

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 30 MARCH 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2016/1848/FULL

40 BURROWFIELD, WELWYN GARDEN CITY, AL7 4SR

CHANGE OF USE TO ENERGY GENERATION AND INSTALLATION AND
OPERATION OF THREE GAS ENGINES AND ANCILLARY DEVELOPMENT

APPLICANT: AGR Peak Power Limited

AGENT: Mr P Roden

(Hollybush)

1 Site Description

1.1 The application site is located on the north west side of Burrowfield in Welwyn Garden City and currently contains an industrial unit and open storage space. The site is bounded by a range of industrial and commercial premises. To the west, separated from the site by railway lines, are sports fields associated with Gosling Sports Park. The nearest residential uses are within Chequers approximately 200m to the east, as well as Chequersfield approximately 300m to the south.

2 The Proposal

- 2.1 This application seeks planning permission for the change of use of the site for energy generation (Sui-Generis) and the installation and operation of three gas engines and ancillary development to provide additional electrical power generation (at peak times/reserve capacity) for input into the National Grid. The ancillary development would include the erection of a gas kiosk, a clean oil tank and a waste oil tank, as well as some alterations to the existing building.
- 2.2 The gas engines would be approximately 13m in depth and 6m in width. The gas engines would each have cylindrical exhaust flues 12m in height from the ground level with a diameter of approximately 0.5m. Two gas engines would be oriented east to west, and be located on the west corner of the site. The third gas engine would be located at the south east corner of the site, close to the street, and at right angles to the road.
- 2.3 The gas kiosk would be located to the front of the existing building, along the north east boundary with a shallow hipped pitched roof. The structure would be approximately 5.8m in width, 2.6m in height and 2.6m in depth.
- 2.4 The oil tanks would be located along the south boundary of the site, between the gas engines. The waste oil tank would be approximately 1.5m in width and depth, with a height of 1.2m. The clean oil tank would measure approximately 2.3m in depth, 3.2m in width and 1.4m in height.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Chesterman has called the application to committee for the following reason;

“This application is out of keeping with the intended use for the area ie small industrial and office accommodation. The applicant has not taken the necessary readings from the areas that will be most affected. This will cause an impact on employees, most of whom are local, with regard to noise and air quality pollution which could prove detrimental to their health.”

- 3.2 Additionally the proposal represents a departure from the development plan given the location of the site within a designated employment area.

4 Relevant Planning History

- 4.1 Application Number: N6/1980/0138/ May 1980 Decision: Granted Decision Date: 01 May 1980

Proposal: Storage building

- 4.2 Application Number: N6/1980/0700/ November 1980 Decision: Granted Decision Date: 27 November 1980

Proposal: Workshop

- 4.3 Application Number: N6/1981/0604/ November 1981 Decision: Granted Decision Date: 13 November 1981

Proposal: Cold store

- 4.4 Application Number: C6/1988/0197/FP June 1988 Decision: Refused Decision Date: 09 June 1988

Proposal: Erection of a detached building for use as garage with ancillary office (Class B8)

- 4.5 Application Number: N6/1989/0370/FP July 1989 Decision: Refused Decision Date: 25 July 1989

Proposal: Erection of a replacement workshop

5 Planning Policy

- 5.1 National Planning Policy Framework 2012

- 5.2 Welwyn Hatfield District Plan 2005

- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)

- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004

6 Site Designation

6.1 The site lies within an employment area in the specified settlement of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

7.1 The application was advertised by means of site notice, press advert and neighbour notification letters. Seven representations have been received from occupiers of commercial units in Burrowfield. Their comments may be summarised as:

- The gas engines producing 11KV would be in close proximity to offices causing numerous of environmental issues, including noise/vibration, odour, air quality and unknown health and safety risks that will be detrimental to the health and welfare of everyone working in our offices.
- The development would have a detrimental impact on surrounding premise values and viability of uses due to the above environmental concerns
- The uses in Burrowfield are moving from light industrial to more general industry and waste transfer stations causing air quality and unknown health implications
- Insufficient infrastructure to support more vehicles on the site and the parking proposed is insufficient.
- There is no independent assessment of the potential noise or pollution impacts
- The proposed development would unduly impact living/working conditions by stopping use of opening windows at first floor level overlooking the site.
- No guarantees on the amount of time and times that the gas engines would be in use
- The air quality survey is not based on current environmental conditions
- The chimneys being unsightly and out-of-character

8 Consultations Received

8.1 **Environmental Health** – No objection subject to condition

8.2 **Herts Fire and Rescue** - We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

8.3 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – No objection

8.4 **Environment Agency** – No objection, works will not require permit.

8.5 **Welwyn Housing Trust** – No comment received

8.6 **National Grid** – No response received

8.7 **Health and Safety Executive** – No comment

9 **Analysis**

9.1 The main planning issues to be considered are:

1. **The principle of the development within a designated employment area and the associated loss of employment land (GBSP2, SD1, R1, EMP1 and EMP2)**
2. **The impact of the development on the design and character of the area (D1 and D2)**
3. **Impact on neighbouring occupiers of nearby units (D1)**
4. **Impact on the highway network and car parking (M14)**
5. **Any other considerations**

1. **The principle of the development within a designated employment area and the associated loss of employment land**

9.2 Saved Policy EMP1 'Employment Areas' of the Welwyn Hatfield District Plan (WHDP) designates various employment areas across Welwyn Hatfield Borough. This site falls within the Welwyn Garden City Industrial Area. Saved Policy EMP2: 'Acceptable Uses in Employment Areas' states that, in designated employment areas, proposals for uses other than Classes B1 (Business), B2 (general Industrial) and B8 (Storage and Distribution) should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. This policy position should be considered alongside the advice set out in paragraphs 20-22 of the National Planning Policy Framework (NPPF) in respect of protecting employment land. In particular, paragraph 22 states that "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose..... where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities*".

9.3 The applicant has not demonstrated that the existing land or premises are no longer required to meet future employment requirements or that there is no reasonable prospect of the site being used for employment purposes.

9.4 The proposed use for energy generation does not fall within an employment (B1, B2 and B8) use class, but the Sui-Generis use would create some employment, with two full time staff, as well as service engineer visits. The planning statement goes on to state that, as a part of the wider business strategy, the use of the land would support further employment opportunities.

9.5 So whilst there may be a degree of conflict with saved District Plan policies, the NPPF should always be read as a whole; "*At the heart of the National Planning*

Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". The three dimensions to sustainable development as defined by the NPPF are economic, social and environmental.

- 9.6 The investment and employment which would accompany the proposed development, would have a positive economic impact in the short and longer term. The social and environmental impact of the proposed development are considered later in the report.
- 9.7 Notwithstanding this, with regards to the suitability of the site for this use, the sites specific context it is a material consideration. A Primary Substation is located adjacent to the industrial area, this makes the site suitable for uses which contribute to the energy supply as is the case with this proposal. An adequate gas supply is located in the street. An industrial estate with a nearby Primary Substation and gas supply is considered by the applicant to be an optimum location for the proposed use. Additionally, given the nature of the proposed use, the site surroundings would seem appropriate for this type of development
- 9.8 Policy EMP2 at points i-v also requires that the development i) should not be of such a scale that it would have an unacceptable impact on the demand for housing in the area. ii) The proposal is not expected to have an unacceptable impact on local or strategic transport infrastructure. iii) The proposal is not predicted to harm the amenity of nearby residential properties, the closest of which would be the dwellings located on Burrowfields at the entrance into the industrial estate. It is considered that these dwellings are distanced sufficiently from the application site so as to not be impacted. iv) The proposal would provide sufficient allocated parking and this will also be addressed later in the report. v) There is no retail element for the proposed use.
- 9.9 The final requirement of policy EMP2 and of the NPPF is that the proposed development must be of a high standard of design and comply with the design policies of the plan.
- 9.10 In principle therefore, the use of the site for energy generation is considered, on balance, acceptable.

2. The impact of the development on the design and character of the area

- 9.11 Policies D1 and D2 of the WHDP require all new development to be of high quality and to respect the character and context of the area in which it is proposed. As well as this, the design principles of the Supplementary Design Guidance should be incorporated.
- 9.12 The existing building would be retained, with some external changes. The changes to this elevation are limited, and would serve to improve the appearance of the building when considered independently. Additionally three gas engines, two oil container and a gas kiosk would be located within the site as described previously.
- 9.13 The site is within an existing industrial estate, with buildings of little architectural merit. The size and scale of the structures associated with the proposal are not considered out-of-scale. The distribution of the structures on the land would not

result in an out-of-character or cluttered appearance. Whilst the proposal does include the installation of exhaust flues up to 12m in height, the exhaust flues would be limited to three in number, and approximately 0.5m in diameter. The tall exhausts flues, whilst prominent, would not cause harm to the visual amenity of the wider area.

- 9.14 Given the context of the site within an industrial estate, it is not considered that the proposed development would unduly impact the character of the area. On this basis the proposal would accord with policies D1 and D2 of the WHDP in regards to design.

3. Impact on neighbouring occupiers of nearby units

- 9.15 Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.
- 9.16 The host site is surrounded by commercial and industrial buildings. As the large building on site would remain in situ, the impact would be from the proposed gas engines and ancillary structures.
- 9.17 Concerns have been raised from neighbouring business units, in terms of loss of light, noise, odour (pollution) as well as more general, unknown, health impacts. These are addressed below.
- 9.18 The proposed gas engines would be located on the boundary with unit's 2-8 (evens) West Burrowfield. First floor windows can be seen facing into the site and a site visit has confirmed that these windows serve offices and training rooms. Objectors state that these rooms are regularly used. The concern is that the proposed development will have a detrimental impact and may cause them to seek premises elsewhere. Whilst the Council acknowledge that some loss of light may occur to the windows of these premises it is not considered to be to such an extent to warrant the refusal of the application.
- 9.19 Concerns regarding noise and vibration have been expressed. The impacts that would result from noise and vibration have been addressed by the applicant, initially through a noise impact assessment, then subsequently through a noise screening summary. The latter concentrated on the impact to first floor windows of adjoining premises and mitigation measures, including the provision of a clear noise barrier. These details have been assessed by the Council's Environmental Health Officer and considered acceptable subject to a properly worded condition. The condition would ensure that details of the location, design and height of the proposed clear noise barrier are submitted, agreed and erected, and that a manned, measured noise survey is carried out prior to the continued operation of use to demonstrate that the predicted levels within the noise surveys submitted are accurate and representative. The condition would ensure the achievement of the predicted findings of an acceptable impact in terms of noise.
- 9.20 Furthermore, saved Policy R19 of the WHDP confirms that permission will be granted where appropriate conditions may be imposed to ensure that the level of noise emitted can be controlled.

- 9.21 The impact from the proposed development on air quality has also been submitted to and assessed by an Environmental Health Officer and found to be acceptable. It concluded there will be a negligible effect as a result of the operational and constructional air quality impact.
- 9.22 In terms of unknown health impacts referred to by some neighbours these are unquantifiable, and as such, afforded little weight in the planning balance.
- 9.23 Given the siting of the proposal it is considered to comply with the Council's Policies with regard to maintaining the living and working conditions of neighbouring occupiers and would not warrant a refusal on this basis.

4. Impact on the highway network and car parking

- 9.24 The highway impact of the proposed development, particularly relation to the access and has been considered by Hertfordshire County Council. Burrowfield is a Local Access Road within the road hierarchy and is a predominantly industrial area. The site is served by a gated access appropriate for use by cars and other vehicles, and has a dropped kerb shared with adjacent properties. These access arrangements remain unchanged.
- 9.25 The Highway Authority also note that the application does not appear to include works required to run new supplies to the site, and therefore assumed that adequate infrastructure exists. Should additional connections to mains supplies be required the statutory undertaker will need to liaise with the Highway Authority. Additional activities that would be required such as the occasional emptying of the oil tank on site is not considered to be objectionable and so Hertfordshire County Council as Highways Authority do not wish to restrict the granting of the development.
- 9.26 In terms of parking, paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the WHDP and the Supplementary Planning Guidance on Parking Standards use maximum standards and are not consistent with the Framework and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 9.27 It is noted that parking within Burrowfields is limited, by virtue of the number of vehicles associated with the business units and limited allocated spaces. Therefore it would be important for the use proposed to be able to accommodate suitable off street parking to reduce on street parking pressures.
- 9.28 The submitted plan shows that there would be two spaces within the site itself. The use of the site is Sui Generis and there are no standards that are directly applicable within the Supplementary Planning Guidance on Parking Standards. The site would have two full time employees and two parking spaces have been provided. This is considered an adequate level of on-site parking, and accords with policy M14 and the Supplementary Planning Guidance on Parking Standards taken in conjunction with the Interim Car Parking Policy.

5. Any other considerations

- 9.29 Comments have been raised by occupiers of neighbouring units regarding the works that would need to be undertaken in order to provide gas and electricity out/into the site and are concerned as to the impact that this would have on their units in terms of gas supply and general disruption. In this instance these works would be undertaken by statutory providers and therefore this would fall under permitted development. The Council as Local Planning Authority have no control over these works and as such these works cannot be considered as part of the planning application.
- 9.30 No hours of opening were submitted with the application form. Paragraph 3.2.12 of the planning statement states the gas engines would be available to supply the National Grid 24 hours a day, 7 days a week. Given the sites location within an industrial estate, as well as the assessed acceptable impact in terms of noise and air quality, it is not considered that the running of the engines at any specific time of the day would cause harm to the surrounding area or living conditions for nearby residential dwellings. The purpose of the engines is to provide energy at little notice and so it would not be reasonable to require them to operate at certain times of the day.
- 9.31 Neighbour representations have raised concerns as to the value of premises, as well as the viability of the adjoining premises uses given the concerns of noise, pollution, safety and unknown health risks. These impacts of the development in terms of noise, air quality, light, unknown health risks and character and context in terms of design have been assessed above and considered acceptable in planning terms. Therefore, in terms of quantifiable impacts, development is considered acceptable. Additionally, opposite the site lies substantial electronic communications equipment. Overall, it is not considered that the change of use and ancillary development on the site would significantly impact the area such as to result in the adjoining uses being unviable or unattractive. The impact of development on the value of adjoining land and premises is not a material consideration.

10 Conclusion

- 10.1 The proposed development would have an acceptable impact that can be mitigated by planning conditions. The change of use and associated ancillary development would not cause harm to the area socially or environmentally, and would ensure energy supply. The council's Environmental Health team have no objection to the proposed development based on the impacts from noise and on air quality. The applicant's planning statement suggests that the provision of such energy generating equipment would help in the gradual switchover of the UK's energy supply to renewable sources, supplying the market at times of peak demand where renewable energy supplies are not sufficient. This supporting mechanism could be seen as encouraging reliance on renewable energy supplies, thereby supporting a move to low a low carbon economy. Furthermore, the use would provide a small number of jobs within the employment area.
- 10.2 Overall therefore, the proposal is considered to represent a sustainable form of development, achieving the three dimensions of sustainability as defined within the NPPF. There are no adverse impacts that significantly or demonstrably outweigh the benefits described within the planning statement when assessed against the policies within the Local Development Framework taken as a whole.

11 Recommendation

- 11.1 It is recommended that planning permission be GRANTED subject to the following conditions:

PRIOR TO COMMENCEMENT

1. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby approved. The development shall not be operated other than in accordance with the approved details.

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

2. No development shall take place until further details of sound insulation and attenuation measures, as set out within the Noise Impact Assessment received 09 September 2016 & Noise Screening Summary received 30 January 2017, 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 by details.

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

PRIOR TO OPERATION

3. No operation longer than that required to be carried out in order to comply with part (i) of this condition shall take place until:
 - (i) A further manned measured noise survey detailing the performance of the sound insulation and attenuation measures as outlined in either:
 - (a) the Noise Impact Assessment received 09 September 2016 and Noise Screening Summary received 30 January 2017, further defined by the approved details in condition 2 of this decision; or
 - (b) any scheme subsequently approved through part (iii) of this condition demonstrating that the predicted levels are accurate and indeed representative, and that tonality has been considered, has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Should the level of noise generated by the operation exceed that stated within the sound insulation and attenuation measures as defined by (a) or (b) of part (i) of this condition, the operation must be halted.
 - (iii) In the event that the operation has been halted in line with part (ii) of this condition, a further detailed mitigation report outlining proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

(iv) The further detailed mitigation measures within any report submitted in line with part (iii) of this condition shall be implemented, and the process from (i) of this condition shall be repeated.

(iv) Should the plant at any point exceed the noise levels the sound insulation and attenuation measures as defined by (a) or (b) of part (i) of this condition, the process of this condition from (i) above shall be repeated.

The development shall not be in continued operation other than in accordance with the approved scheme.

REASON: To protect the local amenity of adjoining occupiers in accordance with Policy R19 & 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
2040-01-01		Site Location Plan	9 September 2016
2040-01-02a		Block Plan	9 September 2016
2040-01-02b		Location Plan	9 September 2016
2040-01-03	A	Floorplans	4 November 2016
2040-01-04		Engine Container & Radiator	9 September 2016
2040-01-05		Gas Kiosk & Oil Tanks Elevations	9 September 2016
2040-01-06		Gas Kiosk & Oil Tanks Photos	9 September 2016
2040-01-08		Proposed Elevations	4 November 2016
2040-01-07		Existing Elevations	4 November 2016

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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).

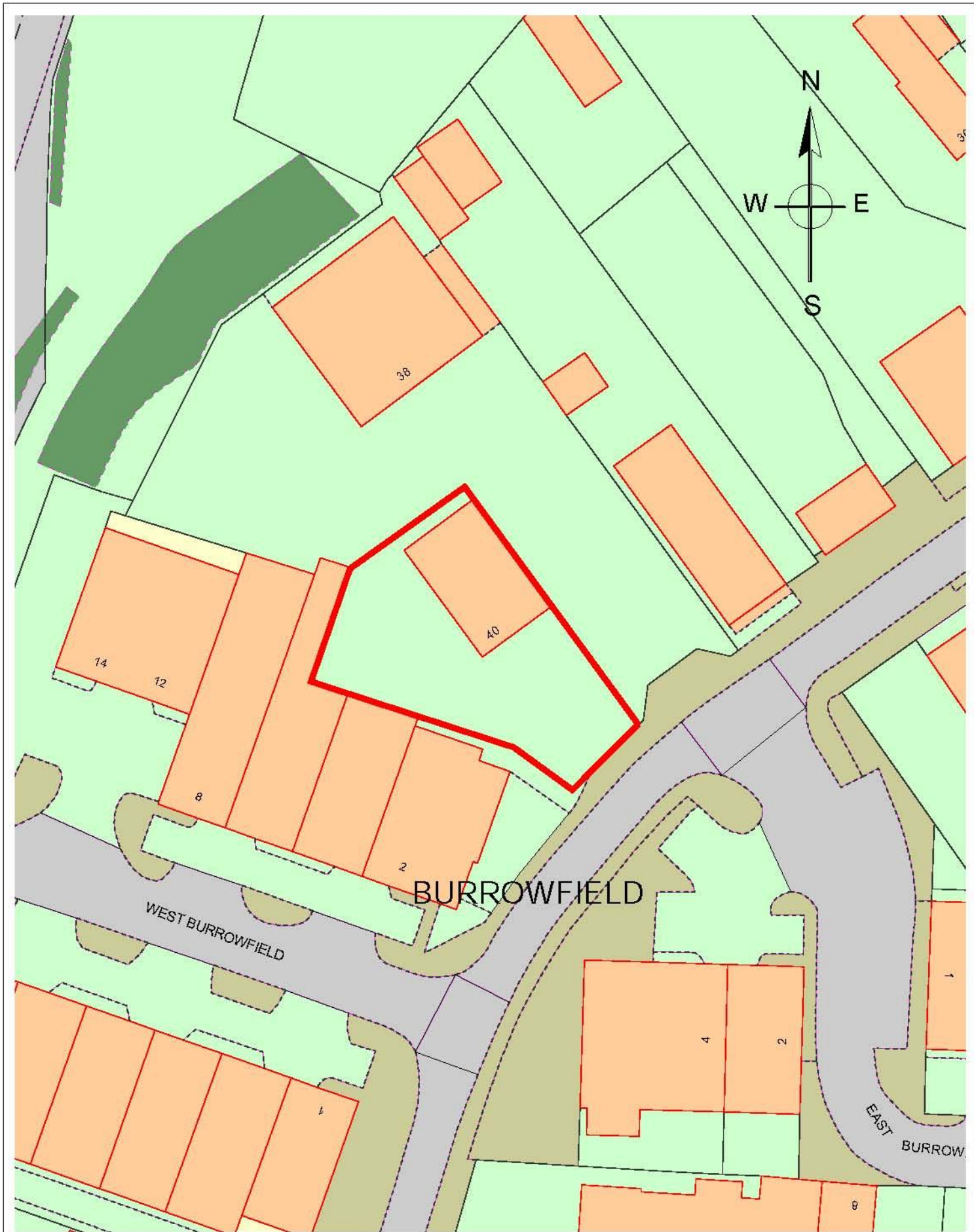
Sam Dicocco, (Planning)


Date

02 March 2017

Expiry date

04 November 2016



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