

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT - 8 Nov 2017

<b>Application Number</b>	3/17/1861/FUL
<b>Proposal</b>	Construction of seventeen B1(Business) use class units with associated parking and access roads.
<b>Location</b>	Watermill Industrial Estate, Aspenden Road, Buntingford.
<b>Applicant</b>	Deed (UK) Ltd
<b>Parish</b>	Buntingford
<b>Ward</b>	Buntingford

<b>Date of Registration of Application</b>	10 August 2017
<b>Target Determination Date</b>	9 November 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case officer</b>	David Snell

### **RECOMMENDATION**

That planning permission be **GRANTED**, subject to a legal agreement and the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposal seeks permission for the erection of seventeen Class B1 business units each comprising 140m<sup>2</sup> of floorspace, a total of 2,380m<sup>2</sup> of net employment floor area (2,500m<sup>2</sup> gross). 68 car parking spaces are proposed and access roads.
- 1.2 The majority of the site is allocated for employment use in the Local Plan and in the emerging District Plan and there is no objection in principle to the proposed employment development.
- 1.3 It is necessary to consider some of the detailed aspects of the proposals, including their design and layout, highways and access issues and the location of the development in a zone at risk of flooding. These issues are addressed in the report.

#### **2.0 Site Description**

- 2.1 The site comprises a parcel of land of approximately 1.05ha in area situated to the north of the existing buildings at the Watermill Industrial Estate. To the north and east of the site are the residential areas of Luynes Rise and Fairfield, beyond Aspenden Road, respectively. The

sewerage treatment works is located to the southwest and open farmland to the west.

### **3.0 Background to Proposals**

- 3.1 The application proposes two blocks of single storey commercial buildings one comprising 9 units and the other 8 units each of 140m<sup>2</sup> in net floor area (2,380m<sup>2</sup> net floorspace in total). The buildings would be 7.1m in height to the ridge.
- 3.2 The design of the proposed buildings is standard and functional, comprising blockwork to the lower part of the buildings with composite metal sheeting above and for the roofs.
- 3.3 Access is proposed off the existing Watermill Industrial Estate access road from Aspenden Road. 68 car parking spaces and a bicycle store for 20 cycles are proposed. One row of the units is proposed immediately to the north of existing buildings on the site. An access route and parking spaces are provided between this and a further block of commercial units to the north. The access route loops around this second block as the units are accessed from both the south and north sides.
- 3.4 Beyond this are further parking spaces. The remainder of the land between the Industrial Estate and the Luyne Rise properties is included in the application site. No active use is proposed for it however. At the north end of the site, land is included which is actually outside of the designated employment site in the current Local Plan and emerging District Plan. Being some 30m or so in depth at the north end and then tapering back to be the same as the designated site boundary.

### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the emerging District Plan and the adopted Buntingford Community Neighbourhood Plan:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan</b>	<b>Emerging District Plan</b>	<b>NP</b>
Delivering sustainable development	Section 1, 5, para 11 - 16	SD1 SD2, EDE1 BUN4 BUN7	INT1 DPS1 CC1 CC2 ED1 BUNT3	BE2 BE4
Layout and design	Sections 7, 8, 11	ENV1 ENV2 ENV3 ENV4 ENV11	DES1 DES2 DES3 DES4	ES7
Highway implications	Section 4	TR2 TR4 TR7, TR14	TRA1 TRA2 TRA3	T2 T3 T4 T6
Neighbour impact		ENV1 ENV23 ENV24	DES2 EQ2 Q3	
Flood risk – surface water drainage	Section 10	ENV18 ENV21	WAT1 WAT4 WAT5	INFRA 4
Heritage impact	Section 12		HA2 HA4	
Ecological impact	Section 11	ENV16	NE3	ES7
Planning obligations		IMP1	DEL2	

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

## **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 been completed and the Plan has been submitted to the Secretary of State for examination. 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 it is currently being examined.

## **6.0 Summary of Consultee Responses**

- 6.1 The Highway Authority do not wish to restrict the grant of permission, subject to conditions. It has taken into account that the scale of development is less than that approved previously on the site. Funding towards the implementation of improvements to Aspenden Road is sought.
- 6.2 The Lead Local Flood Authority consider that the application provides sufficient detail to demonstrate that there is a feasible drainage scheme for the site. No objection is therefore raised subject to conditions and an assessment of future management arrangements proposed in the submitted details for discharge of the condition.
- 6.3 The Environment Agency advise that the proposal should be assessed against standing advice. This sets out that development which is classified as “more vulnerable development” is compatible with Flood Zone 2.
- 6.4 EHDC Engineer Advisor notes that the entire site is located in flood zone 2 and close to flood zone 3. The majority of the site is affected by surface water inundation, particularly the centre. Development will reduce the permeability of the site. The proposed drainage systems are not recommended and therefore, as currently submitted the development does not meet NPPF criteria. It is recommended that additional high level sustainable drainage measures should be incorporated into the scheme, including swales, bio-retention ponds and green roofs. These measures can reduce flood risk and promote biodiversity. A revised drainage strategy has been submitted and further response to re-consultation will be reported to Members at the meeting.
- 6.5 Herts Ecology sets out that it would be appropriate to ensure some biodiversity enhancements as part of the proposals. This can be achieved through bird and bat boxes and through an appropriate landscaping scheme.
- 6.6 HCC Development Services request an obligation requiring the provision of fire hydrants.
- 6.7 EHDC Environmental Health Advisor, does not wish to restrict the grant of permission, subject to conditions.

## 7.0 Town Council Representations

7.1 Buntingford Town Council: No representations have been made.

## 8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation to local residents and businesses, and by a site notice. 16 responses have been received objecting to the proposal on grounds summarised as:

- Additional traffic and poor access
- Danger to pedestrians
- Increased flood risk
- Inappropriate boundary fencing
- Potential site contamination
- Potential light pollution
- Poor sustainability impact
- Lack of public transport to the site
- Disruption to existing businesses on the estate
- Poorly located household waste site on the estate
- Adverse impact on wildlife
- Cumulative impact of new development in Buntingford

## 9.0 Planning History

Ref	Proposal	Decision	Date
3/08/0538/FP	Erection of 5 Class B1 offices/workshops	Granted	July 2011
3/08/0539/FP	Erection of 2 Class B1 offices/workshops	Granted	July 2011

## 10.0 Consideration of Relevant Issue

### Principle and delivering sustainable development

10.1 As indicated, the majority of the application site is designated as an employment area in the current Local Plan and the emerging District Plan. As such there is no objection in principle to the proposed Class B1 development. A strip of land on the northeast side of the site is not within the allocated employment area. No development is proposed for this part of the site.

- 10.2 There is an acknowledged lack of employment opportunities in Buntingford and this has adverse implications for the sustainability of recent and approved residential developments. Therefore the delivery of employment units can be attributed significant positive weight.

Design and layout

- 10.3 The design of the proposed buildings is functional and of rudimentary design quality. It is understood that flood damage prevention requirements have driven this, however, they are unlikely to appear significantly different from standard commercial units. Although it is acknowledged that they are proposed for business use, design quality issues should not be abandoned completely.
- 10.4 The layout is likely to lead to an internal space within the buildings which is of a low quality, being completely dominated by vehicle parking and circulation with no space for softening landscaping. Given that the development is proposed for B1 business uses, it is considered that this will provide a low quality environment. An improved environment would be likely to be beneficial in the marketing and letting of the units. There appears to be little attention to energy efficiency or other measures that will beneficially assist businesses with costs. No details are provided with regard to broadband connectivity, but this can be achieved subsequently after the planning process.
- 10.5 Overall the design and layout is considered to be disappointing, not taking the opportunity to create a much more inspiring location for the establishment and growth of businesses. This weighs against the proposals.
- 10.6 Some of those who commented on the proposals referred to the current public footpath within the employment and its poor quality environment. The footpath runs outside immediately to the east of this site. The new development will be viewed from it. Whilst not directly impacted by the proposals, the development will encourage additional traffic to the internal estate roads, which the footpath joins. The proposals do not take any opportunity to enhance the quality of the footpath, encouraging its use as an access to the area for residents.
- 10.7 In this respect, the proposals also have potential for improvement against the aspirational policies of the NP and emerging District Plan.
- 10.8 Lastly, the area of land to the north of the current built proposals, but within the application site, remains unused. No purpose for that part of the site is identified. Access is not precluded and it might be possible

that further development could be implemented on it at some point in the future. Otherwise, it may remain as an unmanaged area of land appearing unsightly from the new development and further impacting on the quality of the environment of the new development.

### Highways and parking

- 10.9 Objections have been raised in regard to additional traffic, poor access and danger to pedestrians. In addition to a S.106 financial obligation towards highway improvements a Travel Plan condition is recommended to encourage non-private vehicle modes of travel. It is difficult to see what the applicant is likely to achieve in this respect and, as a result, it does appear likely that much of the traffic generated by the use will be by private vehicle.
- 10.10 The Highway Authority comment that the proposal is for 2,500m<sup>2</sup> gross floor area which is slightly less than that which was considered to be acceptable under the previous permission. The Authority accepts the original trip generation calculations and considers that the proposals are acceptable subject to conditions and a financial obligation towards off-site highway improvements to Aspenden Road and access to the site.
- 10.11 The adopted Local Plan and emerging District Plan standards would require provision of 72 parking spaces for the 2,500m<sup>2</sup> of gross floor area of employment space located in parking accessibility Zone 4. A reduction of up to 25% is permitted in the emerging standards in this location, subject to the characteristics of the site and area and the encouragement given to travel by non private vehicle modes. Given the above commentary, no reduction is considered appropriate. 68 parking spaces are proposed across the site. Additional spaces could quite easily be provided, for example on the undeveloped land to the north of the proposed buildings. The provision is considered to be satisfactory.
- 10.12 With regard to cycle parking, current and emerging standards require 1 short term space per 500 sqm of floorspace and 1 long term space per maximum of 10 employees. This would require 5 short term spaces. Employee numbers are unknown at present, of course, but if there were to be an average of 3 per unit, this would give 51 employees and therefore a need for 5 long term spaces.
- 10.13 The proposals show a bicycle store capable of accommodating 20 cycles. This meets the gross requirement, but if it is to be provided as a lockable facility for on site employees, it would not be available on a short term basis for visitors. However, as above, there is additional

land adjacent to the proposed cycle store on which additional spaces could be accommodated.

#### Neighbour impact

- 10.14 The nearest residential properties are sited approximately 54m to the north and 50m to the east of the proposed units. The proposed Class B1 use would be regarded as being compatible with adjoining residential uses. It is considered that subject to an appropriate landscaping scheme the parking and circulation area to the north of the proposed units will not result in unsatisfactory amenity impact on the occupiers of residential properties to the north of the site.
- 10.15 Objections raised in regard to potential light pollution, boundary fencing and site contamination are addressed by recommended conditions.

#### Flood risk

- 10.16 The site is situated within Flood Zone 2 wherein the proposal is regarded as compatible development. A sequential test which aims to steer development towards Flood Zone 1 is not required as the site is allocated for the proposed use.
- 10.17 The design of the buildings reflects the requirements of the recommended safety and mitigation measures of the submitted Flood Risk Assessment. All external surfacing is to be permeable.
- 10.18 A revised drainage strategy has been submitted and the Lead Local Flood Authority (LLFA) is satisfied with it, subject to conditions. The comments of EHDC Engineer on the amended strategy are awaited and members will be updated at the meeting. Currently members will note that the Engineer did not favour the elements proposed as part of the originally submitted strategy.

#### Heritage impact

- 10.19 The proposed development would be sited approximately 65m from the Grade II Listed Watermill House to the north of the site. As a result of this distance and intervening boundary treatments, the proposals would have no harmful impact on the listed building or its setting.



### Ecological impact

- 10.20 Herts Ecology advise that, given the current condition of the site, there would be no purpose in carrying out ecological surveys. However, relevant policies aim to deliver overall net gains to biodiversity and a condition is recommended to achieve such improvement. This could include bat and bird boxes in the trees and buildings and an appropriate landscaping scheme.

### Planning obligations

- 10.21 The Highway Authority has requested a financial obligation of £55,000 to secure sustainable transport improvements including improvements to Aspenden Road and the access to the site. The works will also require a S.278 Agreement. The improvements to the highway and access addresses issues relating to the impact of the proposed development on the highway network and improvements to the site access and meet the tests of the Community Infrastructure Regulations (CIL).

## **11.0 Conclusion**

- 11.1 The site is allocated for employment use in the Local Plan and the emerging District Plan and, given the ongoing concerns raised with regard to the sustainability of the town, the provision of employment opportunity carries significant positive weight.
- 11.2 Weighed against that is the rather rudimentary nature of the proposals with regard to design and layout. The proposals are no more than standard in this respect and are unlikely to achieve an outcome that is of high quality for business occupiers or visitors to the site. There is some concern that this may impact on the long term attractiveness of the units to occupiers. Some negative weight is assigned to the proposals in respect of these matters.
- 11.3 Likewise, with regard to the impact on travel patterns, little encouragement is given to modes of travel other than the private vehicle. In respect of vehicle access and parking, the proposals are considered acceptable, subject to a S.106 financial obligation towards highway and access improvements and a condition requiring a Travel Plan.
- 11.4 Whilst some negative weight is assigned to the proposals, it is considered that the benefit overall is not outweighed and the proposals can be supported. It is recommended that permission be granted.

## Legal Agreement

- A financial obligation of £55,000 to secure sustainable transport improvements including improvements to Aspenden Road and the access to the site
- Provision of fire hydrants

## Conditions

1. Three year time limit (1T12)
2. Approved Plans (2E10)
3. Occupation of the development hereby approved shall not take place until improvements to the Aspenden Road junction shown for indicative purposes on drawing number S3203/FP2 have been implemented in accordance with the requirements of the Highway Authority and approval of the Local Planning Authority.  
Reason  
To secure satisfactory access to the development in the interests of public safety.
4. Prior to first occupation of the development all vehicular access areas shall be laid out and surfaced and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge onto the public highway.  
Reason  
To minimise danger and inconvenience to users of the highway and the site.
5. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan shall contain proposals to minimise the use of private cars to the development, including provisions for setting targets for modal split for journeys and the monitoring of the achievement of such targets, together with fall-back measures to rectify any failure to achieve the said targets.  
Reason  
To promote sustainable transport.

6. The development hereby approved shall not be brought into use until details of the cycle storage provision to be made, along with other cycle parking provision on the site, has been submitted to and confirmed in writing by the Local Planning Authority. Once approved, the provision shall be implemented as such and shall be made available for use before the first of the units hereby approved is brought into use.

Reason

To promoted means of transport to the site other than by private vehicle.

7. Prior to the commencement of the development a Construction Management Traffic Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved Plan. The Plan shall provide details of:

- The phasing of the development, including highway works;
- Methods of accessing the site, including construction vehicle numbers and routing;
- The location and details of wheel washing facilities;
- Associated parking and storage areas clear of the public highway.

Reason

To ensure that the impact of construction on the local highway network is minimised.

8. The existing Right of Way (Buntingford 27) shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development. The alignment of the public right of way shall be protected by temporary fencing/signing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of public rights and safety.

9. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Innervision Design, Rev B dated September 2017 and the following mitigation measures detailed:

- Providing attenuation to ensure no increase in surface water run-off for all rainfall events up to and including the 1 in 100 year + climate change event;
- Implementing an appropriate drainage strategy based on attenuation and infiltration including SuDS features as described

in the FRA and indicated on drawing No. S3203/11B dated September 2017.

10. No development shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Detailed drawings of the proposed SuDS features including their size, volume, depth and any inlet/outlet features, including any pipe runs;
  - Final detailed management plan to include arrangements to secure the operation of the scheme throughout its lifetime.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the phasing arrangements embodied within the scheme.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.

11. Prior to first occupation of the development a scheme to enhance the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of enhancement shall include: bat and bird boxes in the remaining trees and integrated bat and bat roosts and nest boxes in the buildings. The scheme shall thereafter be implemented.

Reason

In the interests of securing biodiversity enhancement in accordance with Policy ENV17 of the East Herts Local Plan Second Review April 2007.

12. Levels (2E05)
13. Lighting details (2E27)
14. Samples of materials (2E12)
15. Contaminated land survey and remediation (2E33)
16. Construction hours of working – plant and machinery (6N07)
17. Details of earthworks/mounding (4P10)
18. Tree protection (4P07)

19. Landscape design proposals (4P12)
20. Landscape works implementation (4P13)
21. Hard surfacing (3V21)
22. Restricted use buildings (Use Class B1)

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>
Class B1 Business	2,380 (net) 2,500 (gross)

**Non-residential Vehicle Parking Provision**

Use type	Standard	Spaces required
B1	1 space per 35m <sup>2</sup> gfa	72
Total required		72
Accessibility reduction	Zone 4 up to 25%	18
Resulting requirement	None considered appropriate	0
Proposed provision		68