

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

DELEGATED APPLICATION

Application No: 6/2021/1380/FULL
Location: 12 Southfield Welwyn Garden City AL7 4ST
Proposal: Change of use to plant hire (retrospective)
Officer: Mr Raymond Lee

Recommendation: Refused

6/2021/1380/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. The business employs approximately 14 staff members, 3 of which work off-site.</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 planning history	<p>Application Number: E/1973/0884/ 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>		
Consultations			
Neighbour representations	Support: 0	Object: 2	Other: 0
Publicity	<p>Site Notice Display Date: 8 June 2021 Site Notice Expiry Date: 29 June 2021 Neighbour notification letters</p>		
Summary of neighbour responses	<p>11 Southfield - Objection: <i>We wish to object to this retrospective change of use planning application. Our objection is based on the size and number of heavy good vehicles dropping off and loading plant machinery. The infrastructure of Southfields cannot handle very large plant low loaders. Also in the winter months the mud which is left on the road is then washed down the drains. There has been previous flooding problems due to drainage without compounding the issue with additional mud.</i></p> <p>6 Burrowfield - Objection: <i>The site at the far end of Southfield is not a suitable location for a large plant hire company. There is restricted access for the large low loaders needed to transport the large plant machinery and this is evident by the fact that machinery is being driven up and down Southfield and loaded or unloaded outside my house in Burrowfield. This causes considerable problems for all the other HGV's using the estate and traffic chaos as well as health and safety issues. Businesses like this should be required to apply for change of use before moving in not apply for retrospective planning permission when they have been caught out. I strongly object to this development.</i></p>		
Consultees and responses	<p>WHBC - Public Health and Protection – No objection.</p> <p>The Gardens Trust – No comment.</p> <p>Hertfordshire Transport Programmes & Strategy – No objection, suggested conditions.</p> <p>WHBC - Parking Services – Objection: <i>'Parking Services are receiving resident complaints regarding a lack of available parking in Southfield and Burrowfield which is then impacting on residents within the spur road of Chequers. The area is subject to most businesses heavily reliant on vehicles for the business before local workers vehicles are considered. The road has on recent occasions been blocked by large vehicles stopping in the middle of the road to load/off load vehicles (some may include plant machinery). Removing more parking within a site to contain non-worker parking would cause a larger impact</i></p>		

	<p><i>on the highway and surrounding roads. The roads itself are already at breaking point where local workers are forced to either park on verge/footway to leave space for large vehicles to get through or park near residents homes causing residents the dilemma of nowhere to park. We have received reports that some residents in Chequers feel they cannot move their vehicle to go out due to fear of lack of parking on their return’.</i></p>
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Relevant Policies

- NPPF
- D1 D2 GBSP1 GBSP2 M14
- Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes

Others:

- SD1 Sustainable Development
- EMP1 Employment Areas
- EMP2 Acceptable Uses in Employment Areas
- R19 Noise and Vibration Pollution
- M6 Cycle Routes and Facilities

Draft Local Plan Proposed Submission August 2016:

- 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

Main Issues

Principle of the Development

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.

In this case, 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.

The current proposal is for a plant hire centre and 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.

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:

- iii. It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are 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.*

In this case, no marketing exercise has been submitted. It is however considered in this instance 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 are;

- (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.*

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 the neighbours have raised concerns of the size and amount of HGV's loading/unloading plant machinery in an already constrained road. However, the Highway Authority has stated in their comments that based on the results of the submitted traffic survey, they are satisfied the site will not have a severe impact to the operation / theoretical performance of junctions on the local highway network. 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. 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.

It is important to note that 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, in this case, it would be paramount for the use proposed to be able to accommodate an appropriate and sufficient level of off-street parking to reduce on-street parking pressures. The concerns raised in this regard by the neighbours and the Parking Services team has been acknowledged.

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, in this case, 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 6.5 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. The submitted plans suggests that only seven parking spaces are proposed which falls short of the guideline standards. The parking layout is also shown on the plans as being in an informal tandem arrangement and whilst this is not, in and of itself, deemed to be unacceptable, the spaces are shown to fail to meet the minimum dimensions required and the main parking area is situated to the front of the main access door to the workshop. Although the applicant states that the door is inactive, it appears to be the only suitable access for larger plant and equipment. As such officers are not satisfied how practical this proposed parking arrangement will work on the ground. 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. Therefore, in this instance, the proposed parking provision and arrangement is considered to be inadequate for the development proposed. Whilst the County Highways Authority had raised no objections,

	<p>they note in their response that the overall determination of parking provision is a matter to be dealt with by the LPA.</p> <p>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 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. This does not however overcome the issue raised above in relation to the shortfall in parking and its resultant effect on the existing on-street parking pressures in the surrounding area.</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, whilst the proposed sui generis plant hire use would be deemed compatible with the surrounding employment area, the development, by virtue of the under provision of appropriate on-site parking spaces, would exacerbate the already severe on-street parking issues in the area and result in detrimental harm upon Highway safety. On this basis, the proposal would be contrary to Policy EMP2 and M14 of the District Plan.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The proposed development seeks the change of use of the site to a sui generis plant hire. 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>
<p>Landscaping Issues</p>	<p>None.</p>
<p>Any other considerations</p>	<p><i>Third party representations</i></p> <p>The issues raised regarding the loading/unloading of plant and machinery along Burrowfield has not been proposed as part of the application and is considered to be a highways matter which is needs to be dealt with by the Council's Enforcement Team and County Highways Authority.</p> <p>Similarly, the issue raised with respect to the excessive mud on the highway is a matter to be taken up with the Highway Authority.</p>
<p>Conclusion</p>	
<p>Overall, 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 proposal would therefore be contrary with the aims and objectives of Policies EMP2 and M14 of the Welwyn Hatfield District 2005 and the relevant guidance in the NPPF.</p> <p>The application is therefore recommended for refusal.</p>	

Reasons for Refusal:

1. 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 proposal would therefore be contrary with the aims and objectives of Policies EMP2 and M14 of the Welwyn Hatfield District 2005 and the relevant guidance in the NPPF.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
SFD/03		Floor Plans	4 May 2021
SFD/01		Location Plan	29 April 2021
SFD/02		Block Plan	29 April 2021
SFD/03		Site Plan	29 April 2021

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).

Determined By:

Mr Derek Lawrence
3 February 2022