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

DELEGATED APPLICATION

Application No: 6/2018/1355/FULL
Location: Magellan House Bessemer Road Welwyn Garden City AL7 1HJ
Proposal: Erection of a single storey extension to the north elevation of the main warehouse for loading equipment, improvements to access/footpaths, erection of new palisade fencing and alterations to existing forecourt.
Officer: Mr Michael Robinson

Recommendation: Granted

6/2018/1355/FULL

Context	
Site and Application description	Warehouse building located on the east side of Bessemer Road opposite the junction with Prime Point, Welwyn Garden City. The established warehouse building is south of another larger warehouse within the same company ownership (Ocado), and north of land recently developed as a supermarket and car park (Aldi) and a public house. On the opposite side of Bessemer Road is an established range of retail warehouses. It is proposed to extend the warehouse building at the rear to provide alternative HGV loading facilities within the existing service yard area and new security fencing. The result would be a smaller service yard with space used to provide 'docking' facilities for loading and unloading but this would not result in a significant increase in warehouse space. Access to the service yard would be via existing roads which are entirely within the control of the applicant company but which also link with the newly constructed supermarket to the south. It is also proposed to erect a length of replacement 1.8m high security fencing on part of the site perimeter.
Constraints (as defined within WHDP 2005)	EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0 Wards - Peartree - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2711037) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7566187) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0
Relevant planning history	Planning

	Application Number: N6/2002/1066/FP Decision: Granted Decision Date: 16 September 2002 Proposal: DEMOLITION OF EXISTING WAREHOUSE BUILDINGS (BAYS 1-4) AND ERECTION OF TWO B8 (WAREHOUSE DISTRIBUTION) UNITS COMPRISING OF 2415sq METRES WITH ANCILLARY OFFICES AND CAR PARKING Application Number: N6/2008/1253/FP Decision: Granted Decision Date: 16 September 2008 Proposal: CHANGE OF USE FROM B8 (STORAGE & DISTRUBITION) TO B2 AND/OR B8		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 3 July 2018 Site Notice Expiry Date: 24 July 2018		
Summary of neighbour responses	• None received		
Consultees and responses	1. **WHBC - Public Health and Protection** Considerations relevant to Environmental Health for this application Noise from vehicle movements and loading/unloading activities Noise from plant/equipment Contaminated Land Noise from vehicle movements and loading/unloading activities Due to the location of the proposed development and surrounding industrial units, it is unlikely that there will be a loss of amenity at the nearest sensitive receptors. Contaminated Land The Council's mapping system is showing previous use of the land as factory/works and oil/petroleum /gas refining and storage, which may have led to contamination of the site which is at risk of disturbance depending on works to be carried out (such as piling/ foundation work). It is however noted that the end use of the site will not provide a potential pathway for contamination to impact on workers/visitors to the site due to hardstanding which will keep the risk low. As such, it is recommended that the standard contaminated land planning condition is attached to this application to enable any risks to be properly assessed and dealt with as required.		

	Recommend planning application is permitted but with conditions Conditions and Informatives Contaminated Land Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination. 1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written

	notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Noise control 1. All 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 2. 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 3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions 4. 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. 5. 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. 6. 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. 7. All pile driving shall be carried out by a recognised noise reducing system. 8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material 9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated. 10. '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. 11. Any emergency deviation from these conditions shall be notified to the Council12. 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. 13. Permissible noise levels are not specified at this stage. Dust control 1. All efforts shall be made to reduce dust generation to a minimum. 2. 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. 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.without delay. 2. **Welwyn Hatfield Borough Council - Planning Policy** No comments received. 3. **Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy** Does not wish to restrict the grant of permission. The access to the development would be off private industrial road off

	Bessemer Road. There are no alterations to existing access to and from the highway. Therefore the proposal will not result in any highways implications. Accordingly, the Highway Authority would not wish to restrict the grant of planning permission 4. **Welwyn Hatfield Borough Council - Councillor Malcolm Cowan** 5. **Welwyn Hatfield Borough Council - Councillor Steve Roberts** 6. **Welwyn Hatfield Borough Council - Councillor Tamsin Jackson-Mynott** 7. Highways England No objection.
Relevant Policies	
☒ NPPF ☒ D1 ☐ D2 ☐ GBSP1 ☐ GBSP2 ☒ M14 ☐ Supplementary Design Guidance ☒ Supplementary Parking Guidance ☒ Interim Policy for car parking and garage sizes Others EMP2 acceptable uses in employment areas, EMP13 design criteria for employment development, R1Maximising use of pdl R2 Contaminated Land	
Main Issues	
Design (form, size, scale, siting) and Character (appearance within the streetscene)	The extension of established employment buildings within employment areas is considered acceptable in principle and in accordance with District Plan Policy EMP2 and EMP13. The proposed extensions on the rear of the warehouse building essentially form additional loading areas to which vehicle trailers are reversed to allow loading to take place under cover. The extensions are subservient to the existing building in terms of size and will be clad in materials that match the existing warehouse. They will have a very limited visual impact when viewed from any perspective. The proposed fencing is considered an appropriate response to the security needs of the site.
Impact on neighbours	The nearest neighbour is an associated warehouse within the same ownership. Impacts will be limited to the share use of the private road which will be utilised to access the site and for HGV manoeuvring to access the loading bays.
Access, car parking and highway considerations	Access and manoeuvring will be entirely on private land and will be supervised by on site health and safety measures including the use of banksmen when large vehicles are moving about the site.
Landscaping Issues	None.
Any other considerations	This is an active employment area and the works proposed very modest in size such that the likely visual and operational impacts will be very small scale in terms of the character of the area.

Ground Contamination issues	There is potential for contamination from previous land uses to be present on site and the council's EHO has therefore recommended conditions seeking an assessment and mitigation report. This is a reasonable and cautious approach and would pass the necessary tests for conditions and meets the objectives of District Plan policy R2. EHO recommended conditions regarding working hours which can be adequately controlled by planning condition and also recommends a range of measures on site that are adequately dealt with by other legislation and will be added as an informative to any planning permission.
Conclusion	
This is a modest warehouse extension in an established employment area. The extensions have been designed with matching materials and is acceptable in appearance. The potential to disturb possible contamination in the ground can be adequately and proportionately controlled by planning condition to ensure no unacceptable risk to health or the environment arises from the works on site. The application should be granted planning permission subject to conditions.	

Conditions:

1. There shall be no works on site until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

   The scheme shall be must not commence until conditions parts a to d have been complied with.

   If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition part d has been complied with in relation to that contamination.

   a. Site Characterisation
   An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
   (i) a survey of the extent, scale and nature of contamination;
   (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;
   (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

e. Long Term Monitoring and Maintenance
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. The cladding, shutter doors and all detailing such as guttering, soffits and other external decorations of the approved extensions must match the existing building in relation to colour and texture.

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

3. All works of construction 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

   REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

4. 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**
04	C	18047_04c_Site Plan	27 July 2018
01	B	Existing Plans and Elevations	4 June 2018
02	B	Proposed Plans and Elevations	4 June 2018
05	A	Proposed HGV Tracking	4 June 2018
03	C	18047_03c_Site Location Plan	

   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 paragraphs 186-187 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. in order to ensure the construction activity has the least impact upon the general amenity of the area, and to prevent possible complaints arising and action from becoming necessary it is recommended that the following guidance be applied by the applicant/contractors.

   1. 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
   3. All plant and machinery in use shall be properly silenced and maintained in

accordance with the manufacturers' instructions
4. 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.
5. 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.
6. 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.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. '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.
11. Any emergency deviation from these conditions shall be notified to the Council12. 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.
13. Permissible noise levels are not specified at this stage.

Dust control
1. All efforts shall be made to reduce dust generation to a minimum.
2. 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.
3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.without delay.

2. 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 which may affect the land.

Determined By:

Mr Chris Carter
30 July 2018