

DEVELOPMENT MANAGEMENT COMMITTEE – 8 MARCH 2017

Reference Number	3/16/2310/FUL
Proposal	Change of use of former agricultural building for commercial B1(b) and B1(c) and or B8 use.
Location	Land adjacent to Hadham Industrial Estate, Church End, Little Hadham, SG11 2DY
Applicant	Mr M Collins
Parish	Little Hadham
Ward	Little Hadham

Date of Registration of Application	17 October 2016
Target Determination Date	12 December 2016
Reason for Committee Report	Major application
Case Officer	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 development proposal, involving the re-use of an agricultural building for commercial purposes, represents an appropriate form of development in the rural area in terms of local and national planning policy. The proposal comprises an economic form of development in the countryside which is encouraged in the National Planning Policy Framework (NPPF) and which is generally in keeping with the wider commercial uses adjoining the application site.

1.2 The development is considered to be acceptable in terms of highway access and capacity matters, and will not result in harm to the living conditions of neighbouring residential properties nor result in harm in terms of flood risk or the archaeological interest of the site.

2.0 Site Description

2.1 The site is shown on the attached Ordnance Survey extract and comprises a large agricultural building and extensive area of hardstanding located to the north of the existing range of commercial buildings associated with Hadham Industrial Estate and the former farm buildings at Church End Farm.

- 2.2 The site is located at the end of an access road off the A120 and is accessed between existing buildings. The wider surrounding area is largely agricultural in character, although either side of the access road there are some residential properties and St. Cecilia's Church, a grade I listed building. Hadham Hall, a collection of residential dwellings and converted listed buildings, is located approximately 200 metres to the east of the application site. Little Hadham is located approximately 1km to the west of the site and the nearest main settlement of Bishop's Stortford is located 5km to the east.
- 2.3 The existing buildings associated with the industrial estate and application site are of mixed heights and design but are generally utilitarian in their appearance.

3.0 Background to Proposal

- 3.1 The site formerly comprised a range of agricultural buildings which were associated with Church End Farm. The Farm historically comprised of some 254ha of land owned by the family farming business, which was generally located to the north of the A120, lying west, north and east of Church End.
- 3.2 Over the passage of time the farming enterprise sought to diversify its business and various planning permissions were granted for commercial uses at the farm which mainly fall within the B1 (light industrial) and/or B8 (Storage and distribution) classification. Those buildings in commercial use are located to the south and east of the application site.
- 3.3 The application site and building have an agricultural use, having been granted planning permission under LPA reference 3/99/0327/FP for crop storage.
- 3.4 In 2013, for various family and financial reasons, the farm and all farmland was sold, including the majority of the commercial buildings on the site. The building the subject of this application is not therefore being used for agricultural purposes and the majority of buildings across the site are now in commercial use.

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:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
The appropriateness of the development in the Rural Area and sustainability	Paragraph 28	GBC2,3	GBR2
Impact on the character of the site and surroundings		ENV1	DES1, DES2, DES3
The impact on the living conditions of neighbouring properties and noise		ENV1, ENV24	DES1
Car parking provision and access	Paragraph 39,75	TR7, LRC9	TR3

5.0 **Emerging District Plan**

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.

6.0 **Summary of Consultee Responses**

6.1 Hertfordshire County Highways does not wish to restrict the grant of planning permission. It comments that the site has been the subject of a number of planning applications which have moved away from agricultural uses to an established industrial and commercial area.

The means of access is not proposed to change although there are noted to be ongoing issues in relation to the wider access from the Church End access track.

The Highway Authority comment that the proposal will likely increase trips but this should not have a material impact on the local highway network.

- 6.2 The Environment Agency has no comment to make on the application.
- 6.3 The Lead Local Flood Authority (LLFA) initially recommended refusal, commenting that the development is a change of use to a more vulnerable class and the surface water flooding maps show the site being located within predicted areas of flooding from surface water.

Following the submission of additional information, the LLFA removed their objection and comment that the existing building is drained via private surface water sewer into the ordinary watercourse which then eventually discharges into River Ash 350m to the west of the site. No external works have been proposed and the existing drainage system will remain.

- 6.4 The Councils Engineering Advisor comments that the site is located within flood zone 1 and away from zones of higher risk (zones 2 and 3). The site is shown as having surface water inundation zones running to the south of the building and probably flowing in an east – west direction.

The plans submitted indicate that a new area of hard standing is to be created and it is not clear how this will be drained. The development is not considered to be sustainable and is likely to increase the risk of flooding at the site.

- 6.5 The Council's Environmental Health Advisor comments that the proposal is acceptable for low key B1/B8 uses subject to planning conditions. The Advisor comments that there have been a number of applications in relation to the industrial/commercial area and the Council should seek to consider the 'creeping environmental impacts' of the development.
- 6.6 Hertfordshire County Historic Environment Unit comments that, having regard to the nature of the development proposal, there is unlikely to be an impact on heritage assets of archaeological interest.

7.0 Parish Council Representations

- 7.1 Little Hadham Parish Council object to the application for the following reasons:
- Poor access and the intrusion of industrial development into the rural area;
 - Significant and harmful increase in traffic associated with the proposed development;

- The development will further increase noise, pollution and visual intrusion on the site.

8.0 Summary of Other Representations

8.1 3 representations have been received in objection to the application. The concerns raised are summarised as follows:

- Impact associated with pollution, noise and general disturbance associated with commercial units and traffic movements;
- Increase of harmful traffic movements and detriment to highway safety;
- Impact on users of the public right of way.

9.0 Planning History

9.1 The building which is the subject of this application for a change of use was granted planning permission under LPA reference 3/99/0327/FP for a crop storage building on 08 June 1999.

10.0 Consideration of Relevant Issues

Rural area policy

- 10.1 Policy GBC3 of the Local Plan sets out that development located within the Rural Area is inappropriate unless it meets certain exceptions. The change of use of a rural building for employment provision meets with the exception in policy GBC3 and the proposal does not therefore represent an inappropriate form of development in the Rural Area. The reuse of rural buildings is, however, required to be considered against policy GBC9 and GBC10 of the Local Plan and this assessment is set out later in this report.
- 10.2 Section 3, paragraph 28 of the NPPF sets out the national policy position in respect of development in rural areas, such as the application site. The NPPF states that planning policies should “support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development” and, to promote a strong rural economy, local plans should “support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings”. The development incorporating the change of use of the building would be consistent with this aspect of the NPPF.

- 10.3 Emerging policy in the District Plan takes a similar approach in policy GBR2 I(c) and II(d) to current policy GBC3 of the Local Plan and some reasonable weight can therefore be assigned to that emerging policy. Policy ED2 of the pre-submission District Plan is more positive in that it sets out that, in principle, a change of use of an agricultural building to an employment generating use (such as B1 use as now proposed) is acceptable. As noted above, the position of the emerging District Plan is not at a stage where full weight can be attached – however, the policy approach is consistent with the NPPF and some reasonable weight can, in Officers opinion, be attached.

Assessment against policies GBC9 and GBC10 of the Local Plan

- 10.4 The existing building in this case is of a form, bulk, general design and materials of construction such that it is, in Officers opinion, in keeping with its surroundings. There are various commercial uses across the wider site and the proposed use is therefore considered to be reflective of that character and the wider surroundings. The building is considered to be permanent and soundly constructed and it is not proposed to extend it.
- 10.5 It is considered therefore that the proposed re-use of the buildings complies with policy GBC9 of the Local Plan and national planning policy set out in the NPPF.
- 10.6 With regards to Policy GBC10, having regard to the planning history relating to the building and historical use of the site Officers are satisfied that the building was originally erected for genuine agricultural purposes. As noted above, the farming business and farmland has been sold and there is therefore no requirement for the use of the building as an agricultural building.
- 10.7 The proposal is therefore considered to comply with policies GBC9 and GBC10 of the adopted Local Plan.

Impact on the character and appearance of the surrounding area

- 10.8 Turning to the impact of the proposed use on the character of the surrounding area, Officers are of the opinion that the proposal would not result in any significant harm such as to warrant refusal of the application – no external alterations are proposed to the building and the building is, as noted above, located within a wider setting of converted agricultural buildings. Areas for parking are not clearly indicated on the plans submitted although it is recognised that there is ample space surrounding the building where there is an existing

hardstanding. Whilst the parking of vehicles on the site will inevitably have some impact on the character of the area – this is not an uncommon feature on this site where there is various formal and informal parking about the site. The use itself would be contained within the buildings, and therefore, there would be a limited change to the character of the site.

- 10.9 The activity associated with the proposed use will be different to that of an agricultural use, but this is true of many possible alternative uses of the building. Whether the alternative use is for offices, storage and distribution or leisure, there is likely to be an increase in activity in comparison to the previous agricultural use. However, Officers consider that, with appropriate conditions, this would not be harmful to the rural character of the area. Conditions are suggested therefore in respect of vehicle movements and limiting any storage from taking place outside the building.

Sustainability

- 10.10 As set out in the NPPF there are three dimensions to sustainable development, social, economic and environment. The NPPF makes clear that these differing roles of sustainability should not be undertaken in isolation because they are mutually dependent. Development that represents sustainable development should be granted planning permission.
- 10.11 In regards to the economic dimension of sustainability, the provision of a new industrial building on this site has the potential for job creation both in terms of the works required to adapt the building and in terms of new or relocated businesses occupying the unit once completed. One of the core planning policies in the NPPF is to proactively drive and support sustainable economic development and Officers therefore consider that positive weight should be attached to this consideration.
- 10.12 However, the site is not located within or particularly close to any of the main settlements in the District which are identified in the Local Plan or draft District Plan as being the more sustainable locations for development. The site is located on the edge of the village of Little Hadham and some five miles or so from Bishop's Stortford. There is no bus or train station within close proximity and it is likely that the majority of commercial traffic and also future employees will access the site by motor vehicles. The location of the site is likely therefore to result in greater and longer vehicle movements to and from the site than if the building were to be located in a population centre, such as Bishop's Stortford. Reducing the need to travel is an important sustainable

development objective, as is the requirement to reduce greenhouse emissions and congestion and to plan for development which has access to sustainable modes of transport. The development is not able to be accessed by sustainable modes of transport (other than perhaps employees walking or cycling to the site from Hadham Hall and Little Hadham which is not likely to be a significant number) and there will be a reliance on motor vehicle transport.

- 10.13 This said, as noted above, the NPPF seeks to encourage and promote the reuse of existing buildings in rural locations at paragraph 28 for business purposes to support the rural economy which is consistent with current Local Plan policies GBC3 and GBC9 and emerging policy GBR2. As such, the limitations of the site in terms of access to public transport and likely reliance on private vehicles should be tempered against the local and national planning policy approach of encouraging business reuse of buildings in rural areas. Accordingly, Officers attach limited weight only to the accessibility restrictions identified above.

Other planning considerations

Impact on living conditions of neighbouring properties

- 10.14 The siting of the proposed development is approximately 70 metres to the north east of existing dwellings within Church End and approximately 300 metres from residential properties within Hadham Hall. The siting and relationship between the development and those neighbouring properties is such that there will be no significant or material impact on living conditions of those neighbouring properties in terms of loss of light, overshadowing, loss of outlook or overbearing impact.
- 10.15 The application is supported by a noise survey which concludes that there will be a low adverse noise impact on the nearby existing residential community. The Environmental Health Team raises no objection to the development subject to planning conditions.
- 10.16 With regard to the impact of the use of the building itself, it is noted that the application is for B1 or B8 use. A B1 use is, by definition, a use which can operate within a residential area without resulting in a material impact on living conditions of neighbours. If the building were to be used solely for a B1 use the development would not, in Officers opinion, result in material harm to living conditions of neighbouring residential properties.

- 10.17 If the development were to include a B8 use, then there may be a material change in the nature of the impact and the number of vehicle movements to and from the site. The Transport Assessment submitted identifies the likely traffic movements associated with a B1 or B8 use. The Transport Assessment suggests that there will be little difference in traffic as a consequence of the change of use in comparison to the existing agricultural use of the building. The Noise Assessment concludes that the impact of noise from vehicular traffic (B1 and B8 use) is expected to be low.
- 10.18 The Noise Assessment considers the loading and unloading of vehicles at the building and concludes that that noise levels between 06:00AM and 18:00PM would have a low impact and be comfortably below existing background noise levels. The Environmental Health Advisor recommends the inclusion of a planning condition restricting vehicle movements during a similar period which is reasonably consistent with other planning conditions attached to commercial units at the site.
- 10.19 The Noise Assessment identifies that the specific activities of the use are unknown as are the precise details of any mechanical services or plant with the building. It concludes that provided the overall noise contribution from all of the proposed plant operating simultaneously does not exceed limits, the noise levels would have a low adverse impact. The Environmental Health Advisor recommends inclusion of a planning condition requiring a noise assessment prior to the installation of any fixed plant, machinery or equipment and appropriate mitigation measures are put in place. The Environmental Health Advisor also recommends a restriction on outside storage and working which will also reduce any likely impact – such restriction would be reflective of other similar planning conditions relating to the wider site.
- 10.20 In summary, the provision of a B1 use of the building is a use which can take place in a residential area without material harm to the living conditions of neighbouring residential properties. Traffic movements associated with a B1 and B8 use are not identified in the Transport Statement to be significantly different from the lawful agricultural use of the building and the Noise Assessment assesses the noise impact associated with transport movements as low. Nonetheless, a planning condition restricting vehicle movements at the site would be consistent with other planning conditions attached to permissions on the wider site and would reduce the noise impact on living conditions of neighbours from vehicles/loading and unloading in the early morning, evening and night period.

- 10.21 The precise nature of use and any plant or machinery is not currently known (the application is for a use within B1 or B8 classification) – the conclusions of the noise assessment and Environmental Health Advisor considers there to be a low impact but, that a noise assessment and specific noise mitigation measures are put in place prior to the installation of any plant/machinery/etc.
- 10.22 Having regard to the information provided in the noise assessment and the comments from Environmental Health, together with the distance and relationship between the building and residential properties, Officers are of the opinion that, subject to the planning conditions recommended at the end of this report, that there will be no significant harm on the living conditions of neighbouring residential properties in terms of noise and general disturbance.

Highways and parking

- 10.23 Representations have been received raising concern with the impact of the development in terms of increased traffic movements and the impact on highway and pedestrian safety. As noted above, the Transport Assessment submitted with the application considers that there will be little difference in traffic as a consequence of the change of use. The Highway Authority comments that, whilst trip generation is likely to increase, this should not have a material impact on the local highway network.
- 10.24 From the information available, Officers do not consider that the proposed development will result in a significant increase in traffic movements such that it will result in a 'severe' impact in highway safety or capacity terms.
- 10.25 The plans submitted with the Transport Assessment shows the provision of 15 parking spaces whilst the application forms indicate the provision of 40 parking spaces together with 15 spaces for goods vehicles and 10 other spaces for HGV's. Local Plan policy TR7 and Appendix II of the Local Plan sets out that for a B1 (light industrial) use there is a maximum requirement for 1 space per 35 square metres of gross floor area and, that for a B8 (storage and distribution) use there is a requirement for 1 space per 75 square metres of gross floor area.
- 10.26 The parking standards in the draft District Plan set out similar ranges to the above but also include an additional provision of 1 space per 40 square metres of gross floor area for mixed uses including B1, B2 and B8.

- 10.27 If the building is put to B1 use there is a maximum requirement for 45 parking spaces and, if the building is put to B8 use there is a requirement for some 21 parking spaces.
- 10.28 The plan submitted with the Transport Assessment shows some under-provision in terms of parking provision – however, Officers are aware of the large areas of hardstanding to the south west, north west and north east of the building which are within the application site and which could readily be used for any overspill parking of cars, vans or lorries should such a need arise. Officers are therefore of the opinion that an appropriate level of parking and opportunities for further parking, commensurate with the size and scale of the development can be provided for. It would also be undesirable, in environmental terms, to seek the provision of any additional parking space at the site.

Surface Water drainage

- 10.29 The Council's Engineering advisor comments that there is lack of information regarding drainage matters and a risk of flooding. The LLFA raise no objections to the development and comment that the development will use the existing drainage system.
- 10.30 The development proposal relates to a change of use of the agricultural building (defined as a less vulnerable less in flood risk terms in the NPPG) to B1/B8 use (also classified as a less vulnerable use in the NPPG) and does not incorporate any operational development (including hard surfacing) which might increase the surface water runoff from the site. The existing building is drained via surface water sewers to a ditch located to the west of the site which links via another ditch to the River Ash, some 350 metres to the west of the site.
- 10.31 The applicant comments that, as an established gravity surface water drainage system is already in place and no external works are proposed, there should be no reason for any mitigation measures to be requested as a result of the change of use. The applicant also comments that the Environment Agency maps show a low risk of flooding up to 300mm. The existing building has a 300mm slab and therefore sits above the area indicated which is at risk of flooding.
- 10.32 Whilst Officers are mindful of the comments received from the Engineering Advisor, the development, incorporating a change of use of a 'less vulnerable' use to a similar 'less vulnerable' use (i.e. not the provision of a more vulnerable use as considered by the LLFA), will not result in a significant increase in flood risk in terms of surface water flooding. The LLFA raise no objection in flood risk terms.

Other matters

10.33 The comments from the County Archaeologist are noted – there will be no harm to the significance of heritage assets of archaeological interest.

11.0 Conclusion

11.1 The proposed change of use of the building represents an appropriate form of development having regard to existing and emerging rural area policy and in terms of paragraph 28 of the NPPF and the associated economic benefits of the proposal in providing employment provision in the rural area.

11.2 Having regard to the appearance and character of other nearby commercial development in close proximity to the application site, the proposed use will not appear significantly harmful to the character or appearance of the site and surroundings. The development will also not result in material harm to the living conditions of neighbouring properties and the development is acceptable in terms of highway safety, capacity and parking provision and there will be no significant increase in flood risk. There is likely to be reliance on private vehicles to access the site and some negative weight can be attached to this issue. However, the development represents a sustainable reuse of a rural building which is specifically encouraged in national and local planning policy.

11.3 It is therefore recommended that planning permission be granted subject to the planning conditions set out below:

Planning conditions

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Prior to the installation of any fixed plant, machinery or equipment, a noise assessment shall be carried out in accordance with BS4142 to establish whether the operation of such installations in connection with the implementation of the planning permission are likely to give rise to complaints at any nearby noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The Noise Assessment shall include mitigation measures to control noise in the event that an impact on living condition is identified. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the living conditions of residential properties in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

4. No vehicle movements in connection with the change of use shall take place outside the following times 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and at no time on Sunday or Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby residential properties in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

5. There shall be no outside working or storage of goods, articles or materials.

Reason: In the interests of the amenity of the site and surroundings in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

6. No external lighting shall be installed without the prior consent of the Local Planning Authority.

Reason: In the interests of the amenity of the site and surroundings in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Non-Residential Development**

Use Type	Floorspace (sqm)
Class B1/B8	1,584

Non-residential Vehicle Parking Provision – adopted Local Plan

Use type	Standard	Spaces required
Class B1 (b) and (c)	1 space per 35sqm	45
Class B8	1 space per 75sqm	21
Total required	Dependant on nature of future use within approved Use Class	
Accessibility reduction	0%	
Resulting requirement		Assessed through submission of a Transport Assessment
Proposed provision	15-40 plus 15 spaces for Goods Vehicles and 10 for HGVs	

Non-residential Vehicle Parking Provision – emerging District Plan

Use type	Standard	Spaces required
Class B1 (b) and (c)	1 space per 35sqm	45
Class B8	1 space per 75sqm 1 lorry space per 200m ² - 500m ² on case by case basis	21
Mixed B1/B2/B8 uses	1 space per 40m ² gfa	39

Total required	Dependant on nature of future use within approved Use Class	
Accessibility reduction	0%	
Resulting requirement		Assessed through submission of a Transport Assessment
Proposed provision	15-40 plus 15 spaces for Goods Vehicles and 10 for HGVs	