

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1094/FP
APPLICATION Site:	47-49 Burrowfields

NOTATION:

The site lies within the Employment Area (EA2 - Borrowfields) as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is located in an employment area of Welwyn Garden City and is approached from the north by the highway known as Burrowfields.

The site is situated at the southern end of this highway and currently has two vehicular access points. The northern access opens into a yard area where there is an existing metal clad building above a brick plinth which serves as a workshop building.

To the south of this, and close to the eastern boundary, is also an existing porta-cabin building.

Further south of these original buildings is where the new office building is proposed. At the time of the site visit, this was un-occupied, but nearing completion with only internal fitting out works to complete. This building is finished in a yellow buff brick with red brick string coursing and soldier coursing above the windows.

The roof is pitched with gable ends and is finished in a dark coloured plain concrete roof tile. The windows and doors are finished in white upvc.

Further south of this office building is the main yard area which also has its own separate access from Burrowfields. At the time of the site visit the majority of this area had been recently covered by a new concrete hardstanding, with provision made for a central gully.

Part of this yard area has been fenced with a new 5m high solid profile metal sheeting which is finished on both sides in a pale grey painted finish. These metal sheets are supported by steel posts.

The context of the site comprises of employment land to the north and east with open grassland to the east, and industrial buildings including an electrical substation to the west. To the south of the site is housing and to the north are further industrial buildings.

At the time of the site visit the only part of the site in use was the workshop building.

DESCRIPTION OF PROPOSAL:

The application is for the retention of the office building and the perimeter fencing and gates, along with the use of the site for the distribution of ready mix concrete.

PLANNING HISTORY:

N6/2001/1042/DT - Upgrade of existing bt cellnet ground based mast granted 24/08/2001

N6/1994/0020/FP - Change of use of land for use as a coach and bus depot involving parking and routine maintenance of bus and coaches - granted 17/03/1994

N6/1979/0540/ - Use of land for storage of caravans and calor gas - granted 06/09/1979

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

EMP1: Employment Areas

EMP2: Acceptable Uses in Employment Areas

R3: Energy Efficiency

M14: Parking Standards for New Developments

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Hertfordshire County Council (Transport Programmes and Strategy) – does not wish to restrict permission subject to planning conditions.

Environmental Health – no adverse comments or recommendations.

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

None

Period expired 05.07.12

DISCUSSION:

The main issues are:

- 1. The principle of the proposed use and Local Plan Policy EMP2**
- 2. The quality of design and its impact on the wider area.**
- 3. Other material planning considerations**

1. The principle of the proposed use and Local Plan Policy EMP2

Local Plan Policy EMP2 is relevant where it states:

Policy EMP2 - Acceptable Uses in Employment Areas

In the designated employment areas, proposals for development within Use Classes B1, B2 and B8 will be permitted, subject to the following criteria:

- (i) The proposal would not, due to the scale of employment generated, have an unacceptable impact on the demand for housing in the travel to work area;*
- (ii) The proposal would not have an unacceptable impact on the local and/or strategic transport infrastructure;*
- (iii) The proposal would not harm the amenities of any nearby residential properties;*
- (iv) The development would provide adequate parking, servicing and access;*
- (v) Any retail element of the development would clearly be ancillary to the main business use.*

Proposals for Class B8 development should also be well located in

relation to the primary road network.

Proposals for any other uses in the designated employment areas should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) above and other relevant policies of the Plan relating to the use proposed.

In all cases, the proposed development must comply with the design policies contained in the Plan.

Within employment sites Policy EMP2 promotes uses with Classes B1, B2 and B8 unless it can clearly be demonstrated that the land or premises are no longer required to meet the future employment requirements and business and community needs.

It appears the application site was previously used for the purposes of the storage of porta-cabins and also a small workshop.

It is proposed to retain the current changes in preparation for use as a readymix concrete distribution depot.

This type of use was previously considered for the same applicant at No.31 Burrdownfield N6/2008/0238/FP where it was stated:

'The proposed use is unusual in that the concrete is mixed in the distribution vehicles at the destination site. Accordingly the main function conducted on the application site would be (B8) storage and distribution of materials, with associated (B2) workshop and (B1) office and meeting room in the proposed buildings.'

The size of the office building is ancillary to the main use of the site which can be considered to be a mix of B2 & B8 Use. As such, it would be reasonable to accept that overall the intended use does not conflict with the intentions of EMP2 promoting B2 & B8 uses.

On this basis, it would be reasonable to apply the following Criteria which needs to be met for such uses to be permitted:

- i. The proposal would not, due to the scale of employment generated, have an unacceptable impact on the demand for housing in the travel to work area;
- ii. The proposal would not have an unacceptable impact on the local and/or strategic transport infrastructure;
- iii. The proposal would not harm the amenities of any nearby residential properties, apart from the concerns over the visual impact of the new fencing. This is discussed in more detail below.
- iv. The development would provide adequate parking, servicing and access;
- v. Any retail element of the development would clearly be ancillary to the main business use.

Taking each in turn:

- i. The proposed development would not have an unacceptable impact on the demand for housing above the previous use
- ii. HCC as the highway authority, have considered the impact of this proposal on the transport infrastructure and raised no objection.
- iii. The site is located in an employment area and sufficiently distant from the nearest housing it would not have an unacceptable impact on the amenity of the adjoining properties.
- iv. The latest site layout plan has demonstrated that sufficient manoeuvring space is retained to meet the requirement of Local Plan Policy D1 and the Supplementary design Guidance.
In regards to parking, although Policy M14 and the Supplementary Planning Guidance – Parking Standards is relevant. The predominant use on the site is within Use Class B8, although uses in the two buildings would be within B1 and B2. The proposed use of the site as discussed is a mix of Use of Classes and as such a reasonable judgement needs to be made of the proposed use. 10 parking spaces are shown on the latest plan of which 2 are for visitors and 1 is a disabled space. 14 Employees are shown on the application form, and it is reasonable to expect that some will come by public transport or share cars. 10 parking spaces are therefore reasonable for this site.
- v. There is no definitive retail element within the proposed use.

Overall, the proposal complies with the requirements of EMP2 subject to a planning condition requiring the proposed parking layout to be demarcated and a further discussion about the fencing.

2. The quality of design and its impact on the wider area.

Local Plan Policy D1 & D2 is relevant along with the accompanying Supplementary Design Guidance.

There are two main built elements to the proposal comprising of the new office building and fencing/gates.

In regards to the new office building, this has been constructed using good quality materials of facing brick and a suitable concrete tile for the pitched roof.

Overall the design is considered to be of a high design standard which meets the requirements of Local Plan Policy D1 & D2 and the Supplementary Design Guidance of the Local Plan.

In regards to the new fencing, this comprises of a 5m high solid profile fence supported on metal posts. This has been finished on in a light grey paint.

This fence exists at the entrance to the site from Burrowfield and also to the east and south boundaries.

In regards to the fence which adjoins the highway of Burrowfield, it is noted that an existing fence of a similar height and design already exists opposite at another commercial site.

Taking this into account, it is not considered that this would be unacceptable in this part of the commercial area of Burrowfield.

The other sections of the new fence are on the eastern and southern boundaries. The eastern section currently adjoins open land which is grassland and is currently an undeveloped part of the designated Employment Area.

The current visual impact from this fence extends beyond the Employment Area to potentially the residential area to the south at Chequersfield and the highway of Chequers to the east.

Existing landscaping and the distance from the highway of Chequers to the east reduces this potential visual impact significantly. However, the landscaping near the highway of Chequersfield to the south does allow in certain parts views towards this fence. Views towards this fence are also possible from the upper floors of the residential development at Chequersfield.

Taking this into account, and the scale and colour of the proposed fence, along with its heights and its unbroken appearance due to it being constructed of solid metal panels, its visual impact in the wider landscape is very significant. This is further exacerbated with the backdrop of trees in the distance.

On a more positive side, the fence does screen the activities of the commercial yard behind and will probably also reduce some of the noise. Photographic evidence has been provided by the applicant to show that the previous use of the site for the storage of porta-cabins stacked 2 high behind a palisade fence. This was also not an attractive sight.

The applicant at the time of the site visit also mentioned that security was a concern and that there had been a previous break-in and theft through the previous wire fence before the installation of this new fence.

The future use of the grassland to the east of the site remains uncertain. It is designated as for use as Employment Land, and so is more likely to be used commercially than for residential. If this site was developed in the future this would potentially reduce the visual impact of this proposed fence. However, as there is no certainty of this at the time of considering this application, the current context must be an overriding consideration and the on-going visual impact from the proposal.

During the course of the application, the applicant has agreed to a request if the fence could be painted a more suitable colour which would reduce the visual impact to be more in keeping with the existing landscape. A shade of green would make a significant difference in this particular context.

On balance, the existing fence which already exists, has an impact on the character of the area and predominately from the views of the residential area of Chequersfield.

This impact is heightened by the existing grey colour of the fence, which contrasts significantly with the open grassland in front and in the summer to the trees behind.

The agreement by the applicant to change the colour would make a significant material difference to the it's visual impact, and to an extent which on balance would reduce its current harm to that which would be acceptable in this particular setting.

This would be sufficient to comply with the design requirements of Local Plan Policy D1 & D2 and the SDG.

In regards to the timing of this new paintwork, it was suggest that 6 weeks would be reasonable, but the applicant has requested 10-12 due to the need of good weather conditions and because of the scale of the works.

This request is considered reasonable, although 10 weeks rather than 12 would not be unreasonable. It will be necessary to agree the colour with the applicant within this timescale.

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 a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

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:

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.13.1 Development in accordance with approved plans/details AT372-01 & AT 372-03 & AT372-04 received and dated 16 May 2012 & AT372-02A.

PRE-OCCUPATION

2. The areas set aside for parking as shown on approved drawing AT372-02A shall be laid out and surfaced before first occupation of the office building and the first approved use of the site hereby permitted and shall be retained permanently thereafter as parking for site staff, site visitors and mixer trucks and shall not be used for any other purpose.

REASON: To ensure the proposal does not result in a detrimental impact on the safe and efficient operation of the highway and to provide an adequate level of on-site parking in accordance with the National Planning Policy Framework and Policy M14 of the Welwyn Hatfield District Plan 2005.

POST DEVELOPMENT

3. Within 10 weeks of the date of this planning permission the approved perimeter boundary fencing as shown on approved drawing AT372-02A on only the eastern and southern sides of the application site shall be completely re-painted on their outward looking sides in a green colour to the satisfaction of the Local Planning Authority, the details of which will have been previously approved in writing by the Local Planning Authority. As part of this written approval, the colour and paint specification shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repainting work. These re-painted sections of the fence shall be retained permanently thereafter in this agreed colour and adequately maintained in accordance with the manufacturers specification.

REASON: To reduce the visual impact of the existing fence sufficiently to ensure that the visual amenity of the surrounding area is safeguarded and to comply with the requirements of the National Planning Policy Framework, and East of England Policies SS1, SS2 & ENV7 and Local Plan Policies D1 & D2 and the Supplementary design Guidance of the Welwyn Hatfield District Plan 2005.

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, SS2, ENV7 & T14 and development plan policies SD1, GBSP2, EMP1, EMP2, R3, M14, D1 & D2 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.....