

## DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2016

<b>Application Number</b>	3/16/1067/FUL
<b>Proposal</b>	Change of use from B8 (storage and distribution) to B2 (food production) with alterations and extension to the south west and south east elevations
<b>Location</b>	Brake Bros Foodservice Ltd, Dunmow Road, Bishop's Stortford, CM23 5PA
<b>Applicant</b>	Noble Foods Desserts Holdings Ltd
<b>Parish</b>	Bishop's Stortford
<b>Ward</b>	Bishop's Stortford – All Saints

<b>Date of Registration of Application</b>	23 May 2016
<b>Target Determination Date</b>	22 August 2016
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Martin Plummer

### **RECOMMENDATION:**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The site is located within a designated employment area wherein Local Plan policy allows for the provision of B2 industrial uses such as that proposed. The development will see a significant level of job creation at a currently vacant site and represents a form of economic development in a sustainable location in the District.
- 1.2 The change of use of the building and small-scale extensions will not result in material harm to the character or appearance of the building or surroundings and there will be no significant harm to the living conditions of neighbours.
- 1.3 The development will see a reduction in traffic movements of goods vehicles entering and exiting the site and the level of parking for staff is appropriate given the nature of the operation and the sustainable location.
- 1.4 The development is therefore considered to be sustainable and accords with the relevant policies of the Development Plan.

## **2.0 Site Description**

- 2.1 The application site is shown on the attached OS plan. The site is located to the east of the town centre of Bishop's Stortford and sits centrally within the Raynham Road Industrial Estate. Stortford Hall Industrial Estate is located to the south west and south of the site. The site has its own dedicated access from Dunmow Road. That access leads to a large formally laid out parking area, which abuts Dunmow Road. The site is therefore surrounded by industrial buildings with no boundary immediately abutting any residential dwellings. The nearest residential properties from the closest building are located approximately 50 metres to east within Norris Close.
- 2.2 There are two separate blocks within the site with an open loading bay / parking and turning area between the two buildings. The buildings are typical industrial structures – large and utilitarian in appearance with flat roofs and limited openings.
- 2.3 There is a verdant edge to the eastern boundary of the site with Dunmow Road which largely obscures any views of the site from that road. There are a mixture of trees and landscape features within that area together with a large parking area.

## **3.0 Background to Proposal**

- 3.1 There is a long history of industrial use of this site dating back to the late 1960s. The most recent use of the building was by Brakes Bros as a storage and distribution centre for frozen foods. The applicant sets out that the building was, until July 2015, used 24 hours per day and employed some 150 people. Various shifts ran during the 24 hour day with approximately 60-70 people working for the site at any time. Brake Bros have relocated to Harlow and its operation at the site ceased in March 2016.
- 3.2 The applicant is Noble Foods which produce premium deserts. The applicant wishes to use the premises for the manufacture of desserts and the previous use (cold storage of foods) makes this site suitable. However, various alterations are required to achieve this – the majority of such alterations are internal but some external extensions are required. In addition, the proposal incorporates a material change of use of the building. Planning permission is therefore required for that proposed use of the building and the extensions.
- 3.3 The extensions proposed are to the southern part of Cold Store One. They include a lean-to extension which projects approximately 5 metres

from the south west elevation with a width of around 24 metres; an extension to the existing tank farm of similar proportions also on the south west elevation and; an extension to what is described on the plans as the Energy Centre on the south east elevation.

#### **4.0 Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>
The principle of development	Para 17, Section 1	SD2, EDE1, BIS9
The impact on the character and appearance of the building and surroundings	Section 7	ENV1
Parking provision		TR7
Neighbour amenity impact		ENV1
Flood risk		ENV19

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

#### **5.0 Emerging District Plan**

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

#### **6.0 Summary of Consultee Responses**

6.1 Hertfordshire County Council Highway Authority do not wish to restrict the grant of planning permission subject to planning conditions. The Highways Officer notes that the proposed occupier will employ a similar number of staff to the extant use. The Officer also notes that that the previous distribution use generated up to approximately 140 service vehicle movements a day and the proposal is forecast to generate 20 such movements. It is not clear whether the type of vehicle will change although the docks are designed to accommodate articulated lorries.

No changes to parking are proposed and the applicant should provide some provision for some cycle storage. A condition requiring a swept

path drawing to show vehicle movements within the site is also recommended.

- 6.2 Hertfordshire County Council Lead Local Flood Authority raise no objection and recommend the inclusion of a planning condition requiring further information in respect of surface water drainage. The condition recommended includes a requirement for a 50% reduction in the current discharge into the water sewer and conformation that consent from Thames Water has been obtained for any such discharge.

## 7.0 Town Council Representations

- 7.1 Bishop's Stortford Town Council make no objection to the development.

## 8.0 Summary of Other Representations

- 8.1 Two letters received neither supporting nor objecting to the development but make comments in respect of noise from the proposed use and request that measures to restrict noise emissions are incorporated into the development.

## 9.0 Planning History

- 9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/2223-69	Telephone engineering centre	approved with conditions	
3/5354-72	Single storey cold store	approved with conditions	
3/1728-73	Telephone engineering centre	approved with conditions	
3/2652-73	Cold store	approved with conditions	

3/737-75	Single storey cold store	approved with	
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		conditions	
3/403-81	Parking area adjacent to cold store	approved with conditions	
3/663-80	Portacabin	approved with conditions	
3/995-82	Internal access road	approved with conditions	
3/553-86	Change of use of warehouse to telephone exchange centre	approved with conditions	16.07.1986
3/653-86	Extension to parking area	approved with conditions	17.06.1986
3/1321-86	2 storey extension for office and welfare purposes	approved with conditions	28.08.1986
3/1249-87	Erection of new cold store and loading bay	approved with conditions	16.09.1987
3/91/0840/FP	Three storey office block, cold store, motor transport depot and 44 new parking spaces	approved with conditions	14.08.1991

### **Consideration of Relevant Issues**

#### The principle of development

- 9.2 The site falls within the built up area of Bishop's Stortford where, in principle, there is no objection to the proposed development. Combined with this, the site is classified as an employment area wherein policies EDE1 and BIS9 of the East Herts Local Plan Second Review April 2007 state that such designated areas should be reserved for employment uses (such a B1, B2 and B8 use). The proposed development would accord with the requirements of these policies and is therefore acceptable, in principle.

- 9.3 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications and para 17 sets out that a core planning principle is to proactively drive and support sustainable economic development to deliver the business that the country needs. Every effort should be made to objectively identify and meet business needs to respond positively to wider opportunities for growth. The proposed development introducing a B2 use will, in Officers opinion accord with this core planning principle both in terms of future employment associated with building work, the use of the building for employment purposes and the resultant positive impact on the economy. The applicant indicates that around 150 staff will be employed as a result of this development which is similar to the previous B8 occupier of the unit. Significant weight is attached to this consideration.
- 9.4 Policies BISH10 and ED1 of the draft District Plan are similar in context to the policies of the Local Plan referred to above. Various employment studies have been undertaken in the preparation of the draft District Plan. The 2013 report undertaken by Wessex Economics (Town Wide Employment Study for Bishop's Stortford) sets out that forecasts indicate a need for at least 2,599 additional jobs between 2012 and 2031 and that requirements for B2 and B8 use should be based in existing spaces in Bishop's Stortford. It was recommended that existing industrial estates should be improved.
- 9.5 Whilst the draft District Plan is not at a position where significant weight can be attached to it, the relevant policies are generally consistent with those in the current Local Plan. Furthermore, the evidence base which supports the District Plan is generally consistent with the development proposals in this application. These material considerations add further weight as to the acceptability of the development.

#### Character and appearance

- 9.6 The plans submitted indicate various internal alterations comprising of the removal of mezzanine floors and provision of mezzanine floors. Such internal alterations do not represent development and planning permission will not therefore be required for this element.
- 9.7 In regards to the proposed change of use of the building, Officers do not consider that such a change will result in significant change to the character or appearance of the building. The external alterations to the building are reasonably limited in terms of their proportions when the entire building complex is considered. The proposed extensions relate to the main and largest building on the site – cold store one, and

incorporates a modest extension to the south east elevation and two smaller extensions to the south west elevation. Such extensions are considered to follow the industrial style and appearance of the building and are entirely appropriate to the context of the site and surroundings.

#### Parking provision and highways matters

- 9.8 As noted by the Highway Officer, the lawful distribution use of the buildings created around 140 traffic movements from service vehicles a day and the proposal will result in a significant reduction to approximately 20 service vehicle movements a day. Such a reduction will ensure that there is no significant or demonstrable harm in terms of traffic generation. The site is well positioned on the edge of the town for access to the main distributor roads of the A120 and M11.
- 9.9 The scale of the proposed buildings is such that there is a maximum requirement in the Local Plan for some 173 parking spaces. This number can be reduced to 129.75 having regard to the zonal approach to accessible sites within the District. The development includes the provision for 82 parking spaces and there is therefore some significant under provision. However, the applicant sets out that the proposed use will operate (in terms of shift work) in a similar way to the previous use where only around 60-70 people will be on-site in any one time. Having regard to that consideration and, given the sustainable location of the site which is close to a number of residential areas in the town in terms of walking and cycling distances and, given the proximity to bus stops along Dunmow Road, such a level of parking provision is considered to be acceptable, in this case.
- 9.10 The plans do show the location and appropriate provision for cycle storage facilities which will encourage a sustainable mode of transport for the site. Given the levels of parking proposed and, to encourage use of a sustainable mode of transport, it is necessary and reasonable to attach a planning condition requiring such provision be implemented as part of this development.

#### Impact on Neighbour amenity

- 9.11 There are existing residential dwellings around 50-60 metres to the east of the site within Norris Close. The applicant sets out that the building is already well insulated, understandable given the previous storage use of the building for frozen foods. Some noise would likely be anticipated with that previous use, particularly given the intensity of delivery traffic. There are no current controls over the 24 hour use of the building.

- 9.12 The proposals now anticipate the production of foods as opposed to only their storage, there is the potential then for a change in the noise impact from one of manufacturing activity rather than transport/vehicles. However, given the previous use and the level of control over it, the siting and relationship of the buildings with neighbours (with Dunmow Road in-between and various mature landscape features on the eastern boundary with that road) and the current levels of insulation as indicated by the applicant, it is not considered that the use of the building now proposed use will result in a significantly different impact on the living conditions of neighbouring residential occupiers than that which could be experienced now.

### Flood risk

- 9.13 The comments from the LLFA (Lead Local Flood Authority) are noted – the development does not incorporate significant extensions and is primarily a change of use of the building. There is however an opportunity for improved measures for surface water drainage and the condition as recommended by the LLFA has the potential to achieve this. Within the condition recommended by the LLFA there is also a requirement for a reduction in discharge into the sewerage system and, confirmation that Thames Water agree to such a discharge.
- 9.14 The applicant has raised concern with the reasonableness and necessity of a reduction in discharge into the sewer. The development is, for the most part, a change of use of the existing building from B8 to B2 use. The applicants flood risk assessment concludes that the site will not contribute further to flood risk and is in accordance with the NPPF. Officers consider that the development as proposed is acceptable in flood risk terms and that any requirement for further betterment to reduce surface water discharge through the sewerage system is unreasonable.
- 9.15 Officers therefore do not consider that the condition requested by the LLFA meets the tests as set out in para 206 of the NPPF. Such a condition is not considered to be necessary or reasonable in this case. However, Officers have included a condition that requires a scheme for surface water drainage to be submitted to and approved in writing by the LPA.

### Other matters

- 9.16 Whilst the use of the building for the specific use is acceptable (production and distribution of foods) the B2 use which this proposal represents includes a wide range of other industrial uses which could,



potentially, result in a significantly greater level of noisy processes and activities. The significant proportion of the site and relationship with residential areas is such that there is potential for impact on the living conditions of neighbouring residential properties. Officers therefore consider that it is necessary and reasonable to attach a planning condition restricting the use of the building to the nature of the use which is proposed – food production and the distribution of food.

## **10.0 Conclusion**

- 10.1 The development represents a form of economic development in a sustainable location within an employment area. The development will create jobs and will realise the reuse of a currently vacant premises. The proposed use of the building and extensions are considered to be appropriate to the industrial nature of the site and there will be no material harm to the character or appearance of the building nor will there be harm to living conditions of residential properties. The parking levels are acknowledged to be below the maximum standards but this is considered to be acceptable having regard to the sustainable location of the site and the business operation of the use.
- 10.2 For the reasons set out above I therefore recommend that planning permission is granted subject to conditions.
- 10.3 No Section 106 contributions are required in this case as the proposals constitute non-residential development.

## **Conditions**

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Cycle parking provision shall be implemented in accordance with the details shown on drawing number 17062 DB3-B01-GF-DR-A-90\_01 and the letter from Montagu Evans on behalf of the applicant dated 19 August 2016, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision of storage for a sustainable mode of transport in accordance with policy TR13 of the East Herts Local Plan Second Review April 2007 and section 4 of the National Planning Policy Framework.

4. The use hereby approved shall be for the production and distribution of chilled food and for no other use within use class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that Council retains control over other uses which may be more harmful to the environment and residential amenity compared to the development approved in this application.

5. No building works shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

#### 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 2015. The balance of the considerations having regard to those policies is that permission should be granted.

**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Existing B8 use of buildings	8,384
Proposed B2 use of buildings (including proposed extensions)	8,674 (an increase of 290 sqm)

**Non-residential Vehicle Parking Provision (Current Local Plan and emerging District Plan Standards)**

<b>Use type</b>	<b>Standard</b>	<b>Spaces required</b>
B2	1 space per 50 square metres of gross floor area	173
Total required		173
Accessibility reduction	25% reduction	43.25
Resulting requirement		129.75
Proposed provision		82