

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2008/2028/FP</b>
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**NOTATION:**

The site lies within the Primary Retail Core in Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site, No 25 Wigmores North, is an attached 2 storey terraced property located within the town centre of Welwyn Garden City with commercial type uses on the ground floor and residential uses on the upper level of the building.

**DESCRIPTION OF PROPOSAL:**

The application seeks permission to change the use of the premises from A1 (shop) to A2 (financial and professional services). The site currently facilitates the operation of “Kastaways” a retail outlet, and seeks to change the use of the premises to an employment agency which is classified as an A2 use (financial and professional services). The change of use will also include internal refurbishing works to the building.

**PLANNING HISTORY:**

N6/1991/0330/FP, New Shopfront – Granted/Approved

N6/2000/1021/FP, Replacement of existing roller shutter with perforated brick bond shutter– Granted/Approved

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Policy

PPS1: Delivering sustainable development

PPS6

East of England Plan 2008

SS1: Achieving Sustainable Development

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and specified settlements

D2: Character and context

TCR7 – Retail Frontages

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**CONSULTATIONS:** N/A

**TOWN/PARISH COUNCIL COMMENTS:** N/A

## **REPRESENTATIONS**

The application was advertised by means of neighbour notification, a press notice and site notice. During this time, 2 representations were received. The matters raised in the submissions included in summary the following:

- Loss of retail shop in the Welwyn Garden City, where there are other available offices within the vicinity
- It would not be in interests of the retail life of Welwyn Garden City to allow another small retail shop to become yet another office.
- If the application was approved, the retail frontage would diminish to 55% which would contravene Council's policy.

## **DISCUSSION:**

The main issues are:

- 1. The appropriateness of the proposed use and its impact on the vitality on the Welwyn Garden City area.**
- 2. Impact on the amenity of neighbouring residents**
- 3. Other Material Planning Considerations**

1. The site is located within the Primary Retail Core of Welwyn Garden City and within the Welwyn Garden City Conservation Area. Wigmores North is characterised by commercial properties, typically 2 storeys high with residential accommodation on the second level of the buildings. Two large department stores lie within close proximity to the building and a public car park is located in front of the premises.

Given that the applicant seeks permission to change the use from A1 (shops) to A2 (financial and professional services) and is located within the Primary Retail Core of the Welwyn Town Centre, consideration must be given to the relevant policy TCR7 – Retail Frontages in Welwyn Garden City Town Centre.

*Policy TCR7 – states that 'Within the designated Retail Frontages in the primary retail core of Welwyn Garden City town centre, a minimum of 70% of any one linear frontage must remain in Class 1 Retail Use. Therefore planning permission will be granted for changes of from Class A1 to Class A2 or A3 uses up to a maximum of 30% of any one linear frontage. In retail Frontages where already less than 70% if the linear frontage is in Class A1 use, planning permission will not be granted for use to non-retail uses.*

this regard, a land use survey of the current uses within the subject retail frontage (No. 21 – 37 Wigmores) is summarised in the table below:

Address	Business Name	Use Class	Shop frontage (m)
21 Wigmores North	Andres Hairdresser	A1	5.9m
25 Wigmores North	Kastaways	A1	6.8m
29 Wigmores North	Ashtons Property	A2	6.4m
33 Wigmores North	Austins Funeral Directors	A1	4.8m
37 Wigmores North	Canon Photo Optix	A1	4.8m
<b>TOTAL</b>			28.7m

The linear frontage designated as the 'Retail Core' between tenancies 21-37 is approximately 29m. Currently 22.3m of the frontage is in A1 (shops) use and 6.4m of the frontage is in A2 (financial and professional services – "Ashtons Property") use, therefore currently 77% of the frontage is in A1 (shops) use in accordance with Council's policy.

If No.25 Wigmores is converted to A2 (financial and professional services) for the use of an employment agency as proposed, this would result in only 53% of the linear frontage being in A1(shops) use which contravenes the 70% requirement under policy TCR7.

The underlying objectives of both Policies TRC 7 and PPS 6- Planning for Town Centres is to ensure that the vitality and viability of town centres remains unharmed. Clause 13.37 of the Welwyn Hatfield District Plan 2005 (which even though the pre text technically no longer forms part of the development plan is afforded significant weight) states that; *The principle function of the retail core is to enable the retail trade to serve customers with a wide range of goods, with the recognition of the need for a variety of services including banks and café's. Whilst these uses add interest and vitality to the town centre, a proliferation can result in a proliferation of 'dead frontages. Council therefore needs to strike a balance between the protection of the predominant retail function of the primary retail core and the need to encourage a lively mix of other uses.*

In this regard, the property proposed to be used as an employment agency, is to be located directly next to "Ashtons Property" which is also an A2 use. The nature of A2 uses is one that is not associated with high pedestrian activity or interaction and is not considered to be a use which contributes to the vitality and viability of a town centre.

Whilst it is acknowledged that there is a need to encourage a lively mix of other uses, including A1, A2 and A3 uses within a town centre, in this instance it is considered the cumulative impact of the two A2 uses, would unbalance the preferred A1/A2 mix of uses and result in a 'dead frontage' within this portion of the Primary Retail Core. It is therefore considered that the proposed change of use would therefore fail to maintain the vitality and viability of the town centre and would undermine the retail function of the frontage.

2. The application seeks permission for the change of use from A1 – (shops) to an A2 –(Financial and Professional Services) specifically, an employment agency. The conversion of the premises to an employment agency is not considered to impact significantly on the visual appearance of the Conservation Area although a separate application for advertisement consent

would be needed to consider the signage shown on the submitted drawings. Nor would the proposal have a material impact on the amenity of the adjoining premises given that the use of a business type nature and operates in a manner similar to the surrounding commercial/retail area.

3. During the public notification period of the application, Council received 2 letters of objection, which in summary raised the following issues:
  - Loss of retail shop in the Welwyn Garden City, where there are other available offices within the vicinity
  - It would not be in interests of the retail life of Welwyn Garden City to allow another small retail shop to become yet another office.
  - If the application was approved, the retail frontage would diminish to 55% which would contravene Council's policy.

Council acknowledges the comments made by objectors, and it is considered that the matters raised by objectors have been discussed within the body of this report.

**CONCLUSION:**

The proposal would result in 53% of the tenancies within this portion of the Primary Retail Core of the Welwyn Garden City being a A2 use which contravenes Council Policy. Whilst it is acknowledged that there is a need to encourage a mix of other uses within the town centre, it is considered the cumulative impact of A2 uses within the area unbalances the mix of uses within the immediate vicinity and would result in a section of 'dead frontages' within this portion of the Primary Retail Core that would undermine its function as a retail frontage.

It is therefore considered that the proposed change of use would therefore fail to maintain the vitality and viability of the town centre and because of the reduction in A1 retail uses would affect the character of this part of the town centre, the proposal is therefore contrary to Planning Policy 1: Delivering Sustainable Development, and Policies GBSP2, TCR7 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance.

**RECOMMENDATION: REFUSAL AND REASON (S)**

The proposal would result in 53% of the retail frontage in the Primary Retail Core of Welwyn Garden City being in A2 use. PolicyTCR7 requires that a minimum of 70% of any one linear frontage remain in Class A1 Retail use. The level of resultant A1 use and the cumulative impact of A2 uses along the frontage would undermine the retail function of the frontage and fail to maintain the character, vitality and viability of the town centre. The proposal is therefore contrary to Planning Policy 1: Delivering Sustainable Development, PPS6 and Policies GBSP2, D2 and TCR7 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance.

**INFORMATIVES: None**

**DRAWING NUMBERS:**

Site Location Plan 204/01 and date stamped 22 October 2008.

**Signature of author..... Date.....**