

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

DELEGATED APPLICATION

Application No: 6/2020/1269/FULL
Location: 47-49 Burrowfield Welwyn Garden City AL7 4SS
Proposal: Retention of mobile concrete dry batching plant
Officer: Mr Raymond Lee

Recommendation: Granted

6/2020/1269/FULL

Context	
Site and Application description	<p>The application site comprises of a commercial unit located in a long established industrial estate of Welwyn Garden City and is approached from the north by the highway known as Burrowfields. To the west of the site is the Welwyn Grid Electrical Distribution substation site and railway line beyond. The nearest residential uses are within Chequersfield to the south.</p> <p>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 site is situated at the southern end of Burrowfields and currently has two vehicular access points. The northern access opens into a parking area where there is an existing metal clad building above a brick plinth which serves as a workshop building. The second entrance a further 25m south of the first has direct access to the main site where batching is carried out. There is a weigh bridge at this entrance. Past the weigh bridge is where dry aggregates are stored in various storage areas.</p> <p>The application seeks retrospective planning permission for retention of mobile concrete dry batching plant that has already been erected and operational on the southern end of the site. The structure is finished entirely in a light grey colour.</p>
Constraints (as defined within WHDP 2005)	<p>EMPL - EA2 (Burrowfields) - Distance: 0 Wards - Hollybush - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7575098) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7660890) - 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 planning history	<p>Application Number: C6/1984/0217/ Decision: Granted Decision Date: 28 September 1984 Proposal: Single storey office building</p>

	<p>Application Number: N6/2012/1094/FP Decision: Granted Decision Date: 11 July 2012 Proposal: Retention of office and perimeter security fencing and gates, in association with the use of the site for the distribution of 'Ready Mix Concrete'</p>		
Consultations			
Neighbour representations	Support: 0	Object: 9	Other: 0
Publicity	<p>Site Notice Display Date: 6 July 2020 Site Notice Expiry Date: 27 July 2020</p> <p>Neighbour notification letters</p>		
Summary of neighbour responses	<p><u>1 Eddington Crescent</u></p> <ul style="list-style-type: none"> - Loss of outlook - It is too tall and not in keeping with the residential area - Installed without planning permission <p><u>137 Eddington Crescent</u></p> <ul style="list-style-type: none"> - When I purchased my property we were told there would be no further development - The structure is unsuitable to be in close proximity with residential properties, and it already creates an unreasonable amount of noise pollution - Providing permission retrospectively will only encourage other developers to take a similar approach <p><u>65 Eddington Crescent</u></p> <ul style="list-style-type: none"> - The silos are unsightly, no attempt has been made to consult on their position or to consider how to conceal them with trees etc. <p><u>75 Eddington Crescent</u></p> <ul style="list-style-type: none"> - These silos were out up without any planning permission and look extremely ugly as you drive past <p><u>23 Chequers Field</u></p> <ul style="list-style-type: none"> - I object to this planning as I can see these dryers directly from my bed room window and they look unsightly. Were we consulted on these dryers being erected? My concerns are if any other structures will appear without planning permission. <p><u>71 Eddington Crescent</u></p> <ul style="list-style-type: none"> - The silos are ugly, at 12 or 13 metres tall the dominate the skyline. They are an unsightly grey and don't blend in with the landscape. - The operation is noisy in an area used by walkers - They are very close to the new flats under construction in Chequersfield - Erected without consent - No before and after elevations <p><u>63 St Josephs Green</u></p> <ul style="list-style-type: none"> - This building was erected without permission 		

	<ul style="list-style-type: none"> - It has huge impact on the appearance of the surrounding area as it is an overbearing large building that stands out in an otherwise pleasant residential green area - There is an environmental impact from the noise that comes from this building, which can be heard from the Scholars Walk residential estate - I am led to believe that the owner claims it is a mobile unit. Presumably this means it is not a permanent structure. I would argue it has been in place far too long now to be considered mobile. <p><u>73 Eddington Crescent</u></p> <ul style="list-style-type: none"> - Unsightly building - Lowers value of local properties - Shouldn't be permitted to erect a building and apply retrospectively for planning permission.
Consultees and responses	<ol style="list-style-type: none"> 1. WHBC - Public Health and Protection – No objections 2. The Gardens Trust – No comment 3. Environment Agency – No objections
Relevant Policies	
<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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others R19 Noise and Vibration Pollution EMP1 Employment Area <u>Emerging Local Plan 2016</u> SP9 SP11 SADM10 SADM11 SADM18	
Main Issues	
Principle of development	<p>The NPPF outlines that planning decisions should promote an effective use of land. Policy R1 of the District Plan states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. Saved Policy EMP1 of the Welwyn Hatfield District Plan (WHDP) and SADM10 of the Emerging Local Plan 2016 designates various employment areas across Welwyn Hatfield Borough in which the site lies within the Employment Area EA2 - Borrowfields. The ready mix concrete manufacture operations are well established at the site and the proposal does not alter the nature of the permitted operations themselves. The proposal would therefore be compatible with the wider employment use in the area. Subsequently, there is no compelling objection to the principle of the proposed development of this site subject to considerations of its proximity to the surrounding residential and commercial uses, the implications of the development on neighbouring amenity, visual impact and traffic generation.</p>
Design (form, size, scale, siting)	<p>District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of</p>

<p>and Character (appearance within the streetscene)</p>	<p>the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.</p> <p>The proposed concrete batching plant itself would cover an area of approximately 15 square metres. The tallest structures on the site would be the four cylindrical silos organised lengthways and the mono-pitched structure comprising of storage hoppers, both of which measure approximately 9.4m in overall height above ground level. The structures form an 'L shape layout along the south and east facing boundaries. In addition there would be conveyors and other associated equipment installed on site.</p> <p>The application site is located within a long established industrial estate which is home to various B2, B8 and sui generis uses. The adjoining sites include the Welwyn grid substation which is situated to the west and comprises of a number of 15m tall electrical pylons and associated equipment. Immediately north-west of the site lies a recycling business consisting of a circa 15m tall commercial shed and associated waste processing plant. There is also a plant hire business which includes the storage of heavy machinery in the vicinity, and various builders' yards and scaffolding/steel suppliers in the estate. The development is therefore located within an industrial area where industrial development of this size and nature are not usual, or out of context with the prevailing character of this industrial area.</p> <p>Although the development can be seen from the residential estate to the south of the site, this would be approximately 50m away, and prior to the siting of the proposed batching plant the site already housed a number of large concrete mixing vehicles as part of its operations. While the proposed development is by no means insubstantial in scale and appearance, the proposal would be viewed in the context of the existing industrial estate, alongside similarly tall industrial buildings and the immediately adjoining electrical substation with its 15 metre high electrical pylons. Furthermore, the proposed structures would be lower in height than the 4 storey high blocks of flats along Chequersfield which are approximately 14m in height. It should be noted that the development would not result in the distance between the site and the residential properties being altered. As such the proposed plant is not considered to appear unduly dominant in the landscape or result in an incongruous feature of the employment area sufficient to warrant a refusal of the scheme.</p> <p>In addition, the proposed development would not result in a material intensification of the use with the site.</p> <p>On balance, whilst within sight of the nearby homes on Chequersfield, the design, size and form of the development is considered to be in keeping with the character of buildings and other development within this commercial setting, and would be in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Policy SP9 of the Emerging Local Plan.</p>
<p>Impact on neighbours</p>	<p>The NPPF, Policy D1 of the District Plan and the SDG require development to be of a high standard of design and to have an acceptable impact upon the amenities of the adjoining properties and to maintain residential amenity. Policy R19 of the District Plan states that proposals will be refused if the</p>

development is likely to be affected by unacceptable noise or vibration from other land uses. Policy R20 of the District Plan requires that proposals attempt to take reasonable steps to limit the levels of light pollution which they may cause and the impact that this may have on adjoining neighbours. These approaches are reflected in Policy SADM18 of the Emerging Local Plan.

Objections have been raised by 8 local residents of Chequersfield, Eddington Crescent and St Josephs Green. The main issues raised are the location of the development being close to their properties and its visual and overbearing impact upon their amenities. Issues have also been raised with regards to noise pollution.

The proposed structure will be sited towards the south of the site approximately 3 metres from the boundary behind circa 4 metre tall solid metal fencing. The majority of the structure would be visible from the wider area. The closest residential properties are located on Chequersfield to the south separated by an area of green. The properties consist of 3 to 4 storey high blocks of flats, with windows on the northern elevation that overlook the street and application site. It is noted that the existing blocks of flats along Chequersfield directly opposite the site and are on a lower level. There is however an earth mound with trees/vegetation to the north which would act as a buffer and provide some visual relief. There would also be a separation distance of approximately 70 metres from the application site. As for the development currently being constructed on the plot of land north of Chequersfield, this would be closer at approximately 50 metres away however there would be a car parking area and an open field between the proposal and these properties. The structures would also be viewed in the context of other industrial buildings of similar heights. As such, given the nature of the application site being on the edge of an industrial estate and the separated distances involved, the proposal is not considered to result in a detrimental loss of light or outlook to the nearby residential units. It is important to note that loss of view which was raised by a number of residents, is not a material planning consideration. In terms of impact on neighbour privacy, although there is the possibility for personnel to access the top of the silos, this will however be for maintenance purposes only, and the distance from the residential dwellings of circa 50 metres would be sufficient in avoiding any detrimental loss of privacy.

Turning to the noise impact associated with the development, the neighbouring properties are situated close to the railway line where there is already an existing noise and vibration generated from this. The application site also has permission for aggregates and concrete operations, and this permission does not contain any restrictions with regards to noise. The applicant has confirmed in writing that there would be no change to the operational process at the site and the only difference would be in the storage and batching process which actually requires less vehicles movements on site compared to the previous process of loading individual vehicles. It was confirmed that as a result there would not be an increase in noise levels and there are no objections raised by the Council's Environmental Health team following confirmation made by the applicants. Instead the EHO has stated that any noise complaints made after the implementation of any changes would be investigated by Environmental Health Department under the Environmental Protection legislation. Therefore in line with the comments received from the Public Health Team the proposed plant and its use is not considered to result in any loss of amenity to the occupants of neighbouring properties in terms of noise and activity levels. As a consequence, it is not considered that it would be reasonable or appropriate to

	<p>impose a condition with regards to noise.</p> <p>The proposed development is therefore considered to satisfy Policies D1, R19 and R20 of the Welwyn Hatfield District Plan 2005 and Policy SADM18 of the Emerging Local Plan 2016.</p>
Access, car parking and highway considerations	<p>The site involves an existing concrete batching operation involving deliveries by mixer trucks. The location of the concrete batching plant at the southern corner of the site does not impact upon existing car parking to the north and the current turning area. It was stated by the applicant that the new process of batching concrete would not see the number of vehicle movement increase to and from the site. The development is therefore found to be acceptable in terms of parking provision and the impact upon highways safety.</p>
Conclusion	
<p>Having regard to the above and its location within an established commercial area and on a site with an established concrete batching operation, on balance, the development has not resulted in a significantly detrimental impact on the visual amenity of the area or the amenities of the neighbouring properties. The impact upon highway safety is also found to be acceptable. The development would therefore comply with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted supplementary planning and design guidance and with the NPPF. It is therefore recommended that the application is approved.</p>	

DRAWING NUMBERS

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
02	A	Site Elevation and Site Plan	30 July 2020
01		Site Location Plan	4 June 2020

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.

Determined By:

Mr Michael Robinson
22 September 2020