

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 8 NOVEMBER 2018  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2018/1881/FULL

CHANGE OF USE FROM OFFICES (B1) TO HOTEL (C1) AND ERECTION OF  
SINGLE STOREY EXTENSION AT 22 PARKWAY WELWYN GARDEN CITY AL8  
6HG

APPLICANT: JD Wetherspoon PLC

(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 twice been extended in the past with a part single and part two storey extension on the rear elevation. The original rear garden is now largely covered in hardstanding and set out as a car park with 16 spaces with assorted tree and shrub planting around the boundaries of the site. The short front garden remains and is mainly grass 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 The site has been vacant for some time and is presently enclosed with security fencing with windows secured against break-in.
- 1.3 Adjacent to the northern boundary and linked to the application premise by a single storey structure is 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 original group remains largely intact.
- 1.4 To the south of the site is a formal area of open space comprising the Reiss Memorial Garden. This occupies the corner with Russellcroft Road. 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 the change of use and extension of the existing building from an office use (B1) to a hotel (C1 use).
- 2.2 The extension is entirely at ground floor level with the ground floor area proposed to increase from 251 sq.m. to 470 sq.m. The extension would be to the rear of the building on what was is currently car park.
- 2.3 The original plot measures approximately 45m deep with the original house sited in the front quarter of the plot. Subsequent extensions at ground and first floor have reduced the original garden depth such that at present the building extends to within approximately 25m of the rear boundary and the first floor extension extends to within 27m of the rear boundary. The application proposal would see the ground floor extended to within 11.5m of the rear boundary, over two thirds of the original plot depth and across almost the entire width of the building.
- 2.4 Within the rear extension there would be 7 guest bedrooms and service facilities such as a plant room, cellar and bottle store and kitchen and lavatories serving the hotel bar, lounge and dining areas which are to be located towards the front in the existing building. At ground floor level therefore the hotel will have 7 bedrooms, a lounge, bar/dining area and associated service uses associated with running the hotel and the bar and dining area.
- 2.5 At first floor the hotel will have an additional 5 guest bedrooms and at second floor a further guest bedroom, a staff room, plant room and linen store.
- 2.6 In total there will be 13 guest rooms.
- 2.7 The existing car parking at the rear of the building will be covered. There will be no parking spaces provided on site and the only area suitable for parking/delivery is a gravelled surface in the north east corner of the site to the right of the building and adjacent to the existing Doctor's surgery, forward of a set of double gates leading to a yard area providing side access to the cellar, kitchen, plant room and bin store.
- 2.8 The remaining garden area at the rear of the plot and adjacent to the ground floor bedrooms will not be accessible to all patrons. The only outdoor space for use by patrons is a smoking area on the south side of the building enclosed with acoustic fencing. There is also a short front garden area however the Design and Access Statement accompanying the application states the "hotel customers will not be allowed to access this front area of lawn".

## **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor Cowan called-in the application "due to the massive public reaction to it, and secondly as it would conflict with expected use as in various iterations of local plans".

## **4 Relevant Planning History**

4.1 N6/2016/0868/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 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.*

- 4.2 N6/2015/0895/FP - Change of use from offices (B1) to public house (A4) and rear one and two storey extensions - Refused
- 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 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)

- 4.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 4.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site is located within the Welwyn Garden City Town Centre and the 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 being adjacent to an unregistered Park and Garden.

## **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters and a site notice and by advertisement in the local newspaper.
- 7.2 At the time of writing **360** representations have been received, **248** of the writers object to the proposal and **112** support the proposal.
- 7.3 Summary of objections

- *The hotel scheme will have very similar impacts as the previously refused public house.*
- *The hotel use would conflict with established Welwyn Hatfield District Plan policies TCR10 and TCR11 and with the intentions of the Draft Local Plan Proposed Submission policies relating to the west side of Parkway.*
- *The lack of any on-site car parking for staff or visitors/patrons fails to meet the council's standards for parking and will result in increased demand for on street parking in nearby streets.*
- *Delivery lorries for the hotel and bar which will have to park and (un)load on the street will cause congestion and delay for other road users.*
- *Regular deliveries to the premises and the collection of waste from the site will create significant levels of noise and disturbance for nearby residents and businesses.*
- *The proposed hours of opening will result in considerable activity from early morning until very late at night/early morning each day with associated disturbance for residents of a wide area.*
- *Cooking fumes and smoke from patrons outside of the premises will create smells and odour affecting nearby residents and businesses.*

- *Use by patrons of outdoor smoking areas on the site and on public areas outside of the site will result in smoke and noise disturbance in the area.*
- *Use of the site by significant numbers of visitors, patrons, staff and others will create significant levels of noise in an area which is currently relatively tranquil.*
- *The sale of alcohol for prolonged periods of the day and night will spark noise and antisocial behaviour potentially leading to criminal activity and fear of such behaviour amongst local residents and businesses and visitors.*
- *The large extension proposed on a building that has already been extended twice is overly bulky in appearance is overdevelopment and is not proportionate to the building and will harm the appearance of the original building and its setting in a very prominent position in the conservation area.*
- *The extension and other alterations to the building including the demolition of the existing single storey covered side access will be harmful to the character and appearance and planned design of the Parkway vista and of the wider Welwyn Garden City conservation area, contrary to the council's policies and contrary to advice contained in the National Planning Policy Framework and the Listed Buildings and Conservation Areas Act.*
- *If permitted the use will be followed by applications for advertisements and external lighting that are likely to add to the adverse impact on the character and appearance of the conservation area.*
- *The installation of a tall kitchen extract chimney will harm views in a number of directions.*
- *The works will result in harm to trees surrounding the site and adjoining the memorial gardens.*
- *It is an inappropriate use that will affect people's enjoyment of and the setting of the adjoining memorial gardens and wider Parkway setting.*
- *Increased litter, antisocial behaviour and potential criminal activity will demand increased resources from the police service.*

#### 7.4 Summary of support

- The town needs improved facilities for visitors and for local people to match the growth of new housing in the area.
- The town centre has inadequate facilities and has little to do in the evenings to attract people in the evenings.

- It will provide jobs for the town.
- The town needs regeneration and the hotel and applicant should be welcomed.
- It will be an asset to the town and improve the look of the building and Parkway which is already in business use.
- There is plenty of public parking to support the hotel which is no different for other restaurants and bars on Howardsgate.

## **8 Consultations Received**

### **8.1 Conservation Officer/Advisor – Objects**

Number 22 Parkway is located in the Welwyn Garden City Conservation Area, a designated heritage asset. The building itself is not listed but considered to make a positive contribution to the conservation and is noted a 'key building' in the conservation area appraisal. As such Number 22 is considered a non-designated heritage asset with regard to the NPPF.

Number 22 was one of the earliest buildings constructed, in the classical style, in the masterplan by Lois de Soisson. The building, which is residential in character, is located on the west side of Parkway. Parkway, both the road and landscaping, acts as a junction between the commercial and residential areas of the planned settlement. Most of the buildings on the west side of Parkway retain their residential use, although some buildings to the north have changed use to offices and a surgery. To the south of 22 Parkway is an identified area of important open space, this contains benches and a memorial garden affording good views of Parkway and down Howards Gate.

I have not inspected the interior of Number 22.

I recommend refusal of this application. My main concerns with the application are specific. I consider the proposed rear extension, whilst in an area which has been subject to previous change, is inappropriate in terms of its scale. The footprint of the proposed extension is not subservient to the host building and whilst the use would be no longer residential, its architectural character (from which significance is drawn) would be. As such this will cause harm to both the conservation area and the non-designated heritage asset. The importance of the rear garden plots of these buildings, and the impact caused through developing them, has previously been considered as part of an appeal in neighbouring Number 18 Parkway (APP/C1050/A/07/2053874). This appeal also identified harm, caused by this form of development, and was dismissed.

The proposed change of use will present a further encroachment of commercial use into one of the original residential areas of the planned settlement. This form of the development will detract from the understanding of spatial planning of the Garden City, making the buildings north of Russellcroft Road commercial in use in contrast to their historic planned use. This will cause harm to the character of the conservation area.

The gardens to the south of Number 22 are one of the best places in Parkway to appreciate the layout of the Garden City. This is currently experienced in some tranquillity which may be intrusively impacted by the proposal with regard to the noise and lighting which may result.

I consider this proposal will cause less than substantial harm to the conservation area and harm to Number 22, a non-designated heritage asset.

I recommend refusal with particular regard to paragraphs 196 and 197 of the NPPF.

Should the application be approved I recommend conditions are attached pertaining to materials of the new extension and requirement for samples.

Should this application be approved, I have concerns about future applications (as a result of new use) for signage and furniture which may be intrusive to the character and appearance of the conservation area.

## **8.2 Welwyn Hatfield Borough Council Landscape Team - do not object.**

Currently the majority of the vegetation is situated along either side of the boundary of the site. These trees and hedges form a valuable screen particularly on the southern boundary of the site which is adjacent to the Dick and Celia Reiss Garden.

Within the tree report supplied the trees have been categorised in accordance with BS:5837:2012 and this is considered a fair assessment of the condition and quality of the trees.

The plans and report show the removal of 7 trees and 1 part of one hedge. The removal are either due to the poor condition of the trees and /or to facilitate the development. The trees shown for removal are not worthy of a Tree Preservation Order. However the loss of the two ash trees along the southern boundary (T8 and T9) will expose a Council owned ash tree (T10) and this may require work to balance its crown.

A tree constraint plan has been provided however this does not indicate the extent of a Root Protection Areas (although marked in the key of the legend there is no line on the actual plan). There will be some incursion into the RPA of some of the trees particularly T10

## **8.3 WHDC Parking services – comments awaited**

## **8.4 Hertfordshire Gardens Trust – Object – 22 Parkway is in one of the most important positions in the design of the landscape of WGC with original designed views along Parkway, Howardsgate and diagonally. The Parker and Unwin inspired 'gateway' to Russellcroft is a key Arts and Crafts motif. The significance of this exemplar Garden City design would be substantially harmed both by the building extension and the signage etc which are concomitant with hotel usage.**

We note that there is no allocated parking or delivery facilities which will lead to congestion and loss of setting of the Conservation Area.

This is inappropriate development in a Conservation Area and its built & landscape heritage contrary to NPPF(chapter 16).

This is contrary to policies in the current and emerging Local Plans which requires development to be of high quality and sympathetic to the Conservation Area. These proposals demonstrate neither.

The acceptable Change of Use defined in WHBC Policies TCR10 & 11 do not include C1 (hotels) in this location

## 8.5 Welwyn Garden City Society – object

1. 22 Parkway is listed as one of the most important buildings in Welwyn Garden City. The row of buildings 8-22 Parkway forms one of the most important vistas in the town. The proposal will spoil this vitally important vista.

2. The proposed design adds a bulky extension to a building that has been previously extended on two occasions. The design does not respect the character and setting in the Conservation Area.

3. This property falls within the Estate Management Scheme area, as can be evidenced on the 'Pink Map' that defines which areas of the town are covered by the EMS. Wetherspoons have made no application for EMS consent so far, but as far as we are concerned the EMS still applies to the property. The planning history of this site shows that it has been applied for in the past, so should be applicable now. We are not aware of any evidence as to why this should not be the case.

4. Policy TCR11 of the Welwyn Hatfield District Plan, the policy currently adopted, lists acceptable use classes when a change of use is applied for in this area. The policy specifically does not include usage class C1 (Hotels) as an acceptable change of use. The following is a relevant extract:

*“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.”*

In our view this proposal breaches policy TCR11 not only with regard to the change of use but also in regard to points (i) and (ii) above. The character of the Conservation

Area will be damaged, and nearby amenities and residents will be harmed. Very many of our members share this view.

5. The proposed Local Plan is currently being examined by the Planning Inspector. In that document TCR11 is replaced by policy SADM 20. This policy places similar restrictions to that within TCR11 but is also includes the following:

*“On the western side of Parkway and the south side of Church Road, as shown on the Policies Map, the Council will allow proposals for changes of use or development for office, community, cultural and residential uses (falling within Use Classes B1(a), C3 and D1) provided that they meet development criteria i to v below. Development criteria:*

- i. Maintain and where appropriate enhance the vitality and viability of the town centre;*
- ii. Preserve and enhance the character and setting of the Conservation Area;*
- iii. Not harm the amenities of the occupiers of nearby residential areas;*
- iv. Be properly integrated into the retail core of the town centre, including the provision of good pedestrian linkages; and*
- v. Provide adequate highway access and servicing arrangements and would not be detrimental to the highway network including highway safety.”*

22 Parkway is of course the western side of Parkway. Class C1 (hotel) is not cited and the five sub point conditions would not be met in any case. These new policy conditions are more stringent than the current TCR11 policy in this respect. All of this serves to underline our key point that this is the wrong location for a hotel/pub, both in practical terms, and in WHBC policy terms, both current and soon to be adopted.

6. Over the last 40 years, successive planning policies have protected this row of buildings from conversion to retail and leisure – sometimes described as “no retail on the west side of Parkway”. This policy is long standing and has been reaffirmed in the most recent local plan as noted above.

7. There are no parking spaces provided at the site. This is contrary to the parking standards. The applicant states that most people will walk to the pub after using public transport, and state that “It is considered that adequate parking provision exists within the vicinity to cater for any demand that may arise.” A hotel is obviously going to require car parking provision somewhere. Available parking is already at a premium in the adjacent residential area. The additional demand this development would create will only serve to add to parking congestion the vicinity.

8. If this application is approved, it will set a precedent for all buildings on the west side of Parkway to convert to retail or entertainment. This side of Parkway was designed as a boundary between the retail core of the town centre and the residential area to the west. To allow the retail core to begin to creep across Parkway would dilute the essence of our famously well planned town centre.

9. Noise from visitors arriving and departing late at night will cause a nuisance to residents. These buildings play a role in providing a buffer from noise and disturbance from the town centre itself. The proposed trading hours are 07:00 to 00:30 Sunday to Wednesday and 07:00 to 01:30 Thursday to Saturday.

10. If consent is given for this scheme, the applicant may be able to vary the floor plan AND usage category without further approval. In effect, this would allow Wetherspoon to convert the hotel to a pub, their initial intention in the previous two planning applications which were both unanimously rejected by the council. Approving for C1 use now could be the top of a very slippery slope that would have increasingly negative effects on the locale.

11. Deliveries and waste collection will block the main road, and the pavement. The applicant suggests they are made before 8am, but this means deliveries from 6:00am onwards disturbing local residents. With no dedicated access or service road congestion and noise pollution is likely to increase. Emergency vehicles could also be obstructed. Damages to the verges due to inconsiderate delivery lorries and service vehicles is already a feature of the area, adding the support vehicles for a hotel/pub operation into the mix will only serve to make matters worse.

12. The site is adjacent to a local surgery which is visited daily by vulnerable people, including young children and older people. Having a pub next door with very 'early doors' leads to the possibility of anti-social behaviour outside the premises and in front of patients visiting the surgery.

13. The applicant claims that 50 full-time jobs will be created by the scheme. This would equate to 4 jobs per hotel room. The Homes and Community Agency's Employment Density Guide (2015) suggests that budget hotels have one full time job per five hotel rooms. The applicant's claim of 50 full time staff is highly questionable. The new 79 room Travelodge in town employs just 25 people and also includes a bar and café. Wetherspoons hotel room rates are typically around £50- £70 per night, with only 13 rooms it doesn't appear to be economically viable to employ 50 full time staff. This fact also underlies the point that rather than it primarily being a hotel with a bar and food, it is the reverse. It appears to us that due to economic necessity it is a bar and restaurant that also happens to have a few budget hotel rooms.

### **In conclusion**

The WGC Society re-iterates once more that it does not object to Wetherspoon or any similar business seeking to trade in the town. Each application is to be considered on its own merits. In this case, as previously, we do not believe a pub, or hotel/pub as proposed, is appropriate in this heritage and conservation location. Allowing it to go ahead would dilute the unique character of the town centre and break the zoning convention that has served it well for the last 98 years.

The Estate Management Scheme is an additional tool that governs development in this part of the town. To quote the WHBC website "Welwyn Garden City is one of only two garden cities in the country. Due to the quality of the environment, the High Court in 1973 imposed an Estate Management Scheme (EMS) covering most of the town." We are therefore at a loss to understand why Wetherspoons are not being directed to also make an EMS

application, as previous owners of this property have been required to do previously.

## **8.6 Hertfordshire County Council Transport, Programs and Strategy –**

Does not wish to restrict the grant of permission subject to conditions being imposed.

HCC, as Highway Authority, has previously been consulted in respect of this site specifically for change of use to public house, our comments to district reference 6/2016/0868/FULL dated 6/6/2016 refer. It is understood this application was refused. 18/8/16.

Development proposals now provide a hotel in place of the existing offices. The application is submitted supported by a Transport Statement prepared by Northern Transport Planning, dated July 2018.

The development is described as providing a hotel with accommodation of 13 guest rooms, with bar/restaurant, described as ancillary to the hotel. The bar / restaurant shall be 148m<sup>2</sup>. HCC recognise that the previous application was to provide a public house of 887m<sup>2</sup>, and therefore proposals represent (in terms of bar / restaurant area) an 83% reduction. The Highway Authority recognise that there remains the opportunity for non-hotel guests to use facilities.

Parkway, Welwyn Garden City is an unclassified road, providing a local distributor function within the Hertfordshire road hierarchy and as such is providing a link between the secondary distributors and residential roads and therefore carrying a lot of traffic within urban locations. Parkway, 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 Transport Statement utilises TRICS in establishing trip generation for development. The Highway Authority would present an observation that the sites selected are not representative of the nature of the development. The

majority of sites considered within the TRICS assessment are for significantly larger hotels. The TS suggests that sites are in a similar location, with similar ancillary facilities.

There appears to have been little effort invested in presenting an appropriate TRICS assessment. Sites include London based hotels including Greenwich / Hackney which reasonably enjoy greater access to non-car modes of travel. Similarly it includes sites ranging from 4 bedrooms to 224 bedrooms. The majority of sites are associated with well-established larger chains (Holiday Inn / Travel Lodge / Premier Inn etc) each of which, whilst providing dining areas (normally breakfast only) and bar areas, are not predominantly perceived as a dining / drinking establishment that may be frequented by the wider community.

The application site is more traditional in appearance. The degree to which facilities shall be perceived as for guests only is a matter of judgement. Whilst seating plans may be indicative, it is clear that table provision alone provides for 20 individual tables, greater than necessary for the 13 guest rooms. Similarly, the area given over to bar area is significantly above that which many of the hotels used within the TRICS assessment provides. It is recognised there is a perception that the application represents a resubmission of a public house scheme, within the guise of a hotel. The layout does little to dissuade such a view. Application form considers hours of opening as not applicable in determination of the application. Again, if the facilities are for guests only, then it is recognised many hotels will serve until all guests have retired. If facilities are more widely available, hours of use would be more applicable.

On the basis of the use as a 13 room hotel, the TS predicts that the use would generate circa 3 peak hour 2 way vehicle trips, or 1 INbound and 2 OUTbound.

For the above reasons, unless the LPA consider there are mechanisms by which the use of the site may be restricted to guests / residents only, the Highway Authority consider that limited weight shall be given to the trip assessment.

However, the Highway Authority has, under the previous planning history for the site, accepted trip rates for public house use. Consideration of such rates is reasonable given the above.

On a pro-rata assessment, against previously agreed vehicle trip rates, the proposed bar / dining area may give rise to 3 two way vehicle trips in the lunchtime peak (13:00 – 14:00) and 4 in the evening peak (17:00 – 18:00). Vehicle trips in the morning would not commonly occur for a public house. The HA are satisfied that the proposals, measured against the trip rate characteristics of either Hotel or Public House, would not be considered severe.

Trips generated by either use, in the AM and PM peak, would be beneath that commonly expected for a building of the applicant site scale (471m<sup>2</sup>) within B1 office use.

The Highway Authority does not consider that the TS has presented a reasonable assessment of trips, however, in measured recognition of previously agreed trip rates for this site accept 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 hotel does not provide dedicated parking for customers and is reliant on local public parking facilities.

## Parking

The development results in loss of parking to the rear of the existing office. Customers / guests attending the site shall be required to use on-street, or public parking supply. The TS suggests that guests will favour this hotel for its proximity to the town centre, and rail and bus station. The site is approximately 550m from the entrance to the Howards Gate Centre / Station. Such a distance represents a 6-7 minute walk, and is served by pedestrian routes, and predominantly level. It is not, unreasonable, to consider that guests shall travel by such modes – particularly recognising that WGC (until recently) hotel provision was further removed from the Town Centre, and therefore more reliant on car borne custom. The County Councils own LTP4 presents a user hierarchy that supports development that enables non-car travel. The position of the hotel supports accessibility by such modes.

I recognise that there is a consented hotel development in the town centre, presently being implemented (Gate House, Fretherne Road – District reference 6/2016/2214/MAJ). This development provided 12 parking spaces to provide for 79 rooms, or 1 space per 6 rooms (approx.). It is recognised that this development is within the Town Centre itself – with the application site located just outside the identified town centre boundary. However, application of a similar level of provision would suggest the application would be required to provide 2 parking spaces.

The TS describes conditions, locally, available for parking. There are significant areas of car parking available, both on-street and within public (chargeable) provision, including – but not limited to – Campus West, Sainsbury (Church Road surface and multi-storey), Bridge Road. The TS is inexact, as it quotes John Lewis, however, this car park is privately owned and available only to customers

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, however for guest parking would represent an opportunity for free overnight parking. Restrictions in adjacent roads include Russellcroft Road.

It is the highway authority's understanding that the Borough undertook Town Centre car parking studies in the last two years 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 am satisfied that proposals shall not cause an unacceptable impact on the local highway in terms of parking.

### Servicing

The Highway Authority, in considering this site, has sought to ensure arrangements for servicing associated with the use of the site are acceptable. Development proposals remove the driveway to this site. Such an arrangement is acceptable to the Highway Authority, as it removes 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 C, a draft servicing management plan. The TS presents the level of deliveries to the site as low, numbering 14 large movements per week (2 per day). The TS sets out that the hotel might generate up to 2 large vehicle deliveries per day, having considered that the results from TRICs appear to be low. The TS recognises that the servicing requirements are unknown at this time, however the levels describe do not exceed that previously found acceptable by the Highway Authority.

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 the above mentioned study commissioned by the District parking team that this is reasonable and workable, it remains acceptable to the Highway Authority. 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 approx. 5m walk from the centre of the main shopping area and rail station. 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.

The original application represented a public house to an area of 914m<sup>2</sup> – the revised submission represents a proposed hotel and a reduction in in floor area. Such a change is immaterial in terms of overall traffic impact. The Transport Statement remains presented on the assumptions of the greater area, and therefore represents the impacts upon which HCC have previously commented. It is therefore necessary and appropriate to reproduce my earlier comments and recommendations.

## Conclusion

The proposed change of use is unlikely to result in a significant increase in vehicle trips to the site, and therefore the HA present no objection subject to securing the Servicing Management Plan in order that deliveries to the site are managed in a fashion that they may reasonably be accommodated within existing on street parking provision and not interfere with the wider operation of Parkway.

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.

- 8.7 **Welwyn Hatfield Borough Council Environmental Health** - recommend Refusal of Permission.

## **Considerations relevant to Environmental Health for this application**

Noise from customers

Noise from plant and equipment

Noise from activities associated with a bar/hotel

Odour

### **Noise from customers**

A significant emphasis is being placed on the bar element of the proposed development as being ancillary to the overall usage, although it is still open to the

general public and shows a seating capacity of approximately 66 places (not including the potential for people to stand by the bar).

The location of the bar area is much improved compared to the layout from previous applications, it is now set further within the building and will be shielded from the residential properties to the rear by the bedrooms at the back of the premises.

As per the previous applications for this site, noise from customers is the main concern. Various areas of the premises will have differing impacts in terms of amenity and it is felt that breaking these down helps to get a better idea of where the main issues are.

#### Internal noise from customers

Internal noise from customers is one area that it is unlikely to cause a detrimental impact as long as doors and windows remain closed. The rear of the building will be made up of the hotel rooms and as such will provide a significant amount of noise attenuation. The side of the building where seating is proposed (south) would be the main breakout area for noise, but with a suitable glazing scheme, this would be controllable, even when taking into account raised voices.

#### External noise from customers

Information provided by the applicant states that customers will not have access to the rear garden area. However, Appendix I of the acoustic report shows the smoking area at the South side of the building (outside the fire exit door as per the floor plans) which leads to the garden area. If customers stay just outside this door, there will be an element of shielding from the building, but not enough to significantly attenuate noise. There is no indication that there is either a management plan or a physical barrier to prevent customers from wandering further down the side of the building and into the garden at the rear.

PLEASE NOTE that revised plans now show the smoking area south of the building enclosed with acoustic fences to mitigate noise).

The NOEL, LOAEL and SOAEL levels mentioned on page 7 of the report which are attributed to WHBC guidance relate only to traffic noise, but they are not acceptable criteria to use when assessing noise from people or machinery as they have been within this report. Experience has shown that acceptance of noise levels associated with traffic is higher than that of people or commercial noise, and a loss of amenity can occur at levels much lower than limits set in the report.

Subjective assessment from being in the area late at night/ early in the morning when involved in previous planning applications for this site as well as being on shift for the night noise service showed that noise from customers in the smoking area from a bar along parkway was audible at Asquith House. Bringing customers even closer would potentially cause a loss of amenity and raises serious concerns.

The above makes the assessment of people in the smoking area within the Spectrum Acoustic report seem quite conservative, however, even taking into account the LA max levels of 44,46 and 47 at the nearest residential units would equate to 34,36 and 37dB internally (assuming 10dB attenuation for an open window) which would be audible and annoying. For instance, this department has

dealt with complaints relating to internal noise levels lower than this within bedrooms.

This is not seen as a detailed assessment as additional detail is required, for instance, there is no mention of the number of people in the smoking area or even an average level of noise created by these customers. It is then assumed that this noise level relates to only one person shouting, which would be unlikely during a busy summer nights trading, therefore making this assessment appear conservative in its estimations.

People are more sensitive to noise from shouting than noise from traffic as this is an anonymous noise source, and would be more likely to result in complaints to this department.

Preventing the outside use of a smoking area too early (by management means) would most likely be seen as inhibitive, especially as the business operating hours are proposed as 07.00am to 00.30am Sunday to Thursday and 07.00am to 01.30am Fridays and Saturdays with an extra hour at other times of year. This again raises the likelihood of detrimental impact on amenity to residential properties in the area.

Noise from customers leaving late at night, as observed from other public houses can be a significant source of disturbance, and sometimes involves people hanging around an area, waiting for taxis or lifts from friends or family. Large groups normally leave at the same time in line with closing hours, which can lead to high levels of noise.

In all aspects of noise from customers, various controls are mentioned within the noise impact assessment and other material, such as signs saying to leave quietly, door staff and management telling people to quieten down. One issue with some of these measures is that the damage is normally done by the time management have spoken to people, and generally the noise doesn't just drop to nothing immediately after requests for quiet are made. Once customers have left the premises, staff will have limited influence on their behaviour

#### Noise from plant and equipment

The noise impact assessment looks at plant noise in terms of a NOEL of 55dB, this is in contradiction to what would be required by this department, as any plant or equipment, if tonal would have to be 10dB below the background noise level at the nearest noise sensitive property.

The report shows a noise level of 31dB or below at the nearest residential properties, meaning that the required noise levels could potentially be met. This is in relation to a reception point on the south elevation of Asquith House.

However, evaluating the iso-lines on the map for the Mechanical Plant Noise Prediction Model (with mitigation) assessment in Appendix G shows a 40dB Iso-line, which from a site visit appears to interact with windows at Asquith House and raises the potential for complaints and loss of amenity.

Due to the close proximity to neighbouring properties, we would want to see more detail on this before permission were to be granted, including an assessment in terms of background noise at the nearest sensitive receptor (it is understood that readings were not taken at Asquith house for this report) and for shorter time

frames during the night so that a better understanding of impact can be determined as items like kitchen extract systems have a potential for causing disturbance. Tonality of any noise sources, even if at a low level could be detrimental to the amenity of neighbouring properties as has been seen at other properties when investigating complaints.

Noise from other activities associated with a Bar/Hotel

Emptying of bottle bins is briefly covered within the noise impact assessment and is stated as only occurring during the day and by a refuse vehicle on parkway. This is normally a very noisy occurrence, although admittedly short lived which would be likely at that time to cause disturbance and will most likely have line of sight to Asquith House, therefore causing disturbance.

Deliveries would be another concern, and would have to be controlled so as to not take place during unsocial hours. The report states that deliveries would take place outside the front of the premises, however, the plans show entrances to the cellar and kitchen on the north side of the building which will have line of sight with Asquith House, and it is assumed that these entrances would be used for deliveries. Taking into account the above information, noise from deliveries, as well as bottle and other waste collections could have a detrimental impact on the amenity of the area.

PLEASE NOTE that revised plans now show the service area on the north side of the building enclosed with acoustic fences to mitigate noise.

Odour

In a previous application, an odour assessment was included, and the Environmental Health Officer who assessed the application was happy with its contents in terms of detail. An updated odour assessment would be useful, especially if there are variations to intensity of covers provided or changes to the menu.

Just as with noise from equipment, long term maintenance of odour control measures is important to prevent complaints and we would want to also see an odour management place so that filters are changed at suitable intervals

### **EHO Response to further latest technical report from Spectrum Acoustics**

The technical document issued by Spectrum Acoustics covers many of the concerns raised in the earlier Consultation response.

The revised response says that with the now proposed 3m high acoustic fencing L<sub>Amax</sub> of 43dB externally is to be expected (this equates to an internal noise level of 33dB assuming 10dB attenuation from a partially open window). As per the information within the consultation response, this department has dealt with noise sources internally that have been well below this level and caused a problem, in that case it was tonal noise, however, in this case, noise from voices is in the frequency range in which hearing is most sensitive and is likely to be picked up by someone, leading to annoyance even though lower than the WHO 45dB level.

This is due to the type of noise. Again, traffic noise at that level is generally ignored, however, as stated above, voices are something that would be picked up on.

We have also investigated noise complaints about smoking areas and beer gardens which would not amount to a statutory nuisance, therefore preventing further action to be taken, but still a cause of annoyance from the noise created, and therefore a detrimental impact on amenity.

In terms of customers leaving late at night and getting taxis from outside the front of the premises, the following statement was made:

*“The area at the front of the building is within the demise of the town centre, so noise levels associated with these activities would not be out of character with the area”*

I would unfortunately disagree with this point, as I cannot see anything in this area that would encourage people from the main town centre to go near this building. There is a wide green separating the frontage to the edge of the main town centre area, the closest licensed premises is Cote Brasserie at 65m away and the Two Willows is over 100m away. The Parkway Bar which is currently closed is over 60m away too. As such, even taking into account the shielding of the building and proposed 3m high barriers, there is still the real concern that a detrimental impact will occur.

The noise from plant and equipment is now less of a concern due to the proposed additional 20dB in-line silencer, with a modelled specific noise level now being 32dB(A) at Asquith House and lower than this at other sensitive receptors elsewhere.

Noise from bottling and deliveries has also been covered, however, details of expected noise levels have not been provided. For instance, some deliveries are moved in metal cages which can be noisy along concrete paths etc, it is not clear how these deliveries will take place.

There is still a concern of a detrimental impact on the amenity of the residents of Asquith House, and I would still recommend refusal at this stage.

## **9. 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, CLT 6 and NPPF paragraph 85)**
- 2. The quality of design and the impact upon the character of the conservation area (Policies TCR11, D1, D2, D8, R11 and NPPF Paragraphs 124 - 132)**
- 3. Impact upon the landscape and trees (policies D2, D8)**
- 4. Impact upon neighbouring residents**
- 5. Highway and transportation issues**
- 6. Refuse and recycling storage**

## 7 Crime and Disorder and the Fear of Crime

## 8 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 and the row of buildings to the north and the gardens to the south, are located within Welwyn Garden City Town Centre as defined in the Welwyn Hatfield District Plan 2005. District Plan saved policy CLT6 hotels says preferred locations for hotels are in the districts town centres and *“in all cases the council will only permit proposals for hotels where (i) there is no harmful impact on the amenities of nearby residential properties and other uses; (ii) the development is in keeping with the scale and character of the surrounding area; and (iii) the development is easily accessible by passenger transport, walking and cycling.”*
- 8.3 Within the Town Centre there are a number of sub-areas identified, 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.”*
- 8.4 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...”*
- 8.5 The District Plan dates from 2005 and new policy contained in The National Planning Policy Framework (NPPF) has been produced with respect to town centres. The NPPF recommends adoption of a positive strategy for the future of town centres and allocation of suitable sites in town centres to meet the scale and type of development likely to be needed. 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 *“it is considered that only a limited amount of weight can be afforded to Saved Policy TCR11, particularly as in the applicants view 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”*.
- 8.6 It is however clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the

determination must be made in accordance with the plan unless material considerations indicate otherwise, and so despite its age the adopted District Plan remains of relevance. Whilst the NPPF does look to encourage new town centre businesses and economic development generally 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 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 of 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.

- 8.7 Paragraph 85(b) of the NPPF in the section “Ensuring the Vitality of Town Centres” requires LPAs to “define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.” The 2005 Plan does this and identifies a range of uses considered acceptable on this stretch of Parkway. The emerging Draft Local Plan Proposed Submission (August 2016) similarly identifies this stretch of Parkway for “office, cultural, community, education and residential uses” provided that the proposal would meet a range of development criteria including once again (ii) preserve and enhance the character of the Conservation Area and, (iii) not harm the amenities of the occupiers of nearby residential areas. So whilst the current District Plan may be some years old and the emerging plan is not yet adopted there is evidence of a consistent approach to this site and its surroundings over a number of years. It is considered that the proposal would conflict both with policies of the adopted District Plan and the emerging Local Plan.
- 8.8 Whilst each application must be considered on its own individual merits the proposed hotel use in this location would not accord with development plan policy if it is considered to have harmful impacts upon the amenities of nearby residents, if it is considered out of keeping with the scale and character of the area or if it would cause harm to the character and appearance of heritage assets or other harm is identified. In these circumstances other material considerations must outweigh these policies if the application is to be permitted.

## **2. The quality of design and the impact upon the character of the conservation area (Policies TCR11, D1, D2, D8, and NPPF Paragraphs 126 - 141)**

- 8.9 The Local Planning Authority has a duty to ensure that new development either preserves or enhances the character and appearance of conservation areas. Paragraph 193 of the NPPF says “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 (and the more important the asset, the greater the weight should be).” Paragraph 194 says “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or

destruction, or from development within its setting), should require clear and convincing justification”.

- 8.10 The application is supported by a Heritage Statement. The writer concludes that “This assessment has considered the impact of the proposed development upon the significance of the Conservation Area in detail, and identified No Harm”. This conclusion is justified on the basis that “The external domestic character of the principle elevation of the building, which contributes to the character and appearance of the Conservation Area, will not be altered. As a result, the transitional role of Parkway will not be harmed and the historic domestic character of the western extent of Parkway will remain appreciable. It is possible that the extension will be visible to the rear of Number 22 as a result of the demolition of the existing garage. However, the domestic character of the building is best appreciated through its Neo-Georgian façade as part of the streetscape along the Western extent of Parkway and this will remain unaltered”.
- 8.11 Whilst the ‘residential origins’ of the house design will clearly remain even after the works proposed and its principal elevation is least affected by the proposed development it is considered that the appearance of the remaining elevations and the space around the building are also factors that need assessment. In this instance, as on previous applications, it is considered that the scale of works proposed are unacceptable. 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 unregistered gardens) and therefore great weight should be given to preserving their character and appearance. Whilst not individually listed buildings because of their importance they are regarded as non-designated heritage assets within the conservation area.

- 8.12 Whilst the extension now proposed is reduced since the previous application for a public house was refused, the footprint of the proposed extension still is not subservient to the host building and although the extension may be partly obscured from view it would clearly not be of a scale that reflects the origins of the building and its very strongly planned design and setting. The importance of the spacing between buildings, the depths of gardens and space around this building and its neighbours is strongly characteristic of its history and appreciation of this part of the conservation area.
- 8.13 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.
- 8.14 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).
- 8.15 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 this increased scale, height and bulk would be evident. These views are important in the context of the Conservation Area as a whole..."*
- 8.16 The evidence of previous decisions, including those of the Planning Inspectorate is that it is not the case that if a development is not prominent or cannot easily be seen, that its impact upon on the character of an area is necessarily acceptable. In connection with the current application once again this council's conservation officer concludes that *"this form of development will detract from the understanding of spatial planning of the Garden City, making the buildings north of Russellcroft Road commercial in use in contrast to their historic planned use. This will cause harm to the character of the conservation area. The gardens to the south of Number 22 are one of the best places in Parkway to appreciate the layout of the Garden City. This is currently experienced in some tranquillity which may be intrusively impact by the proposal with regard to the noise and lighting which may result" ... "this proposal*

will cause less than substantial harm to the conservation area and harm to Number 22, a non-designated heritage asset”.

- 8.17 Despite reductions in the size of the extension since the last unsuccessful planning application it is still considered that the building now proposed would represent a significant overdevelopment of the plot with an extension that pays little regard to the scale, appearance 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 unregistered 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.
- 8.18 Whilst it is not possible to pre-judge any proposals for lighting or advertising on the hotel if planning permission is granted, it is clear that the introduction of significant new advertising signs, or significantly elevated levels of illumination will also alter the visual amenity and characteristics of this part of the conservation area. In its current planned form commercial activity, signage and illumination is very much concentrated on the eastern side of Parkway with a deliberate and planned change to a more residential character on the western side of Parkway. The level of commercial activity proposed with the hotel and bar is likely to alter the manner in which this part of the conservation area is experienced changing the character of its use as well as its appearance.
- 8.19 Plans originally showed a large fume extract chimney appearing above the ridge of the building which was considered to be an entirely unacceptable visual addition. This has since been redesigned so that it now can be located within the roof of the building discharging via louvres in the side of one of the rear dormer windows. This is considered a much improved solution in terms of visual impact on the non-designated building and the wider designated conservation area but it does not overcome the other objections referred to above.
- 8.20 Whilst the proposed development will clearly not see substantial harm to the conservation area in the sense that the building will not be substantially lost, where it is assessed that there would be less than substantial harm to a heritage asset paragraph 196 of the NPPF still makes it clear that “this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 8.21 It is your officer’s view that the development will result in less than substantial harm to the conservation area and harm to the non-designated heritage asset (the building) and so in heritage terms should be refused unless the public benefits of the proposal outweigh that harm.

### **3. Impact upon the landscape and trees**

8.22 The bulk of the plot to the rear of the building is now hard-standing however there remains a number of trees and shrub planting around the boundaries of the site. The proposed extension will come to within 11.4 metres of the rear boundary and so the planting present to the rear of the plot is likely to remain unaffected and might even be enhanced with new planting. On each side boundary however it is proposed to remove some trees and vegetation. These trees/shrubs have been assessed as of relatively poor quality and not worthy of a preservation order, however their presence does provide an attractive green screen to the site. If removed there would therefore be some short term harm to the appearance of the immediate area and the site might become more visible from the adjoining public gardens, however it is considered that tree protection measures, careful construction and replacement planting could mitigate this harm in the longer term. For this reason the council's tree officer considers that planning conditions would be adequate to protect and ultimately enhance the treescape around the site.

#### **4. Impact upon neighbouring residents**

8.23 The previous planning application for a public house at the site was refused for a reason including its likely impact upon the amenity of nearby neighbours. It was considered that despite the presence of a proposed acoustic fence and management initiatives regarding hours of usage it would have been likely to have a seriously adverse effect upon the amenity of nearby neighbours who are used to a quiet aural environment. It is necessary therefore to ask whether the present proposal for a hotel with a bar/dining area for non-residents would alter this harm significantly?

8.24 There is no doubt that the presence of hotel rooms themselves would create a barrier between noise and activity within the building and the nearest dwellings to the rear of the site on Guessens Road. The absence of a beer garden similarly will remove direct noise sources (people) from close to the rear boundary with people's homes. In this sense therefore the proposal must be considered to be different from earlier proposals for the site.

8.25 It is equally clear however that in other respects there remain a number of similarities. Despite the hotel use the premise will be open to non-residents, potentially in significant numbers. The projected hours of operation from 07.00 am to between 00.30 and 01.30 am remain as before. There is also a smoking area of 14 sq m to the south of the building enclosed with acoustic fences between 2m and 3m high, much smaller than the beer garden once proposed and more distant from neighbouring homes, but still outside of the building. The building will have similar deliveries and collections and so in terms of likely impacts is considered similar to a public house without accommodation.

8.26 These similarities are reflected in the advice of the council's environmental health officers who despite acknowledging some improvements continue to object, particularly on the grounds of likely noise disturbance for residents resulting not only from noise generated on and within the premises but also associated with the additional activity of customers coming and going late into the night, which of course cannot be controlled by the hotel management. Given the undoubtedly quiet character of this area, particularly late at night

these impacts are likely to be acutely felt by the nearest residents. In your officer's opinion therefore the use as a hotel with a bar/dining area as proposed will cause harm to the living conditions of neighbours because of additional activity and noise late into the night. The acoustic reports accompanying the application model and predict noise impacts associated with people and mechanical noise but the council's EHO still is critical of the assessment and its findings and maintains objections to the proposal considering the living conditions of near neighbours will be adversely affected by the development. 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 180..

## **5. Highway and transportation issues**

- 8.27 Hertfordshire County Council (Transport, Programmes and Strategy) (HCCTPS) is critical of the submitted transport statement accompanying the application but having compared the likely highway impacts with the proposal for a larger public house on the same site (which it accepted in 2016) concludes that it does not wish to restrict the grant of permission subject to conditions being imposed. HCCTPS agrees that on a pro-rata assessment, against previously agreed vehicle trip rates, the proposed bar / dining area may give rise to 3 two way vehicle trips in the lunchtime peak (13:00 – 14:00) and 4 in the evening peak (17:00 – 18:00). The HA are satisfied that the proposals, measured against the trip rate characteristics of either Hotel or Public House, would not be considered severe. Trips generated by either use, in the AM and PM peak, would be beneath that commonly expected for a building of the applicant site scale (471m<sup>2</sup>) within B1 office use.
- 8.28 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.
- 8.29 The HCCTPS suggest that the Local Planning Authority (LPA), in consultation with the council's parking team, should assess the adequacy of parking controls and availability of spaces in the vicinity to establish the impacts of any parking likely to occur associated with the hotel. The councils published parking standards are now considerably out of date but for a hotel recommend a maximum of 1 space per bedroom plus spaces for staff and additional spaces calculated on the basis of area of dining area and bar area. In locations that are well served by other means of transport the council applies these standards with some considerable flexibility and has accepted central developments in sustainable locations which are accessible by other means of transport with a much lower standard of parking provision. It should be noted that there are town centre businesses in the vicinity that also make no provision for customer or staff car parking and 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). Such an approach is considered reasonable in terms of safety and parking limitations in the area and similar arrangements would apply to other similar businesses operating nearby, restaurants on Howardsgate for example.

- 8.30 A S106 agreement could be secured requiring that a delivery management plan shall be produced 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.
- 8.31 Whilst the development would, if permitted result in the loss of parking spaces presently at the rear of the building the site is located in a sustainable location where a lower provision may be acceptable. The County Highway Authority considers that trips generated by the site shall not be unacceptable nor have a severe impact on the highway network and the council's Parking Services Manager also has no objection to the proposal on parking grounds. The highways and parking impacts of the development are therefore considered to be acceptable.

## **6. Refuse and recycling Storage**

- 8.32 The hotel 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 side of the site) to the kerbside is considered acceptable. The location of the bin storage area however, would be relatively close to existing homes and very close to 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.

## **7. Crime and Disorder and the Fear of Crime**

- 8.33 Crime and the fear of crime are material considerations in the consideration of an application and it is clear that many residents are fearful of criminal or anti-social behaviour associated with the sale of alcohol on the premises. Such activity could of course have a potentially adverse effect upon the amenity of residents and the wider area, however they are also matters that are taken into account in connection with the licensing of premises and is controlled by other legislation and so it is considered that on its own it does not provide sufficient reason to refuse planning permission, but when considered in conjunction with other harmful impacts of the development will contribute to perceived harm associated with the development.

## **8. Job creation/economic benefits**

- 8.34 It is clear that the NPPF encourages local authorities to “*support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation*”. There is an explicit acceptance that town centres may “*grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters*”. Hotels are in principle acceptable within the town centre (as is the case here) but development plan policies and the NPPF also acknowledge that changes should “reflect their distinctive characters.” Many letters of support for the proposal suggest there is a demand for the proposed hotel, a significant number of objectors also recognise the need to improve the range of facilities in the town, but it is clear that this should not be to the detriment of heritage assets or to the amenity of the area and its residents.
- 8.35 The applicants suggest up to 50 jobs will be created within the hotel and there might also be linked jobs. A number of representations suggest that this number is excessively high and the real number of jobs created might be much lower. Reference to the HCA Employment Density Guide 2015 which offers broad guidance on employee numbers relative to space shows limited service hotels might have 1 employee per 3 bedrooms (3) and a restaurant/café might generate 1 job per 15/20 sq m space (8-10 jobs). The Guide does not provide figures for a public bar. These figures fall considerably short of the 50 jobs stated however the HCA document is merely a guide and different operators may have differing working practices and ratios. It is clear however that the provision of new jobs in the town on a site where presently there are none is a benefit that must weigh in favour of the development, so too is the widening of the range of facilities and improvements to the night time economy in the town. However welcome this job creation and investment and improvements to the towns facilities might be it should not be to the detriment of heritage assets or to the amenity of the area and its residents. It is again the officer’s view is that the positive benefits of job creation in this instance are not sufficient to overcome the harm arising from the site specific impacts of the development the subject of the planning application referred in other sections of this report.

## **9. Conclusion**

- 9.1 This proposal for a new hotel has, like former applications for a large public house, generated very significant levels of public interest. Approximately two thirds of writers object to the proposal and one third support the scheme. Even amongst those objecting there is an acknowledgement by many that the town would benefit from the investment, but in a different location.
- 9.2 Whilst the site is within the defined boundary of the town centre where leisure and hotels, bars and restaurants are encouraged to locate the impacts of such uses upon heritage assets, the immediate area and its residents are important material considerations to be taken account of.
- 9.3 The site is located in the heart of the Welwyn Garden City conservation area, fronting Parkway and adjacent to unregistered gardens and important open land. It is one of the most prominent locations in the conservation area and

forms one of a group of early Welwyn Garden City houses recognised as being of particular importance to the conservation area. The impacts of any new development upon its environs are important considerations but within conservation areas Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes clear that 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 area are considered to be harmful, whilst they represent less than substantial harm to the designated heritage asset it is not considered that the harm is outweighed by public benefits.

- 9.4 Because of the size and design of the extension relative to the existing building, and relative to its original smaller footprint and design, the works of extension are also considered to be harmful to the appearance and setting of number 22 Parkway and its neighbours which are identified as non-designated heritage assets. The NPPF makes clear that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. On balance it is considered the scale of harm is not outweighed by the benefits of the scheme 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 this council and the Planning Inspectorate has refused planning permission for large extensions on the rear of buildings in this row of 6 early Welwyn Garden City houses because of their perceived unacceptable scale and appearance. The current application is likely to be similarly harmful and contrary to a range of development plan policies.
- 9.4 Whilst the hotel use and changes to the design of the extension and particularly the absence of a beer garden result in a significantly different proposal from that of former applications affecting the site the impacts of the proposal are also considered to be similar to the some of the impacts of the former proposed public house use. Clearly efforts have been made to reduce and overcome the effects of noise and disturbance associated with an A4 drinking establishment but this remains a substantial element of the intended hotel use and proposed acoustic fences and management initiatives regarding hours of usage are considered unlikely to be sufficiently effective to mitigate against what are likely to be seriously adverse effects upon the amenity of nearby neighbours who are used to a quiet aural environment. Harm to the amenity/living conditions of nearby residents arising from (i) noise emanating from the hotel bar/dining area and smoking area during the day and evening caused by customers and general servicing activity associated with use of the public house and (ii) additional activity and noise associated with comings and goings of customers into the early morning each day. The proposal would therefore conflict with the objectives of Policies CLT6 and 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 180.

## 10. Recommendation

10.1 It is recommended that planning permission be REFUSED for the following reasons:

1. The proposed extension represents a significant increase in the footprint and bulk of the building and is considered to represent an overdevelopment of the plot such that it fails to reflect the form, scale, setting and design of the existing building, neighbouring buildings and the spaces around it. It 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 127 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 buildings and spaces along this and other sections of Parkway and the wider Welwyn Garden City conservation area. The development would therefore harm 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) and would harm the appearance of the building which is a non-designated heritage asset. This harm is judged not to be 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 is contrary to paragraph 196 of the National Planning Policy Framework.

3. The proposed hotel use with its associated public bar and dining area will significantly intensify the usage of the building throughout the day and into the early morning each day and thus significantly intensify the commercial character and appearance of the building and this row of buildings on the western side of Parkway which to date has had a relatively tranquil character. The development will therefore adversely affect the way in which the building and its neighbours are currently perceived and experienced as part of a wider group of original homes in the planned Welwyn Garden City Conservation Area, failing to better reveal its historic significance as a designated heritage asset and in the case of 22 Parkway, as a non-designated heritage asset. This change in the character and intensity of the use is therefore considered to conflict with the aims of saved Policies CLT6 and TCR11 (i) of the Welwyn Hatfield District Plan 2005 and is contrary to the aims of paragraphs 196, 197 and 200 of the National Planning Policy Framework 2018.

4. Use of the extended building as a hotel with associated public bar and dining area as proposed would, despite the presence of proposed acoustic

fences and management initiatives, 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 hotel and its environs during the day and into the early morning each day caused by customers and general servicing activity; (ii) additional activity and noise associated with comings and goings of customers into the early morning each day. The proposal is therefore judged to conflict with the objectives of Policies CLT6 and 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 180.

Michael Robinson, (Development Management)

Date 29/10/2018

Expiry Date: 21/09/2018



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	Title:		Scale:
	22 Parkway Welwyn Garden City		DNS
	Project:		Date:
	DMC Committee		2018
Drawing Number:		Drawn:	
6/2018/1881/FULL		Ida Moesner	
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