

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2015/2383/FULL
Location: 1-3 Howardsgate, Welwyn Garden City, AL8 6AL
Proposal: Change of use of No's 3a - 3b from Class A1 (shops) to Class (A3 Restaurant & cafe), amalgamation of units 1-3 to create a single Class A3 unit. Installation of extraction and ventilation, new shopfront, awning and outdoor seating, with associated refuse storage.
Officer: Ms R Collard

Recommendation: Granted

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT**

APPLICATION No: 6/2015/2383/FULL

SITE ADDRESS: 1-3 Howardsgate, Welwyn Garden City, AL8 6AL

DESCRIPTION OF DEVELOPMENT: Change of use of No's 3a - 3b from Class A1 (shops) to Class (A3 Restaurant & cafe), amalgamation of units 1-3 to create a single Class A3 unit. Installation of extraction and ventilation, new shopfront, awning and outdoor seating, with associated refuse storage.

RECOMMENDATION: APPROVE WITH CONDITIONS

1. SITE AND APPLICATION DESCRIPTION:

The application site is located within the town centre of Welwyn Garden City, the unit is located on the corner of Howardsgate and Parkway. Howardsgate is the second principal axis, forming the centre of the commercial shopping area, whilst Parkway consists of commercial units to the north although this is primarily a residential area. Units 1- 3 are located on a corner plot and therefore benefits from two frontages, with the largest frontage would be onto Howardsgate. Howardsgate is a formally landscaped boulevard with paved and planted open spaces, metal works, public seating and advertising.

This application seeks planning permission for the change of use of the premises 3a -3b from an A1 and Sui Generis use to an A3 use and the amalgamation of units 1-3 to create a single A3 unit. Installation of extraction and ventilation units, a new shop front, awning, outdoor seating and associated refuse storage.

2. SITE DESIGNATION:

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

3. RELEVANT PLANNING HISTORY:

C6/1988/0876/FP – New shop front and creation of additional floor space for Class A3 use – Granted 26th September 1988

C6/1987/-183/FP – Alterations to shop front – Granted 21st April 1987

C6/1986/0998/FP – Change of use to family restaurant with take away service on ground floor of premises – Granted 13th February 1987

4. CONSULTATIONS:

WHBC Environmental Health – No objections subject to conditions

WHBC Transport, Programmes & Strategy – No Objection subject to conditions

5. NEIGHBOUR REPRESENTATIONS:

One representation has been received from the public which may be summarised as:

- The top of Howardsgate is becoming more of a leisure use area and that retailers apart from Charity shops are migrating nearer to the Howard Centre - the adjoining unit of 5 Howardsgate has been empty for over a year and is now only in use following the relocation of the occupiers in 3 Howardsgate. One has to assume that with 3 restaurants having closed on the site in the last few years it is currently not economic in size and that an extension into 3 Howardsgate is a logical way to provide a better economic opportunity. As such the enhancement of WGC with a Cote restaurant would outweigh the change of use of 2 very small retail units
- Cote Brasserie will be a very welcome addition to the town and will see this corner of the town centre fully utilised. I don't think those guys tend to get things wrong so I think their new larger restaurant will be viable and successful

6. TOWN/PARISH COUNCIL REPRESENTATIONS

No representations have been received from the Town/Parish Council.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) Principle of the change of use (Local plan policy TCR8, 2015 Welwyn Garden City Town Centre North SPD and NPPF)
- b) Impact on character and appearance of the property and the surrounding conservation area (D1, D2, NPPF chapters 7 and 12 and SDG)
- c) Impact on neighbouring amenity (D1, NPPF and SDG)
- d) Parking and highway safety (Policy M14, NPPF SPG and council's Interim parking standards)

8. ANALYSIS:

a) Principle of the change of use

No 1-3 Howardsgate is located within a mixed use frontage within the primary retail core of Welwyn Garden City. As such, the Policy TCR8 is of relevance in this instance. This policy states that 'within the designated mixed use frontages in the primary retail core of Welwyn Garden City town centre, planning permission will be granted for changes of use to Class A1, A2 and A3 uses and for uses which provide community, leisure and cultural facilities'. Policy TCR8 also requires that a minimum of 80% of any one linear frontage must remain in uses with Class A and that a minimum of 50% must remain in Class A1 retail use.

The site makes up part of the frontage on the northern side of Howardsgate, Unit 1 lies on the corner of Howardsgate and Parkway, whilst units 3a and 3b front Howardsgate. The frontage on Howardsgate is made up of 7 units of varying width and has a total width of approximately 82m. Unit 1 is currently vacant, however its most recent use was a restaurant known as 'The Pig & Truffle' which falls within an A3 use. The neighbouring units include a Barbers (A1 use), Nail Parlour (sui generis), vacant (A1), Insurance, The Two Willows Public House (A4 use), Prezzo Restaurant (A3 use) & Post Office (A1 use). The largest units fall within an A3 or A4 use.

No.1 is already within a Class A3 use, however units 3a and 3b are currently vacant and are within an A1 use and a sui generis use and therefore the change of use of these units would impact the number of units along this frontage under a Class A1 retail use. It is considered that approximately 51.8m within this retail frontage would be taken up by uses that are not with an A1 use. As such this would not be in accordance with the requirements of Policy TCR8 of the District Plan.

However retail habits change and more recent and emerging policy should be considered. Notably, the Welwyn Garden City Town Centre Strategy of the 2015 Supplementary Planning Document of the Town Centre North site included an ambition to '*Increase the diversity of uses in the centre; in particular cafes, restaurants and pubs*' with a view to boosting the town's evening economy. This reflects the evolving role of town centres as leisure destinations as much as they are retail destinations and echoes the thrust of Policy CS5 of the 2012 Emerging Core Strategy. Given the continued emphasis in the Emerging Core Strategy on the protection of the shopping function of the primary retail frontages, the mixed frontages are the locations where this diversification of uses should take place.

The conversion of the two shop units at 3a and 3b Howardsgate would represent an increase in the restaurant's floor space of around 30%. It is noted that two successive restaurant businesses have ceased trading from 1 Howardsgate within the last 18 months. However the repeated recent vacancy of 1 Howardsgate will have had at least some detrimental impact on the perception of the town centre, given the unit's location at a prominent corner site at one of its key pedestrian and vehicular access points.

In light of the above the principle of the change of use of 3a and 3b Howardsgate from an A1 and Sui generis use to an A3 use, no objection is raised, furthermore it is considered that the benefits of an enlarged restaurant at 1-3 Howardsgate would outweigh the loss of two very small shop units, and would facilitate a boost in the town's evening economy in line with the Town Centre Strategy set out in the 2015 Welwyn Garden City Town Centre North SPD and the NPPF.

b) Impact on character and appearance of the property and the surrounding conservation area

District plan policy D1 requires a high quality design in new development whilst policy D2 requires all new development to respect and relate to the character and context of the locality, maintain and where possible enhancing the character of the existing area.

The proposed change of use includes external changes to No.1 and 3 Howardsgate. The corner archway would be retained, it is also noted that bi-folding doors would be seen to two of the shop fronts facing onto Howardsgate, this is not considered to be detrimental to the building or the conservation area as similar shop fronts can be seen to other units within Welwyn Garden City.

It is also noted that the shop fronts would be altered in terms of their appearance and colour. The existing stonework and pilasters would be retained in a cream colour; however the window units and area immediately above (fascia) would be painted in a dark grey colour. It should be noted that amendments have been sought during the application, as previously the whole shop front including the stonework surrounds were also to be painted in a dark colour, however this was considered to be overly dominant and unacceptable and therefore amendments sought. The revised appearance is considered to be acceptable and would be in accordance with the *'Welwyn Garden City Guide to shopfront and advertisement design'* as it does not impinge on the stonework surround.

Four awnings are proposed, three of which would be facing onto Howardsgate – these and would be the same width as the windows to which they relate. The additional awning would be to the window facing Parkway and would be largely obscured due to the set back from this front elevation. The Council 's guide to shop front and advertisement design, states that blinds, awnings or canopies will only be permitted where they are well-related to the architectural design of the building on which they are fitted. The proposed awnings are not considered to be detrimental to the street scene, with awnings at other shops within the Conservation area.

Lighting is proposed and would include swan necked spotlights, three would be mounted on the pilasters fronting Parkway, whilst a further four would be seen fronting Howardsgate. Two surface mounted spotlights would be seen illuminating the signage fronting Parkway and two spotlights would be seen to the signage fronting Howardsgate. Additionally eleven wall mounted awning lights would be seen to the elevations fronting Howardsgate. No details of the lights have been submitted to the Council.

The application proposes a new shop front. Fascia and other signage falls within the remit of an application for advertisement consent and it is only the physical shop front which is subject to consideration as part of this application. The relevant planning policies referred to above are expanded upon in the Council's Supplementary Design Guidance which requires that proposals for alterations to existing shop fronts should meet a number of criteria which require shop fronts to harmonise with, and respect, the character of the buildings and street scene on which they are to be located, as well as the Welwyn Garden City 'Guide to shop front and advertisement design'.

An extraction and ventilation system is proposed as part of the application and would be to the rear of the site within the service yard. It is noted that the extraction system flue would extend above the roof of the building, however it is not considered to be overtly visible within the public realm, as such it is not considered to impact the conservation area of Welwyn Garden City adversely.

The new refuse and waste area will be brought forward by approximately 4.5m with fencing to be identical to the existing but relocated to a new position. The bin store is to the rear of the building within the service yard and therefore would not be visible within the public realm. No objections are raised with regard to this element of the proposal.

Accordingly, the proposed shopfront and change of use would be of sufficiently high quality design as respect and relate to the character and context of its conservation area setting, in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan, 2005 and the NPPF.

c) Impact on neighbouring amenity

The impact of the proposed development on the residential amenity of neighbouring dwellings and occupiers is considered in terms of how the proposal would impact properties in terms of overshadowing and the level of access to day/sun/sky light afforded by the proposal, whether the proposal would be overbearing and cause loss of outlook, and in terms of overlooking/privacy. Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development.

Whilst external alterations are proposed as part of the application and considered above, these are not considered to impact neighbouring amenity adversely. As already noted Unit 1 is currently an A3 use, however a change of use is proposed to unit 3. The change of use from an A1 use and sui generis to a restaurant A3 is unlikely to give rise to any increases in noise or disturbance that would be detrimental to neighbouring occupiers.

It is noted that residential dwellings are located within the vicinity of the unit, however the opening hours of the restaurant are outlined at section 20 of the application as 08:00am to 00:30am Monday to Saturday and 08:00 to 24:00 on Sundays and Bank Holidays. For a town centre location, these are considered reasonable opening hours which would not result in harm to neighbouring premises. As the opening hours are outlined in the application form, this will be included as part of a condition in any approval of planning permission

It is found that the proposed change of use would be unlikely to result in any undue harm to the amenity of the neighbouring commercial premises and the residential amenity of any potential future residential neighbouring properties.

d) Parking and highway safety

It is noted that the rear service area could be used for the storage of refuse and the loading and unloading of small lorry vehicles and is accessible to vehicles via the access from Wigmores North.

Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) do not object to the proposal on the grounds of highway safety. The existing premises do not provide any dedicated parking on-site, however the site is located close to public transport facilities in the town and is therefore accessible by a range of sustainable transport methods other than the private car.

9. CONCLUSION:

The proposal would sufficiently maintain the commercial character of this part of the Welwyn Garden City town centre and would maintain the character and appearance of the property and surrounding conservation area and it would sufficiently maintain neighbour amenity.

Signature of author.....

Date.....

Conditions:

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

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

PRIOR TO OCCUPATION

2. Notwithstanding the drawings submitted, details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

POST DEVELOPMENT COMMENCING

3. The noise emitted by the combined operation of all external building services plant hereby permitted, when measured from the facade of the nearest residential premises shall be 10db below background noise level at any time when the plant is operating.
Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

REASON: To protect residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 08:00 to 00:30 Monday to Saturday and 08:00 to 24:00 on Sundays and Bank Holidays and no customer shall be permitted to be on the premises outside of these times.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. The measures contained in the 'ACA Acoustics Assessment of Proposed Mechanical Services Equipment March 2016' and the 'Chapman Ventilation'

information submitted and shall be implemented prior to the development coming into use and maintained in full working condition as detailed within the 'report' thereafter.

REASON: To protect residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

6. All articles mounted projecting over the highway shall be a minimum of 2.3m above the level of the footway.

REASON: In the interest of pedestrian safety and amenity and in accordance with Roads in Hertfordshire – Highway Design Guide and policy M5 of the Welwyn Hatfield District Plan 2005.

1. REASON FOR APPROVAL

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

Informatives:

1. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 115E of the Highways Act 1980 is required prior to the placement of any tables, chairs or other apparatus in the public highway. The applicant will need to apply to the County Council (Highways) via either the website at:

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/stcafes/> or telephone 0300 1234047 to arrange this. The applicant is further advised that the license may or may not be issued with or without amendment to the scheme granted planning permission.

2. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 115E of the Highways Act 1980 is required prior to the placement of any tables, chairs or other apparatus in the public highway. The applicant will need to apply to the County Council Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/stcafes/> or telephone 0300 1234047 to arrange this

Determined By:

Ms F Nwanze
1 April 2016



**WELWYN
HATFIELD**