WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)

DELEGATED APPLICATION

Application No: 6/2024/2106/FULL
Location: 26 Stonehills Welwyn Garden City AL8 6NA
Proposal: Creation of a new residential unit at third floor level
Officer: Mrs Sarah Madyausiku

Recommendation: Granted

6/2024/2106/FULL

Context	
Site and Application description	The building occupies a key corner site within the Welwyn Garden City Conservation Area. It is located on Stonehills and Sir Theodore's Way, adjacent a secondary public open space (Anniversary Gardens). The building abuts other buildings which have retail at ground floor and residential above. The building was previously occupied by Debenhams department store, but the upper floors (first, second and a new third floor level) have been converted into residential flats, having received planning permission under application reference 6/2019/1452/MAJ. The description for application 6/2019/1452/MAJ was as follows: "Change of use for conversion of first and second floors from (A1 Use) Retail to (C3 use) Residential and additional storey for 27 dwellings; the retention of the ground floor for Class A use. Works are completed and all residential flats are now occupied. Planning permission is sought for the creation of a new residential unit at third floor level.
Constraints	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 FM00 - Flood Zone Surface Water 1000mm (7567039) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 BLR - Brownfield Land Regisrty(Welwyn Garden City - Town Centre North SPD Site) - Distance: 0 GCN - GCN District Level Licensing - Green Zone - Distance: 0

	NAWT - NATS Safeguarding Area Wind Turbines - Distance: 0 LLA - LLA Aerodrome Safeguarding Area - Distance: 0
Relevant planning history	-Application Number: 6/2019/1452/MAJ Decision: Granted Decision Date: 07 February 2020 Proposal: Change of use for conversion of first and second floors from (A1 Use) Retail to (C3 use) Residential and additional storey for 27 dwellings; the retention of the ground floor for Class A use -Application Number: 6/2021/1205/FULL Decision: Refused Decision Date: 15 June 2021 Proposal: Alterations to fenestration, including the replacement of current single glazed windows with upvc double glazed windows -Application Number: 6/2021/1424/FULL Decision: Withdrawn Decision Date: 30 March 2022 Proposal: Conversion of roof space to add additional habitable flat on third floor -Application Number: 6/2021/3379/FULL Decision: Granted Decision Date: 04 May 2022 Proposal: Alterations to fenestration, including the replacement of current single glazed windows with upvc double glazed windows (part retrospective) -Application Number: 6/2022/2701/VAR Decision: Granted Decision Date: 29 March 2023 Proposal: Variation of condition 7 (approved plans) on planning permission 6/2019/1452/MAJ
Consultations	
Neighbour representations	Support: 0 | Object: 0 | Other: 0
Publicity	Site Notice Display Date: 21 November 2024 Site Notice Expiry Date: 12 December 2024 Press Advert Display Date: 20 November 2024 Press Advert Expiry Date: 11 December 2024
Summary of neighbour responses	None received
Consultees and responses	No comments or objections from: -WHBC - Client Services -WHBC - Public Health and Protection – no objection subject to condition -Affinity Water Ltd -Cadent Gas Limited -The Gardens Trust - Conservation Team -Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy

Relevant Policies and Guidance

National Planning Policy Framework

The Welwyn Hatfield Borough Council Local Plan 2016-2036:

- SP1 Delivering Sustainable Development
- SP3 Settlement Strategy and Green Belt Boundaries
- SADM2 Highway Network and Safety
- SP9 Place-making and High Quality Design
- SADM11 Amenity and Layout
- SADM12 Parking, Servicing and Refuse
- SADM15 Heritage
- SP15 The Historic Environment of Welwyn Garden City
- SP16 Welwyn Garden City Town Centre Strategy
- SADM16 Ecology and Landscape
- SADM18 Environmental Pollution

Planning Guidance:

- 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's Local Transport Plan (2018 – 2031) 2018
- Manual for Streets

Main Issues

Principle of development	The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Local Plan Policy SP1 which requires development to take place on previously used or developed land is consistent with the NPPF. Furthermore, Policy SP3 direct new development towards existing towns and settlements. The site has not been allocated in the Local Plan for additional housing supply and as such would come forward as a windfall residential site. Policy SADM1 would therefore apply. This policy states that all applications for windfall residential development on unallocated site will be granted provided: i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply; ii. The development will be accessible to a range of services and facilities by transport modes other than the car; iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development; iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy. The building underwent conversion from a department store to 27 residential units under application ref: 6/2019/1452/MAJ. It is important to note that works are completed, and all residential flats are now occupied. Planning permission

	is now sought for the creation a 2-bed flat at third floor level. The application site is within the town of Welwyn Garden City as designated within Policy SP3 of the Local Plan. The site is located within close proximity to day-to-day services and facilities available within walking distance of the site such as John Lewis, Sainsbury's, many small shops and restaurants. It is also located within an area which is accessible by public transport such as the main bus terminal for Welwyn Garden City and Welwyn Garden City train Station which has regular trains to London and the North. The proposal would result in a net increase of one dwelling, as such it is considered that there will be sufficient existing infrastructure capacity to support the proposed development. Also, the proposed development would neither undermine the delivery of allocated sites within the Plan nor result in disproportionate growth. In principle there is no objection to the proposed dwelling and the proposal would not result in a development that is of an unsustainable nature. The proposal would not therefore conflict with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.
Design (form, size, scale, siting) and Character (appearance within the streetscene)	Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Section 16 of the NPPF is relevant in regards to heritage. Local Plan Policy SP1 states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasises 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. Correspondingly, Policy SADM11 states that all proposals will be required to create and protect a good standard of amenity for buildings and external open space. 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. Its 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. The proposal would create an additional dwelling in the existing roof space. Existing dormers windows would be utilised to provide light and ventilation to the dwelling. Currently, two of the dormers have opaque glazing, following a previous application, however this would be replaced by clear glazing. There is no objection to this aspect of the proposal and it is considered that the proposal would maintain the character and appearance of the host dwelling and the surrounding Conservation Area.

	The proposal would adequately respect and relate to the existing dwelling and the character of the area in accordance with local and national policies.
Impact on neighbours	NPPF Paragraph 135 outlines that decisions should always seek to secure high quality design and a high standard of amenity for existing and future occupants of land and buildings. Policy SADM11 provides the local policy framework and outlines that all proposals will be required to create and protect a good standard of amenity for buildings and external open space in line with the Council's SDG and certain amenity criteria. Also, Policy SADM11 requires, as a minimum for proposed dwellings, to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements floor space and storage for new dwellings. *Future occupiers* The proposed dwelling would meet the minimum requirements for floor space and storage for new dwellings as set out by the NDSS. The SDG requires that all residential development should incorporate private open space for the use of residents. In this instance no open space is provided, however adjacent to the site, to the east, is a public open space (Anniversary Gardens). In terms of noise, it is recommended by an Officer for Public Health and Protection that a condition be imposed in respect of noise mitigation measures. This will ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Neighbouring occupiers Given the nature of the proposed development, it is unlikely that the proposal would have an impact on the amenities of the adjoining dwellings. Overall, the living conditions of the adjoining and future occupiers would be maintained to an acceptable level in accordance with local and national policies.
Access, car parking and highway considerations	In terms of parking Paragraph 112 of the NPPF states that if 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 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. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SADM2 of the Local Plan states that development proposals will be permitted provided, amongst other things, there would be no negative impacts on highway safety. Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:

	a) The site's location and accessibility to public transport, services and facilities; b) The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and c) The need to promote more sustainable forms of travel within the borough. It is noted that the Parking Standards SPG uses maximum standards and are not consistent with the framework and are therefore afforded less weight. The Interim Policy for Car Parking Standards also 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. The application site does not benefit from on-site car parking. Therefore, the proposed development would be car free. Furthermore, the surrounding area is controlled by parking restrictions. Future occupiers would not be eligible to apply or have parking permits for the neighbouring streets, meaning that there is no opportunity for on-street parking within a convenient distance. It is considered that this would act as a disincentive for future occupiers to own a car. The site is located in a highly sustainable town centre location in terms of transport needs. Most day-to-day needs would be within easy walking distance of the site which is well connected by footways and cycleways in the surrounding area. Whilst the proposal would be contrary to the Council's adopted parking standards, in this instance, the development would be acceptable given the sustainable location of the site and surrounding parking restrictions. *Cycle storage* No information is given regarding cycle parking. It is considered reasonable and appropriate to require details of bicycle storage to be submitted to and approved in writing by the Local Planning Authority. Overall, the proposal would not result in a material impact on local highway conditions. The proposal is considered to comply with local and national policies.
Refuse and recycling	No information is given regarding the location of bin or recycling provision. It is considered that it would be reasonable and appropriate to require that these details are secured by condition.
Conclusion	
Subject to the suggested conditions, the proposed scheme would be in accordance with local and national policies.	

Conditions:

1. Prior to first occupation of the development, the proposal shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LAmax levels should not exceed 45dB more than ten times a night in bedrooms. Where opening windows raises the internal noise levels above those within BS8233:2014, other methods of ventilation/attenuation will have to be implemented. Subsequently, the accommodation shall remain complaint with those standards in that form thereafter.

   REASON: In the interests of maintaining residential amenity in accordance with Policy SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. Prior to first occupation of the development, details of the location, design and specification of the refuse bin and associated areas to serve the residential unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

   REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Prior to first occupation of the development, full details of secure cycle storage to serve the residential unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the cycle storage shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

   REASON: To ensure that there is adequate provision for secure cycle storage within the application site, encouraging alternative modes of transport in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

4. 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
Jw984 - 002	A	Location Plan	31 October 2024
jw984 - 124	D	Proposed Third Floor Plan	31 October 2024
jw984 - 231		Elevations	31 October 2024
jw984 - 220		Proposed Elevations	31 October 2024
jw984 - 423	A	Existing Third Floor Plan	31 October 2024

jw984 - 424		Roof Plan	31 October 2024
jw984-001	A	Site Plan	5 November 2024
Jw984 - 198		GA Plan	5 November 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 39 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. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, the Council's Public Health and Protection Team have advised that noise from construction works commencing on site between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on Saturdays are unlikely to be considered a statutory nuisance covered by the Environmental Protection Act 1990.

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. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-

licences.aspx or by telephoning 0300 1234047.

Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is
available by telephoning 0300 1234047.

Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

6. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: a) a Biodiversity Gain Plan has been submitted to the planning authority, and b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission, would be Welwyn Hatfield Borough Council. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply.

   In the opinion of the local planning authority, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun.

7. 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 Ganesh Gnanamoorthy
23 December 2024