

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

DELEGATED APPLICATION

Application No: 6/2024/0164/FULL
Location: The Howard Centre Units 28-29 Howardsgate Welwyn Garden City AL8 6HA
Proposal: Existing door and louvre to be replaced with full height louver for ASHP intake and ducted discharge. Existing louvre to be replaced within existing opening
Officer: Ms Louise Sahlke
Recommendation: Granted

6/2024/0164/FULL

Context	
Site and Application description	<p>The application site comprises a retail unit within the Howardsgate shopping centre.</p> <p>The rear of unit 28-29 is on the eastern boundary of the Welwyn Garden City Conservation Area and follows the route of Osborn Way multi storey car park and the East Coast mainline railway line. The area is within the town centre in a retail setting and is finished in red a multi coloured brick.</p> <p>The proposal is for the existing door and louvre to be replaced with full height louver for ASHP intake and ducted discharge. Existing louvre to be replaced within existing opening.</p>
Constraints	<p>CA - Conservation Area: WGC1; - Distance: 0</p> <p>SAG - 0 - Distance: 0</p> <p>PRC - Primary Retail Core (Primary Retail Core) - Distance: 0</p> <p>Town - Welwyn Garden City Town Centre - Distance: 0</p> <p>Wards - Handside - Distance: 0</p> <p>TR - Train Line - Distance: 28.58</p> <p>FM00 - Flood Zone Surface Water 1000mm (74434) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (74333) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2015//1959/FULL</p> <p>Decision: Granted</p> <p>Decision Date: 10 December 2015</p> <p>Proposal: Installation of 3no high level windows and reconfiguration of escape</p>

	doors to rear elevation		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 28 March 2024 Site Notice Expiry Date: 20 April 2024 Press Advert Display Date: 14 February 2024 Press Advert Expiry Date: 6 March 2024		
Summary of neighbour responses	None.		
Consultees and responses	Network Rail – No objection. Place Services - Conservation Officer- No objection subject to condition.		
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 • SP2 Targets for Growth • SP5 Quantity and Location of Retail Development • SADM4 Development in Designated Centres • SP9 Place-making and High Quality Design • SADM11 Amenity and Layout • SP11 Protection and Enhancement of Critical Environmental Assets • SADM15 Heritage • SADM18 Environmental Pollution • SP15 The Historic Environment of Welwyn Garden City 			
Planning Guidance: <ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Planning Practice Guidance • National Design Guide 			
Main Issues			
Design (form, size, scale, siting) and Character (appearance within the streetscene). Impact on the Conservation Area.	<u>Context</u> The site is located within the Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the policy. Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of: 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.		

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.

Paragraph 207 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 208 states that this should be weighed against the public benefits of the proposal.

Paragraph 212 of the NPPF notes that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Policy SADM15 is consistent with the NPPF but adds that successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided. Policy SP15 aims to protect Welwyn Garden City's historical significance and unique heritage as a garden city. It states that proposals for new development should protect, conserve and where appropriate enhance its heritage assets. All development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City.

Also of relevance, and consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). The Council's Supplementary Design Guidance (SDG) outlines, amongst other things, that extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.

Assessment

The Conservation Officer has been notified and raised no objection.

The Howard Centre is located in the Welwyn Garden City Conservation Area. The property was constructed in 1989.

The proposed alterations would be contained to the rear (east elevation) of unit 28-29 which faces onto the train station/ tracks and is more utilitarian in appearance. There are limited views of the east elevation. The proposed changes are minor; the most notable change to the elevation is the existing door being replaced by a full height louvered panel. The proposal would not adversely impact the character and appearance of the Conservation Area.

Conclusion

It is noted that the Council's Conservation Officer has recommended a condition for the type and colour of the materials to be used in the external finish of the development. However, due to the modest nature of the works, it is considered that a condition for the submission of matching materials would be more appropriate. This is a commonly adopted approach for the LPA and

	<p>would ensure the development integrates well with the established design of the existing commercial premises.</p> <p>To conclude, no harm would be caused to the significance of the area. Accordingly the proposed development would be of a good standard of design which has paid special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Conservation Area acceptable to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Supplementary Design Guidance, Policies SADM11, SP9 and SADM15 of the Local Plan and the National Planning Policy Framework.</p>
Impact on neighbours	The proposal is not considered to result in any undue harm to residential properties due to its location on the shopping centre.
Network Rail	Network Rail have no objection but has provided advice that has been put in an informative for the notice of the applicant within the decision notice.
Conclusion	
Subject to the suggested condition, the development would be in accordance with the relevant national and local planning policies.	

Conditions:

1. The brickwork, bond, mortar, colour and design of lourses of the approved alterations must match the existing building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

2. 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
GA200		GA Elevations	29 January 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

5. In relation to the above application I can confirm that the proposed scheme is on property leased from Network Rail. We have no objections to the proposal in principal, subject to the developer seeking the relevant landlords consent and entering into any licenses and agreements required to develop as outlined. No work must take place until agreed with Network Rail.

Determined By:

Mr William Myers
22 April 2024