

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

**DELEGATED APPLICATION**

**Application No:** 6/2024/2137/FULL  
**Location:** Welwyn Garden City TE Wigmores North Welwyn Garden City AL8 6PH  
**Proposal:** Installation of 6 no. antenna, 1 no. GPS Module and ancillary radio equipment onto new and existing steelwork along with ancillary development thereto following the removal of 3 no. antenna  
**Officer:** Mr Raymond Lee  
**Recommendation:** Granted

6/2024/2137/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is situated in Wigmores North, in close proximity to Howardsgate within the town centre and conservation area. The application site comprise the telephone exchange building which runs from 36-54 Wigmores North with access to the rooftop adjacent to the access road serving the rear of buildings in the vicinity.</p> <p>The application seeks planning permission for the installation of 6 no. antenna, 1 no. GPS Module and ancillary radio equipment onto new and existing steelwork along with ancillary development thereto following the removal of 3 no. antenna to facilitate new 5G coverage.</p>
<b>Constraints</b>	<p>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            CP - Cycle Path (Cycle Facility / Route) - Distance: 18.62            FM10 - Flood Zone Surface Water 100mm (2711305) - Distance: 0            FM10 - Flood Zone Surface Water 100mm (2711381) - Distance: 0            FM00 - Flood Zone Surface Water 1000mm (7566833) - Distance: 0            FM00 - Flood Zone Surface Water 1000mm (7566684) - Distance: 0            FM00 - Flood Zone Surface Water 1000mm (7566713) - Distance: 0            MIX - Mixed Use Frontages - 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</p>
<b>Relevant planning history</b>	<p>Application Number: N6/1998/1119/FP            Decision: Granted</p>

	<p>Decision Date: 17 May 1999  Proposal: Formation of telecommunications base station including three cross polar antennas, four dish antennas and an equipment housing</p> <p>Application Number: N6/1999/0742/DT  Decision: Granted  Decision Date: 20 September 1999  Proposal: Installation of one radio equipment midi cabin</p> <p>Application Number: N6/2004/0957/FP  Decision: Granted  Decision Date: 29 September 2004  Proposal: INSTALLATION OF 3 LOUVRE WINDOWS ON SECOND FLOOR.</p> <p>Application Number: N6/2007/1462/FP  Decision: Granted  Decision Date: 27 November 2007  Proposal: ROOFTOP INSTALLATION OF THREE ADDITIONAL POLE MOUNTED ANTENNAS, RADIO EQUIPMENT HOUSING AND REPOSITIONING OF EXISTING EQUIPMENT</p> <p>Application Number: 6/2016/2416/PN15  Decision: Prior Approval Required and Granted  Decision Date: 10 January 2017  Proposal: Prior approval for the installation of 3 antennas, 3 remote radio units (RRU) and 3 BOBs boxes together with associated support bracketry, feeder cables and ancillary development.</p> <p>Application Number: 6/2023/0908/FULL  Decision: Withdrawn  Decision Date: 03 May 2023  Proposal: Installation of 1 no. 0.3m dish. Associated ancillary upgrades</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 10 December 2024 Site Notice Expiry Date: 3 January 2025 Press Advert Display Date: 4 December 2024 Press Advert Expiry Date: 27 December 2024 Neighbour consultation letters.		
<b>Summary of neighbour responses</b>	None received.		
<b>Consultees and responses</b>	Conservation Officer – No objection WHBC - Public Health and Protection - No objection HCC - Hertfordshire Transport Programmes & Strategy – No objection		
<b>Relevant Policies and Guidance</b>			
<b>National Planning Policy Framework</b>			

**The Welwyn Hatfield Borough Council Local Plan 2016-2036:**

- SP1 Delivering Sustainable Development
- SADM2 Highway Network and Safety
- SADM4 Development in Designated Centres
- SP9 Place-making and High Quality Design
- SADM11 Amenity and Layout
- SADM12 Parking, Servicing and Refuse
- SADM15 Heritage
- SADM16 Ecology and Landscape
- SP13 Infrastructure Delivery
- SP15 The Historic Environment of Welwyn Garden City

**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 Waste Development Framework 2012
- Hertfordshire’s Local Transport Plan (2018 – 2031) 2018
- Manual for Streets

**Main Issues**

<p><b>Principle of development</b></p>	<p>The NPPF supports high quality communications. Paragraph 119 outlines that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. In addition, Paragraph 120 outlines that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. However, where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate. Furthermore, Policy SP13 of the Local Plan, which supports the delivery of sustainable communities, states that the Council will ensure that suitable provision is made for new or improved infrastructure required to meet the levels of growth identified. The principle of the development to upgrade existing telecommunication equipment to facilitate new 5G coverage at this town centre location is therefore considered acceptable subject to it meeting the heritage, design, amenity and highway policies which will be assessed below.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>Section 72 of the Listed Buildings and Conservations Areas Act (1990) states that ‘special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area’. Section 16 of the NPPF ‘Conserving and enhancing the historic environment’ is broadly consistent with Policy SADM15 ‘Heritage’ of the Local Plan. Also of relevance, and consistent with the NPPF, is Policy SP1 which states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasizes 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.</p>

Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:

- d) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- e) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- f) the desirability of new development making a positive contribution to local character and distinctiveness; and
- g) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 212 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 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 219 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. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Local Plan Policy SADM15 is consistent with the NPPF but adds that where successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.

The proposal would introduce additional radio equipment to the roof of the Telephone Exchange building. The proposal is for an upgrade to an existing telecommunications base station on the rooftop of the Welwyn Garden City Telephone Exchange to facilitate new 5G coverage.

In this case, the proposed antenna would be larger in scale compared to the existing units. The position of the antennas would also result in a slight increase in height to the existing telecommunication equipment due to the necessary requirements of the new 5G equipment. However, the apparatus would not appear overtly cluttered and the units that projects above the roofline has been kept to the minimum. It is acknowledged that there will be more equipment on the roof of the building, however the resultant additions would still appear proportionate to the main building. The proposed development would be visible in the wider streetscene, however given the presence of existing rooftop plant and equipment, and the minor scale of the apparatus being proposed, the development would not change the appearance of the site substantially when compared to the existing situation. No objections were raised by the Conservation officer. It was stated that taking in consideration the existing appearance of the radio equipment on the roof, the proposal would have no greater impact on the character and appearance of the Conservation Area. As such no concerns are raised in this regard.

	<p>Overall, it is considered that the development would not be detrimentally harmful to the amenity of the area. It is therefore in accordance with the Supplementary Design Guidance, Policies SADM11, SP9 and SADM15 of the Local Plan, the National Planning Policy Framework and the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<b>Impact on neighbours</b>	<p>The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.</p> <p>In this case, the site is located within the town centre of Welwyn Garden City, and the development itself is located on the roof of the existing building. No neighbour representations have been received. The proposed development would remain a sufficient separation distance from neighbouring properties and as such it is not considered that the development would result in a detrimental impact on privacy, outlook and light.</p> <p>Furthermore, the Council's Environmental Officer raised no concerns with respect to noise and disturbance.</p> <p>The proposed development would protect the amenity of neighbouring properties in accordance with Policy SADM11 of the Local Plan, the Council's SDG, and the NPPF.</p>
<b>Access, car parking and highway considerations</b>	<p>In terms of the impact of the proposals upon Highway safety, the proposed development is located on the rooftop of the existing building therefore the operation of the car park will remain unaffected. The County Highways Authority has assessed the scheme and considers that the proposals do not interfere with visibility splays or any existing access arrangements. They are also satisfied that the scheme will not detrimentally affect the operation or safety of the local highway, footway, cycleway and public transport networks. The proposal is therefore in accordance with Policy SADM2 of the Local Plan and the NPPF.</p>
<b>Landscaping Issues</b>	<p>None.</p>
<b>Any other considerations</b>	<p><i>ICNIRP Declaration</i></p> <p>The application is accompanied by an ICNIRP declaration to confirm that the installation will confirm to the guidelines set out by ICNIRP. As such the LPA has sufficient information to be satisfied that the radiation levels being emitted from the development is to an acceptable level, in compliance with the NPPF.</p> <p><i>Biodiversity Net Gain</i></p> <p>Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity</p>

	<p>value. This is subject to exemptions. An exemption applies in relation to planning permission for a development which is 'de-minimis' development. This means a development that does not impact a priority habitat and impacts less than:</p> <ul style="list-style-type: none"> <li>• 25 square metres (5m by 5m) of on-site habitat</li> <li>• 5 metres of on-site linear habitats such as hedgerows</li> </ul> <p>Policy SADM16 of the Local Plan is similar in this regard and notes that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.</p> <p>Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted. The applicant has confirmed on the application form that if permission is granted for the development to which this application relates, the biodiversity gain condition would not apply. It sets out that the proposal falls within the definition of de-minimis development, being a small-scale commercial development with rooftop alterations only and no increase in the footprint of the building, therefore this is not required. It is also noted that due to the extent of the works proposed and the commercial nature of the application site, in this case the proposal would unlikely impact any on-site habitat and would fall below the threshold.</p>
<b>Conclusion</b>	
<p>Having regard to the above, subject to the suggested condition, the proposed development is considered to be in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.</p>	

## DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
163138-00-004-ML003	3.A	Location Plan	8 November 2024
163138-02-120-MD029	A	Proposed Site Plan	6 November 2024
163138-02-170-MD029	A	Proposed Elevations	7 November 2024
163138-02-179-MD029	A	Antenna Plan	7 November 2024
163138-02-	A	Existing Site Plan	7 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 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](mailto: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](http://www.hertfordshirebc.co.uk)

5. 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.

6. Telecommunications equipment: All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Equipment where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.
7. The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>
8.
  - The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
  - All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
  - All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
  - All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
  - Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
  - All pile driving shall be carried out by a recognised noise reducing system.



- Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
  - In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
  - 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
  - Any emergency deviation from these conditions shall be notified to the Council without delay.
  - Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
  - Permissible noise levels are not specified at this stage.
9.
  - All efforts shall be made to reduce dust generation to a minimum.
  - Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
  - Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

**Determined By:**

Mr Ganesh Gnanamoorthy  
2 January 2025