

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

DELEGATED APPLICATION

Application No: 6/2018/3099/FULL
Location: Unit 13 Peartree Farm Welwyn Garden City AL7 3UW
Proposal: Erection of detached two-storey brick building for B1 use with designated parking spaces for 6 vehicles and secure storage housing for 6 bicycles following demolition of existing timber building
Officer: Mr Michael Robinson

Recommendation: Granted

6/2018/3099/FULL

Context	
Site and Application description	<p>The site is located within the Peartree Farm industrial estate, which is located on the north-west side of Peartree Lane, within the town of Welwyn Garden City. The site is currently occupied by a small timber building which is used as an office, studio and storage (B1) by the applicant. It is bounded on two sides (west and south) by the estate access road, on its east side are the rear gardens of two homes fronting Pear Tree Lane and its northern boundary abuts open parts of the commercial estate used for car parking.</p> <p>This application seeks planning permission for the demolition of the existing timber built unit and the erection of a larger, brick built building for B1 industrial use.</p> <p>The new building would be 1.5 storeys with a first floor contained partly within the roof space. The proposed office building would measure approximately 7m to ridge height with a maximum width of approximately 16.4m (including a single storey entrance section to the south elevation) by a depth of 10.4m.</p> <p>Revised plans show 6 parking spaces to the north of the site, a cycle store adjacent to the building entry on the southern elevation and limited space around the east, south and west sides of the site.</p>
Constraints (as defined within WHDP 2005)	<p>EM - Estate Management - Distance: 0</p> <p>Wards - Peartree - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1900245) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2712820) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2712734) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (74329) - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>

Relevant planning history	<p>Application Number: N6/2008/2327/FP Decision: Granted Decision Date: 26 January 2009</p> <p>Proposal: DEMOLITION OF EXISTING TIMBER BUILDING, ERECTION OF ONE AND A-HALF STOREY BRICK BUILDING FOR B1 USE, TO INCLUDE STRIP OF RESIDENTIAL LAND</p> <p>Application Number: 6/2015/1960/FULL Decision: Granted Decision Date: 24 November 2015</p> <p>Proposal: Demolition of existing timber warehouse building and erection of detached brick built building for B1 use.</p> <p>Application Number: 6/2017/1486/VAR Decision: Withdrawn Decision Date: 24 August 2017</p> <p>Proposal: Variation of condition 1 (approved plans) on planning permission 6/2015/1960/FULL.</p> <p>Application Number: 6/2018/1494/VAR Decision: Granted Decision Date: 31 August 2018</p> <p>Proposal: Variation of condition 1 (approved plans and details) on planning permission 6/2015/1960/FULL</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 1
Publicity	<p>Site Notice Display Date: 31 December 2018</p> <p>Site Notice Expiry Date: 22 January 2019</p>		
Summary of neighbour responses	<ul style="list-style-type: none"> One comment received: I have seen several bats (common and soprano pipistrelles) using this location as a commuting route (using tree lines to navigate the urban environment) and bats are coming from this general direction. This building although of low value (for bats) still has potential to be a roosting site for our local bat population due to its wooden construction (tongue and groove) with plenty of small gaps which crevice dwelling bats would be able to enter/roost in. A Pre-Roost Assessment may need to be carried out prior to the building being demolished. 		
Consultees and responses	<ol style="list-style-type: none"> WHBC - Client Services – No response received WHBC - Public Health and Protection - Public Health and Protection <p>Considerations relevant to Environmental Health for this application</p> <p>Noise from B1 use</p> <p>Contaminated Land</p> <p>Noise from B1 use</p> <p>Planning permission has already been granted for this use in 2015. There are few concerns relating to this development as the plans are showing an office use, the application form mentions only 2 full time members of staff.</p> <p>If any plant or equipment is to be installed, such as air conditioning units, these will have to be assessed in terms of noise to ensure that they do not have a</p>		

	<p>detrimental impact on residential properties in the vicinity.</p> <p>On this basis it is recommended that a condition requiring plant and equipment is 10dB below the background noise level. If a limited amount of plant is to be installed and clearly operates at a relatively quiet noise level, then the information required to alleviate concerns over impact on amenity will be of a much lower level technically.</p> <p>Contaminated Land</p> <p>Due to the industrial location, contamination is a concern, however, the end use will not provide a pathway for contamination to end users if found on site.</p> <p>The greatest risk will be to workers when constructing the units – more specifically during any foundation work.</p> <p>It is recommended that an unexpected finds condition is placed on the application so that the Council are notified if any contamination is found and then the appropriate measures can be taken.</p> <p>Conclusion</p> <p>Recommend planning application is permitted but with conditions</p> <p>Conditions and Informatives</p> <p>Unexpected contamination</p> <p>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 within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.</p> <p>Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to 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 and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.</p> <p>Reason:</p> <p>To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account.</p> <p>Noise from plant and equipment</p> <p>Noise from plant and equipment must be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties.</p> <p>Reason –to protect the amenity of residents in the locality.</p>
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	<p>Noise control</p> <ol style="list-style-type: none">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 Holidays2. 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 times3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions4. 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 material9. 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.
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	<p>11. Any emergency deviation from these conditions shall be notified to the Council without delay</p> <p>12. 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.</p> <p>13. Permissible noise levels are not specified at this stage.</p> <p>Dust control</p> <p>1. All efforts shall be made to reduce dust generation to a minimum</p> <p>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.</p> <p>3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.</p> <p>3. Welwyn Hatfield Borough Council Parking Services – do not foresee any parking related implications</p> <p>4. Welwyn Hatfield Borough Council - Councillor Steve Roberts - No comments received</p> <p>5. Welwyn Hatfield Borough Council - Councillor Malcolm Cowan - No comments received</p> <p>6. Welwyn Hatfield Borough Council - Councillor Tamsin Jackson-Mynott - No comments received</p> <p>7. Welwyn Hatfield Borough Council - Landscapes Department - No comments received</p>
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others	
Main Issues	
Principle of the change of use (Local plan policies EMP8 and EMP2)	Twice in the past planning permission has been granted for the development now proposed, first in 2008 (N6/2008/2327/FP) and again in 2015 (6/2015/1960/FULL). It is necessary therefore to consider whether there have been any material changes in circumstances since the most recent permission that would justify a different decision being made.

	<p>Much of Peartree Farm estate is located within the EA1 employment area designated in the Welwyn Hatfield District Plan 2005 but the approach road to Peartree Farm including the application site is located just outside of the Employment Area boundary.</p> <p>The proposal includes for the replacement of an existing building in B1 use with a larger building with a proposed B1(c) use. It would not therefore result in the loss of an employment building, but rather would result in additional employment floor space.</p> <p>Policy EMP8 of the district plan says new employment development on such sites outside of employment areas will only be permitted where (i) the development would be of similar scale, (ii) it would not have any adverse effect on the residential amenities of nearby properties and (iii) it would provide adequate parking and access arrangements.</p> <p>In light of these observations, it is considered that the proposal continues to be acceptable in principle in this location.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>District plan policy D1 requires a high quality of design in new development whilst policy D2 requires all new development to respect and relate to the character and context of the locality, maintain and where possible enhancing the character of the existing area.</p> <p>The existing building is a small timber structure which is in a poor state of repair and which is not of a suitable scale for its intended use, only capable of accommodating a relatively small operation. The proposed building would be larger in scale with an increased footprint and height.</p> <p>It would however be of a scale and design generally comparable to and in keeping with other buildings within the surrounding area. The proposed building would match that approved in 2009 and 2015 which found the proposed building to be acceptable in appearance and impact.</p>
<p>Impact on neighbours</p>	<p>Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development. Again, the proposed building is the same (same scale, height and location) as that previously approved, when it was found that there would be an acceptable impact on neighbouring amenity. There have not been any material changes since this time. The building would be set in from the rear boundary of Nos 76 and 78 and would be set a significant distance from the neighbouring houses and their primary amenity space directly at the rear of the dwellings.</p> <p>A row of roof lights are proposed to the rear elevation of the office building, which would face towards these two residential properties. Whilst the lower sill of these rooflights would be at least 1.7m above the internal floor level a condition can be imposed in the event of permission being granted, requiring that these be obscure glazed to prevent the possibility of overlooking.</p> <p>District Plan Policy R19, with regard to 'Noise and vibration pollution', states that 'Planning permission will be granted where appropriate conditions may be imposed to ensure either: (iii) an adequate level of protection against noise or</p>

	<p>vibration or (iv) that the level of noise emitted can be controlled’.</p> <p>The Council’s Environmental Health Officer has not raised any objections in this instance, regarding potential noise or vibration nuisance from the proposed B1 building to the adjacent residential neighbours at Nos 76 and 78 Peartree Lane. It is likely there would not be any increase in noise or vibrations, compared to the existing B8 use and other industrial uses at the remainder of Peartree Farm but recommends that a condition requiring plant and equipment is 10dB below the background noise level.</p> <p>Informatives seeking to reduce noise and dust during the construction phase are also recommended.</p> <p>In light of the above observations, it is found that the proposed office building would be unlikely to result in any undue harm to the amenity of any residential neighbouring properties or on any other commercial neighbours but that a condition can ensure this remains the case.</p> <p>It is also considered necessary to include a condition to ensure that there would not be a light nuisance/ pollution to nearby residential properties.</p>
<p>Access, car parking and highway considerations</p>	<p>The proposed building would provide approximately 260m² of B1(c) light industrial space. The HCC Highway Officer has not raised any objections with regard to access from the public highway, as this would not be altered and the access to and location of parking would also remain the same as existing.</p> <p>The Councils standard and interim parking standards require a minimum of one off-street parking space per 35m² of B1(c) floor space and so the proposed building would require 7 spaces. 6 spaces are proposed immediately to the north of the building and so whilst there is a slight shortfall on the council’s standards these standards are now regarded as guidance only. In the past the same building was to be served by 4 spaces and so with 6 now proposed it is considered that sufficient parking would be provided in this instance to meet the Council’s requirements and so no objection is raised in this regard.</p>
<p>Landscaping Issues</p>	<p>The site is currently entirely covered by building and hard-standing. If permitted the site will have a bigger building surrounded by hard-standing. Negotiations during the application have ensured that the development will have a parking area comprising permeable hard-surface rather than a concrete surfaced parking area as exists at present. This is to facilitate improved surface water drainage on the site and to improve ground conditions and permeability close to boundary trees (council owned) dividing the site from its residential neighbours on Peartree Lane. This is considered an improvement in terms of the sustainable development of the site.</p>
<p>Ecological impacts</p>	<p>A near neighbour has reported bat activity in the vicinity of the site. Whilst it is also acknowledged that the existing building has a relatively low roost potential for bats all species are protected and so as a precautionary measure it is recommended that a preliminary assessment of bat roost potential is undertaken before any demolition of the existing building takes place. This can be secured by a planning condition.</p>
<p>Conclusion</p>	
<p>Permission for near identical buildings and uses have twice been granted in the past.</p>	
<p>The principle of the proposed use is considered acceptable in this location subject to conditions</p>	

which adequately protect the amenity of nearby occupiers and residents. The proposed building is considered a suitably high standard of design and represents sustainable development in a sustainable location - PERMIT

Conditions:

1. No demolition or disturbance of the existing building shall take place until a bat roost survey has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. The survey report must contain:
 - A timetable of surveys undertaken.
 - External assessment of the building for the presence of European Protected Species.
 - Identification of potential bat roost spaces.
 - A strategy showing how the demolition and development can proceed lawfully should bats or their roosts be discovered during these surveys.
 - If found plans showing how these roost spaces will be recreated in the new building.

The Information shall be presented in accordance with national survey standards and shall be consistent with BS 42020.

Once approved by the LPA the development must then proceed in accordance with the recommendations of the report.

REASON: To ensure the duties of the Local Planning Authority under the Conservation of Habitats and Species Regulations are upheld and to ensure that biodiversity is conserved and enhanced in accordance with National Planning Policy Framework.

2. There shall be no works on site before details of the permeable surface materials for the parking spaces and other associated space around the building together with any associated soakaways have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and retained thereafter.

REASON: In order to ensure the adequate control of surface water on the site and to prevent surface water runoff in accordance with the objectives of Policy R10 of the Welwyn Hatfield District Plan 2005.

3. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

4. A scheme of external lighting shall be submitted to the Local Planning Authority for its written agreement before any works above ground level take place. Once approved the lighting scheme shall be installed in accordance with the approved details before the building is first occupied and shall thereafter be retained.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. 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 within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to 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 and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

REASON: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account in accordance with the requirements of policy R2 of the Welwyn and Hatfield District Plan 2005.

6. Noise from plant and equipment must be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

7. The area set aside for car parking shall be laid out surfaced and marked out, in accordance with the details shown on the approved plans before the building hereby permitted is first occupied and shall be retained permanently thereafter for the free parking of vehicles for occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

8. The 6 cycle storage spaces shown on the approved cycle storage details (The bike Storage Company Vertical Bike Hangar Shelter) shall be provided in accordance with the general specification shown on the submitted details and shall be available for use before the building hereby permitted is first occupied.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

9. the first floor roof windows located in the east facing roof slope of the building hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and they shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

10. 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
08/603/21b	b	P2	28 January 2019
08/603/20b	b	P1	28 January 2019
08/603/25a	a	P3	28 January 2019
Vertical bike hanger shelter		Vertical bike hangar shelter	22 January 2019

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. the following advice is offered by the council's Public Health and Protection Team with regards to noise and dust control during construction on site.

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 Council without delay
12. 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.
2. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
 3. The developer is recommended to have regard to the following advice.

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8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

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Determined By:

Mr Chris Carter
29 January 2019