

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/0973/FULL  
**Location:** Aquarius House Bessemer Road Welwyn Garden City AL7 1HH  
**Proposal:** New external windows to the north and west elevations and the installation of a condenser unit  
**Officer:** Ms Emily Stainer  
**Recommendation:** Granted

6/2021/0973/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located within an Employment Area and comprises a large commercial building which is occupied by Ocado.</p> <p>Planning permission was originally sought for the extension of the existing office space internally including the addition of a section of new mezzanine floor, external windows to the north and west elevations and an external fire escape on the north facing elevation. During the course of the application the applicant has amended the proposal to apply for the windows and condenser units only. The new mezzanine floor is therefore no longer a consideration in the determination of this application. It should be noted that the red line has been altered very slightly on the amended site location plan. However, as it has been reduced in size compared to the original red outline submitted, it has not been necessary to re-consult.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0  Wards - Peartree - 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>
<b>Relevant planning history</b>	<p>Application Number: C6/1985/0028/  Decision: Granted  Decision Date: 15 March 1985  Proposal: New industrial building with ancillary offices</p> <p>Application Number: C6/1987/0832/FP  Decision: Granted  Decision Date: 20 November 1987  Proposal: Erection of a warehouse in association with general industrial (class B2) premises</p> <p>Application Number: N6/1998/0564/FP  Decision: Approval Subject to s106</p>

	<p>Decision Date: 30 October 1998          Proposal: Demolition of single storey warehouse, part demolition of single storey factory and erection of B2/B8 building car parking and landscaping</p> <p>Application Number: N6/2002/1066/FP          Decision: Granted          Decision Date: 16 September 2002          Proposal: Demolition of existing warehouse buildings and erection of two B8 (warehouse distribution) units comprising of 2415sqm with ancillary offices and car parking.</p> <p>Application Number: 6/2016/1481/FULL          Decision: Granted          Decision Date: 5 January 2017          Proposal: Construction of a car park to provide 37 car parking spaces.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 21 April 2021          Site Notice Expiry Date: 13 May 2021</p>		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	<p>WHBC Public Health and Protection – Recommend permission is granted subject to suggested conditions and informatives about noise and dust.</p> <p>HCC Transport Programmes &amp; Strategy – The Highway Authority does not wish to raise an objection to the application, subject to the inclusion of the recommended planning conditions and informatives.</p>		
<b>Relevant Policies</b>			
<p><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</p> <p><u>Others:</u>          SD1 Sustainable Development          EMP1 Employment Areas          EMP2 Acceptable Uses in Employment Areas          R19 Noise and Vibration Pollution</p> <p><u>Draft Local Plan Proposed Submission August 2016:</u>          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</p>			
<b>Main Issues</b>			

**Would the development have an acceptable impact on the Employment Area?**

Yes  No

**Comment** (if applicable):

Policies EMP1 of the District Plan 2005 and Policy SADM 10 of the Draft Local Plan Proposed Submission 2016 designates certain areas across the Borough as Employment Areas, and the application site falls within the Welwyn Garden City Employment Area, designated as EA1 in the District Plan which is proposed to be retained in the emerging Local Plan. In addition, Policy EMP2 of the District Plan 2005 is also relevant. The policy outlines that in the designated employment areas, proposals for development within Use Classes B1, B2 and B8 will be permitted, subject to certain criteria.

Paragraph 12.21 of the saved policy EMP1 (2005) underlines the desire to encourage further commercial development in employment areas, stating that the Council will give favourable consideration to proposals for the redevelopment of existing employment sites, in the designated Employment Areas, which would update and improve the quality of the employment stock in the district. The application form notes in section 17 that both the existing and proposed use of the building would be B1(a) office use. It is important to note that the Town and Country Planning (Use Classes) Order 1987 was amended in 2020 and since 1 September 2020 Use Class B1 is to be treated as the new Class E. Offices now fall under Use Class E(g)(i) which covers offices to carry out any operative or administrative functions. As this is consistent with the principle of the above policy, there are no objections raised with regard to proposed alterations as the building would remain in an employment use. As such, there are no objections raised to the proposed use of the building which would be in accordance with the District Plan 2005, the Draft Local Plan Proposed Submission 2016 and the NPPF.

**Would the development reflect the character of the existing building and surrounding area?**

Yes  No  N/A

**Comment** (if applicable):

Policies D1 and D2 of the District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's SDG and are consistent with the design policies contained in the Emerging Local Plan (SP1 and SP9) and are broadly consistent with the NPPF.

There is no specific design approach to employment uses within Welwyn Hatfield and the existing building and surrounding development to the site are typical of buildings found within an employment area. As a result of the mixed character of the immediate area, there is flexibility in the design of new additions and alterations. The application site is located in an area which is characterised by a variety of commercial and industrial uses with associated parking. The proposed external alterations include the addition of new external windows to the north and west elevations of the existing building, a palisade security fence, a path and condenser units on the north facing elevation. The proposed alterations to the openings of the building and minor external works would be of an appropriate design for the building and would not detract from the character of the surrounding area.

**Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)**

Yes  No  N/A

**Comment** (if applicable):

No comments have been received. The impact upon neighbouring occupiers would be minimal given the commercial/industrial use of surrounding units. It would therefore not result in adverse harm by way of overshadowing, loss of light or overlooking to neighbouring occupiers.

With regard to noise, the proposal would involve the addition of condenser units outside the building,

however the size/number are not specified as the plans state that this is to be confirmed. The Council's Public Health and Protection team have commented on the proposal noting that any plant or equipment associated with this development will need to be 10dB below the background noise level at the nearest residential property (5dB below the background noise level if no tonality or other character is present). As it is unclear where the nearest residential properties are to this site and the number/size of the proposed units, it is recommended that a condition for further details and mitigation measures is placed on the application.

**Would the development provide / retain sufficient parking?**

Yes  No  N/A

**Comment** (if applicable):

The proposal originally involved the addition of a mezzanine floor at first floor level which would have resulted in an additional 208sqm in office floor area. However, as this aspect of the proposal has now been omitted it is considered that there would be no impact upon parking or highway safety at the site.

**Conclusion**

Subject to the suggested condition the proposed development would be in accordance with the relevant national and local planning policies.

**Conditions:**

1. No above ground development shall take place until full details of the the new condenser units 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. The details to be submitted shall include:
  - a) Details of the design and specification of the proposed condenser units; and
  - b) A scheme to mitigate the noise from new plant and equipment. The impact of new plant and equipment should be assessed in accordance with BS4142:2014. Noise from plant and equipment shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if the applicant is able to prove that the plant/equipment does not produce tonal noise or has other character).

REASON: In the interests of visual amenity and to protect the amenity of adjoining occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

**DRAWING NUMBERS**

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
200721_145 _EX_EL		Existing key and elevation plans	25 March 2021
200721_400 _XX_PR_EL	B	Proposed key and elevation plans	25 June 2021

200721_198 _LOCATION	C	Proposed location and block plans	25 June 2021
200721_199 _PR_SITE	C	Proposed block plan	5 July 2021

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. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations

compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

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-and-developer-information/development-management/highways-development-management.spx> 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. **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-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

8. **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. Any 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 subcontractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay.

9. 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.

**Determined By:**

Mr Michael Robinson  
5 July 2021