

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

DELEGATED APPLICATION

Application No: 6/2022/0441/FULL
Location: 12 Southfield Welwyn Garden City AL7 4ST
Proposal: Retrospective change of use to plant hire (resubmission following refusal of 6/2021/1380/FULL)
Officer: Mr Raymond Lee

Recommendation: Granted

6/2022/0441/FULL

Context	
Site and Application description	<p>The application site lies at No. 12 Southfield and comprises of a commercial unit with associated storage building and open storage space located in an established industrial estate of Welwyn Garden City accessed from the Great North Way. The surrounding area comprises of industrial units many with brick built/metal clad structures used for storage/office/sales uses that vary in design and height from single to two storey flat roof structures.</p> <p>The application seeks retrospective planning permission for the change of land use from a vehicle repair and sales centre to a Plant Hire (Sui Generis use) premises. The business operates 2-3 small delivery/service vehicles along with 2 x 26 ton Rigid LGV'S. It was stated that the associated plant and tools are stored within the buildings and within the gated yard and that plant is mainly delivered to local builders but also collected directly by customers from the rear storage yard. It was stated that the business employs approximately 14 staff members, 3 of which work off-site.</p> <p>The current application is a resubmission of application 6/2021/1380/FULL which was refused on grounds that the proposed development, by virtue of the under provision of appropriate onsite parking spaces, would exacerbate the existing on-street parking issues in the area and result in detrimental harm upon highway safety. The current scheme proposes to overcome the previous reason for refusal through the provision of additional onsite parking spaces. No changes are proposed to the nature of the development.</p>
Constraints (as defined within WHDP 2005)	<p>EMPL - EA2 (Burrowfields) - Distance: 0 Wards - Hollybush - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2715833) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7574602) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7574751) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7661064) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HPGU - Hatfield Woodhall - Distance: 0</p>
Relevant	Application Number: E/1973/0884/

planning history	<p>Decision: Granted Decision Date: 28 March 1973 Proposal: Motor body repair and spray workshop & replacement paint store.</p> <p>Application Number: N6/1975/0221/ Decision: Granted Decision Date: 16 June 1975 Proposal: Workshop</p> <p>Application Number: N6/1983/0241/ Decision: Granted Decision Date: 09 May 1983 Proposal: Single storey extension</p> <p>Application Number: N6/1983/0388/ Decision: Granted Decision Date: 04 August 1983 Proposal: Building to be used as vehicle paint spray booth</p> <p>Application Number: N6/1989/0713/FP Decision: Approval Subject to s106 Decision Date: 01 February 1995 Proposal: Erection of three industrial (Use Class B2 - General Industrial) factories, with associated car parking and access</p> <p>Application Number: 6/2021/1380/FULL Decision: Refused Decision Date: 03 February 2022 Proposal: Change of use to plant hire (retrospective)</p>		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	<p>Site Notice Display Date: 30 March 2022 Site Notice Expiry Date: 22 April 2022 Neighbour notification letters.</p>		
Summary of neighbour responses	<p>6 Burrowfield - Objection: <i>'The position and access to this site is not suitable for transporting large pieces of plant equipment. This has been demonstrated by large pieces of plant being loaded/unloaded in Burrowfield outside my house. I also frequently observe large HGV's and low loaders reversing into southfield and am surprised an accident has not already happened. in addition there are already a large number of businesses creating large volumes of heavy traffic in Burrowfield with a constant stream of skip lorries cement trucks and other assorted HGV's. from 7am until 7pm. The last thing needed is another heavy industry moving into the area.'</i></p>		
Consultees and responses	<p>WHBC - Public Health and Protection – No objection, suggested condition. The Gardens Trust – No comment. HCC - Hertfordshire Transport Programmes & Strategy – No objection,</p>		

	<p>suggested condition.</p> <p>WHBC - Parking Services – No response.</p>
<p>Relevant Policies</p>	
<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><u>Others:</u> SD1 Sustainable Development EMP1 Employment Areas EMP2 Acceptable Uses in Employment Areas R19 Noise and Vibration Pollution M6 Cycle Routes and Facilities</p> <p><u>Draft Local Plan Proposed Submission August 2016:</u> SP1 Delivering Sustainable Development SP4 Travel and Transport SP9 Place Making and High Quality Design SADM 2 Highway Network and Safety SADM10 Employment Development SADM 11 Amenity and Layout SADM 12 Parking, Servicing and Refuse</p>	
<p>Main Issues</p>	
<p>Principle of the Development</p>	<p>The site is located within a designated Employment Area (EA2) in Burrowfield (EA2). Policy EMP2 of the District Plan states in the designated employment areas, proposals for development within Use Classes B1, B2 and B8 will be permitted subject to certain criteria. Proposals for any other uses in the designated employment areas should generally be resisted and will only be permitted where it can clearly be demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs.</p> <p>As previously identified, it is understood that the previous use of the site was for vehicle and bus repairs and paint spraying which would fall within the B2 use class. Although the applicant states that the site was also used for vehicle leasing and sales which would fall within a sui generis use, the Council does not hold any record of this.</p> <p>The current proposal continues to be for a plant hire centre which is classed as sui generis therefore it does not technically fall within Use Class B. However the supporting text to Policy EMP1 recognises the need to provide some flexibility to accommodate other uses such as plant hire due to the difficulty in finding appropriate locations for these uses outside of the designated Employment Areas.</p> <p>Policy SADM10 of the Emerging Local Plan states proposals that would lead to a loss of a Class B use to another use within or outside a designated employment area will only be permitted if the following sub-paragraphs are satisfied:</p> <p style="padding-left: 40px;"><i>iii. It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are</i></p>

- no longer required to meet future employment land needs and that there is a lack of demand for the land or premises in that location;*
- iv. The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and*
 - v. In accordance with Policy SP8, they provide facilities that are supportive Class B uses.*

No marketing exercise has been submitted with the current application. However, it was previously considered that the nature of the proposed sui generis plant hire use could be reasonably accommodated within this employment area as it would not be broadly dissimilar to other business uses (including those relating to motor repairs) in the vicinity of the site and there is employment generated by the proposed development. The proposed use would also not prejudice the continued use of neighbouring land for employment. Therefore it is considered that the change of use would be compatible with the surrounding land uses in the Welwyn Garden City Employment Area. Notwithstanding this, Policy EMP2 of the district plan states that proposals will need to satisfy a number of criteria to be acceptable. These will be explored below.

Part (i) of Policy EMP2 requires that the proposal should not have an unacceptable impact on the demand for housing in the travel work area. It is not considered that the proposal which would employ fourteen members of staff (as set out in the planning statement) would be contrary to this part.

Part (ii) of the policy requires that the proposal would not harm the local and/or strategic transport infrastructure. It is noted that neighbour concerns were raised of the size and amount of HGV's loading/unloading plant machinery in an already constrained and busy road. However, it was previously stated by the Highways Authority that based on the results of the submitted traffic survey, they were satisfied that the site will not have a severe impact to the operation / theoretical performance of junctions on the local highway network. The Highway Authority stated in their response to the current scheme that no objection was raised to the previous application for the same development therefore no concerns are raised with the current application. The proposal would therefore not conflict with this part of the policy.

Part (iii) of the policy requires that the proposal should not harm the amenities of any nearby properties. As previously identified, the impact upon neighbouring occupiers would be limited given the commercial/industrial use of surrounding units. It would therefore not result in adverse harm by way of overshadowing, loss of light or overlooking to neighbouring occupiers. Whilst the proposed use could have the potential to create additional noise and disturbance to neighbouring properties as a result of the proposed use, given the separation distance of the application site to the nearest residential properties (approximately 75m away) and its location within an established employment area, this is not considered to have a significantly detrimental impact. The proposed opening times of 7.30am to 5.30pm, Monday to Friday is not too dissimilar to the other businesses in the surrounding area. No objection was raised by the Council's Environmental Health Officer subject to the inclusion of noise and dust informatives.

Part (iv) of the policy requires the proposed development to provide adequate parking, servicing and access. In terms of parking, Paragraph 107 of the NPPF

states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

As previously identified, parking within Burrowfield is severely limited, by virtue of the number of vehicles associated with the business units and limited allocated spaces which is causing vehicles to park on the footway/verge. Therefore, it is paramount for the proposed use to be able to accommodate an appropriate and sufficient level of off-street parking to reduce on-street parking pressures.

The site lies within parking Zone 4 as set out in the Supplementary Planning Guidance (SPG) Parking Standards. In terms of calculating the parking requirement, the Council's Parking Standards require three parking spaces per four employees in the case of a sui generis hire car use. However, given the nature of the proposed use where plant and machinery from construction sites are collected, serviced, stored and delivered at the site, it is considered more akin to a mixture of B2 and B8 uses. The applicant agrees with this notion within paragraph 6.6 of the submitted planning statement. On this basis, with the site measuring approximately 677sqm, this would equate to the need to provide a maximum of 9 (B8) - 13 (B2) car parking spaces. Whilst the maximum parking standards contained within the SPG should normally be taken as guidance only, in this case, given the long standing on-street parking issues along Southfield and Burrowfield, any further deficiencies in the parking provision would exacerbate the footway parking issue in the area and result in harm to highway safety

In the current application, the submitted revised block plan indicates that there will be thirteen parking spaces available onsite, with 11 spaces located within the yard area and 2 spaces located at the front of the workshop/office building. Therefore, in this case, the proposed parking provision would meet the maximum guideline parking standards. The revised parking layout is also shown to be independently accessible and are each space is of a size that would meet the minimum dimensions required. Although 2 of the 13 spaces appear to be situated to the front of the main access door to the workshop, the applicant confirmed that the door is inactive and all plant and tools are collected from the service yard and rear of the building. Therefore, subject to condition ensuring that the spaces are retained for parking at all times, the proposed parking provision and arrangement is considered to be sufficient to meet the needs of the development proposed. It is noted that HCC had raised no objections to the parking arrangement as it was stated that the highway authority generally seeks to reduce parking provision in order to discourage car use.

In terms of access and servicing, the submitted details demonstrate the largest vehicle to be used in association with the business (12mx2.55m 26 tonne rigid truck) can enter/exit in forward gear and sufficiently turn on-site within the yard area. Therefore no objection was raised by the Highways Authority subject to a

	<p>planning condition requiring that the turning area is retained and kept clear at all times for loading and unloading purposes to prevent conflict with neighbouring areas, pedestrians, cyclists and vehicles.</p> <p>The current proposal would therefore be in accordance with Part iv of Policy EMP2.</p> <p>Part (v) of the policy requires that any retail element of the proposal should be ancillary to the main business use. The proposal does not include any retail element, and as such will not be contrary to this part of the policy.</p> <p>Overall, the proposed sui generis plant hire use is deemed compatible with the surrounding employment area. The development would provide an appropriate level of on-site parking spaces and there will be no detrimental harm upon residential amenity or highway safety. On this basis, the proposal would be in accordance with Policy EMP2 and M14 of the District Plan.</p>
Design (form, size, scale, siting) and Character (appearance within the streetscene)	<p>The proposed development seeks the change of use of the site to a sui generis plant hire. Similar to the previous application, no external alterations are proposed as a result of the development. The layout remains similar to the previous permitted use. Given the context of the site within an established industrial estate, the proposed development would continue to be in keeping with the character and appearance of the commercial estate and surrounding buildings. The development would therefore comply with Policy GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan.</p>
Landscaping Issues	<p>None.</p>
Any other considerations	<p><i>Neighbour representations</i></p> <p>Similar issues were raised to the current resubmitted application regarding the loading/unloading of plant and machinery along Burrowfield. It must be noted however that this has not been proposed as part of the application and it would be a highways matter which needs to be dealt with by the Council's Enforcement Team and County Highways Authority.</p>
Conclusion	
<p>Having regard to all of the above, subject to conditions, the proposal would be in accordance with National and Local Planning Policies. The application is therefore recommended for approval.</p>	

Conditions:

1. A minimum of 13 parking spaces within the parking areas as shown on drawing number SFD/02 must be retained permanently for the parking of vehicles for the occupiers of the development hereby permitted and shall not be used for any other purpose.

REASON: To ensure that the development has acceptable car parking provision, in accordance with Policy M14 of the Welwyn Hatfield District Plan, Supplementary Planning Guidance – Parking Standards 2004, Interim Policy for Car Parking

Standards and Garage Sizes 2014, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

2. The turning area shown by the Swept Path Analysis Drawing No. SP02 Rev. A of the Transport Survey must be retained and kept clear at all times for loading and unloading purposes of all deliveries, servicing and operational vehicles at the site.

REASON: To allow for the efficient delivery of goods (NPPF para 112(d)) and prevent conflict with neighbouring areas, pedestrians, cyclists and vehicles (NPPF para 112 (c)).

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
SFD/01		Location Plan	24 February 2022
SFD/02		Block Plan	6 May 2022
SFD/03		Floor plans	6 May 2022
2104-024 TN02		Transport Survey	6 May 2022

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. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between

the hours of :

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

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.

Any 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.

4. 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.

Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Determined By:

Mr Francis Saayeng
10 May 2022