the adjoining green with noise and possible litter issues. The lack of car parking is also an issue of concern. The rear garden, which will be used all year round by both drinkers and children of diners, will be a constant source of noise to the predominantly more mature inhabitants of nearby homes. I understand that conditions regarding the closing of the beer garden after 21:00Hrs will go some way to help, but ultimately will be unlikely to cure the problem.

7.4 Hertfordshire Gardens Trust – object to this application on the following grounds:

1. We note the lack of a heritage impact statement or similar which would have highlighted the importance of the historic landscape and the effect the proposed changes to 22 Parkway would have on this. This landscape is the most fully realised of the 2 British Garden City landscapes which were seminal in all New Town developments subsequently laid out across the world. It is a now-rare surviving example of a late 'City-Beautiful' design, intended both to enhance the quality of life for all residents and to signify the aspirations of the town.

2. Views along and across Parkway are key part of the Garden City design as previously proposed by Parker and Unwin for Letchworth. The green area at the beginning of Russellcroft Road is a classic of design intent giving a gateway to the west of the town. Views from Howardsgate to Russellcroft Road, along Parkway, and especially from the south would suffer substantial harm if these proposals were realised, reducing the impact and character of the town centre gardens and setting.

3. The loss of hedges and garden space would be an overdevelopment of a site which is predominantly residential in appearance. Significance of heritage assets, as defined by NPPF, includes the setting which can be affected by noise, as from a facility like a public house, as well as inappropriate lighting, garden furniture, boundary treatments, all of which are proposed for no.22

4. The inadequate car parking provision proposed would lead to congestion in surrounding roads and thus loss of visual setting and also the increased noise, especially in the evening.

5. The effect of the proposals on adjacent properties would also lessen their significance, both individually and a contribution to the town centre design.

In conclusion, these proposals are contrary to the environmental role requirements in the NPPF definition of sustainable development and are also contrary to the WHBC's own policies and should therefore be rejected

8. Analysis:

8.1 The main planning issues to be considered are:

- 1. Is the principle of a public house within the Town Centre area and on the west side of Parkway acceptable (Local Plan Policies TCR11, TCR12, NPPF paragraphs 23 - 27)**
- 2. The quality of design and the impact upon the character of the conservation area (Policies TCR11, D1, D2, D8, R11 and NPPF Paragraphs 126 - 141)**
- 3. Impact upon neighbouring residents**
- 4. Highway and transportation issues**
- 5. Refuse and recycling storage**
- 6 Crime and Disorder and the Fear of Crime**
- 7 Job creation/economic benefits**

1. Is the principle of a public house within the Town Centre area and on the west side of Parkway acceptable

8.2 22 Parkway is located within the defined boundary of Welwyn Garden City Town Centre (Welwyn Hatfield District Plan 2005). Within the boundary there are a number of sub-areas, each of which contains a different range of uses. Properties on the west side of Parkway, including the application site "*contain office and surgery uses... They are important buildings fronting Parkway and within the Conservation Area. Therefore the Council will support conversion or change of use for uses falling within Classes D1 and B1(a).*" (Para. 13.30.3 Welwyn Hatfield District Plan 2005). The District Plan recognises that the area provides a buffer between the retail core and the adjoining residential area and saved policy TCR11 applies to the area. It says the Council will "*allow proposals for the conversion and change of use of buildings for office, community, cultural and residential uses (Use Classes B1(a), C3 and D1) provided that the proposal would:*

- (i) Preserve or enhance the character of the Conservation Area: and*
- (ii) Not harm the amenities of the occupiers of nearby residential areas."*

8.3 The District Plan identified the primary retail core (on the opposite side of Parkway) as being the area suitable for A3 uses (now A3, A4 and A5 uses)

and even within the primary retail core Policy TCR10 sought to ensure development that would *“(ii) preserve and enhance the character of the conservation area; (iii) not harm the amenities of occupiers of nearby residential areas...”*

- 8.4 The District Plan is now 11 years old and new policy contained in The National Planning Policy Framework (NPPF) has been produced with respect to town centres. The NPPF recommends a positive approach to support the viability and vitality of town centres by providing customer choice and a diverse retail offer and encourages councils to allocate sites on the basis of a sequential approach which might include appropriate edge of centre sites for main town centre uses (which include pubs, bars and restaurants). The applicants have suggested that in view of the age of Policy TCR11 and the publication of more recent Guidance contained within the NPPF then in accordance with paragraph 215 of the NPPF, “it is considered that only a limited amount of weight can be afforded to Policy TCR11 of the Saved Local Plan, particularly as it undermines other guidance within the NPPF which seeks to promote and strengthen town centres by providing a range of facilities and offers choice to customers”. Whilst the NPPF does look to encourage new town centre businesses it does also recognise they should be in appropriate locations where the impacts are considered to be acceptable. So whilst one could argue that Policy TCR11 may in some respects be out of date and not reflect advice contained in the more recent NPPF it is clear that the objectives of Policy TCR11, and of other Town Centre policies such as TCR10, to ensure that any new development and uses do not harm the amenities the area or the living conditions of its neighbours, are considered to be consistent with other parts of the NPPF when the document is read as a whole. The NPPF continues to recognise the importance of securing development that does not harm the living conditions of neighbouring residents and which does not harm the character and appearance of conservation areas and other heritage assets.

2. The quality of design and the impact upon the character of the conservation area

- 8.5 Local Plan Policies D1 (Quality of Design), D2 (Character and Context) aim to ensure a high standard of design that respects and relates to the character and context of the locality for all developments. The Council’s Supplementary Design guidance (SDG) expands upon these principles requiring development to pay regard to the bulk, scale and design of the proposal and the way it harmonises with the existing buildings and surrounding area. In addition the NPPF emphasizes the importance of good design in context.
- 8.6 Further to this, the Local Planning Authority has a duty to ensure that new development either preserves or enhances the character and appearance of conservation areas. Advice in the NPPF reflects this duty and at paragraph 132 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.”

- 8.7 The application building is located in a very prominent position facing onto Parkway and its southern side elevation is also exposed because it abuts the Reiss Memorial Gardens. Parkway is an unregistered historic garden and identified as Urban Open Land in the District Plan. The presence of this formal planned open space that is central to the character and appearance of the conservation area on two sides of the building result in the building being amongst the most prominent and visible buildings in the area. The building sits towards the front of the plot with what was originally a deep rear garden with mature planting around its perimeter now slightly reduced since the building was extended. From most public vantage points the property retains much the same appearance that it would have had when first built but with a greater maturity resulting from the growth of the landscape around it. The building however does not stand in isolation, it is one of six stretching northwards towards The Campus. Whilst each of the buildings has been extended to some degree their appearance from Parkway has remained largely intact and as individual buildings and as a group they have retained much of their original integrity, intimately related to the formal setting within which they are placed. Given the building's prominence and also the fact that this building and its neighbours have managed to essentially retain their original appearance and close relationship with Parkway and the memorial gardens in the planned architectural form designed from the very outset of the Garden City, they are regarded as highly important to the heritage asset (conservation area and registered gardens) and therefore great weight should be given to preserving their character and appearance.
- 8.8 Whilst the proposed extensions have been reduced in depth and width since the previous application was refused the applicant maintains that the floor area must fit the company's 'operating model' which is largely reliant on food sales. The applicants planning statement states that the "rear extension has been reduced in scale from that shown in the previous application and has moved away from the southern boundary in order to allow for the existing planting within the Memorial Garden to be retained. Despite this however, the revised rear extension at ground floor level still almost doubles the overall depth of the building, covering much of the car park and leaves a distance of 8 metres from the rear boundary with the gardens of Asquith House. The proposed side extension facing onto the southern boundary (with the Memorial Gardens) would now be set in from the boundary with the result that planting on and close to the boundary will be retained. The applicant considers that this, together with the introduction of a more varied elevational treatment facing to the gardens to the side will not have an adverse impact upon the area. The retention of this planting is considered an improvement over the previous scheme as the planting will obscure/soften the appearance of the new extension however it would still significantly alter the visual relationship between the building and the open space/gardens when viewed from the south. Coupled with this it is now apparent that the roof line of the rear extension will have added to it external cowls and extraction flues providing ventilation to the kitchen etc below. It remains the case that this new elevation would neither preserve nor enhance the setting or appearance of the memorial gardens or the wider conservation area within which the

building and its surroundings are located. The reduction in the size of the extension would be barely discernible from the scheme refused planning permission in 2015 and it remains the case that further extension of this building also results in a building that would be wholly disproportionate to the original dwelling house and even were it not in a very sensitive part of the conservation area it would be considered as over-development of the plot.

- 8.9 Members should note also that in 2009 planning permission was refused to extend the adjoining Doctor's Surgery to within approximately 18 metres of the rear boundary because it was considered "*its siting, depth and size, together with the existing extensions at the property, would be out of keeping with the scale, form and character of the original property*" (ref. N6/2009/1745/FP). Planning permission was subsequently granted for a smaller extension.
- 8.10 In 2007 an application for a detached building behind number 18 was refused planning permission because of its adverse impact upon the setting of the building and conservation area. An appeal was lodged and in his decision (dismissed) the Inspector said "*Although there is an essentially limited angle of viewpoints within which the new building would be seen in the gap between nos. 18 and 20; to my mind the openness of the space behind these buildings as seen through the gaps between them is an important part of the character of the group, and the intrusion of this new building into that space is a matter of concern, particularly as seen from viewpoints other than in Parkway*". He also said "*From Russellcroft Road to the south, there is a view over a small public garden across the rear of all six properties in the group... a significant element of the character of this view is the openness at the rear of the frontage properties and the space between them and the buildings to the rear in Guessens Road.*" (APP/C1950/A/07/2053874).
- 8.11 In 2005 an application was refused and an appeal was dismissed for a rear extension on number 14 Parkway with the Inspector remarking that "*the extensions would add considerably to the existing bulk at the rear of the appeal property and, whilst there would only be glimpses of the resultant building from Parkway and the amenity area, from the rear and side aspects the increased scale, height and bulk would be evident. These views are important in the context of the Conservation Area as a whole...*"
- 8.12 There is therefore a clear history of the Council resisting the overdevelopment of the rear 'garden' areas of this group of six important buildings on the grounds of the harmful impact upon the character and appearance of the conservation area and of appeal inspector's supporting this view (see paragraph 8.12 and 8.13 above). The extension now proposed would largely fill the gap between the rear of 22 Parkway and Asquith House, it would obscure views of the gap between Parkway and Guessens Road houses which the Inspector considered "a significant element of the character of this view" and it would despite its slight repositioning impose upon the setting of the Reiss Memorial Garden.

- 8.13 Coupled with the significant harmful effects of the rear extension views from the front would also be substantially changed. It would be separated from its neighbour on the north side where a two storey flat roofed and largely blank extension would be added. Two sets of deep triple doors would be introduced to the left of the front door to create a outdoor drinking area terrace fronting the street. This would result in the presently classical symmetrical appearance of the main body of the building being lost and will potentially introduce furniture and associated paraphernalia to the front garden area of the formal boulevard as well as activity associated with its use. Both individually and cumulatively the impact of these changes on the building and upon the wider setting of the heritage asset (conservation area and registered gardens) is considered to be significantly harmful.
- 8.14 The northern side elevation would be dominated by the introduction of a two storey high flat roofed extension in brickwork which pays no regard to the existing architectural detailing of the building. It would present a dominating and oppressive elevation to its neighbour and would be seen from oblique viewpoints on Parkway. The remaining length of the northern side elevation also has a very functional appearance as its main practical function would be to link the bin area at the rear of the site to the highway at the front and would also be used for deliveries and collections.
- 8.15 The resulting building would represent a significant overdevelopment of the plot with a range of extensions that pay little regard to the scale, appearance and architectural detailing of the building contrary to the aims of saved local plan policies D1, D2 and TCR11. Such poorly designed extensions and this level of overdevelopment would be likely to be unacceptable in any location but this plot is in the heart of the Welwyn Garden City Conservation Area adjacent to formal areas of urban open land identified as non-registered historic gardens. This part of the Conservation Area derives much of its character from openness and space between the buildings fronting Parkway and those in Guessens Road to the rear and open formal space forward of the building line facing onto Parkway. This view is confirmed in two planning appeal decisions affecting other properties in this row over the last 11 years. This proposal would result in the almost complete loss of the original rear garden area and would harm the setting of the building and its neighbours and would harm the character and appearance of this part of the conservation area contrary to the clear objectives of the NPPF.
- 8.16 Furthermore the development would have a direct effect upon the adjoining Memorial Gardens which comprise a key part of the Conservation Area and would therefore conflict with saved policies D8 and R11 of the Welwyn Hatfield District Plan 2005 and the policies contained within the NPPF with regard to development affecting heritage assets.

3. Impact on Neighbouring Residents

- 8.17 The application building adjoins commercial premises comprising a doctor's surgery to the north and residential flats to the west. More generally further to the west is an area mainly in residential use whilst those buildings to the north

are mainly in office type uses, to the east on the opposite side of Parkway are a mix of town centre uses including retail (A1) and bar/restaurant uses (A3/A4). The residential flats at Asquith House will be occupied throughout the day and night. These flats built over three storeys are approximately 4-5 metres from the site boundary close to the area to be used as the pub garden. Whilst the garden is reduced in size from that proposed in the previous application, and the current application also proposes the introduction of an acoustic fence 3.5 metres high, use of the garden by customers will introduce a source of noise that has the potential to adversely affect the living conditions of residents. Coupled to the issue of noise from customers in the pub and garden there is the potential for noise from music (although the applicant company may not encourage music, once permitted the ownership/management of the pub might change), general noise from plant and equipment associated with operation of the public house (kitchen and fume extraction equipment, air conditioning units, refrigeration etc.)

- 8.18 It is also likely that visitors to the public house who travel by car will seek to park in nearby residential streets, and those on foot going to and from the site will cumulatively increase general activity and possibly create additional disturbance in the wider area which too will be impact upon nearby neighbours.
- 8.19 The very many representations from residents, representations from the adjoining Doctor's Surgery and the Council's Environmental Health Officer demonstrate the very real concerns about the potential impacts of the public house upon the living conditions of neighbours and upon the amenity of the wider area. To address these concerns the application is accompanied by a Noise Impact Assessment Report which seeks to quantify the level of noise that might be generated and recommend ways in which the noise might be mitigated. It is acknowledged that issues such as noise from plant and equipment can be relatively easily predicted and mitigated by appropriate physical measures. Where the applicants and the Council's EHO differ in opinion however is in how to quantify measure and mitigate noise from sources such as people who are inherently unpredictable and varied. The Council's EHO does not accept that the 3.5 m high acoustic fence will adequately address noise from the public house and the garden (even if the garden is closed after 9.00pm as the application proposes). This is because the flats at Asquith House rise to three storeys and so upper floor flats might not benefit from the physical barrier of the fence and because of the character of noise from conversations in the public house and garden may be particularly intrusive and strident in comparison with the background noise of the area and compared to with the noise of the plant and machinery. It is clear however that the proposed garden and rear doors of the public house will be very close to existing homes and will introduce a very different character of noise into an area which is presently relatively quiet from early evening onwards. The proposal is therefore considered likely to have a significant impact upon the aural amenity of the area and will harm the living conditions of residents in the area. In the opinion of the council's Environmental Health Officer the information accompanying the applications does little to demonstrate that these effects can be mitigated against. In the

absence of such clear supporting evidence it is concluded that the amenity of neighbours will be severely affected contrary to the aims of saved policy TCR11.

- 8.20 The installation of fume extraction and ventilation equipment can adequately address the issue of odour from kitchens within the proposed building. The Council's Environmental Health Officer has no objection to the proposal in this regard. Odour arising from cigarette smoke in the gardens (front and back) likewise is not considered to be sufficiently harmful in itself to justify a refusal of planning permission.

4. Highway and Transportation Issues

- 8.21 Hertfordshire County Council (Transport, Programmes and Strategy) HCCTPS) does not wish to restrict the grant of permission subject to conditions being imposed. HCCTPS acknowledge that the Transport Statement accompanying the application presents a reasonable case, and agrees that "the level of trips generated by the site shall not be unacceptable nor have a severe impact on the highway network. Peak hours for the proposed use are outside of accepted daily peaks on the highway network. It is recognised that the proposed public house does not provide dedicated parking for customers and is reliant on local public parking facilities" and that "Welwyn Garden City town centre provides opportunities for parking both on-street and by multi-storey / surface car parking provision". The HCCTPS suggest that "the Local Planning Authority (LPA), in consultation with their parking team, shall be able to assess the adequacy of parking controls and availability to establish the impacts of any parking likely to occur associated with the use sought". It should be noted that the Council's Parking and Cemetery Services Manager does not object to the application but advises that contributions may be required to secure additional funding for extended hours of traffic/parking enforcement if parking restrictions were to be altered as proposed in the application (the application suggests that all deliveries shall be undertaken such that they may reasonably use local on-street facilities and be undertaken before 8.30am).

- 8.22 A S106 agreement could be secured requiring that a delivery management plan shall be secured and implemented and maintained thereafter, ensuring that all delivery and servicing movements are accomplished after 6am but before 8.30am daily and that a contribution be made towards any changes to localised on street parking controls and for an enhanced level of traffic enforcement funding related to the additional hours of operation recommended in the Transport Statement.

5. Refuse and recycling Storage

- 8.23 The public house use will generate significant levels of commercial waste including kitchen waste and glass. Waste collection from the site is likely to be by a commercial contractor and so the distance of the bins (at the rear of the site) to the kerbside is considered acceptable. The location of the bin storage area however, would be close to existing homes and the adjacent

doctor's surgery and is likely to generate noise and possibly flies and vermin if not managed correctly. The management of waste is controlled by other legislation and conditions could be imposed on any planning permission that might prevent bins being emptied at unsocial hours of the day.

6. Crime and Disorder and the Fear of Crime

- 8.24 Hertfordshire Constabulary and a number of residents have concerns regarding the likelihood of complaints arising with respect to noise and potentially anti-social behaviour. Given that the use is located adjacent to Parkway and the Reiss Memorial Park it is possible that anti-social behaviour may occur on these areas as well as within and immediately around the proposed public house. Crime and the fear of crime are material considerations in the consideration of an application and police concerns together with a number of objections from individuals illustrate that it could have a potentially adverse effect upon the amenity of residents. These issues however are matters that are also taken into account in connection with the licensing of premises and it is considered that on its own it does not provide sufficient reason to refuse planning permission.

7. Job creation/economic benefits

- 8.25 In support of the application the applicant reminds the Council that within Town Centre uses such as public houses should be acceptable in principle when located within the Town Centre (as is the case here). Furthermore it is also widely accepted that public houses often do perform a community function, indeed many are registered as community assets. The applicant also notes that the number of public houses in the town centre is lower than the national average and refers to the Council's own consultants report "Town Centre Needs Report" which amongst other things identifies a need for additional facilities to improve the town's day and night time economy. This evidence is a material consideration in support of the principle of additional A4 uses within the town centre and should be afforded weight in balancing the merits and disbenefits of the application. The officer's view however is that these positive elements of the scheme do not overcome the harm arising from the site specific impacts of the development the subject of the planning application.
- 8.28 The development will also generate in the order of 50 full and part time jobs and that further, linked jobs will arise also. Whilst some representations question the precise number that may arise there is no doubt that the new use, if permitted, will provide employment in the town of a type that may well suit those looking for part time work. The creation of jobs where currently there are none clearly is an economic and social benefit of the development that should be afforded considerable weight in balancing the merits and disbenefits of the application however again the officer's view is that the positive benefits of job creation in this instance do not overcome the harm arising from the site specific impacts of the development the subject of the planning application.

9. Conclusion

- 9.1 The proposal has generated very significant levels of public interest with the vast majority of those writing doing so to object to the scheme. Whilst the site is within the defined boundary of the town centre where leisure and recreational uses such as bars and restaurants are encouraged to locate in order to support and enhance the evening economy, the impacts of such uses upon the immediate area and its residents are important considerations to be taken account of.
- 9.2 In addition the site is located in the heart of the Welwyn Garden City conservation area, fronting Parkway and adjacent to un-registered gardens and important open land. A general consideration of the impacts of new development upon its environs is required with any application proposal however in exercise of its functions the LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this instance the impacts of the development on the character and appearance of the conservation is significantly adverse and the Local Planning Authority does not consider that these adverse impacts are outweighed by positive factors associated with the use such as the economic benefits of job creation, increased footfall and knock-on benefits for other businesses in the vicinity
- 9.3 In the past, lesser extensions on the rear of buildings in this row of 6 early Welwyn Garden City houses have been refused planning permission because of their perceived unacceptable scale and appearance and two Inspectors' have agreed with the council's assessment. The current application proposes a much larger extension with still greater impact upon the character and appearance of the conservation area.
- 9.3 Whilst this revised submission has sought to address the reasons for refusal of the 2015 application the changes are relatively minor. Additional and revised information has been lodged in support of the application, particularly with regards to the impact of use of the beer garden at the rear and the proposal to construct an acoustic fence and the economic benefits of job creation and investment in the town, however the revisions made and the information provided is not considered sufficient to warrant a different recommendation from the one made in connection with the 2015 application.

10. Recommendation

- 10.1 It is recommended that planning permission be refused for the following reasons:
1. The proposed extension represents a very significant increase in the footprint and bulk of the building which when combined with the intended use of both front and rear open areas of the site (beer garden and terrace) is considered to represent a very significant overdevelopment of the plot such that it fails to reflect the form, scale and design of the existing building and the spaces around it and would introduce a character and intensity of use that

fails to reflect its surroundings contrary to the aims of Welwyn Hatfield District Plan 2005 Policies D1 and D2 and contrary to the aims of the National Planning Policy Framework Paragraphs 56 – 58 which requires good design in all developments.

2. The proposed extension and alterations would result in a building that fails to reflect and respond to the deliberately planned spatial pattern of buildings, gardens and open space and separation between buildings on Parkway and Guessens Road. These features are important to the form, character and appearance of development along this and other sections of Parkway. The development would therefore cause substantial harm to the character and appearance of this very important part of the Welwyn Garden City Conservation Area and unregistered historic park and garden (Parkway and The Campus) which is not outweighed by any substantial public benefits and is therefore considered to conflict with Policies R28, D1, D2 and TCR11(i) of the Welwyn Hatfield District Plan 2005 and contrary to paragraph 133 of the National Planning Policy Framework.

3. The proposed rear extension and alterations required to form a front terrace would result in the loss of landscape/tree planting and loss of grassed/planted front garden area which each contribute to the setting of the existing building and to the wider conservation area and adjoining urban open land, all designed as a key part of the Garden City by Louis de Soisson. The proposal would therefore conflict with Policies D4, D8, R28 and R11 of the Welwyn Hatfield District Plan 2005 which seek to ensure new development enhances the public realm and includes landscaping which enhances bio-diversity in the area and reflects the strong tradition of urban landscape design in the borough.

4. The proposed extension and alterations comprising works to the front elevation and roof additions/alterations, individually and in combination fail to adequately respect the buildings' existing design and appearance. (i) The rear extension will be disproportionately large and bulky in appearance when viewed from the south, west and north directions and will significantly alter and further obscure the proportions of the original building; (ii) the proposed alterations to the front elevation and introduction of a terrace will unbalance the symmetrical neo-georgian proportions of the original building; (iii) the introduction of commercial fume extract cowls projecting above the roof of the building will add clutter of commercial character and appearance to the roof of the existing building, all to the detriment of the existing character and appearance of the building and contrary to the aims of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and contrary to the aims of the National Planning Policy Framework Paragraphs 56 – 58 which requires good design in all developments.

5. Use of the extended building and gardens/terrace as a public house as proposed would despite the presence of a proposed acoustic fence and management initiatives regarding hours of usage, be likely to have a seriously adverse effect upon the amenity of nearby neighbours who are used to a quiet aural environment. Harm to amenity/living conditions would arise from (i)

noise emanating from the public house and gardens during the day and evening caused by customers and general servicing activity associated with use of the public house; (ii) additional activity and noise associated with comings and goings of customers late into the night. The proposal would therefore conflict with the objectives of Policy TCR11 of the Welwyn Hatfield District Plan 2005 which seeks to ensure new development has no adverse effect on the amenity of occupiers of nearby residential areas and Policy R19 which seeks to refuse development likely to result in unacceptable levels of noise, and is contrary to advice contained in the National Planning Policy Framework paragraph 123.

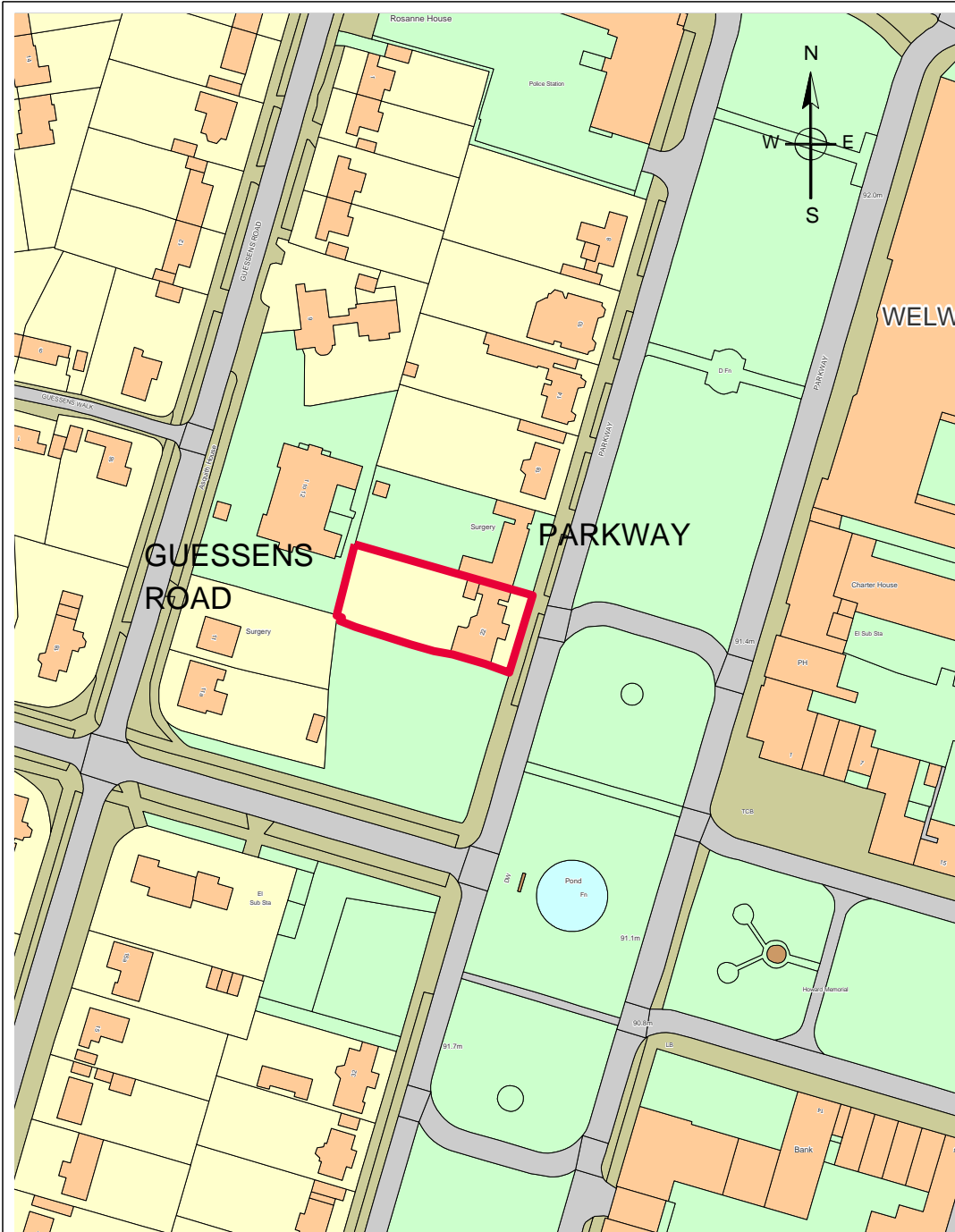
INFORMATIVES

1. In the event of an appeal against this refusal the applicant is advised that a contribution will be required under S106 of the Town and Country Planning Act 1990 (As amended) to secure alterations to on street parking/delivery road markings and signage and associated road traffic regulation orders made necessary by the development and as recommended in the Traffic Statement accompanying the application. Furthermore a contribution will be required to fund changes to the Council's parking enforcement service made necessary by the development.

Refused Drawing Numbers: Site location plan (scale 1:1250); F1765-09 rev E; F1765-11 rev A; F1765 – 12 rev F; F1765-15 rev A; 7367-00 revA; 7367-01 rev A; F1765-10 rev J; F1765-15 rev A; Planning Statement prepared by Nineteen47; Design and Access Statement prepared by Architect CT; Transport Statement prepared by NTP Consultants; Noise Impact Assessment (Updated) prepared by Spectrum Acoustics; Odour Assessment prepared by RPS; Odour Mitigation report prepared by APL Mechanical; Tree Survey and Arboricultural Implications Assessment prepared by Bartlett Consulting

Michael Robinson, (Strategy and Development)
Date 26/07/2016

Application Expires: 7th July 2016



<p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	<p>Title: 22 Parkway, WGC</p>		<p>Scale: DNS</p>
	<p>Project: DMC Meeting</p>		<p>Date: 18 June 2015</p>
	<p>Drawing Number: N6/2015/0895/FP</p>		<p>Drawn: Andrew Windscheffel</p>
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