

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2018/1057/FULL  
**Location:** Fountain House 1-7 Howardsgate Welwyn Garden City AL8 6AL  
**Proposal:** Construction of a dormer roof formation to accommodate an additional storey at third floor level, providing nine flats (7 x 1 bedroom and 2 x self-contained studio flats), including a rear lift tower, ground floor entrance lobby, and external services serving the new floor.  
**Officer:** Ms Clare Howe

**Recommendation:** Granted

6/2018/1057/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The site is situated on the corner of Parkway and Howardsgate, an important entrance point to Welwyn Garden City town centre. The building is three storeys high, with a mix of retail, restaurant and pub/club use at ground floor level, a mix of office and club/pub use at first floor, and exclusively office use at second floor level. The roof level hosts three separate mansard style roofs without dormer windows, as well as sections of flat roof to the rear facing an enclosed courtyard. The building is sited within Welwyn Garden City Conservation Area, and falls within Hadnside Ward.</p> <p>It is noted, in 2017 planning permission was granted for the 'Formation of new roof to accommodate additional storey at third floor level to provide 8 self-contained flats (7 x 1 bedroom flats and 1x 2 bedroom flat.), rear lift tower and ground floor entrance lobby'.</p> <p>In this instance, the proposed development is also for the erection of a new roof to accommodate third floor residential dwelling. The roof would appear as a mansard roof with dormer windows facing onto Howardsgate to the South and Parkway to the West. The east and north facing elevations, contained within a working courtyard, would appear largely as a third floor addition with brick wall extending upward to another floor, with only a limited section appearing as a mansard roof.</p> <p>It is proposed the extension would accommodate two studio flats and seven one-bedroom flats. There would be access to the flats via extensions to existing staircases serving the first and second floor via fire lobbies and via a rear lift tower. Two flats would benefit from a roof terrace.</p> <p>The proposed development is similar to that granted permission in November 2017 (6/2017/0400/FULL). The only changes compared with this approved scheme are:</p> <ul style="list-style-type: none"> <li>• Subdivision of the two bedroom flat to provide 2 x studio flats; and</li> <li>• Provision of five additional condensing units in acoustic enclosures on the roof.</li> </ul>

	<p>The terraces are situated in the same locations as in the 2017 scheme - in the south-east corner, and along the east elevation of the flat located in the northern end of the building. A new lift, located adjacent to the rear entrance, and an accompanying entrance lobby are proposed to serve the apartments.</p> <p>In addition, materials were submitted and discharged under the consent 6/2018/0343/COND. The same materials have been proposed within this application. These consist of the following:</p> <ul style="list-style-type: none"> <li>• Weinerberger Old English clay tiles for the mansard roof;</li> <li>• Timber frame cladding, with lead as an external finish for the dormers;</li> <li>• A thin acrylic render system to the surface of the horizontal parapet band;</li> <li>• White aluminium for the new windows;</li> <li>• All new external pipes black metal;</li> <li>• External leaf of a facing brickwork</li> </ul>
<p><b>Constraints (as defined within WHDP 2005)</b></p>	<p>Conservation Area: WGC1  Primary Retail Core (Primary Retail Core)  Welwyn Garden City Town Centre  Urban Open Land (Inset maps 2)  Handside Ward  CP - Cycle Path (Cycle Facility / Route) - Distance: 6.64  Flood Zone Surface Water 1000mm (74434)  Mixed Use Frontages  No known habitats present (medium priority for habitat creation) Sand and Gravel Belt  Welwyn Garden City</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: N6/2004/1136/FP      Decision: Granted      Decision Date: 21 October 2004</p> <p>Proposal: new roof formation to accommodate additional storey at third floorlevel to provide six self contained flats (1-2 bed) and change of use from class b1 (office accommodation) of first and second floors to provide sixteen self contained flats (1-2 bed), including new replacement windows, rear lift tower and ground floor entrance lobby</p> <p>Application Number: N6/2004/1136/FP Decision: Granted Decision Date: 21 October 2004</p> <p>Proposal: New roof formation to accommodate additional storey at third floorlevel to provide six self contained flats (1-2 bed) and change of use from class b1 (office accommodation) of first and second floors to provide sixteen self contained flats (1-2 bed), including new replacement windows, rear lift tower and ground floor entrance lobby</p> <p>Application Number: N6/2006/1023/FP      Decision: Refused      Decision Date: 14 September 2006</p> <p>Proposal: Variation of condition 1(time limit) of previous planning permission n6/2004/1131/ca</p> <p>Application Number: N6/2006/1025/FP      Decision: Refused      Decision</p>

	<p>Date: 14 September 2006</p> <p>Proposal: VARIATION OF CONDITION 1 (TIME LIMIT) OF PREVIOUS PLANNING PERMISSION N6/2004/1136/FP</p> <p>Application Number: 6/2015/2383/FULL      Decision: Granted      Decision Date: 01 April 2016</p> <p>Proposal: Change of use of No's 3a - 3b from Class A1 (shops) to Class (A3 Restaurant &amp; 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.</p> <p>Application Number: 6/2017/0400/FULL      Decision: Granted      Decision Date: 13 November 2017</p> <p>Proposal: Formation of new roof to accommodate additional storey at third floor level to provide 8 self-contained flats (7 x 1 bedroom flats and 1x 2 bedroom flat.), rear lift tower and ground floor entrance lobby.</p> <p>Application Number: 6/2017/2019/FULL      Decision: Granted      Decision Date: 01 December 2017</p> <p>Proposal: Replacement of existing steel windows on first and second floor with new aluminium windows. Replacement of existing ground floor entrance door on Parkway elevation.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Consultees and responses</b>	<p><u>Lead Local Flood Authority commented:</u></p> <p>That the information submitted in support to this application does not allow them to reach any conclusion on the impact of the development on flood risks.</p> <p>Considering the increase in hardstanding surface, we would recommend the LPA to seek from the applicant details on surface water management.</p> <p><u>WHBC Client Services commented -</u></p> <p>That the scheme can be incorporated onto existing ARRC scheme and contributions were sought.</p> <p><u>WHBC - Parking Services commented twice stating that –</u></p> <p>Has significant concerns with regards to the further impact to businesses in the town centre relating to this development and feel the council should be protecting these areas for their customers and assisting the growth of the evening trade.</p> <p>In addition, there is a trial currently taking place within the town centre to try and reduce congestion and improve pedestrian access. If this is successful there will be a reduction overall of on-street parking space (approximately 30 parking spaces) therefore, reducing parking overall in the town centre.</p>		
<b>Relevant Policies</b>			
<p><input checked="" type="checkbox"/> NPPF  <input checked="" type="checkbox"/> D1    <input checked="" type="checkbox"/> D2    <input type="checkbox"/> GBSP1    <input checked="" type="checkbox"/> GBSP2    <input checked="" type="checkbox"/> M14  <input checked="" type="checkbox"/> Supplementary Design Guidance    <input checked="" type="checkbox"/> Supplementary Parking Guidance    <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes</p> <p>Others: H2, H6, H10, D5, D6, D7, D9, TCR13, M6, M14, R3, R10, R19, IM2, M4</p> <p>The Council have submitted the draft Local Plan Proposed Submission for examination to the</p>			

Secretary of State with the examination currently being held and public examination hearing dates on going. Those emerging policies therefore are a material consideration in any future application and listed below are the relevant policies:

SD1, SP1, SADM1, SP9, SP11, SADM11, SADM12, SADM14, SADM15, SP13, SP15, SP16, SADM19

North Supplementary Planning Document (April, 2015)  
Welwyn Garden City Conservation Area Appraisal (2007)

### Main Issues

#### Principle of the Residential development

The National Planning Policy Framework sets out the 12 Core Planning Principles that underpin decision-taking. An important Core Principle states planning should:

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

Policy SADM1 of the emerging Local Plan states, similarly to Policy H2 of the District Plan, windfall development will be granted planning permission for residential development on unallocated sites provided:

- i) The site is previously development, 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.

In regards to criteria (i) the development site is previously developed land. Furthermore, future occupiers of the proposed dwelling would not be dependent upon car due to the prime town centre location ensuring a close proximity is obtained to services and facilities, thus the development would be in accordance with criteria (ii). The proposed application would also comply with the outstanding criteria (iii), (iv) and (v) of Policy SADM1 and subsequently will comply with Policy H2. Accordingly, subject to compliance with other applicable policies within the development framework, the site is acceptable for the principle of residential development.

#### Design (form, size, scale, siting) and Character (appearance within the streetscene)

1-7 Fountain House is sited at the junction of Howardsgate and Parkway. The site is bounded to the south with the Two Willows public house, the Charter House, an office building occupied by the NHS, is sited to the north and the highway is sited to the west.

Whilst 1-7 Fountain House has a facing frontage on Parkway, it is not of any particular architectural merit or design, thus provides minimal contribution to the Welwyn Garden City Conservation. As such, the previous planning application granted (6/2017/0400/FULL) concluded the existing building does not contribute to a great extent to the significance of the Conservation Area, the failure to take opportunities to greatly improve the contribution of the building, as well as the increase in bulk and scale of the building, would cause

	<p>less than substantial harm to the significance of the heritage asset.</p> <p>As aforementioned, the changes to the application granted involve the subdivision of the two bedroom flat to provide 2 x studio flats; and provision of five additional condensing units in acoustic enclosures on the roof.</p> <p>With this in mind, and the previous consent granted in November 2017 for similar works, the assessment will consider whether the subdivision of the two bedroom flat to provide 2 x studio flats; and provision of five additional condensing units in acoustic enclosures on the roof, would be detrimental to the character and appearance of the building within the conservation area.</p> <p>Firstly, the subdivision of the 2 bedroom flat to provide 2 studio flats comply with the national technical space standards and are double aspect.<sup>1</sup> of the flats would benefit from a roof terrace, thus providing some private amenity space. Due to the subdivision requiring internal changes there will be no visual appearance changing to undertake this alteration. Such works would therefore comply with Policies D1 and D2 of the District Plan.</p> <p>In regards to the additional 5 condensing units these would have material changes externally to the building. However, the proposed condensing units would be set well back from the front elevation, to the rear of the previously approved screen, obscuring them from the street scene and mitigating any detrimental harm upon the character and appearance of the conservation area.</p> <p>Overall, the revised scheme would have the same impact on the conservation area as the previously approved scheme. Any harm would therefore be less than substantial and would be outweighed by the benefits of the scheme including the provision of new homes. The development is therefore considered in accordance with Policies D1 and D2 of the District Plan and Policies SP1, SP9, SP11, SADM11, of the Local Plan.</p>
<p><b>Impact on neighbours</b></p>	<p>A 1.8m high obscured screen has been proposed to mitigate the potential of overlooking from terrace to the rear of the north section of the building into living space windows of the north facing elevation in the south section of the building. This would leave only oblique viewing angles from terrace to windows of living space in an adjoining unit and vice-versa. To ensure these amenity spaces are protected in the future, it is considered appropriate, reasonable, and necessary to apply a condition ensuring the screening remains.</p> <p>The proximity to noise-generating commercial uses is of concern, however the mitigation measures proposed within the noise report have been found to sufficiently overcome potential noise issues for future occupiers. Thus, ensuring the development be in accordance with Policy R19.</p> <p>The dwellings, with the exception of those with terraces, would not have any outdoor amenity space. Town centre dwellings often lack private amenity areas, with occupiers utilising nearby public open amenity spaces, of which there are numerous in the immediate surroundings of the building.</p> <p>For the above reasons, the proposed development would not result in adverse harm to residential properties by way of overlooking, loss of light, or overbearing, and is therefore in compliance with Policy D2 of the District Plan.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>Comments from <i>WHBC - Parking Services</i> have been taken into consideration when assessing the impact of the development upon car parking.</p> <p>The site is within parking standard zone 1. The parking requirement within the Supplementary Planning Guidance on Parking Standards, taken as a guide figure as within the Interim Car Parking Policy, would be 6 parking spaces. The</p>

	<p>transport statement submitted alongside the application supports the car-free development proposed. The availability of alternative transport methods, facilities, and infrastructure in close proximity suggests the occupants would not be reliant upon car ownership. This does not preclude the wish of occupants to own and keep a motorised vehicle. The transport statement evidences a lower than average car ownership in the area, of 0.52 cars per household. Whilst car ownership of the occupants of the premises cannot be estimated or presumed, the restrictions in car parking in the area would suggest the ownership of a vehicle would not harm the safe use of the surrounding highways. In any event, should there be concerns regarding the turnover of vehicles within publically available parking bays, this can be addressed by the Council using other powers.</p> <p>The site would provide cycle storage for 8 cycles in line with the requirements of the Parking Standards.</p> <p>It is considered the development provides sufficient cycle parking and is a sustainable location reducing the dependency upon car. Whilst it is acknowledged the scheme fails to provide sufficient car parking contrary to policy M14 of the Welwyn Hatfield District Plan, the Parking Standards and Interim Car Parking Policy it would not result in detrimental harm upon highway safety.</p>
<b>Noise</b>	<p>The residential development is noise sensitive, and the building is within close proximity of noise-generating commercial uses. The provided noise report would sufficiently overcome potential noise issues for future occupiers. A condition is recommended to ensure noise mitigation measures are carried out in accordance with submitted information.</p>
<b>Flood</b>	<p>Comments from the <i>Lead Local Flood Authority</i> requesting additional information regarding flood mitigation measures have been acknowledged. However, due to the site being situated within flood zone 1 and being less than 1ha, it is unreasonable and unnecessary to request further information. Particular, due to the previous application being granted and the fact the alterations proposed in this application would not significantly increase the flood risk.</p>
<b>Any other considerations</b>	<p>As stated on the applicant's drawings, the floors below have been the subject of an application for Prior Approval in 2017. This fall-back position with the ability to convert the office accommodation on the first and second floors under Prior Approval. Another prior approval application has been submitted to include 18 apartments. The design contained in the new prior approval application 6/2018/1067/PN11 follows the design approved in 2017 reference 6/2017/1686/PN11 but includes four flats more in total. These flats were created by splitting four two-bedroom flats into eight one bedroom. The Local Planning Authority have considered and the fact that the additional storey and the 8 new residential units 7 of 9 could be accessed independently from the units below, means that this application can be assessed on its own merits.</p> <p>On this basis, the request made by WHBC Client Services for contributions to recycling facilities will not be sought, as there is a total of 9 units being proposed within this scheme.</p>
<b>Conclusion</b>	
<p>The development would provide much needed housing in a sustainable location, and maximise the use of a previously developed site. The development would also provide further, more limited, public</p>	

benefits in the form of employment during construction and further use of nearby facilities.

On balance, the above public benefits of the scheme would overcome the less than substantial harm to the contribution of the building to the significance of the Conservation Area, as well as the potential conflict with policy M14 of the Welwyn Hatfield District Plan, the Parking Standards and Interim Car Parking Policy as well as policy D1 of the Welwyn Hatfield District Plan.

**Conditions:**

1. The dwellings hereby approved shall not be occupied until the screening, 1.8m in height and obscured in nature, to be installed along the length of the south boundary of the terrace to the two bedroom dwelling, are installed in accordance with the approved details hereby approved and maintained thereafter.

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

2. The development hereby approved shall not be occupied until:

(i) The recommendations within the acoustic consultants (AIRO) letter of submission (dated 27th July 2017) referenced DJB/KH/6982/L2 have been implemented.

(ii) Following implementation of the recommendations, a further report detailing the performance of that scheme shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

(iii) Should the report submitted under (ii) not be approved, the further recommendations for sound attenuation shall be submitted and implemented until a satisfactory level of noise attenuation is achieved.

The development shall not be carried out other than in accordance with the final approved scheme which satisfies this condition. The development shall be permanently maintained in accordance with that scheme thereafter.

REASON: To protect the residential amenity of future occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

3. The development shall be implemented using the approved materials given permission under the consent 6/2018/0343/COND and outlined in the Design and Access Statement, filing reference: 6246/3.4 Revision P0 dated 23rd April 2018. The materials consist of: Weinerberger Old English clay tiles for the mansard roof; timber frame cladding, with lead as an external finish for the dormers; a thin acrylic render system to the surface of the horizontal parapet band; white aluminium for the new windows; all new external pipes black metal; external leaf of a facing brickwork. Subsequently, the approved materials shall not be changed unless material samples are submitted and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

## DRAWING NUMBERS

4. 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>
A_920	P2	Site Plan	24 April 2018
A_250	P5	Proposed South And West Elevations	24 April 2018
A_251	P4	Proposed North And East Elevations	24 April 2018
A_160	P5	Proposed Ground Floor Plan	24 April 2018
A_163	P7	Proposed Third Floor Plan	24 April 2018
A_013	P4	Existing Ground Floor Plan	24 April 2018
A_014	P3	Existing First Floor Plan	24 April 2018
A_161	P4	Proposed First Floor Plan	24 April 2018
A_015	P2	Existing Second Floor Plan	24 April 2018
A_164	P4	Proposed Roof Plan	24 April 2018
A_380	P2	Typical Roof Details	24 April 2018
A_252	P2	Proposed Schematic Section	24 April 2018
A_910	P4	Existing South And East Elevations	24 April 2018
A390	P2	Proposed Balustrade Details	24 April 2018
A_911	P5	Existing North And West Elevations	24 April 2018
A382	P2	Proposed Dormer Details Plan	24 April 2018
A384	P1	Proposed Dormer Details Section	24 April 2018
55-NS-01	T4	Heating and Cooling Layout	24 April 2018
16082/300	A	Below Ground Drainage Layout	24 April 2018
A_162	P3	Proposed Second Floor Plan	24 April 2018
A_016	P2	Existing Roof Plan	24 April 2018
A_921	A	Location Plan	24 April 2018

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 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).

### **Determined By:**

Mr Chris Carter  
18 June 2018