

DEVELOPMENT MANAGEMENT COMMITTEE – 20 JUNE 2018

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

Date of Registration of Application	10 August 2017
Target Determination Date	9 November 2017
Reason for Committee Report	Major planning application
Case Officer	David Snell

RECOMMENDATION

That planning permission be **GRANTED**, subject 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 140m² of floorspace, a total of 2,380m² of net employment floor area (2,500m² 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 This application was previously reported to Committee on 7th November 2017 when it was resolved to grant planning permission, subject to conditions and a legal agreement. The recommendation provided for a legal agreement requiring a contribution of £55k towards sustainable transport. In addition Members resolved that a financial contribution be made towards community transport and

that an additional condition be imposed requiring that the access road through the existing industrial estate to the site be resurfaced. Since that decision the applicants have submitted a viability report which is assessed in the report.

- 1.4 Having regard to the time that has elapsed since this application was previously considered by Members it is necessary to consider some of the detailed aspects of the proposals again, including its 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 140m² in net floor area (2,380m² 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 Luynes 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:

Key Issue	NPPF	Local Plan	Emerging District Plan	NP
Delivering sustainable development	Section 1, 5, para 11 - 16	SD1 SD2, EDE1 BUN4 BUN7	INT1 DPS1 CC1 CC2 ED1 BUNT3	BE2 BE3 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 Summary of Consultee Responses

5.1 The Highway Authority initially advised that it did 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 were sought. Following the submission of a viability report the Authority were re-consulted. The Authority advise:

The Highway Authority has identified as part of a wider feasibility study improvements to Aspenden Road. This has included proposals for signage and lighting to be improved on a section of Aspenden Road between Fairfield and the Watermill Estate junction with a section of Aspenden Road widened on its western side on the southbound approach of the bridge to assist the existing traffic priority working system. Feasibility study work has also identified the need for improvements to the footway on Aspenden Road which would improve connectivity. The Highway Authority has considered the above improvements in the context of the additional trips generated by the development proposals. Whilst a Section 106 contribution towards the improvements on Aspenden Road as identified via the aforementioned feasibility study would be desirable, when considered against the provisions of the National Planning Policy Framework (NPPF) in terms of a ‘severe’ impact, the

Highway Authority considers that the trip generation/impact from the proposed development does not fully meet this test. The Highway Authority therefore recommend that they do not wish to restrict the grant of planning permission, subject to conditions. They no longer request any contributions to off-site improvements.

- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 HCC Development Services request an obligation requiring the provision of fire hydrants.

5.7 EHDC Environmental Health Advisor, does not wish to restrict the grant of permission, subject to conditions.

6.0 Town Council Representations

6.1 Buntingford Town Council comment that in principle they have no objections to this development but there are issues that need to be addressed before a decision can be made. The issues pertain to increased vehicle movements, the condition of the feeder roads within the estate and their ongoing maintenance and an improvement to the existing public RoW FP27. The traffic analysis undertaken in association with application ref. 3/13/1399/OP (land to east of Aspenden Road) should be taken into account when considering increased vehicle movements to and from this proposed development. Width restrictions on Aspenden Road cause congestion and can be hazardous to road users and pedestrians, and it is suggested that the situation with regard to the footway that runs to the west of Aspenden Road be replaced by a foot bridge across the River Rib at a point south of the junction with Fairfield – this bridge to join ROW FP 27, thus allowing pedestrians to walk safely away from Aspenden Road and would allow the road to be widened by at least one metre. The roads within the estate are in an extremely poor state of repair with large deep pot holes that are never repaired and are becoming progressively more hazardous. The section of access road adjacent to the Household Recycling Site is the most used section of road on the estate and is the most damaged section. This damage is caused by the necessary changing of large containers to facilitate the Household Recycling Site. If this proposal is approved there must be conditions included on the approval relating to all estate roads to be brought up to an acceptable standard, a programme of ongoing maintenance be produced to ensure that the roads do not deteriorate in the future, the section of road adjacent to the Household Recycling Site from the junction with Aspenden Road and the access to Morvend to be adopted by HCC Highways as public highway, improvements to Footpath 27 from its junction with Luyne Rise to its junction with Aspenden Road, to include the possibility of diversion closer to the

western bank of the River Rib to facilitate connection to a possible foot bridge and improvements to the path that runs to the east of the Household Recycling Site and to comply with Policy T6 of the made Buntingford Community Area Neighbourhood Plan, a contribution towards the Buntingford Community Area Transport scheme.

7.0 Summary of Other Representations

7.1 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.

7.2 A petition has been received from 16 residents of 13 properties in Barleycroft objecting to the proposal. No detailed reasons for objection are given.

8.0 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	Granted	July 2011

	B1 offices/workshops		
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9.0 **Consideration of Relevant Issue**

- 9.1 As set out earlier in this report, Members resolved to grant planning permission in November 2017 for this development, subject to conditions and the completion of a legal agreement. Subsequent to this resolution, officers entered into discussions with the applicant in relation to the preparation of the necessary legal agreement. However, the applicant submitted a viability report, which the Council has independently assessed; the report concludes that the development would not be viable if the required financial contributions and surfacing outside the application site but within the industrial estate were to be required.
- 9.2 In the light of this change in circumstances and the time that has elapsed since the resolution was previously made by Committee to grant planning permission, officers have set out below considerations on all matters relevant to the application.

Principle and delivering sustainable development

- 9.3 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.
- 9.4 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

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.

- 9.9 In this respect, the proposals also have potential for improvement against the aspirational policies of the NP and emerging District Plan.
- 9.10 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

- 9.11 Objections have been raised in regard to additional traffic, poor access and danger to pedestrians. As set out above, improvements to Aspenden Road are no longer required or proposed. Whilst, 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.
- 9.12 The Highway Authority comment that the proposal is for 2,500m² gross floor area which is slightly less than that which was considered to be acceptable under the previous permission in July 2011. The Authority accepts the original trip generation calculations and considers that the proposals are acceptable subject to conditions.
- 9.13 The Authority initially requested and a financial obligation towards off-site highway improvements to Aspenden Road. However, following the submission of a viability appraisal the Authority advise that whilst a Section 106 contribution towards the improvements on Aspenden Road would be desirable, when considered against the provisions of the National Planning Policy Framework (NPPF) in terms of a 'severe' impact, the Highway Authority considers that the

trip generation/impact from the proposed development does not fully meet this test. Therefore, notwithstanding the previous comments from the Highway Authority and the resolution made in November 2017, having regard to the requirements of the NPPF, the proposal is considered to be acceptable in a highways context and off-site highway works are no longer required as part of this proposal.

- 9.14 The adopted Local Plan and emerging District Plan standards would require provision of 72 parking spaces for the 2,500m² 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.
- 9.15 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.
- 9.16 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.
- 9.17 It is acknowledged that the access road through the existing industrial estate is in poor condition and its re-surfacing is desirable. However, it is considered that the access is not unsafe, such that planning permission could be refused on that ground. Furthermore,

whilst the access road is within the industrial estate it lies outside the application site and the imposition of a condition requiring re-surfacing would not be reasonable having regard to the conditional tests.

Neighbour impact

- 9.18 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.
- 9.19 Objections raised in regard to potential light pollution, boundary fencing and site contamination are addressed by recommended conditions.

Flood risk

- 9.20 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.
- 9.21 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.
- 9.22 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

- 9.23 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

- 9.24 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 and viability

- 9.25 The application was previously reported to Committee on 7th November 2017 when it was resolved to grant planning permission, subject to conditions and a legal agreement. The recommendation provided for a legal agreement requiring a contribution of £55k towards sustainable transport. In addition Members resolved that a financial contribution be made towards community transport and that an additional condition be imposed requiring that the access road through the existing industrial estate to the site be resurfaced.
- 9.26 Since that decision the applicants have submitted a viability report. The report concludes that the above contributions and the requirements of the condition would render the scheme unviable. The report has been reviewed by the Council's viability consultant and has been found to be robust. The consultant's report concludes that even without the contributions and surfacing works previously required, the proposal is on the limits of viability.
- 9.27 Given the revised advice of the Highway Authority it is concluded that whilst the highway improvements to Aspenden Road are

desirable their absence would not render the scheme unacceptable in terms of impact on the highway network and highway safety.

- 9.28 It is acknowledged that the access road through the existing industrial estate is in poor condition and its re-surfacing is desirable. However, it is not considered that this access road is unsafe, such that planning permission could be refused on the grounds that the road is not proposed to be re-surfaced.
- 9.29 The contribution towards community transport was not requested by the Highway Authority, and whilst the importance of the community bus to the local area is noted, such a contribution is not necessary to overcome any planning objection to the proposal. Given the viability position it could not be regarded as necessary or reasonable having regard to the tests in the Community Infrastructure Regulations (CIL).
- 9.30 Overall, having regard to the viability of the scheme, the revised comments of the Highway Authority and the tests set out in the CIL Regulations, it is considered that financial contributions to mitigate the impact of the development are no longer required.

10.0 Conclusion

- 10.1 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.
- 10.2 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.

- 10.3 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 condition requiring a Travel Plan.
- 10.4 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.

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.

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

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)

Informatives

1. Other Legislation (OL01)

2. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under section 278 of the Highway Act 1980 to ensure the satisfactory completion of off-site highway improvements. Further information is available via the website:
<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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**

Use Type	Floorspace (sqm)
Class B1 Business	2,380 (net) 2,500 (gross)

Non-residential Vehicle Parking Provision

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