

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/2641/FP
APPLICATION Site:	Eisai Europe Ltd, Mosquito Way

NOTATION:

The site lies within the Hatfield Business Park, which is covered by the adopted Hatfield Aerodrome Supplementary Planning Guidance (1999) and masterplan. Hatfield Business Park is designated as an employment area (EA6), under Policy EMP1 of the adopted Welwyn Hatfield District Plan (2005).

DESCRIPTION OF SITE:

The site covers an area of approximately 390sqm and is currently a vacant plot of land within the demise of the applicants recently constructed research, development and manufacturing plant (Eisai Europe Ltd). The applicant's land ownership which encompasses the application site has an area of approximately 5.94Ha. Access to the site is from Mosquito Way which bounds the site to the north-west.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of a warehouse for the storage of various packaging materials and equipment as they are delivered to site. The proposed building would have a footprint of approximately 10m x 19m and a height of approximately 6m. The proposed gross external floorspace is 194sqm.

PLANNING HISTORY:

Summary of relevant planning applications:

S6/2006/1214/FP – Proposed phased development of a building to provide a total of 8,812sqm of accommodation for purposes within use Class B1 and 2,338sqm of accommodation for purposes within class B8, together with associated car parking, access and landscaping. (Application made in conjunction with an application on adjacent land to enable the provision of a B1/B8 headquarters campus development). (Granted 15/02/2007)

S6/2006/1210/FP – Proposed phased development of buildings to provide a total of 14,318sqm of accommodation for purposes within use Class B1, with associated car parking, access, landscaping and other ancillary buildings. (application made in conjunction with an application on adjacent land to enable the provision of a B1/B8 headquarters campus development). (Granted 15/02/2007)

S6/1999/1064/OP – Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within Use Class B1, B2, B8 and Sui Generis use;

housing; new university campus (Use Class D1 and D2) to include replacement De Havilland Sports and Social Club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use existing listed hanger; Aviation Heritage Centre, together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined. (Granted 29/12/2000 subject to a section 106 agreement) Since the outline permission was granted, a series of reserved matters applications have been submitted, and development on this site has been taken forward in a number of stages.

SUMMARY OF POLICIES:

National Planning Policy Framework 2012

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R1: Maximising the use of previously developed land

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

M14: Parking Standards for New Development

EMP1: Employment Areas

EMP2: Acceptable Uses in Employment Areas

EMP13: Design Criteria for Employment Development

HATAER1 Sustainable Development of the Site

HATAER2 Mixed Use

HATAER3 Requirement for a masterplan

HATAER4 Land Use Proposals for the Hatfield Aerodrome Site

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

Hatfield Aerodrome, Supplementary Planning Guidance, November 1999

CONSULTATIONS:

Highways Agency: No objection

Hertfordshire County Council Transport Programmes & Strategy Department: Do not wish to restrict the grant of permission.

Hertfordshire Constabulary: Queried whether the possibility of an arson attack had been fully considered.

Welwyn Hatfield Borough Council Environmental Health: No response (consultation expired 12/02/2013)

TOWN COUNCIL COMMENTS:

Hatfield Town Council: No response (consultation expired 08/02/2013)

REPRESENTATIONS:

This application was advertised by site notice located on Mosquito Way. No representations have however been received, and the period for representations expired on 13/02/2013.

DISCUSSION:

The main issues are:

1. The acceptability in principle
2. Parking provision
3. Impact on the character and appearance of the area
4. Impact on the residential amenity of neighbouring properties
5. Other material planning considerations

1. The acceptability in principle

The application site is situated within the context of the wider Hatfield Business Park, which is designated as an employment area (EA6), under Policy EMP1 of the adopted Welwyn Hatfield District Plan (2005). The site is also covered by the Hatfield Aerodrome Supplementary Planning Guidance (1999), which sets out the masterplan to guide the redevelopment of the area.

The proposal is for a warehouse building which would provide approximately 190sqm of floorspace within Use Class B8. The application site covers an area of approximately 390sqm within the demise of the applicants recently constructed research, development and manufacturing plant, occupied by Eisai Europe Ltd. The applicant's land ownership has a total area of approximately 5.94Ha and includes 23,130sqm of accommodation for purposes within Use Class B1, 2,338sqm of accommodation for purposes within Use Class B8, together with associated car parking, access, landscaping and other ancillary buildings.

Policy EMP2 of the Welwyn Hatfield District Plan aims to safeguard designated employment areas for development within Use Classes B1, B2 and B8 whilst Policy EMP13 aims to ensure that proposals for development within Classes B1, B2 and B8 reach high standards of design and site layout.

Paragraph 4.139 and the corresponding table of the Section 106 agreement for planning permission S6/1999/1064/OP set out the floorspace permitted for different uses on the Hatfield Business Park.

A total of 190,996sqm of development (not including the hotel) was permitted on the Business Park, under the terms of the Section 106 agreement. To date, a total of 129,677sqm has been developed, and is now occupied, including 38,316sqm of B8 floorspace. A further 21,886sqm floorspace (GEA) is currently under construction following planning permission S6/2012/0217/MA which was granted on the 12 June 2012. This permission includes 20,552sqm of floorspace for purposes within Use Class B8 and 1,334sqm for Use Class B1a/b. This represents an increase of

13,526sqm of B8 floorspace over and above that permitted as part of the Section 106 agreement for planning permission S6/1999/1064/OP.

In recommending planning application S6/2012/0217/MA for approval, the report to the Planning Control Committee stated:

Given the current economic climate and the fact that this is a proposal for business use within a Business Park, it is appropriate for the council to consider the proposed use for this site.

The report also referred to the National Planning Policy Framework which states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

In formulating the recommendation for approval of planning application S6/2012/0217/MA the wider impacts of this proposal on the highway network, environment, residential amenity and the economy were considered in order to assess whether there are any reasons why this proposal would not be suitable for this site. The report concluded that whilst the proposal represented an increase of 13,526sqm of B8 floorspace over and above that permitted as part of the Section 106 agreement for planning permission S6/1999/1064/OP, there were unlikely to be any significant adverse effects of the proposal on the highways network, the environment or on residential amenity. Given this, and the positive impact the application would have on the economy in Hatfield, due to the level of employment growth proposed, it was considered that the application represents an appropriate use for this site.

In terms of compliance with the adopted Hatfield Aerodrome masterplan and with the Section 106 agreement for planning permission S6/1999/1064/OP, the Arla application committee report notes as follows:

As the proposal involves a variation to the floorspace allocations for Class B uses contained in the original Section 106 agreement for the development, as well as a minor variation to the masterplan in respect of the hotel site, a supplemental deed to the original Section 106 agreement will be required. The consent of both the County Council and St Albans District Council as parties to the original agreement will need to be obtained for this to proceed.

Consequently, the original Section 106 agreement was varied to allow for additional B8 development equal to the additional amount required to absorb the full B8 floorspace of the Arla development.

Turning to the current Eisai application, this entails a further 194sqm above the newly revised total B8 floorspace and the question therefore arises as to whether this increase in floorspace is acceptable in the context of the purpose of the Section

106 agreement and, if so, whether the Section 106 needs to be further varied to take account of it.

The main purposes of the relevant clauses of the Section 106 agreement from 2000 were to ensure a mix of business uses coming forward on the Business Park and to keep control of the traffic generation arising from those uses, taking account of the capacity of the local highway network. It is for the latter reason that the 'units of development' approach detailed in Schedule 16 of the Section 106 agreement was so important. This approach was based on the differential traffic generation potential of different Class B uses; for example for B8 use, 340sqm equated to 1 unit of development.

From the original floorspace budget a capacity of 489 units of development remains to be developed under the Section 106 agreement as revised at the time of the Arla planning permission. Although none of this is strictly available for B8 floorspace, the current Eisai proposal would generate 0.7 of a unit of development, which is arguably 'de minimis' in the context of the 489 units remaining. It is also significant that the proposed building does not generate any increase in employment and that the highway authority has noted that *"...it will not impact on highway safety or capacity"*. The Highways Agency have also been consulted and did not object *"As the application would not adversely affect the A1(M) trunk road at this location, the Highways Agency does not intend to issue a direction..."*

In terms of the objective of the Section 106 to ensure a mix of uses, this application is for a small-scale addition to an existing large complex and represents an acceptable ancillary use within the wider Eisai Europe Ltd site. The Section 106 agreement, either in its original form, or as amended following the Arla application, was not intended to control relatively small-scale development of this nature for existing occupiers, nor has it previously been used in such a way. The potential for vacant land at the Business Park to be developed by new B1 or B2 occupiers would not be prejudiced by permitting the current proposal. In policy terms the limited extension of the existing B1 and B8 use would be acceptable within an Employment Area in accordance with Policy EMP2 of the Welwyn Hatfield District Plan 2005.

For these reasons, it is not considered that the proposal is contrary to the purposes of the Section 106 agreement, nor that the agreement needs to be further varied in the event that permission is granted for the current proposal.

2. Parking provision

The proposal comprises a warehouse to be used for storage of various packaging materials and equipment as they are delivered to site. The use would be in association with the applicant's research, development and manufacturing plant which comprises 23,130sqm of accommodation for purposes within Use Class B1 and 2,338sqm within Use Class B8. As a result of this proposal there would be no increase in staff, no change to parking provision and no change to access arrangements.

3. Impact on the character and appearance of the area

The application site is situated to the rear of the Eisai Europe Ltd site within an area used to service the main buildings at the front of the site. The proposed building would be visible in distant views from Tamblin Way, approximately 160m to the

south. In addition to the degree of separation from the highway, the proposed building would be seen against the backdrop of the existing Energy Centre building which adjoins the site to the north. The proposed building would be simple and functional in design and would be similar in appearance to the Energy Centre building. It is proposed to finish the building in profiled metal cladding to match adjacent buildings.

The Hertfordshire Police Station and Magistrates Court is situated approximately 15m to the east of the application site, however, it is the back of the Police Station and its service area which shares a boundary with Eisai Europe Ltd. Overall the impact on the character of the area would be minimal. The proposal is therefore in accordance with Policies D1, D2 and EMP2 of the Welwyn Hatfield District Plan (2005).

4. Impact on the residential amenity of neighbouring properties

The application site comprises a relatively small area, measuring approximately 390sqm, which is situated within a research, development and manufacturing site measuring approximately 5.94 hectare in total. Approximately 170m separation distance exist between the application site and the nearest residential properties located to the south in Tamblin Way. As such the proposal would have no impact on neighbour amenity. No representations have been received from neighbours or Hatfield Town Council. The proposed development is in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

5. Other material considerations

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

Protected Species: The presence of protected species is a material consideration, in accordance with, 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 a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

CONCLUSION:

To conclude, this application represents an acceptable ancillary use within the wider Eisai Europe Ltd site. The proposal is in keeping with the character of the area, and the scale and mass of the building is not such that it should have a detrimental effect on the residential amenity. Furthermore, the appearance of the building is minimised through the use of a matching materials. The application is also not expected to impact on the highway network, and ample car parking is provided on-site for both staff and visitors.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

- 1. C.2.1 Time Limit
- 2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details L(--)-100 & L(--)-101 & L(--)-102 received and dated 11 January 2013

POST-DEVELOPMENT

- 3. C.5.2 – Matching Materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework and Development Plan Policies GBSP2, SD1, R1, R3, D1, D2, M14, EMP1, EMP2, 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. The decision has also 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 inspected at these offices).

INFORMATIVES:

None

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