

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2024/1804/FULL
Location: 15 RCCG Fountain of Life Howardsgate Welwyn Garden City
 AL8 6AL
Proposal: Change of use of first & second floors from a church, education and community use (Use of Class F1) to function rooms (Use Class F2(b))
Officer: Mr Raymond Lee
Recommendation: Granted

Context	
Site and Application description	<p>The site lies on the northern side of Howardsgate within the shopping frontage of Welwyn Garden City. The application site is a mid-terrace Neo-Georgian three storey property with a parapet roof and dormer windows in the roof space. The application site relates only to the first and second floors of the building which is currently being used as a church, but the occupiers (Fountain of Life) intend to vacate the property before the new year. The surrounding area is characterised by original Garden City buildings which have largely retained their original character.</p> <p>This application seeks planning permission for the change of use of First & Second floors from a Church, Education and Community use (Use Class F1) to Function Rooms (Use Class F2(b)). Internal alterations associated with the use are also proposed to the premises. The proposal would occupy the upper two floors of the building and would have a total floor area of approximately 382 sq. metres. Access to the site would be directly off Howardsgate.</p>
Constraints	<p>CA - Conservation Area: WGC1; - Distance: 0 SAG - 0 - Distance: 0 PRC - Primary Retail Core (Primary Retail Core) - Distance: 0 Town - Welwyn Garden City Town Centre - Distance: 0 Wards - Handside - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 8.34 MIX - Mixed Use Frontages - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HPGU - Welwyn Garden City - Distance: 0</p>
Relevant planning history	<p>Application Number: N6/2009/0861/FP Decision: Granted Decision Date: 15 June 2009 Proposal: Change of use of first & second floor from class b1 (office) to d1 (education, community and religious)</p> <p>Application Number: N6/2009/2024/DS</p>

	<p>Decision: Part Approved / Part Refused Decision Date: 03 December 2009 Proposal: Discharge of condition 5 (noise management) and 6 of planning permission N6/2009/0861/FP</p> <p>Application Number: N6/2013/1753/FP Decision: Granted Decision Date: 18 October 2013 Proposal: Erection of first floor rear extension</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 15 October 2024 Site Notice Expiry Date: 5 November 2024 Press Advert Display Date: 16 October 2024 Press Advert Expiry Date: 6 November 2024 Neighbour consultation letters.</p>		
Summary of neighbour responses	None received.		
Consultees and responses	<p>The Gardens Trust - Conservation Team – No objection WHBC - Public Health and Protection - No objection HCC - Hertfordshire Transport Programmes & Strategy - No objection Conservation - No objection</p>		
Relevant Policies and Guidance			
National Planning Policy Framework			
The Welwyn Hatfield Borough Council Local Plan 2016-2036:			
<ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP4 Transport and Travel • SADM2 Highway Network and Safety • SP6 Community Services and Facilities • SADM7 New Community Services and Facilities, and Losses of Community Services and Facilities • SP9 Place-making and High Quality Design • SADM11 Amenity and Layout • SADM12 Parking, Servicing and Refuse • SADM15 Heritage • SADM16 Ecology and Landscape • SP15 The Historic Environment of Welwyn Garden City • SADM 4 Development in Designated Centres 			
Planning Guidance:			
<ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Supplementary Planning Guidance Parking Standards 2004 • Interim Policy for Car Parking Standards and Garage Sizes 2014 • Planning Practice Guidance 			

- National Design Guide

Others:

- Hertfordshire Waste Development Framework 2012
- Hertfordshire's Local Transport Plan (2018 – 2031) 2018
- Manual for Streets

Main Issues

Principle of development

According to the planning history of the site, planning permission (ref: N6/2009/0861/FP) was granted for the upper floors of the building to be used for purposes falling under use Class D1 (Education, community and Religious) which now falls under use class F1 following changes made to the Use Class Order in 2020.

Sustainable development

The site is situated in a particularly sustainable location within the town centre and within walking distance to the train station, also being served by various bus services. The principle of the development is therefore considered to be in accordance with local and national policy in this regard.

Change of use

The application site is located within the Core Retail Zone within Welwyn Garden City where Policy SADM 4 of the Local Plan is relevant. This policy outlines that the Council will support proposals for new development or changes of use, subject to them not having a detrimental impact on the vitality and viability of that centre.

The application site comprises of the first and second floors of No. 15 Howardsgate and the existing use of the site falls under F1 (place of worship). Therefore, the proposal would not result in a direct loss of any retail floorspace or an active frontage. Accordingly, the principle of the change of use of this unit would not conflict with Local Plan Policy SADM4.

Provision of new community facilities

Policy SP6 of the Local Plan outlines, amongst other things, that the Council will guard against the loss of existing community facilities, promote accessible, strategic locations particularly town centres for community facilities, support alternative community uses for community facilities that are no longer needed for their current purpose and support provision of new community facilities and services where there are known gaps in provision.

Policy SADM7 of the Local Plan also says that the Council will support the provision of new community services and facilities in accordance with appropriate standards and in appropriate locations which are convenient to the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport, and buildings that are inclusive, accessible, flexible and sited to maximise shared use of the facility.

In this case, the proposal is for a change of use to F2(b) which is a hall or meeting place for the principal use of the local community. It was stated in the submitted Design and Access (Planning) Statement that it is proposed to use the first floor of the building as function rooms. The second floor is to be made

	<p>up of the associated office/admin room, communal area & toilets, staff rooms and storage rooms. The applicant states that the proposed function rooms will provide community space for various purposes such as hosting social and business events.</p> <p>It is understood that, due to access issues, the current occupiers of the site (Fountain of Life) are not able to provide their church services to their elderly patrons. Therefore, they intend to vacate the property by the end of the year and seek to relocate to a new premises with ground floor access. The applicant also states that this coincides with their lease coming to an end, and there has not been any interest for the existing use of the site. However, no marketing details have been provided by the applicant to evidence this.</p> <p>Notwithstanding, whilst the current use as a church would be lost, the proposal would continue to provide an alternative use that would benefit the local community. Furthermore, a venue of such size is not widely available in the immediate area. The site would also be appropriately and sustainably located where it is easily accessible by walking, cycling and public transport. It is therefore considered that, subject to a condition ensure that the use of the property remains in F2(b) only, the proposal would adequately accord with the aims and objectives of the above policies of the Local Plan and the NPPF.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Section 72 of the Listed Buildings and Conservations Areas Act (1990) states that 'special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area'. Section 16 of the NPPF 'Conserving and enhancing the historic environment' is broadly consistent with Policy SADM15 'Heritage' of the Local Plan. Also of relevance, and consistent with the NPPF, is Policy SP1 which states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasizes this need to deliver a high-quality design that fosters a positive sense of place, responding to the character and context of the surrounding area.</p> <p>Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness <p>Paragraph 205 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.</p> <p>Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>Paragraph 212 of the NPPF notes that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World</p>

	<p>Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.</p> <p>Local Plan Policy SADM15 is consistent with the NPPF but adds that where successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.</p> <p>In terms of impact up the visual amenity of the building and surrounding area, the proposed alterations are internal only therefore the external façade of the building including the fenestration would remain unaltered. No objections were raised by the Conservation officer. As such no concerns are raised in this regard. It is however noted that any signage may require separate Advertisement Consent, and this will be added as an informative in the event of an approval.</p> <p>Overall, it is considered that the proposal is in accordance with the Supplementary Design Guidance, Policies SADM11, SP9 and SADM15 of the Local Plan, the National Planning Policy Framework and the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p>Impact on neighbours</p>	<p>The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.</p> <p>In this case, the site is located within the town centre of Welwyn Garden City, and it is situated well away from the nearest residential properties. Given that no external alterations are being proposed, the development would not result in harm to the residential amenities in term of light, outlook and privacy.</p> <p>In terms of the impact of the proposed change of use of the existing premises, the applicant states that the opening time would be 11am to 11pm Sunday to Thursday and 11am to 1am on Fridays and Saturdays which is in line with adjoining businesses. The Council's Environmental Officer highlights that whilst there is already noise within this environment, it would not be appropriate to assume that further noise would be acceptable. Functions will likely include amplified or live music and it is important that this is suitably mitigated to ensure no adverse impact to the nearest residential and commercial receptors. A Noise Management Plan (which has been agreed with the applicant) can be secured by condition.</p> <p>Subject to condition, the proposed development would protect the amenity of neighbouring properties in accordance with Policy SADM11 of the Local Plan, the Council's SDG, and the NPPF.</p>
<p>Access, car parking and highway</p>	<p>Paragraph 111 of the NPPF states that in setting local parking standards, authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for</p>

<p>considerations</p>	<p>public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.</p> <p>Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.</p> <p>Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation, and they provide satisfactory and suitable levels of parking. The onus is therefore on the developer or applicant to demonstrate through transport information submitted alongside your planning application that a greater or lesser level of car parking provision is appropriate.</p> <p>In terms of parking provision, the floor area being created for F2(b) use is stated to be approximately 382sqm. The parking standards requires 1 space per 10sqm gross floor area for the existing place of worship. In this case the community related use would require 1 space per 9sqm gross floor area plus 1 space per full time member of staff. The parking need arising from the proposed use of the site would therefore be similar to the existing situation. It is noted that there is no parking available in the current situation, and none are proposed as part of this application.</p> <p>Although there is no parking associated with this building, the site is sustainably located in the centre of Welwyn Garden City and is served by several car parks in the immediate locality and close to public transport links including bus and train services. The Highway Authority have been consulted on the application and no objection was raised. It is considered therefore that the proposal would not have an unreasonable impact on the safety and operation of the highway.</p> <p>As such the scheme complies with Policies SADM2, SADM7 and SADM12 of the Local Plan and the National Planning Policy Framework.</p>
<p>Any other considerations</p>	<p><i>Biodiversity Net Gain</i></p> <p>Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions. An exemption applies in relation to planning permission for a development which is 'de-minimis' development. This means a development that does not impact a priority habitat and impacts less than:</p>

	<ul style="list-style-type: none"> • 25 square metres (5m by 5m) of on-site habitat • 5 metres of on-site linear habitats such as hedgerows <p>Policy SADM16 of the Local Plan is similar in this regard and notes that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.</p> <p>Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted. The applicant has confirmed on the application form that if permission is granted for the development to which this application relates, the biodiversity gain condition would not apply. It sets out that the proposal falls within the definition of de-minimis development, being a small-scale commercial development with internal alterations only and no increase in the footprint of the building, therefore this is not required. It is also noted that due to the extent of the works proposed and the commercial nature of the application site, in this case the proposal would unlikely impact any on-site habitat and would fall below the threshold.</p>
<p>Conclusion</p>	
<p>Overall, subject to the aforementioned conditions, the proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, the Welwyn Hatfield Borough Council Local Plan and Supplementary Design Guidance. It is therefore recommended that planning permission is granted.</p>	

Conditions:

1. No development shall commence until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The noise management plan must set out how noise from amplified and live music with the associated use of the function rooms is appropriately managed. The development shall subsequently not be carried out other than in accordance with the approved details.

REASON: To protect the occupants at the nearest residential and commercial receptor locations from noise disturbance in accordance Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987, and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking or re-enacting these Orders) this permission shall permit the use of the first and second floors of the building as F2(b) (hall or meeting place for the principal use of the local community) use only.

REASON: To enable the Local Planning Authority to fully consider the effects of retail, sport and recreation uses normally permitted by this order, in the interests of ensuring that the appearance of the site would be in keeping with the surrounding commercial properties and remain sympathetic to the character for the

Conservation Area in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
P102		Proposed Second Floor Plan	18 September 2024
E102		Existing Second Floor Plan	18 September 2024
P101		Proposed First Floor & Site Plan	18 September 2024
E101		Existing First Floor & Site Plan	18 September 2024
L101		Location & Block Plans	19 September 2024

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr David Elmore
29 November 2024