

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	N6/2012/1723/FP
APPLICATION Site:	10 Southfield, Welwyn Garden City

NOTATION:

The site lies within Welwyn Garden City in Employment Zone EA2 as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

No.10 Southfields is an industrial unit at the base of a cul-de-sac within the Burrowfields Employment Area. Behind the unit is an open-air yard measuring approximately 12.5m wide and 10m deep at the south-west and 14m deep at the south-east. Adjoining the rear boundary of the site is an area of open space. A 2.6 metre high palisade fence surrounds the yard with similar units featuring rear yards either side of the application site.

DESCRIPTION OF PROPOSAL:

The proposal seeks permission for the erection of a roof over the rear storage yard area. It seeks a revised design following the approval of a roof over the same area in application ref. N6/2007/0419/FP.

That application approved a roof with timber rafters and a single ply finish with a shallow 3 degree pitch. It varied in height from 2.9m at the rear boundary of the site at its eaves, to 3.4m at the highest point of the pitch, which fell from mid-way through the yard in a north and south slope.

The proposed roof would cover the same rear storage area, although a small triangular parcel of the rear up to approximately 8m in length and 2.5m in depth on the southeast of the plot would be excluded from cover, with a gate allowing access to this area. The proposed roof would also be sloped, but at an angle perpendicular to the north-south slope of the main industrial unit and previously approved storage yard roof, with an east-west slope. The proposed roof would be steeper than that approved, featuring a pitch of 15 degrees. It would also feature timber rafters in the structure but would be finished in profiled metal cladding, with in-plane rooflights.

The roof would be taller than that previously approved, with the eaves approximately 3.4m high and the central pitch extending to approximately 4.6m high. It is also proposed to enclose the storage area to increase fire protection measures by erecting a masonry wall up to the underside of the roof. The wall would sit within the

site boundary, with the existing palisade fencing remaining to form the boundary with the yards of the adjoining units on either side.

PLANNING HISTORY:

N6/2007/0419/FP - Construction of roof over existing yard area - Approved
14/05/2007

N6/1983/0106/ - Change of use of part of premises to offices – Refused 14/04/1983

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

EMP13 - Design Criteria for Employment Development

CONSULTATIONS: None

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

None, period expired 25/09/2012

DISCUSSION:

The main issues are:

1. Principle of development
2. Character and appearance
3. Impact on the residential amenity of adjoining occupiers
4. Sustainable development
5. Protected species
6. Other planning considerations

1. Principle of development

The site lies in the town of Welwyn Garden City. Policy GBSP2 says that development in such areas will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their

Green Belt Boundaries. Accordingly, as the proposed development lies within the existing town of Welwyn Garden City, the principle of the development proposed is considered acceptable subject to compliance with Policies GBSP2, D1, D2 and EMP13 of the District Plan.

2. Character and appearance

The National Planning Policy Framework emphasises that high quality design is a core principle of planning and attaches great importance (para.56) to design. Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. Policy EMP13 requires all proposals for development within classes B2, the use class to which the application site falls into, to incorporate the principles of sustainable development and reach a high standard of design and site layout whereby the scale, massing and height of the proposal should relate to that of adjoining buildings, the topography of the area, the general pattern of heights in the area and to public views, vistas and any landmarks.

The proposal would range between approximately 3.4m high at the eaves on the east and west sides (adjacent to the adjoining yards) and 4.6m high at the pitch above the central area of the yard. This would be approximately half a metre and 1.2m taller than that previously approved respectively. In light of the height of the existing main building, and that of the adjoining premises to the east and west, at approximately 7.7m from ground to roof pitch level, the proposed roof height, whilst a modest increase over that already approved, is considered to remain subordinate to the main building to which it would sit behind. In this regard, in terms of scale, bulk and massing, the proposal is not considered out of keeping with the character and context of the area, and is considered compliant with policies D2 and EMP13.

In terms of design and site layout, the proposal would constitute a higher roof pitch than that previously permitted, with a masonry wall built up to the underside of the roof around the west, south and east boundaries. Whilst utilitarian in nature and different in material to the concrete roof tiles used on the adjoining and adjacent industrial units, the proposed metal cladding is considered acceptable as the character of the area is of industrial units, the roof would be sited to the rear yard out of view from the street scene and adjacent to similar yards, and to the rear the site is bounded by open land, beyond which it is approximately 280m to the residential development to the south from which distance the proposal would not be prominent in appearance due to its limited scale and height. The rear of a number of residential properties also lie approximately 60m to the east, beyond the yard of the adjacent unit to the east of the site but the distance between the proposal and the houses, and the adjacent industrial unit and storage yard in between, mean that the proposal is not considered to detrimentally impact upon the character and context of the those houses. The design of the roof with in-plane rooflights would improve natural light coverage to the yard which would minimise the need for artificial lighting.

Similarly, in terms of the masonry wall, it would be sited within the internal boundaries of the site which would not be visible from the street scene of Southfields and it would be positioned behind the existing palisade boundary fencing apart from

the uppermost element which would project approximately 0.8m above it. Due to the aforementioned siting of the application area, whilst partly visible above the fencing, the wall is considered acceptable as it is not considered to detrimentally impact upon the character of the area due to its rear location and setting amongst industrial units, and its distance from the residential development to the south. Accordingly, whilst utilitarian in terms of design, character and appearance, in light of the industrial context of the site and location to the rear of the building, the proposal is considered compliant with policies D1, D2 and EMP13 in terms of design, character and appearance. Accordingly, the proposal is also considered compatible with the maintenance and enhancement of the character of the area as required by policy GBSP2.

3. Impact on the residential amenity of adjoining occupiers

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of how the proposal impacts properties in terms of overshadowing and the level of access to day/sun/sky light afforded by the proposal, whether the proposal would be overbearing and cause loss of outlook, and in terms of overlooking/privacy.

Both policies D1 and EMP13 protect the amenity of neighbouring and/or nearby residential properties. In this instance the nearest residential properties are located approximately 60 metres east of the proposed development which back onto the eastern boundary of the adjacent industrial unit and yard, and a residential development which lies approximately 280m to the south.

No detrimental impacts as to warrant refusal in terms of access to light, overshadowing, overbearing effect or loss of outlook are considered to arise as a result of the proposal on the residential properties to the east, due to the distances between the rear of the properties and the application site and the existing industrial unit and storage yard in between the application site and properties, presence of trees on the boundary between the rear of the properties and the eastern boundary of the adjacent unit's yard, and the distance and height of the proposal, which would be lower than that of the adjoining industrial unit buildings.

Similarly, no detrimental impacts in terms of access to light, overshadowing, overbearing effect or loss of outlook are considered to arise as a result of the proposal on the residential properties to the south due to the distance of approximately 280m between the site and those properties, and the minimal height of the proposal compared to the taller existing industrial building to which it would adjoin.

Accordingly the proposal is considered compliant with the provisions of District Plan Policies D1, D2 and EMP13 in this regard.

4. Sustainable development

The application has included a sustainability checklist which notes that the proposal would feature in-plane rooflights to minimise the need for artificial lighting. Given the limited extent of the works in this application, it is considered that this provision is a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005.

5. Protected species

The presence of protected species is a material consideration, in accordance with the NPPF, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

6. Other planning considerations

East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Act. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

CONCLUSION:

The proposed development would sufficiently maintain the character and appearance of the area and would not impact on the residential amenity of neighbouring dwellings and would be sufficiently energy efficient.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans and details: Drawing Numbers: 06 & 07 & 08 & 09 received and dated 15 August 2012.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1 and ENV7 and development plan policies SD1, GBSP2, R3, D1, D2 and EMP13 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

INFORMATIVES: None

Signature of author..... **Date**.....