

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22 JUNE 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE

6/2017/0548/FULL

9-11 CHURCH STREET WELWYN AL6 9LN

CHANGE OF USE OF FROM GROUND FLOOR (A2) PROFESSIONAL SERVICES
/ FIRST FLOOR FLAT (C3) TO FORM A SINGLE RESIDENTIAL 3-BEDROOM
DWELLING (C3) INCLUDING INTERNAL AND EXTERNAL ALTERATIONS.

APPLICANT: Mr M. Bishop

AGENT: Mr A. Morrow

(Welwyn West)

1 Site Description

- 1.1 The site is a two-storey detached building in the village centre of Welwyn. The property fronts onto Church Street and is surrounded by a mixture of uses. The property comprises of a ground floor self-contained estate agency (A2) and a first floor residential flat (C3).
- 1.2 The property is a Grade II Listed Building, Historic England describes the building as follows:

“House. C17 core, later C18 red brick casing. Vitrified brick headers, old tile roof. Mid C17 chimney stack towards W end with conjoined square shafts and ovolo cornice. 3 1st floor 3-light leaded casements with metal frames in pegged oak surrounds. Segmental-headed ground floor early C19 casement and fixed windows with glazing bars. Half timbered E gable.”

2 The Proposal

- 2.1 The application seeks planning permission for the change of use of the ground floor (A2) professional services / first floor flat (C3) to form a single residential 3-bedroom dwelling (C3) including internal and external alterations.
- 2.2 External alterations would be proposed which include removal of two windows at the rear elevation, infilling one of these windows, and replacing a window with a smaller window. Two existing signs would also be removed from the front of the building.
- 2.3 There is currently no existing parking on-site, and the proposed dwelling would provide no parking on site.

- 2.4 Whilst internal alterations are proposed and the removal of signage to the front and side is proposed these elements do not require planning permission.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee as Councillor Kingsbury has called the application in on the grounds;

“The loss of a business at this location would affect the character and the vibrancy of the village centre.

Retaining the right mix of commercial properties is important to bring people into the village.

The use of the building is important to the integrity and continuity of the commercial centre of the village of which Church Street is a key part.

Given the level of concern raised by residents and the long-term effect this change could have on the village, I believe it warrants consideration by members at Development Management Committee.”

4 Relevant Planning History

- 4.1 N6/1991/0443/FP Change of use of first floor flat to offices (Use Class B1) - Refused 02/08/1991
- 4.2 N6/1999/0655/FP Single storey rear extension- Approved 24/09/1999 Not constructed
- 4.3 6/2017/0549/LB Internal and external alterations to form a single two bedroom dwelling. Approved 31/05/2017

5 Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Draft Local Plan Proposed Submission
- 5.4 Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
- 5.5 Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site lies within Welwyn Village Centre and Welwyn Conservation Area as designated in the Welwyn Hatfield District Plan 2005. The site is within an Area of Archaeological Significance and is a Grade II Listed Building.

7 Representations Received

- 7.1 The application was advertised by means of site notice, press notice and neighbour notification letters. Two letters of objection have been received from;
- 7.2 The Welwyn Planning and Amenity Group.

“Background - The WHBC Development Management Policies. The Development management policies within the Local Plan Consultation Document January 2015 identifies Topics, and sets out the 'Intent of the Policies'.

SADM7 identifies clearly how seriously the Borough Council regards the need to consider the 'impact on, and loss of ' criteria for considering proposals relating to heritage assets, to ensure no significant adverse impact. Welwyn Village is a Conservation Area and a heritage asset.

SADM 17 identifies the need to guard against the loss of shops outside of designated centres. The Local Plan Consultation document for Welwyn clearly states that at least 60% of the commercial property, taking in the High Street, Church Street and Prospect Place, should be retained in order to keep the right balance for the village.

TCR1 (CS5) - the Local Plan Consultation Document refers to this so-called 'Saved Policy' which relates to Retail Development in Village and Neighbourhood Centres.

With that as the background our Local Borough Councillors, who represent the voting electorate in the village, and who should share our sense of community responsibility, cannot fail to Object Strongly against Application No. 6/2017/0548/FULL, and call it in before the Development Management Committee.

You must not allow yet one more retail site in the Conservation Area of Welwyn Village to revert to residential use, because in the face of pressure for housing, such a step would more than likely be irreversible.

Grounds for Objection

We believe it is of critical importance at this time to maintain a healthy balance between the residential and commercial presence within Welwyn village centre.

We believe it is vital to maintain the vibrancy of a busy village centre to encourage shoppers, visitors and diners, as well as residents.

We want a policy that encourages shoppers and visitors, and thereby maintains the vibrancy of the local economy, and encourages an active local community.” - The Welwyn Planning and Amenity Group

- 7.3 The Welwyn Parish Plan Group - wishes to make a formal objection to this application to convert this building from A2 use to residential use.

The Local Plan in its final consultation version (2016) quite rightly defines Welwyn as having a Large Village Centre. Figure 39 of that document identifies the retail frontage of that centre. This includes not just A1 use but A2 and A3 usage. The Borough clearly emphasises in this document the need for large villages to have a well defined and diverse retail and commercial centre (SADM14) and this is what is shown in figure 39 for Welwyn. The building in question forms part of a continuum stretching from the Post Office on the eastern side of High Street to this building on Church Street without any interruption by residential buildings. There is then one residential building, Holly Hall, set back from the street, and the retail frontage then continues to Mill Lane.

We oppose the conversion of 9-11 Church Street to residential use for several reasons.

First, the integrity of the commercial and retail centre, It is not appropriate in our view to break this integrity. The planning application suggests that the commercial/retail centre of Welwyn is the High Street. This is clearly not the case, the combination of High Street and Church Street is the commercial centre of Welwyn. The Council has clearly indicated this to be the case in its draft Local Plan and we believe it should follow its own policies and refuse this application.

Second, the viability of Welwyn. Any reduction in the commercial/retail centre of Welwyn should be opposed as the thin edge of the wedge. Currently there are no vacant commercial premises on the retail frontage. This situation needs to be protected. There are, however, threats to its integrity. Barclays Bank now closes one day a week and we are very aware of the risk of bank branch closure. The sub-post office is changing hands and it is not clear to us that its post-office function will remain. Any loss of commercial/retail premises in the village will raise questions about the viability of these services and should they go the centre of Welwyn will wither. despite the best intentions of the Local Plan.

This Email is sent on behalf of Welwyn Parish Plan Group, who undertake to be present at and speak at any meeting of the Council at which this matter is discussed. We will be contacting out local councillors requesting that they call in this application so that it can be reviewed against the Councils own policies.” - Welwyn Parish Plan Group

8 Consultations Received

- 8.1 Welwyn Hatfield Borough Council Conservation Officer and Hertfordshire County Council Historic Environment Advisor have no objections.

9 Town / Parish Council Representations

9.1 Welwyn Parish Council state; “WPC would like to see this property retained as a business premises to maintain the existing balance within the heart of the village.”

10 Analysis

10.1 The main planning issues to be considered in the determination of this application are:

- 1. The Principle of Development (NPPF, GBSP2, R1, TCR26, D1, R19, H2, M14, D2, SADM4, SDG, SPG Interim Policy for Car Parking)**
- 2. Residential Amenity (NPPF, D1, R19 and SDG)**
- 3. Other Material Considerations**
 - i) Character and Appearance (NPPF, D1, D2 and SDG)**
 - ii) Impact on the Designated Heritage Asset (NPPF)**

1. The Principle of Development

- 10.2 The application site is located within the centre of Welwyn where Welwyn Hatfield District Plan saved Policy TCR26 (Large Village Centres) applies. This policy refers to large village centres where the Council will seek to retain the provision of a range of everyday convenience shopping and service facilities for local people. A minimum of 60% of the total frontage within each centre should remain in Retail Class A1 use. Where less than 60% of the frontage is in retail use, planning permission will not be granted for further loss of retail units.
- 10.3 The adopted District Plan does not specifically refer to the area that is the frontage of Welwyn village, although it is considered that given the site’s location it could reasonably be considered to be within the village centre. Nevertheless the emerging Draft Local Plan does state that the application site is located in a Large Neighbourhood and Village Centre (SADM4), and Retail Frontage (SADM4).
- 10.4 The number of units within Welwyn village is already under 60%, however the existing unit is within an A2 use and not an A1 use. Therefore its loss to a residential use (C3) would not impact on the number or percentage of A1 units in the village centre.
- 10.5 Policy TCR26 outlines however, that ‘*other non-retail uses may be permitted, subject to the above criteria, where it can be demonstrated the use would meet a particular local community need*’. Those criteria include that; i) the proposal would not harm the vitality and viability of the centres; ii) together with existing uses and extant planning permission for change of use to non-retail it would not lead to an over concentration of non-retail uses in any parade; iii) the presence of vacant unit indicates a lack of demand for retail use; iv) the proposal would not harm the amenities of any nearby residential properties; and v) the proposal would not be detrimental to the highway network, including highway safety.

- 10.6 The lawful use of the application site is an A2 use and therefore the number of non-retail uses in this parade would not alter from the existing situation. Therefore, whilst there could be argued to be an over concentration of non-retail uses in this stretch of Church Street, the proposed development would not exacerbate this further, complying with criteria ii) and iii).
- 10.7 For information a retail survey of Welwyn village conducted by the Council on 05 April 2017 shows the following commercial uses:

Use	A1	A2	A3	A4	A5	Other	Vacant
Percentage %	50	10.5	10.5	10.5	0	15.86	2.6%

- 10.8 There would be no harm to vitality and viability of the village centre. It should be acknowledged that the loss of an A2 use will result in a loss of footfall in the Village Centre, resulting in a potential loss of 'linked-trip' trade to other shops and services. Whilst the applicant has referred to benefits to vitality and viability from increased village centre living, they do not appear to have acknowledged potential impacts from the corresponding A2 loss.
- 10.9 However, it is accepted that the application property has a relatively inactive frontage, with small windows (for a retail unit) and an appearance typical of a residential dwelling. Furthermore, the property's status as a listed building means that it is unlikely to be possible to give the building a more 'conventional' shopfront. This reduces the extent to which the building attracts (or could attract) passing trade and contribute to the vitality of the village centre. It is also not unusual to find residential dwellings amongst retail units in Welwyn, and this forms part of the established character of the Village Centre. Welwyn Village Centre will retain two other Class A2 estate agents, and the current occupant of the application property will also continue to trade (albeit under a different business model, becoming 'online-only'). The applicant has no need for such premises anymore for his business. The applicant also goes on to state that due to shifts in market trends, more and more estate agents are becoming web-based. The characteristics of the application property mean that any harm to vitality and viability from its change of use away from Use Class A2 would be minimal. Therefore no objections are raised with regard to criteria i)
- 10.10 With regard to criteria iii), given the proposal would be a change of use with limited external alterations, it is considered that it would not harm the amenities of nearby residential properties, although this is outlined further in section 2 below.
- 10.11 Criteria v) refers to the highway network. The proposal is currently a non-retail unit (A2) with a 1 bed flat above. In line with the Council's policy 3.25 parking

spaces are required to be provided for both uses. However no onsite parking is provided.

- 10.12 The proposed dwelling would be a three bedroom property and in accordance with the Council's adopted Parking Standards 2.25 spaces are required to be provided on site.
- 10.13 Therefore the proposed use requires less parking than the current situation. However, there is no existing on-site parking for the existing flat and business use and so there would effectively be no change to parking arrangements/demand in the vicinity. Additionally given the location of the site, within the centre of Welwyn, where there are on street parking controls, it is not considered that the absence of parking spaces would lead to an unacceptable impact on the safety and operation of the adjoining highway to warrant a refusal of the application in this regard.
- 10.14 No objections are therefore raised with regard to policy M14, the SPG or indeed the Council's Interim Policy for Car Parking which treats its existing car parking standards as guidelines rather than maximums. This means that higher or lower car parking standards than those set out in the SPG can be proposed (by landowners, developers, etc) and determined (by officers and elected councillors) on a case-by-case basis taking account of the relevant circumstances of the proposal, its size context and its wider surroundings, as well as the NPPF guidance set out above.
- 10.15 Taking into consideration the above objections and comments, and assessing them against Policy TCR26, it is therefore considered that the loss of the A2 unit would not harm the vitality and viability of the centre and is acceptable in principle.
- 10.16 The broad aim of Policy TCR26 in attempting to protect the retail function of village centres has been carried forward into Policy SADM4 of the 2016 Draft Local Plan. Whilst the approach has been slightly refined to reflect changes in circumstance over the intervening period, the overriding approach of maintaining the vitality and viability of retail centre remains. The only significant material differences between the two plans is that the actual extent of the borough's village centres and their retail frontages have now been defined, and the required threshold for Class A1 frontage has reduced from 60% to 50%.
- 10.17 Because the Local Plan has now been submitted for examination and there were no substantive objections to Policy SADM4 during the 2016 Local Plan consultation, it is considered that it can now be given some degree of weight. The slightly more succinct criteria in Policy SADM4 by which changes of use in village centres can be allowed will therefore be considered below, although the analysis equally covers District Plan Policy TCR26.
- 10.18 Criteria (i) – At least 50% of retail frontage must remain in an A1 use. Currently, 51% of units in Welwyn's retail frontage are A1, and this will increase to 53% once the new unit at 36-38 High Street is completed. Accordingly the current proportion of A1 would be marginally below that

required by Policy TCR26, but marginally exceed that required by the more recent Policy SADM4. In any case, because the application property is already in a non-A1 use, the current proposal would have a neutral impact against the threshold criteria in both policies.

- 10.19 Criteria (ii) – There will be no more than two adjoining non-A1 units within the frontage. The application property is already in a non-A1 use, so the proposal will have no effect against this criteria.
- 10.20 Criteria (iii) – There would be no harm to vitality and viability of the village centre. Officer’s considerations are outlined above.
- 10.21 Therefore, overall it is considered that the proposal complies with both the adopted District Plan policy and the emerging local plan policy.
- 10.22 It is noted that the applicant is attempting to argue that the gain of a residential property is a significant benefit of the proposal. Whilst the proposal will result in an enlarged dwelling, the existing residential use of the first floor of the property means that there will be no net gain to the borough’s housing stock.
- 10.23 The existing unit includes a first floor residential flat. Therefore, it could be argued that the proposal does not come forward as a new residential use where policy H2 (Location of Windfall Residential Development) is applicable. Nevertheless, it is considered that an assessment in this regard should be made. In this instance, the proposal complied with criteria i) where it is an available previously developed site and / or buildings; criteria ii) the site is located and is accessible to services and facilities by transport modes other than the car; criteria iii) it has the capacity of existing and potential infrastructure to absorb further development; criteria iv) it has the ability to reinforce existing communities, including providing a demand for services and facilities; v) it has the physical and environmental constraints on development of land. The proposal meets the criteria set out in Policy H2 (Location of Windfall Residential Development).
- 10.24 As such, the development is considered to accord with Policies D1, D2, GBSP2, R1, R19, H2, M14, TCR26, SADM4, the Supplementary Planning Guidance Interim Policy for Car Parking, Supplementary Design Guidance and the relevant paragraphs of the NPPF.

2. Residential Amenity

- 10.25 The proposal is for a change of use to a single dwelling house where the first floor is already used as a flat. Overlooking from these first floor windows currently exists to the neighbouring gardens. The proposed development includes no additional built form although additional openings within the rear ground floor elevations are proposed. Given their locations and the existing windows at this property, together with the existing rear boundary wall more than 2m high it is considered that there would be no overlooking or loss of privacy to any nearby residential properties.

10.26 Policies D1 and R19 of the District Plan and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings. As such, it is considered that the proposal would not result in significant harm to neighbouring amenity, over and above the existing situation (use as flat and A2 unit), in terms of overbearing impact, overlooking, loss of light and noise and disturbance.

10.27 Furthermore, whilst the garden area for the proposed dwelling is relatively small, given the site's location within the centre of Welwyn village where gardens are ad hoc and generally small, it is considered that the proposal affords sufficient usable external amenity space for future occupiers.

10.28 As such, the development is considered to accord with Policies D1 and R19, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

3. Other Material Considerations

i) Character and Appearance

10.29 The proposal includes alterations to the ground floor windows. Those alterations would reflect and respect the heritage of this building and no objections are raised. Although a condition to ensure materials are suitable is considered appropriate.

10.30 In addition, the property would return to use as a residential dwelling (as it was originally intended) and this enables the listed building to continue in a viable use.

10.31 As such, the development is considered to accord with Policies D1, D2 and the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

ii) Impact on Heritage Assets

10.32 The National Planning Policy Framework (NPPF) provides guidance on the consideration of applications affecting Heritage Assets, in chapter 12. Local Planning Authorities are advised, when determining planning applications, to take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

10.33 The proposed change of use would provide a viable alternative use for the listed buildings. The range of alterations proposed to the building have been considered by the Council's Conservation Officer and found to be acceptable in principle. It is noted that only minor alterations to the building have been proposed and that the proposals would preserve the character and appearance of the conservation area and would not significantly harm the character of the listed building.

- 10.34 Paragraph 134 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 10.35 It is clear in this case that the harm, which would be very minor indeed, would be less than substantial. There are limited public benefits to be realised from the conversion of the building into a residential use, particularly given that there would be no net gain the number of dwellings. There would however be a public benefit in securing the long term viable use of the listed buildings in order to ensure that they are maintained in the longer term. Having regard to all of this, it is considered that the proposal is acceptable in terms of the impact on the historic environment.

11 Conclusion

- 11.1 The development is located within Welwyn Village centre, however given that the use of the unit is not within an A1 use currently, the change of use is not considered to impact any further on the vitality and viability of the village centre. In addition, the proposed development would cause no undue impact to highway safety and would offer the occupiers a high standard of accommodation in a use consistent with the preservation of the listed building and consistent with the character of the street and wider conservation area.
- 11.2 Furthermore, the proposed development incorporates alterations to the fenestration to the rear which respect the character and appearance of the property and would not result in any harm to the significance of the heritage asset. In addition, an external amenity space is provided creating a good quality environment. Therefore, the proposed change of use to residential would be acceptable. Accordingly, the development complies with Policies D1, D2, R1, R19, H2, M14, TCR26 and GBSP2 of the Welwyn Hatfield District Plan 2005, Policy SADM4 of the 2016 Proposed Draft Local Plan Proposed Submission, the Supplementary Design Guidance Statement of Council Policy 2005, Supplementary Planning Guidance Parking Standards 2004, and the relevant paragraphs of the National Planning Policy Framework 2012.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:
1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

APPROVED DRAWING NUMBERS

3. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
W902	A	Existing and Proposed Floor Plans and Elevations	25 May 2017
17-01		Location Plan	20 March 2017
W902A		Site Plan	5 April 2017

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

POSITIVE AND PROACTIVE STATEMENT

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

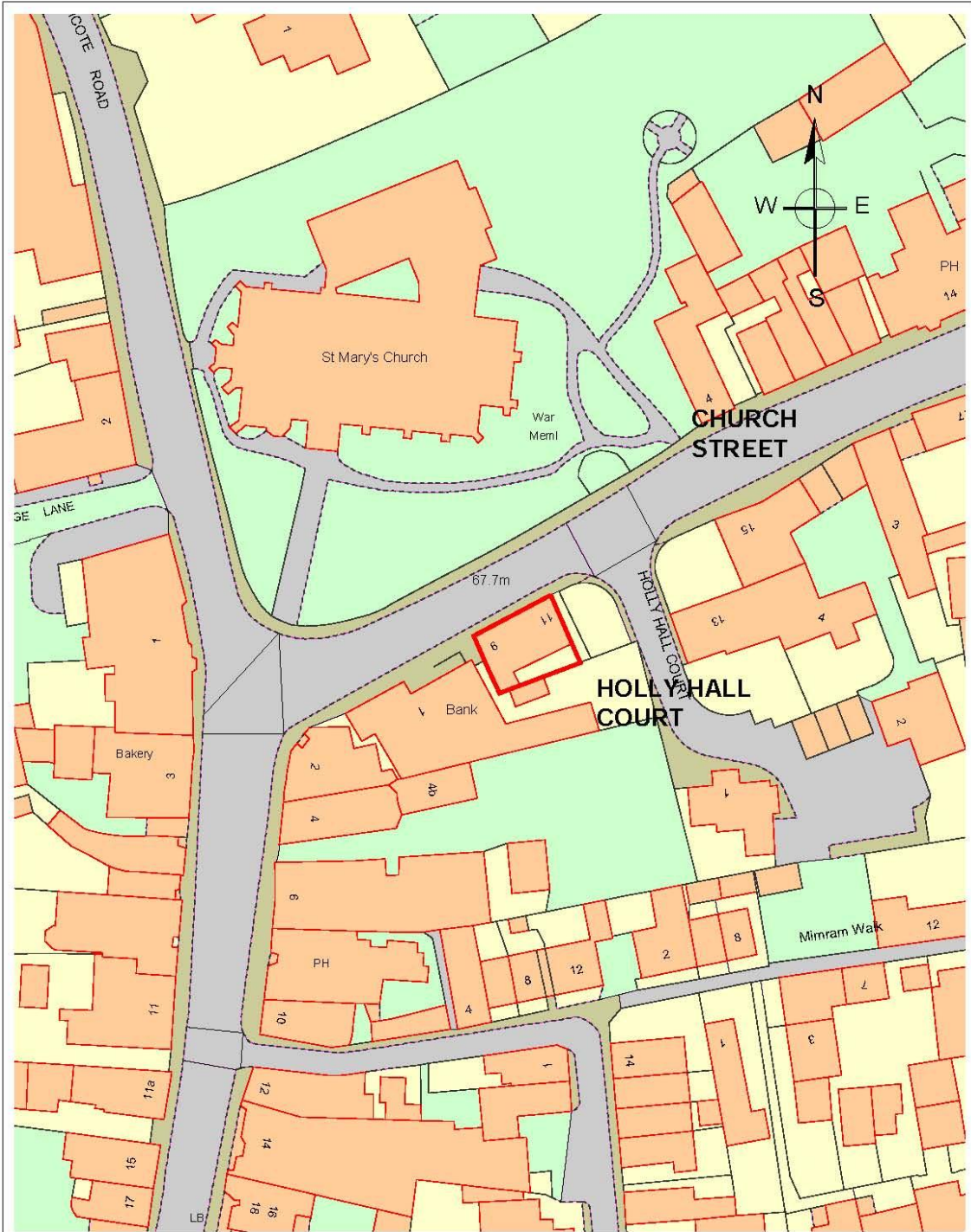
INFORMATIVES:


1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

Abbas Sabir (Development Management)

Date: 06/06/2017

Expiry Date: 31/05/2017



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: 9-11 Church Street Welwyn		Scale: DNS
	Project: DMC Meeting		Date: 2017
		Drawing Number: 6/2017/0548/FULL	Drawn: Baras Mast-Ingle
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