

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2013/0710/FP</b>
<b>APPLICATION Site:</b>	<b>Sopers Road, Cuffley</b>

**NOTATION:**

The site lies within the settlement of Cuffley and Employment Area EA9 as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site is between two large buildings on an area of hardstanding. The site is away from the public areas that surround the employment area and the main visitor entrances to the adjacent buildings. Beyond the rear boundary to the south of the application site is open green belt land.

**DESCRIPTION OF PROPOSAL:**

The proposal involves the installation of two gas tanks and erection of enclosure. Details from the applicant state that gas from the tanks would be piped to the adjacent unit to be used for the production of polystyrene.

**PLANNING HISTORY:**

S6/1990/0673/FP - Non-compliance with condition of Planning Permission 1561/61, that limits the occupation of the building to a local user – Approved 25/09/1990.

S6/1988/0799/FP - Single storey side extension to factory – Approved 21/11/1988.

S6/1986/0116/FP - Conversion/alterations to existing industrial building into pools promotion processing area with assoc. offices, canteen, toilets and car parking area – Approved 11/04/1986.

S6/1980/0840/ - Change of use from showroom to office and provision of mobile temporary office – Approved 19/02/1981.

S6/1979/0486/ - Change of use of part of building from manufacturing to showroom – Approved 06/09/1979.

**SUMMARY OF POLICIES:**

National Planning Policy Framework

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

Welwyn Hatfield District Plan 2005:  
SD1: Sustainable Development  
GBSP2: Towns and Specified Settlements  
R3: Energy Efficiency  
M14: Parking Standards for New Developments  
EMP1: Employment Areas  
EMP2: Acceptable Uses in Employment Areas  
D1: Quality of Design  
D2: Character and Context  
D7: Safety by Design  
D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

### **CONSULTATIONS:**

Welwyn Hatfield Council (Environmental Health) – No comments to make.

The Environment Agency – No comments to make.

Fire Protection – No comments received.

### **NORTHAW AND CUFFLEY PARISH COUNCIL COMMENTS:**

The Pc have concerns re large tanks of LPG sited within the village but will leave the decision to officers.

### **REPRESENTATIONS:**

None, period expired 29 May 2013.

### **DISCUSSION:**

The main issues are:

1. The proposed developments impact upon the character and appearance of the locality
2. The proposed development's impact upon the residential amenity of the adjoining occupiers
3. Other material planning considerations

### **1. The proposed developments impact upon the character and appearance of the locality**

The proposal would not be viewed prominently from the surrounding public areas and would not appear out of place. The employment area has an industrial

appearance with several large warehouse buildings which vary in design. The proposal would be enclosed by a chain link fence to a height of approximately 2m, which would have an ancillary appearance to the main building and would appear functional in a similar way to many parts of the existing site. The proposal therefore would not have an adverse impact upon the character and appearance of the locality.

## **2. The proposed development's impact upon the residential amenity of the adjoining occupiers**

The nearest neighbouring occupier is a commercial unit within the employment site and there are not any residential properties within close proximity. The proposal would be sited a sufficient distance from the adjacent occupiers to prevent any significant loss of amenity.

The proposal would therefore comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

## **3. Other Material Planning Considerations**

**Protected Species:** The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981). 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 and amended 2012 Regulations further.

**CONCLUSION:** The proposed development would not have an adverse impact upon the character and appearance of the locality of the amenity of the adjoining occupiers. The proposal would meet the relevant requirements of the Welwyn Hatfield District Plan 2005 and is considered to be acceptable.

## **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/details S0567/10/A OS plan & P0567/11/A site plan & P0567/12 tank details & P0567/12/A tank details & P0567/13 fence details received and dated 17 April 2013.

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against the National Planning Policy Framework and Development Plan policies SD1, GBSP2, R3, M14, EMP1, EMP2, D1, D2, D7, D8 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**.....