

**3/14/0639/FO – Variation to condition 2 (approved plans) of planning permission ref: 3/13/1866/FP – Erection of Respiratory Manufacturing Facility with associated works at GlaxoSmithKline Pharmaceuticals (Ware) Ltd, Priory Street, Ware, Hertfordshire, SG12 0DJ for GlaxoSmithKline Pharmaceuticals**

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**Date of Receipt:** 22.10.2013

**Type:** Full – Major

**Parish:** WARE

**Ward:** WARE – ST MARY'S

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Time limit (1T121)
2. Approved plans (2E103) – insert 5545/A1/001, 5545/A1/002, 5545/A1/003 Rev A, 5545/A1/004 Rev A, 5545/A1/005 Rev A, 5545/A0/006, 5545/A1/007 Rev A, 5545/A0/010 Rev D, 5545/A0/011 Rev K, 5545/A0/012 Rev F, 5545/A0/013 Rev G, 5545/A0/014 Rev B, 5545/A1/015 Rev G, 5545/A0/100 Rev D, 5545/A0/101 Rev A, 5545/A0/200 Rev E, 5545/A0/201 Rev D, 5545/A0/202 Rev D and 5545/A0/203 Rev A.
3. Tree and hedge retention and protection (4P055)
4. Prior to first occupation of the approved building, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

**Reason:** To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

5. Landscape works implementation (4P135)
6. Prior to its first use, the temporary access arrangement, including

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visibility splays, onto Harris's Lane shall be completed in accordance with the approved plan no. 5545/A0/010 D.

Reason: To ensure that the access is of an appropriate standard to protect highway safety in the area.

7. Wheel washing facilities shall be established within the site in accordance with details previously agreed with the Local Planning Authority under condition 7 of planning permission ref: 3/13/1866/FP.

Reason: To prevent the tracking out of materials onto the highway in the interests of highway safety.

8. Occupation of the building hereby permitted shall not take place until the emergency access onto Harris's Lane has been closed and the kerb and footway reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

#### Directives:

1. Other legislation (01OL1)
2. Groundwater Protection Zone (28GP1; Musley Lane)
3. The applicant is advised that in order to comply with the conditions on this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. The applicant is advised to contact Highways, County Hall, Pegs Lane, Hertford, SG13 8DN (Telephone: 0300 123 4047) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of construction of the vehicle access.
4. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be obtained from the Eastern Herts Highways Area Team, County Hall, Hertford, SG13 8DN (Telephone: 0300 123 4047).
5. The attention of the applicant is drawn to the Control of Pollution Act

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1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.

6. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means should be used at all times. The applicant is advised to consider “The control of dust and emissions from construction and demolition Best Practise Guidance” produced in partnership by the Greater London Authority and London Councils.
7. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
8. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority.

### Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the previously granted permission 3/13/1866/FP is that permission should be granted.

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### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is an area of cleared land in the north-west corner of the GSK site, adjacent to the

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boundaries with Park Road to the north and Harris Lane to the west. Building U2 lies to the immediate south, and the proposed building would form an extension to its north elevation. The whole GSK site is a designated Employment Area within the Local Plan and is reserved for general industrial, research and development and employment development.

- 1.2 Members may recall that a similar proposal was considered by the committee in January of this year. That sought permission for a three-storey building of approximately 15 metres in height, extending from the north elevation of Building U2. A copy of the January committee report is attached as Essential Reference Paper 'A'.
- 1.3 The current U2 application seeks permission to vary Condition 2 of this planning permission which requires the development to be carried out in accordance with the approved plans. The proposed revisions to the plans include alterations to the north, east and west elevations of the building, a reduction in the area of hardstanding to the north of the building, and alterations to the underpass to the west of the building. There are no changes to the height and footprint of the approved building.

## **2.0 Site History**

- 2.1 The GlaxoSmithKline site has been the subject of a considerable number of applications. The following applications relate specifically to this site:
  - 3/93/1131/FP – External canopy to the south elevation of building U – Approved October 1993
  - 3/95/0127/FP – Two-storey and lift/staircase enclosure to building U – Approved March 1995
  - 3/13/0883/PD – Demolition of building U – Prior approval not required June 2013
  - 3/13/1886/FP – Erection of Respiratory Manufacturing Facility with associated works – Approved January 2014

## **3.0 Consultation Responses**

- 3.1 The Historic Environment Unit has no objections to the development, as excavation and archaeological recording were expected to be carried out prior to determination of the application.
- 3.2 The Council's Environmental Health section does not wish to restrict the

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grant of permission.

3.3 The County Council's Highways engineers do not wish to restrict the grant of planning permission.

3.4 Affinity Water have commented that the site falls within the groundwater source protection zone for Musley Lane pumping station. The proposed development should therefore be carried out in accordance with the relevant British Standards and Best Management Practices. This is to reduce the risk of groundwater pollution.

#### **4.0 Town Council Representations**

4.1 Ware Town Council has no objection to the development.

#### **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received from local residents.

#### **6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV20	Groundwater Protection
ENV24	Noise Generating Development
SD1	Sustainable Development
IMP1	Planning Conditions and Obligations
EDE1	Employment Areas
WA8	Employment Areas
TR7	Car Parking – Standards

6.2 The National Planning Policy Framework (NPPF) and the national Planning Practice guidance (NPPG) are also material considerations in the determination of the application.

#### **7.0 Considerations**

7.1 As mentioned above, planning permission was granted in January of

this year for the erection of a three-storey building of approximately 15 metres height as an extension to the U2 building to the south. The considerations relating to the principle of the development, design and appearance of the building, neighbour amenity, highway safety and other matters are contained within the Officer report for the previous application which is attached as Essential Reference Paper 'A' to this report. As there have not been any significant changes in circumstances or policy since the previous application was determined, all of the considerations in respect of the proposed development remain the same and as such are adequately addressed within the attached report.

7.2 The determining issue in relation to this application is therefore the acceptability of the proposed variations to the approved plans which are as follows:

- Revisions to the hardstanding proposed at the site, reducing its area;
- Revisions to the underpass that crosses under Harris Lane to provide a stepped rather than ramped access;
- Revisions to the east elevation of the building, facing into the site, involving the moving of planned piping and its replacement with windows, and revisions to the windows at ground and first-floor level;
- Revisions to the west elevation, facing onto Harris Lane, of the building to provide a louvered screen to plant works sited in the vent well at roof level
- Revisions to the north elevation, facing onto Park Road, to include the provision of vertical ducting concealed within projecting service risers. In addition, the number of goods delivery doors has been reduced from 6 to 3, with 2 of the retained doors being increased in width, and 1 personnel door for servicing. The single canopy across the north elevation has been reduced in depth and separated into 2 smaller canopies.

7.3 For the sake of clarity, there would be no changes to the height or footprint of the approved building.

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7.4 The revised underpass would simplify the construction of foundations for the approved building. There would be no material impact on the appearance of the development from outside of the site and alternative disabled access remains available elsewhere.

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- 7.5 Similarly, the reduction in the area of hardstanding to the north of the proposed building would have no adverse impact on the appearance of the development or the surrounding area.
- 7.6 The revisions to the west and east elevations of the building would not adversely affect the overall appearance of the building, which would remain generally industrial in nature. This accords with the overall commercial character of the site.
- 7.7 The revisions to the north elevation of the building would have no material impact on the Park Road street scene. The building would be set back from the site boundary by around 45 metres, with the changes not impacting on the general outline of the building when viewed from the north.

## **8.0 Conclusion**

- 8.1 The proposed amendments to the approved plans are considered to be acceptable and there are no significant changes in circumstances or policy that would justify a different decision being made in respect of the principle of the development made on the recent planning permission granted under reference 3/13/1866/FP.
- 8.2 Officers therefore recommend that planning permission be granted for the proposed development subject to the conditions recommended at the head of this report.