

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2010/0263/MA
APPLICATION Site:	Bio-Park, Broadwater Road

NOTATION:

The site lies within Welwyn Garden City in the Welwyn Garden City Employment Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site, known as the Bio-park, is sited on the western side of Broadwater Road. It is located adjacent to the main line railway and is in the south-western most corner of the area designated as Broadwater Road West. The site occupies an area of 0.9225 hectares and provides 9714 square metres of Research and Development floorspace. To the north of the site is an employment unit, to the west is the former Roche site that is currently unoccupied and to the south of the site is an allotment and a number of residential properties within Broadwater Crescent.

The building space is currently let to growing companies within the Life Science Sector; providing office, laboratory space, meeting rooms, café services, telephone and I.T. systems. It is a four storey building that has an 'L' shape footprint. From north to south the building is approx. 106 metres in length. The widest section of the building towards the south and is approx. 41 metres in width and accounts for approx. 40 metres of the length of the building. This section of the building has a concrete façade, with regularly spaced windows. A variety of chimneys, flues, etc are sited within the roof space. The remainder of building is approx. 17.5 metres in width and has an entirely glazed façade, apart from the ground floor. The ground floor is finished with horizontal profiled metal sheeting between concrete pillars. There is a 6.5 metre break in the ground floor approx. 34.5 metres from the northern end of the building to enable vehicular access to the parking area between the building and railway line. The building stands to a height of approx. 22.5 metres.

Both pedestrian and vehicular access into the site is gained from a 150 metre long access that runs along the rear of the residential units in Broadwater crescent. There are two parking areas within the site that currently provide 319 parking spaces. One is sited at the end of the access road to the south of the Bio-park and the east of the allotments. The other is sited between the northern part of the Bio-park building and railway line. This area of parking is provided over three levels. In this section of the application site there is also small chemical store room, which is constructed from facing brickwork.

DESCRIPTION OF PROPOSAL:

It is proposed to erect a two storey building on the top deck of car park sited between the Bio-park and the railway line, independent of the existing structure. The development would provide laboratory space on the ground floor and flexible office

space on first floor. The proposal would provide an additional 1357 square meters of floor space and result in a net loss of 44 parking spaces from the application site.

The main body of the proposed building would have a rectangular footprint, with the ground floor 1.7 metres greater in width on the eastern side of the building. This section of the building would be approx. 7.5 metres in width, 23.7 metres in length and 7.1 metres in height to the flat roof. A single storey element would extend approx. 3.7 metres from the southern end of the eastern elevation. It would extend into the break in the ground floor of the Bio-park building and would accommodate the main access to the building. The majority of the services for the building would feed into the existing Bio-park services infrastructure. The building would be clad with vertically fixed composite cladding panels - colour RAL 9002 Corus Hamlet, the window and door frames would be RAL7032 pebble grey and the door panels RAL5009 azure blue.

PLANNING HISTORY:

N6/2006/0700/FP – Internal and external alterations – Granted 19 July 2006

N6/666/2001/FP – Installation of personnel turnstile and additional fencing at north east entrance to Broadwater Road site – Granted 2 July 2001

N6/665/2001/FP – Erection of fencing and gates at south east entrance to Broadwater Road site, plus movement of existing turnstile and installation of second turnstile at same entrance – Granted 2 July 2001

N6/664/2001/FP – Erection of two storey building for employment (B1) use – Granted 2 July 2001

N6/0753/98/AD – Erection of 4 No. non illuminated totem signs at entrance – Granted 14 September 1998

N6/0349/95/FP – Extension above fourth floor level of building 30 to provide laboratories, service/plant room – Granted 7 July 1995

N6/0761/79 – Research laboratories (building 33) over existing car park – Granted 26 June 1979

N6/0094/79 – Gatehouse and fence – Granted 24 April 1979

N6/0480/76 – Flammable liquid store – Granted 7 October 1976

N6/0409/76 – Extension to existing chemical store – Granted 27 August 1976

N6/0024/76 – Alterations to provide laboratories (night room) and new gas bottle store – Granted 19 March 1976

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS4: Economic development

PPG13: Transport

PPS23: Pollution Control

PPG24: Noise

East of England Plan 2008
SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy
SS3: Key Centres for Development and Change
T14: Parking
ENG1: Carbon Dioxide Emissions and Energy Performance
ENG2: Renewable Energy Targets
ENV7: Quality of the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP2: Towns and specified settlements
R3: Energy Efficiency
R5: Waste Management
R7: Protection of Ground and Surface Water
M3: Green Transport Plans
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context
D5: Design for movement
D7: Safety by Design
D9: Access and Design for people with disabilities
EMP1: Employment Areas
EMP2: Acceptable Uses in Employment Areas
EMP3: Mixed Use Development Site at Broadwater Road West
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004
Welwyn Hatfield District Plan, Broadwater Road West, Supplementary Planning Document, December 2008

CONSULTATIONS

Environmental Health – They did not wish to restrict the grant of permission. Not aware of complaints concerning vehicular movements along the access. Recommend that the applicant comply with a set of criteria with regard to construction noise and dust control.

Thames Water – No objection.

Welwyn Hatfield Access Group – Copied the Council in on a letter to the applicant that questions some of the issues in the Design and Access Statement with regard to access.

Hertfordshire Constabulary – No objection.

Hertfordshire County Council, Transportation Planning and Policy – They do not wish to restrict the grant of planning permission subject to the attachment of two conditions. The conditions relate to the laying out and surfacing of the parking area prior to occupation and the implementation of a Green Travel Plan two months prior to occupation.

Environment Agency – Following the submission of additional information, they do not want to restrict the grant of permission subject to a condition with regard to a scheme to dispose of foul and surface water.

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

The application has been advertised and no representations have been received. Period expired 8 April 2010.

DISCUSSION:

The main issues are:

- 1. Whether the proposed development complies with Policies EM2 and EM3.**
- 2. Impact on the character and appearance of the surrounding area.**
- 3. Sustainable Development**
- 4. Pollution**
- 5. Other Material Planning Considerations**

Whether the proposed development complies with Policies EM2 and EM3

1. Policy EMP3 states that development of the site within Employment Area EA1 should be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed. Development shall also comply with a Development Brief to be approved by the Council as a supplementary planning document. In accordance with this the Council has subsequently published the Broadwater Road West Supplementary Planning Document (SPD) in December to 2008.

The Broadwater Road West SPD states that “[t]he Bio Park buildings located in the south western corner of the site are occupied by the University of Hertfordshire and provides a unique facility for bioscience and health technologies. The SPD does not therefore propose the redevelopment of this part of the site as it recognises the economic development potential of the facility for the town, which should be supported through the redevelopment of the rest of the land”.

The proposal does not propose to redevelop the entire site. It simply proposes to complement and extend the amount of laboratory and office space available within the site. It would, therefore, enhance the economic development potential of the facility for the town and comply with the Broadwater Road West SPD.

Policy EMP2 - Acceptable Uses in Employment Areas – states that proposals for development within Use Classes B1, B2 and B8 will be permitted, subject to a set of criteria. The proposed development falls into Use Class B1(b). The application will, therefore be considered against each of these criteria in turn.

- (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.

At present there are 250 employees that work within the Bio-park complex. The proposed building is likely to increase the number of people working within the site by up to 100 employees. The proposed development would form part of the overall redevelopment of the site and would contribute to the provision of B1 floorspace provided within the Broadwater Road West site. The SPD promotes a mixed-use redevelopment of the application site, which would provide housing provision within the site and reduce the amount of employment floorspace. In addition, the Council can comfortably demonstrate a five year supply of land for housing in accordance with PPS3. It is considered that the development would, therefore, not 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.

The car park occupancy survey shows that for the existing offices the maximum occupancy is 126 spaces. Based on the existing traffic flows the proposal will generate an additional 12 trips in the AM peak and an additional 10 trips in the PM peak. Although there are capacity issues at the Broadwater Road/ Bridge Road junction, HCC as the Transport Authority have confirm that the impact on this junction caused by this increase in trips will be minimal (an additional 5 or 6 trips through the junction in the peak hour). In addition, they have highlighted that the reduction in overall parking provision on the site will mean that even if the parking is fully utilised, the number of trips will be less than could be generated by the existing car park. So whilst the proposal might intensify the use of the site above its existing use, this increase would still be less than the maximum capacity of the site if the use was to intensify within the existing building.

HCC as the Transport Authority have suggested two conditions that they should be attached if the application is granted consent. The first relates to the car parking area being laid out and surfaced before the first occupation of the proposed building. The parking area already exists and it is not considered that this condition would related to the proposed development and is, therefore, not necessary. The second condition would require a Green Travel Plan to be submitted to and approved by the Local Planning Authority two months prior to the first occupation of the development. An email has been received from the agent, highlighting that due to funding reasons the development is already underway. This email outlines that:

“a draft Travel Plan has been prepared and is ready for submission. The Travel Plan proposes to distribute a survey questionnaire to staff within 3 months of the opening of the new extension. I would suggest therefore, that the condition could be drafted such that the submission of a Travel Plan for approval is required within 4 months of the occupation of the building, to enable the survey results to be analysed and appropriate targets set”.

It is considered that the condition requiring a Green Travel Plan to be submitted is necessary in order to promote sustainable transport measures to the development in accordance with Policy M3. It is considered that the staff survey would inform the production of the Green Travel Plan and would help achieve the best possible results. Accordingly the wording of the condition will be adjusted accordingly.

It is considered that, subject to the submission of a Green Travel Plan, the proposal would not have an unacceptable impact on the local and/or strategic transport infrastructure in accordance with PPG13 and Policy M3.

- (iii) The proposal would not harm the amenities of any nearby residential properties.

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overshadowing and noise/nuisance. Giving consideration to the scale of the proposal, the siting of building between the existing Bio-park building and the railway and the orientation of the buildings, it is considered that the proposed building would not have an unreasonable impact on the daylight or sunlight afforded to the neighbouring residency or the level of privacy they currently enjoy.

The proposal would increase the number of people working on the site and it has already been highlighted that this is likely to slightly increase the number of vehicles utilising the access road. However, it is considered that this slight increase is unlikely to generate a significant amount of additional noise/nuisance. In addition, the consultation with Environmental Health has confirmed that there are no known issues with noise or nuisance caused by the existing access and they have not raised concern over the increase in the use of this access road. Consequently, it is considered that the proposal would not cause an unacceptable level of noise or nuisance for the occupiers of the adjoining residential units.

It is considered that the proposal would sufficiently maintain the amenity of adjoining occupiers in accordance with Policy D1.

- (iv) The development would provide adequate parking, servicing and access.

A zoning process is outlined in the Supplementary Planning Guidance – Parking Standards, which is the recommended system by which reductions to the maximum car parking standards can be made. The application site is within Zone 2. The maximum standard for a B1(b) use is one space per 35 square metres of floor area. In Zone 2 a provision of 25-50% of the maximum demand-based standard would generally be expected.

The proposed building would increase the amount of floor area on the site by 1357 square metres. Considered on its own this would increase the requirement for on site parking provision between 10 and 19 spaces. The proposed building would be built on the top layer of the three storey parking area and would actually result in a net loss of parking spaces of 44 spaces. Considered on this basis alone, the proposal would appear to provide a significant under-provision of between 54 and 63 parking spaces.

A Transport Statement has been submitted with this application. This assessment demonstrates that, on average, the maximum parking accumulation on the site is 126 vehicles. Consequently, 193 of the 319 parking spaces that currently exist on the site are not utilised. If the proposed building is fully utilised then it is expected that the number of parking spaces utilised would increase to 142 parking spaces. Based on this scenario there would be more than sufficient on-site parking spaces.

If the Bio-park is considered as a whole, the resultant floor space on the site would be 11071 square metres and the parking provision for the site would equate to between 79 and 158 parking spaces. The provision of 275 parking spaces would arguably represent an over-provision, although as this would relate to an existing parking area this would not be sufficient to warrant the refusal of this application on these grounds alone.

It is considered that sufficient on-site parking is proposed and that the proposal would not have a detrimental impact on the safe and efficient operation of the adjoining highway in accordance with PPS13, Policy M14 and the Parking Standards.

- (v) Any retail element of the development would clearly be ancillary to the main business use.

There would be no retail element within the proposed development.

Impact on the character and appearance of the surrounding area

2. Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan set out the general design approach to be adopted in respect of development proposals within the Borough. The Supplementary Design Guidance; Statement of Council Policy 2005 provides further detailed guidance as to how new development should respect and relate to the character and context of the area in which it is located.

The proposed building has been designed with a flat roof. It would be clad with Corus Hamlet vertically hung cladding panels with regularly spaced windows. Its design relates to the function of the building and would relate to the design of the existing Bio-park building, in terms of its form, colour and materials used.

The proposed building would be noticeably smaller in scale than the existing Bio-park building. It has been sited between the existing Bio-park building and the railway line and would, therefore, be widely screened from the wider area.

It is considered that the proposal, by virtue of its siting, design and scale, would maintain the character and appearance of the surrounding area in accordance with GBSP2, D1 and D2.

To ensure that a building sufficiently relates to the character and context of the surrounding area it would normally be a requirement of the permission that materials are submitted to and approved by the Local Planning Authority. However, details of the proposed materials have already been submitted:

- Main cladding colour - RAL 9002 – Corus Hamlet
- Roof coping/flushing colour – RAL 6001/6002 – Corus Heritage Green
- All other flashings, colour to match main cladding – RAL 9002 – Corus Hamlet
- Window and door frames – RAL7032 pebble grey
- Door panels RAL5009 azure blue

It is considered that these materials would sufficiently relate to the character and context of the application site, and that a condition requiring samples to be submitted would not be necessary in this instance.

Sustainable Development

3. Policy ENG1 of the East of England Plan 2008 encourages the supply of energy from decentralised, renewable and low carbon energy sources and states that Local Planning Authorities should set ambitious but viable targets in their Development Plan Documents. Welwyn Hatfield Borough Council have not adopted any Development Plan Documents at this moment in time and Policy ENG1 states

that in the interim “*new development of more than 1000 square metres of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable*”.

Following a request for additional information a detailed letter was submitted, which included details of the consideration of the requirements of Policy ENG1. The letter details that the feasibility of generating 10% of the scheme’s energy requirements from renewable or low carbon sources was considered, but found to be impractical. The building would be of lightweight construction and built on top of a three layer car park, which limits the number of options available. It is also considerably smaller than the existing Bio-park building and screened from the elements. Consequently, the provision of wind or solar energy is not practical. Instead the building will benefit through being connected to the existing service infrastructure of the existing Bio-park.

The letter outlines that the Bio-park is taking the opportunity to undertake a series of actions to reduce the carbon footprint of the site as a whole. These actions have been shaped by Carbon Trust and Display Energy Certificate Survey’s and would include:

1. Installation of inverter controls on the Air Handling System – 10% reduction in energy use
2. New Software for the Building Management System
3. Installation of heat recovery system in the boiler house – 3% gas reduction
4. Installation of new water treatment plant in the boiler house – 4% gas reduction
5. Implementation of improved controls to the chiller system – 20% reduction in chiller energy consumption
6. Replacement of poor, leaking pipe work
7. Survey all lighting to ascertain where carbon savings possible

The reduction in the carbon footprint of the Bio-park following these measures would compensate for the fact that the provision of 10% of the scheme’s energy requirements from renewable or low carbon sources has proven to not be feasible in this instance.

It is considered that the applicant has sufficiently demonstrated that the provision of at least 10% of their energy from decentralised and renewable or low-carbon sources is not feasible and that the proposed development should be seen as part of the whole site and the benefits this can bring to the site, in terms of energy consumption, against a stand alone site. Consequently the proposal would accord with the requirements of Policy ENG1 of the East of England Plan 2008.

The applicant has submitted a statement assessing the proposals against the sustainability checklist contained within the Supplementary Design Guidance. The proposals are considered to be in accordance with policies R3 of the District Plan and SD1 of the Supplementary Design Guidance.

Pollution

4. Initially no information was submitted by the applicant with regard to the risk of pollution to controlled waters and the Environment Agency objected to the application in line with precautionary principle promoted by PPS23.

In order to overcome the concern with the application, the applicant commissioned an assessment of the potential risk of the proposal on controlled waters by a

Geotechnical Consultant. The assessment concluded that as the proposed development does not extend beyond the footprint of the existing structures already on the site nor require deepening of the existing foundations, and potential risks to controlled waters will not be increased by the proposal. As such the development is only concerned with works at surface level. The Environment Agency has subsequently removed their objection to the application, and it is considered that the applicant has sufficiently demonstrated that the proposal would not pose an unacceptable risk to the pollution of controlled waters in accordance with PPS23 and Policy R7.

However, the Environment Agency has recommended that any permission be subject to the following condition:

Condition The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reasons The site is located in a sensitive groundwater location, as such non-infiltration techniques should be identified for the management of foul and surface waters. Insufficient information was provided in the application to confirm that the development poses an acceptable risk to groundwaters.

The location of the application site within a sensitive groundwater location means that the condition would relate to the proposed development and it is considered to be something that can be agreed following the grant of permission. However, as highlighted above, the development has already commenced and, therefore, the wording of the condition could not be complied with. To ensure that the condition can be complied with the condition shall be re-worded so that the submission of the required information will need to be prior to the first occupation of the building.

5. No other material planning consideration are considered relevant to this application.

CONCLUSION:

It is considered that the proposed development would comply with requirements of employment land Policies EM2 and EM3. The proposal, by virtue of its siting, scale and design, would maintain the character and appearance of the area in accordance with Policies GBSP2, D1 and D2.

It is considered that the applicants have demonstrated to the satisfaction of the Local Planning Authority that it would not be feasible to provide 10% of the scheme's energy requirements from renewable or low carbon sources in accordance with Policy ENG2. The proposal would benefit from connecting into the existing service infrastructure of the Bio-park and that the reduction footprint of the entire site would partially compensate for the situation.

It is considered that the applicant has demonstrated, subject to the attachment of condition relating the dispose of foul and surface water, that the proposal would not pose an unacceptable risk to ground and surface water in accordance with PPS23 and Policy R7.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Three Year Time Limit

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. C.13.1: Development in accordance with approved plans/details 100 & 110 & 111 & 112 & 113 & 114 & 115 & 116 & 117 & 118 received and dated 15 February 2010

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. Within four months of the first occupation of the development hereby approved, the applicant shall implement a Green Travel Plan with the object of reducing the staff and visitors travelling to the development by private car, which shall be first submitted to and approved by the Local Planning Authority. The scheme shall then be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To promote sustainable transport measures to the development in accordance with policy M3 of the Welwyn Hatfield District Plan 2005. The timescale in which the Green Travel Plan is submitted has been considered in accordance with the applicant's current situation as detailed in accordance with email received and dated 14 May 2010.

4. Prior to the first occupation of the development hereby permitted, a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure that the proposal does not pose an unacceptable risk to groundwaters in accordance with PPS23 and Policy R7.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS4, PPG13, PPS23, PPG24, East of England Plan 2008 policies SS1, SS2, SS3, T14, ENG1, ENG2, ENV7 and development plan policies SD1, GBSP2, R3, R5, R7, M3, M14, D1, D2, D5, D7, D9, EMP1, EMP2, EMP3 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan.

INFORMATIVES:

1. It is recommended that the constructors comply with the guidance on construction/demolition noise and dust pollution during construction, which was sent with the Case Officers letter dated 22 March 2010. If you require a copy of this guidance please do not hesitate to contact the Case Officer on 01707 357517.

Signature of author..... Date.....