

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2022/2226/FULL
Location: 20 Black Fan Road Welwyn Garden City AL7 1QA
Proposal: Installation of a "private-wire" electricity cable between the Energy Centre, Tewin Road and Colt Technology Services Group Limited (Option 1).
Officer: Mr Raymond Lee

Recommendation: Granted

6/2022/2226/FULL

Context	
Site and Application description	<p>The application site is located in the Mundells Industrial Area of Welwyn Garden City and was previously a gasworks site.</p> <p>Planning permission was approved in September 2022 for a new energy centre use at the site. The Energy Centre (to be operated by Welwyn Garden City Generation Energy Centre Limited) would comprise a gas/biogas power generation facility, ancillary equipment, and welfare facilities.</p> <p>A new electricity cable is proposed that will connect the Energy Centre to the existing 11kV substation at Colt Technology Services Group Limited (Colt) which currently operates a data centre at 20 Black Fan Road. It was stated that any excess electricity to be exported to support the local electricity grid.</p> <p>The proposal therefore seeks planning permission for the installation of a new electricity cable that would provide a dedicated "private-wire" connection between the Energy Centre in Tewin Road and Colt Technology Services Group Limited.</p> <p>Five separate planning applications have been submitted, one for each cable route option. The cables would be carried by two 200mm ducts buried 600mm below ground level in a trench measuring 875mm deep x 650mm in width. These would largely be 2 excavated below the pavement adjacent to the highway along the cable route, which would be reinstated at the surface to its original finish, once the cable has been laid. Within the Energy Centre site, and at any access crossing points along the route, the cable ducts would be placed slightly deeper at 750mm below ground level.</p> <p>This application is labelled as option 1. This option is proposed to extend approximately 190m south-west down Tewin Road to Bridge Road East, and then 520m south-east along Bridge Road East, to Knella Road, and then approximately 240m east along Knella Road to Pollards Close, and then approximately 125m north-east along Pollards Close and into the Colt 11kV Sub-station at the southern end of the site. The total length of the route would be approximately 1150m x 0.65m wide. The area of the site would be approximately 747.5 sqm.</p>

<p>Constraints (as defined within WHDP 2005)</p>	<p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0 Wards - Peartree - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7565580) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7565598) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 A4DES - Article 4 Direction Employment Sites() - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: E/1950/0545/ Decision: Granted Decision Date: 17 August 1950 Proposal: Gas holder.</p> <p>Application Number: E/1954/1332/ Decision: Granted Decision Date: 16 December 1954 Proposal: Boiler House for gas holder.</p> <p>Application Number: E/1963/2376/ Decision: Granted Decision Date: 10 February 1964 Proposal: Gas holder.</p> <p>Application Number: E/1969/1490/ Decision: Granted Decision Date: 13 August 1969 Proposal: Assembly building, stores and parking.</p> <p>Application Number: N6/1979/0729/ Decision: Granted Decision Date: 12 November 1979 Proposal: Extension to customer service reporting centre</p> <p>Application Number: N6/1997/0510/FP Decision: Granted Decision Date: 01 August 1997 Proposal: Use of the land and buildings for car sales and ancillary vehicle storage</p> <p>Application Number: N6/2000/0752/HS Decision: Granted Decision Date: 24 July 2000 Proposal: DETERMINATION OF APPLICATION FOR CONTINUATION OF HAZARDOUS SUBSTANCES CONSENT</p> <p>Application Number: 6/2017/0605/HAZ Decision: Granted Decision Date: 24 March 2017 Proposal: Revocation of Hazardous Substances Consent Order.</p> <p>Application Number: 6/2021/2857/MAJ Decision: Granted Decision Date: 15 September 2022</p>

	<p>Proposal: Change of use from former gasholder site and car dealership (Sui Generis) to industrial processes (E(g)(iii), general industrial (B2) and storage or distribution (B8) and erection of three new commercial units with associated access, servicing, landscaping and boundary treatments.</p> <p>Application Number: 6/2022/0709/MAJ Decision: Granted Decision Date: 15 September 2022 Proposal: Development of the site for 2 flexible use units (E(g)(iii), B2 and B8 Uses) and energy centre (sui generis use) including details of access, servicing, landscaping, boundary treatment and earthworks</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 25 October 2022 Site Notice Expiry Date: 15 November 2022 Press Advert Display Date: 19 October 2022 Press Advert Expiry Date: 9 November 2022 Neighbour consultation letters.		
Summary of neighbour responses	None received.		
Consultees and responses	WHBC - Public Health and Protection – No objection, suggested condition HCC - Hertfordshire Transport Programmes & Strategy – No objection WHBC - Landscapes Department – No objection Lead Local Flood Authority – No objection Highways England – No objection HCC - Historic Environment Advisor - No objection, suggested condition Environment Agency – No response Hertfordshire Ecology – No objection, suggested condition Cadent Gas Limited – No response HCC - Rights of Way (South) – No response The Ramblers' Association – No response		
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 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			
<u>Others:</u> SD1 Sustainable Development EMP1 Employment Areas EMP2 Acceptable Uses in Employment Areas R19 Noise and Vibration Pollution			

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
SADM 18 Environmental Pollution

Main Issues

Design (form, size, scale, siting) and Character (appearance within the streetscene)

The route of the cable is shown to pass through areas of hardstanding/road verges along Tewin Road, Bridge Road East, Knella Road and Pollards Close. This route then runs through a section of Hem's Wood and through a secondary woodland across Watchmead Local Wildlife Site before eventually reaching the destination site at 20 Black Fan Road. The general character of the area is a mixture of industrial and residential. The development is wholly underground therefore would involve minimal external impact to the site and locality with the only visible part being the covering for the joint bays, which will also be reinstated as per the existing surface finish. Following completion of the duct and cable installation, it is proposed that the surface material will be backfilled to provide a level surface. Provided that the verge, pavement, roads and green areas that would be disturbed by the proposal are restored on completion of the works, it is considered that the proposal would not have a significant impact upon the surrounding area. It is therefore reasonable and appropriate that a condition be imposed to ensure that the land is restored to its former state.

Impact on neighbours

Due to the location of the development being underground, the proposal is effectively contained by the surroundings. Given the degree of separation from other neighbouring uses and properties, there will be no adverse impact on neighbouring amenity from being overbearing, loss of privacy or loss of light. The Environmental Health Officer has assessed the information and has raised no objection to the proposal in term of noise and disturbance, subject to the imposition of a planning condition restricting the operation times for the construction works.

Highways Impact

Given the location of the proposed cable route, there will inevitably be some disruption to the footpath and traffic during the construction period of the scheme. The County Highways Officer was consulted on the application, and it was stated that the route proposed will have an impact to the Welwyn Garden City Fire Station located on Bridge Road East on the junction with Woodfield Road. Therefore a subsequent traffic management plans should take careful consideration around planning of works at the entrance to the station so that they can maintain access at all times as this will be required 24/7. This can be secured via condition. Overall no objection have been raised by the Highways Authority.

Landscaping Issues

The proposal does not include any cutting or felling of any trees. It is however noted that there are a number of trees located adjacent to the proposed cable route. The submission includes a method of working around the affected trees to avoid damage to tree roots. In this case, the Council's Landscaping Department was consulted and no objections have been raised to the proposed Tree Protection methods contained within the submitted Planning Statement.

<p>Any other considerations</p>	<p><i>Flood and Drainage</i></p> <p>The Lead Local Flood Authority (LLFA) have reviewed the application and does not have significant concerns regarding the existing flood risk at the proposed 'site'. It was stated that there is no obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. The proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.</p> <p><i>Ecology</i></p> <p>Herts Ecology has been consulted as part of the application and in this case, it was advised that the proposed route of option 1 follows the pavement for much way and will have a limited ecological impact. However, the route leaves Knella Road and follows the entrance into Pollards Close, where it then crosses a moderate stretch of open ground at Hern's Wood and then goes through secondary woodland across Watchmead Local Wildlife Site, the former disused railway line. Whilst this route will be damaging to the existing vegetation, the entrance to Pollards Close was former open land now lost partly to this new road. Although the laying of any cable will require excavation, this damage can be minimised with consideration to appropriate Root Protection Areas and ground restoration and re-seeding. There is no information to suggest the open ground at Hern's Wood supports any significant grassland interest.</p> <p>It was advised that precautions will need to be taken in respect of existing trees that could be possibly affected, and these have been outlined in the submitted Planning Statement in respect of procedures for Root Protection Areas. For the most part these are landscaped features of value at the site level only, within the Industrial and adjacent urban areas of Welwyn Garden City, but Hern's Wood and the LWS area woodland are more significant locally.</p> <p>Overall, Herts Ecology does not consider there are to be any fundamental ecological constraints associated with the proposals, however it was recommended that a condition should be imposed to provide a formal ground restoration plan as this has not been adequately outlined in the current submission. This will need to demonstrate how the development will restore areas subject to excavation and disturbance through the open ground and LWS. Use of existing soils, maintaining soil profiles and reseedling, along with measures to avoid mammals or other wildlife becoming trapped within any open trenches if exposed for longer periods, should also be included. This could be achieved within a formal Construction and Environment Management Plan (CEMP), which would also include the approach to dealing with trees along the route, currently referred to within the planning statement and also any grass verges. This would provide a clear and independent strategy for remediation associated with the works and would minimise their impacts. Subject to such a condition, there are no ecological concerns with the scheme.</p> <p><i>Archaeology</i></p> <p>In In this instance, it was advised by the County' Historic Environment Advisor that due to the limited ground disturbance and lack of previously recorded</p>
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	<p>archaeology on the Historic Environment Record, it was considered that large parts of the proposed development are unlikely to have a significant impact on heritage assets of archaeological interest. However, it was noted that in some places it is possible that there will be an impact on the historic environment. The historic environment record (HER) notes that at Hems Wood part of the proposed route may cross the remains of a low bank topped with ancient coppice which runs along the historic boundary between the parishes of Hatfield and Tewin and may represent an ancient boundary (HER17711). It was therefore advised that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and a condition is recommended in the event of an approval to ensure provisions of: (1) A rapid Heritage and Impact Assessment of this proposal on the historic environment and (2) In any areas of impact on the historic environment, the archaeological monitoring of all groundworks related to the development, including foundation trenches, service trenches, ground reduction, hard landscaping, access, and any other ground impact including a contingency for preservation or further investigation of any remains encountered; (3) the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results and (4) such other provisions as may be necessary to protect the archaeological interests of the site. Subject to suitably worded conditions, it is considered that the archaeological implications of the development proposal would be acceptable.</p>
<p>Conclusion</p>	
<p>Having regards to all of the above, subject to conditions, the proposal is considered acceptable in terms of the above and in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.</p>	

Conditions:

1. Within 1 month of the completion of the development hereby approved, the surface of the land where the cable is laid shall be restored to its former condition.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Traffic Management Plan shall include details of:
 - (a) Construction vehicle numbers, type, routing;
 - (b) Access arrangements to the site;
 - (c) Traffic management requirements;
 - (d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

- (e) Siting and details of wheel washing facilities;
- (f) Cleaning of site entrances, site tracks and the adjacent public highway;
- (g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- (h) Provision of sufficient on-site parking prior to commencement of construction activities;
- (i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- (j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy SADM2 of the Emerging Welwyn Hatfield Local Plan 2016 and the NPPF.

3. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This document should demonstrate how the development will restore areas subject to excavation and disturbance through the open ground and Local Wildlife Site. Details of the use of existing soils, maintaining soil profiles and reseeded, along with measures to avoid mammals or other wildlife becoming trapped within any open trenches if exposed for longer periods, as well as the approach to dealing with trees and grass verges along the route, should also be included.

REASON: In the interests of visual amenity and to ensure the protection and provision of wildlife habitats and local ecology in accordance with the Policy R11 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. A. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

REASON: To protect the impact on heritage assets with archaeological interest in accordance with the National Planning Policy Framework and Policy R29 of the Local Plan 2005.

5. If at any stage the proposed works are located within proximity to residential properties, then all noisy 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

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To protect residents from noise from construction works beyond reasonable times in line with Policy R19 and D1 of the District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

6. 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
Q21062-CRP-01	5	Location plan and proposed route of cable	21 November 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. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/highways-roads-and-pavements.aspx>
5. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
6. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. 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.

All 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

Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

Permissible noise levels are not specified at this stage.

8. 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.

Determined By:

Mr Ganesh Gnanamoorthy
10 February 2023