



TOWN PLANNING LTD

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**PROPOSED CONVERSION OF THE FIRST
AND SECOND FLOORS OF THE BUILDING
TOGETHER WITH AN ADDITIONAL STOREY
TO PROVIDE RESIDENTIAL
ACCOMMODATION (TOTAL OF 27
DWELLINGS); THE RETENTION OF THE
GROUND FLOOR FOR CLASS A USES AT 26
STONEHILLS, WELWYN GARDEN CITY,
HERTFORDSHIRE AL8 6NA**

**PLANNING STATEMENT ON BEHALF OF AMSPROP
REAT LIMITED**

SMB/db/2017/23

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CONTENTS

	page
1.0 Introduction	3
2.0 The Application Site	4
3.0 Outline of the Relevant Planning Policies	5
4.0 Planning Assessment	8
5.0 Conclusions	10

1.0 INTRODUCTION

- 1.1 This planning application proposes the conversion of the first and second floors of no. 26 Stonehills, Welwyn Garden City, Hertfordshire AL8 6NA together with an additional storey to provide residential accommodation (total of 27 dwellings). The ground floor is proposed to be retained for Class A Uses.
- 1.2 Amsprop REAT Limited, the applicants, are the freehold owners of the building which is currently occupied by Debenhams on a lease expiring on 13 May 2022. However, Debenhams have formally advised Amsprop of their intention to “close” their Welwyn Garden City store on 24 January 2020.
- 1.3 This Planning Statement covers the principle of the proposed development – retention of Class A Uses at ground floor level with 3 floors of residential above. It should be read in conjunction with the submitted drawings and reports as set out in the covering letter.

2.0 THE APPLICATION SITE

- 2.1 The application site extends to approximately 0.114 hectares and comprises a basement, ground, first and second floor building extending to 3,148sqm in floorspace.
- 2.2 The building was built in the 1950s and is currently occupied by Debenhams as a department store.
- 2.3 The building occupies a corner location on the junction of Stonehills and Sir Theodore's Way - a paved pedestrian thoroughfare, linking Wigmores North and Stonehills. To the north of the site is an area of open space (Anniversary Gardens).
- 2.4 The John Lewis department store lies to the north-west and is separated from the application site by that store's customer car park and Wigmores North.
- 2.5 The application's western elevation is adjoined by the properties comprising nos.21 to 37 (odd) to Wigmores North. These are Class A uses at ground floor level.
- 2.6 The southern elevation of the building adjoins in part the service area for Debenhams and the other retail units in the immediate vicinity fronting Stonehills, Wigmores North and Howardsgate. Access to this service area is between nos. 49 and 53 Wigmores North.
- 2.7 The eastern elevation of the building is adjoined by nos 28 to 36 (even) Stonehills. These are Class A uses at ground floor level with 3 floors of residential above (including a mansard roof).
- 2.8 Pedestrian access to the Howard Centre from the application site is via Stonebank on the eastern side of Stonehills. Welwyn Garden City railway station can be accessed via the Howard Centre. The bus interchange is located immediately to the north of the Howard Centre via Stonebank.
- 2.9 The site is within Welwyn Garden City town centre as well as the Welwyn Garden City Conservation Area. The building is not "listed".

3.0 OUTLINE OF THE RELEVANT PLANNING POLICIES

3.1 The relevant planning policies are contained in the following documents:

- The National Planning Policy Framework
- The Welwyn Hatfield District Plan 2005 and
- The Draft Local Plan Proposed Submission (August 2016)
- Welwyn Garden City Town Centre North SPD

3.2 The National Planning Policy Framework (NPPF) updated in February 2019 contains a presumption in favour of sustainable development (paragraph 11).

3.2 Paragraph 59 refers to The Government's objective of significantly boosting the supply of homes. Paragraph 68 recognises the "*important contribution to meeting the housing requirement of an area*" that small and medium sites make.

3.3 The starting point for Section 7 – "Ensuring the vitality of town centres" - is set out in paragraph 85 as follows:

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"

3.4 Paragraph 85(a) recognises the need to be able to "*respond to rapid changes in the retail and leisure industries*" and paragraph 85(f) recognises that "*residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*"

3.5 Section 11 – "Making effective use of land" - refers to promoting and supporting the development of under-utilised land to meet identified needs for housing.

3.6 Good design is a key aspect of sustainable development (paragraph 124). Paragraph 127 seeks to ensure that development:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 3.7 The Conservation Area aspects of the NPPF are well covered in the Heritage Statement accompanying the planning application and are therefore not repeated here.
- 3.8 The Welwyn Hatfield District Plan 2005 remains part of the statutory local plan until it is superseded by the Review. The District Plan 2005 identifies the site as part of the defined town centre and specifically as a Retail Frontage covered by Policy TCR7. Other than the distinction between Retail Frontages and Mixed-Use Frontages, covered by Policy TCR8, the District Plan does not identify the key retail units in the town centre.
- 3.9 The Draft Local Plan Proposed Submission (August 2016) is currently part way through examination by a Planning Inspector but is unlikely to be adopted until sometime next year – probably June/July 2020.
- 3.10 The Draft Local Plan Proposals Map identifies the application site (Debenhams) as an “Anchor Store” within the town centre to which draft Policy SADM 4 applies. This states that:
- “Development will not be permitted which would lead to the loss of all or a significant part of an Anchor Store from an A1 retail use, unless it can be clearly demonstrated that the loss would not have a detrimental effect on the vitality and viability of the town centre”.*
- 3.11 This Policy was not subject to any objections during the Local Plan process and therefore, it is anticipated that it will be adopted in its current form.
- 3.12 With regard to housing, the Local Plan Inspector requested the Council to explore additional sites to be identified to meet the objectively assessed need. There is currently a consultation exercise underway (until 18 June 2019) on the 140 new and re-promoted sites as part of the Council’s recent call-for-sites exercise. These sites will form the basis for further examination at the Local Plan Hearings later this year.
- 3.13 The Conservation Area aspects of the local plan (both adopted and draft) are well covered in the Heritage Statement accompanying the planning application and are therefore not repeated here.
- 3.14 The Welwyn Garden City North SPD was adopted on 7 April 2015. The application site adjoins the area covered by this SPD which lies at the northern end of Welwyn Garden City Town Centre and comprises the Bridge Road roundabout, Anniversary Gardens, the John Lewis car park and a 2-storey block on the eastern side of Stonehills (nos. 7 to 13 (odd)).
- 3.15 The SDP was produced to give more guidance to the site’s allocation for retail development under Policy TRC4 of the 2005 Local Plan. Paragraph 4.6 of the SPD

refers to the acceptability of residential use on the upper floors of any retail development on the site.

- 3.16 No development has taken place to date. The Council have recently been awarded £10.6m from Homes England through the Accelerated Construction fund in order to bring forward new residential development on 3 sites in the Borough. One of these is Town Centre North, where £6.1m will help the Council develop and expand on the plans set out in the SPD for a mixed retail and residential scheme.

4.0 PLANNING ASSESSMENT

- 4.1 It is clear from the forgoing and the other documents accompanying this planning application that the main issue in this case is the loss of an anchor store in Welwyn Garden City town centre. This was made clear in the 2 Pre-App response letters from the Council dated 18 August 2017 (ref:6/2017/1493/PA) and 5 April 2019 (ref:6/2019/0220/PA). The facts of this case are that on Debenhams ceasing to trade from this store at the end of January 2020, the building will become vacant. A prolonged vacancy will be detrimental to the town centre as a whole (and the Conservation Area) regardless of the Council's aspirations for developing the Town Centre North site.
- 4.2 The application site lies outside of, but adjoins, the Town Centre North site and the application proposal will not in any way compromise development taking place. Indeed, it may well assist given that, if this application were to be approved it would ensure the beneficial use of this prominent building situated at a "Key Node" as illustrated on Figure 1 of the SDP.
- 4.3 Figure 3 of the SDP refers to "*scope to expand Debenhams to create a larger format store*" as a "Key Opportunity". Four years on from the production of the SDP in April 2015 this is now highly unlikely given the prevailing market for large department stores as the Marketing Report accompanying this application clearly shows. However, the application proposes an active retail frontage on the northern elevation of the building with residential units in the 3 upper floors. This will "mirror" the development of the Town Centre North site envisaged in the SDP and will not prejudice any planned improvements to the pedestrian area along Sir Theodore's Way.
- 4.4 Draft Policy SADM4 was based on a Retail and Town Centre Needs Assessment undertaken in May 2016 – 3 years ago. At that time the assessment showed that there was "*a relatively high 'leakage' of comparison goods expenditure from the Study Area to the main competing centres and shopping locations in the region*" (Executive Summary p.7). In addition, the retail capacity assessment assumed that the retail market is in 'equilibrium' at the base year (2016) and that market shares remain constant over the study period to 2032. This assumption can no longer be considered sound due to changes in retailing and the market since 2016. The Council's aspirations to retain an anchor store operating on 3 levels from the application site will not materialise. This is categorically clear from the evidence contained in the Marketing Report accompanying the application.
- 4.5 Furthermore, paragraphs 5.10 and 5.61 of the Retail and Town Centre Needs Assessment recognised the uniqueness of a town of the size of Welwyn Garden City for the centre to contain 2 department stores – Debenhams and John Lewis.
- 4.6 It is widely accepted that an on-going trend since 2008/09 is that retailers have had to adapt their business strategies, requirements and store formats. Since that time a number of key retailers have either disappeared from the "High Street" or have gone into administration and been forced to reduce their representation in centres across the UK. Many key anchor retailers have moved into larger format new-build or existing stores in out-of-centre locations to accommodate new retail formats (e.g. Debenhams at Stevenage). In addition, the growth of online shopping is also impacting on the vitality and viability of many of the UK's town centres.
- 4.7 The Marketing Report accompanying this application concludes that when Debenhams cease to trade from the premises it is certain that in the ever-changing retail market

that a single occupier for a 3-storey unit of 3,148sqm will not be found to operate from the property. It will be difficult enough to find a tenant or tenants for the ground floor and /or first floor.

- 4.8 This is the scenario that paragraph 85 of the NPPF is referring to whereby planning policies and decisions should take a positive approach to, inter alia the management and adaptation of town centres and “*respond to rapid changes in the retail and leisure industries*”.
- 4.9 Draft Policy SAMD4 was not subject to any objections during the Local Plan process and therefore, it is anticipated that it will be adopted in its current form notwithstanding the fact that the aim of retaining an “anchor store” (over all 3 floors) on the application site will not be met. However, the inevitable loss of an anchor store from this site will not undermine the strategy of the emerging plan as the proposed development provides for a wholly acceptable scheme in land use planning terms that will assist with the vitality and viability of the town centre and provides for residential units in a situation where the Council cannot show a 5-year supply of deliverable housing sites.
- 4.10 There is no policy objection *per se* to residential development in the town centre (paragraph 85(f) of the NPPF). Indeed, the NPPF encourages housing in town centres to assist with vitality and viability. By the end of January 2020, the building will become vacant making it (on the marketing evidence for another occupier for all 3 floors) an appropriate site for, inter alia, residential use given that the proposed 27 dwellings will provide much needed residential accommodation and assist the Council in meeting their objectively assessed need – a major delaying factor in the Local Plan process. The site will be deliverable and developable in terms of housing supply in accordance with Annex 2 of the NPPF.
- 4.11 The Ministry of Housing & Local Government produced their first report (19 February 2019) on the Housing Delivery Test for each Local Planning Authority in England. For Welwyn Hatfield this showed that between 2015 and 2018, 1,701 new dwellings had been completed in the Borough out of a requirement of 1,493 dwellings over the 3-year period – 88% of the target. Therefore, the application should also be seen within the context of paragraph 75 of the NPPF:
- “To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years”*
- 4.12 The starting point for the planning balance is the development plan – in this case the 2005 District Plan which is now 14 years old. Furthermore, in the absence of a demonstrable 5-year supply of land for housing paragraph 11 of the NPPF comes to the fore. This states that permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The retention of Class A uses on the ground floor (retaining the retail frontage in accordance with Policy TCR7) together with 27 self-contained residential units on a town centre site in a sustainable location does not conflict with prevailing planning policies when read as a whole and permission should be granted unless material factors indicate otherwise. Other than conflict with part of the Draft Local Plan Policy SAMD4 there are no other material

considerations that militate against the proposal. In all the circumstance the “anchor store” part of draft Policy SADM4 is now “aspirational” but no longer deliverable in the context of paragraph 16(b) of the NPPF (February 2019).

- 4.13 The planning balance in this case is clear – the real prospect of a prominent building in the town centre remaining vacant for a number years needs to be weighed against the fact that the Council are struggling to provide a 5-year housing land supply.
- 4.14 Evidence of this is provided by the appeal dated 26 October 2018 (ref: APP/C1950/W/17/3190821) granting planning permission for inter alia 72 dwellings at Entech House, London Road, Woolmer Green SG3 6JE where the Inspector concluded in paragraph 34 of the decision letter that *“the lpa cannot show a 5-year supply of deliverable housing sites and that the scale of its supply falls considerably well short of 5 years.”*
- 4.15 More importantly, the Local Plan Inspector requested that additional sites be identified to meet the objectively assessed need. The Council are currently consulting (until 18 June 2019) on the 140 new and re-promoted sites as part of the recent call-for-sites exercise. These sites will form the basis for further examination at the Local Plan Hearings later this year.
- 4.16 The Draft Local Plan is probably a year at least away from formal adoption with further Examination Hearings set to take place later this year. Importantly, the proposed development will maintain the function of the Core Retail Zone in Welwyn Garden City town centre and will not have a detrimental impact on its vitality and viability and will provide urgently needed housing. The site is deliverable in accordance with the definition contained in Annex 2 of the NPPF (February 2019)¹. The proposed development does not conflict with the NPPF or the development plan (as adopted and as drafted) when read as a whole. Permission should be granted unless material indications indicate otherwise. There are no other material considerations that militate against the application proposal. There are no adverse impacts in this case that would significantly and demonstrably outweigh the benefits. Planning permission should therefore be granted in accordance with paragraph 11 of the NPPF.

¹ “To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years” – NPPF Annex 2 (February 2019)

5.0 CONCLUSIONS

- 5.1 The proposed development accords with the NPPF and the existing development plan. It will not prejudice the emerging draft Local Plan or development of the Town Centre North site
- 5.2 The proposal is for a wholly appropriate re-use and upward extension of a prominent building within the town centre and a Conservation Area.
- 5.3 The proposal will maintain the vitality and viability of the town centre and preserve and enhance the Conservation Area. The proposed development therefore is consistent with the conservation of the building and the Conservation Area.
- 5.4 The proposal will provide much needed residential accommodation which can be delivered in the short-term.
- 5.5 There are no technical reasons in terms of daylight/sunlight, noise or transport issues.
- 5.6 Planning permission for the proposed development should therefore be granted.