

3/08/2037/OP – Outline application for up to 5,000 square metres of B1 business units to include approval of access, layout and scale at the Former Park and Ride Car Park, Woodside Industrial Estate, Dunmow Road, Bishop’s Stortford for M & D Developments Ltd

Date of Receipt: 08.12.08

Type: Outline

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – ALL SAINTS

RECOMMENDATION

That planning permission be **REFUSED** for the reason:-

1. The application site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given except in very special circumstances. The Council considers that very special circumstances do not exist in this instance to outweigh the harm that would be caused to this part of the Green Belt by reason of inappropriateness. Therefore if planning permission were granted it would conflict with the purposes of Policy GBC1 of the East Herts Local Plan Second Review April 2007 and National Guidance contained in PPG2.

_____ (203708OP.EH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located on the eastern edge of Bishop’s Stortford. The site is approximately 1.34 hectares in size and is accessed via the Woodside Industrial Estate, from Dunmow Road. The majority of the site is hard surfaced as a consequence of its previous use as a park and ride facility. The majority of the site is enclosed by a galvanised steel fence, which is approximately 2 metres in height, with the eastern, southern and western boundaries of the site also being defined by a number of mature trees (some of which are outside of the application site boundary), the majority of which are protected by Tree Preservation Orders. Within the site there are a number of beech trees/hedges which define the car parking bays.
- 1.2 This application seeks outline planning permission for the erection of 5,000 square metres of B1 business units on the site, which is proposed to be divided between ‘incubator’ units of approximately 55 sq.m, small units of approximately 90 sq. m. and larger units of approximately 230 sq. m. The applicant has also indicated that apart from the incubator units (which are designed as start up units primarily for self employed people) the other units

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are designed to be capable of being amalgamated to create larger units in the event that an occupier needs to expand. The application seeks the approval of the detailed matters of access, layout and scale of the development. The details of appearance and landscaping have been reserved.

2.0 Site History

2.1 The application site has a long planning history. The following applications are considered to be relevant to the consideration of any applications on the site:

- 3/99/0905/FP
Use of part of the site for additional parking (201 parking spaces) in association with the Bishop's Stortford Football Club
Approved
- 3/99/1749/FP
Park and Ride Facility
Refused
- 3/00/1398/FL
Temporary Permission for park and ride facility
Dismissed on appeal
- 3/04/2128/FP
Business park and ride - weekly tickets for business use 52 weeks of the year and permission for use for Christmas shoppers annually for a 3 week period 10th December - 4th January
Approved
- 3/04/2369/FP
Use of business park and ride facility on Saturdays between 7am and 7pm on a "pay and display" basis for shoppers/business vehicles
Approved
- 3/05/0311/FP
For shoppers to use existing car park facility Monday to Friday 7am until 7pm on a pay & display basis
Approved
- 3/05/1416/FP
Public Service & Heavy Goods/Commercial Vehicles to use existing parking facility between the hours of 7pm until 7am
Refused
- 3/05/2043/FP
For public service & commercial vehicle parking (with a weight restriction to a max of 7.5 tonnes and no refrigeration vehicles) to use the existing facility between the hours of 7pm and 7am
Refused

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- 2.2 The submission of this application follows the withdrawal of application ref. 3/08/0540/OP in May 2008, for the erection of up to 5000 sq.m of B1 floorspace comprising a mix of incubator, small and medium sized business units. This application sought permission for the same development as is now being proposed, but was withdrawn by the applicant following confirmation by officers that the application was to be recommended for refusal to the Development Control Committee as it was considered that the proposal would represent inappropriate development in the Green Belt and that no special circumstances were considered to exist. There was also a Highways objection to the development.
- 2.3 Also of relevance to the consideration of this application are the comments of the Local Plan Inspector, in considering the proposal by the applicant to allocate land at Woodside Industrial Estate as an employment site and to remove the land from the Green Belt. Although the Inspector commented that a pressing need for additional land had been identified in the Employment Land Study (2004), this did not endorse the identification of additional employment land. She commented that the decision to allocate more land should be determined on the basis of a comprehensive approach, with a full analysis of the qualitative and quantitative needs of the town and an assessment of all possible sites. The Inspector further commented that this would allow the requirements to be identified and quantified, and a comparison of sites to be made, and would also enable the Council, with the engagement of the business community, to establish the type and range of employment premises that would best serve local needs. The Inspector also commented that any consideration of this site would need to be assessed against not only employment needs but also the future of the Park and Ride scheme and the long-term Green Belt boundary. They commented further that if it is necessary to release land from the Green Belt, in order to accommodate additional employment areas and to establish a long term defensible boundary, it should be determined on the basis of a comprehensive approach (as outlined above), and this comprehensive approach should not be pre-empted by an ad hoc decision to release this site.

3.0 Consultation Responses

- 3.1 County Development Unit, Hertfordshire County Council have commented that the Council should have regard to the potential for minimising waste generated by development, and should encourage re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction.

- 3.2 County Highways do not wish to restrict the grant of permission subject to conditions relating to the submission of details of construction vehicle movements and access arrangements; the provision of areas within the site for the parking and storage and delivery of materials associated with construction of the development; the implementation of a Green Travel Plan; and the provision of the approved access roads and parking areas. County Highways have commented that the previous use of the site (park and ride facility) can accommodate 468 car parking spaces, and the current proposal for 5,000 square metres proposes 125 parking spaces. The site is highly accessible by car and buses. They comment that the proposed development would result in a significant reduction in traffic movements compared to the use of the site as a park and ride facility, however the applicant's prediction of 22 traffic movements during morning peak and 26 movements in evening peak are considered by Highways to be considerably underestimated. However, County Highways recognise the previous use of the site, and comment that a financial contribution of £24,000 should be made towards sustainable transport measures in the area. The Transport Assessment predicts that the proposed development will generate 24 peak hour trips, therefore based on the HCC planning obligations toolkit a payment of £24,000 is required (£1000 per peak hour trip). They comment that although this was a park and ride site, it was never well used and the needs of a business development differ to those of a park and ride site.
- 3.3 Planning Policy have commented that the Employment Land and Policy Review October 2008 represents a comprehensive approach with a full analysis of the qualitative and quantitative needs of the town and an assessment of all possible sites, and the Study will be used primarily as a core part of the evidence base underpinning the LDF. It may also be seen as evidence in respect of current applications, although it should be kept in mind that as a technical study it does not carry the weight of policy. The Study identified the former park and ride site as the top ranking potential new allocation site. Planning Policy commented further than the site is currently located in the Green Belt and the proposal would constitute inappropriate development, and the key question is therefore whether the Study provides sufficient evidence that there are very special circumstances to justify inappropriate development.
- 3.4 The Council's Landscape Officer recommends consent subject to conditions or obligations to improve the green space infrastructure aspect of the proposal by retention of as much as feasible of the beech trees/hedge or by other means. The Officer comments that the parking layout along the northern access road misses an opportunity to retain the beech trees/hedging which currently provide a reasonable boundary screen, and the proposed layout therefore suffers the loss that these trees/hedge would have made by helping to soften the visual impact of any new structures on

this site as well as enhancing the new development. Similar consideration should also have been accorded the beech trees/hedging located more centrally within the site. Apart from the perimeter trees along the boundaries of the site, the beech trees/hedging is the foremost or only other landscape characteristic within this otherwise rather open and featureless site. The 3D representation shows a fairly verdant setting for the proposed units, and this appearance for the proposal can only be achieved by revising the layout to show a better quantity and quality of green space provision.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council have objected to the application and commented that the proposed development would be contrary to policies PPG2 and GBC1 of the East Herts Local Plan Second Review. Members considered that the application was inappropriate and the land should be returned to the Green Belt.

5.0 Other Representations

5.1 The applications have been advertised by way of press and site notice and neighbour notification.

5.2 Councillor Woodward has commented that he objects to the application. He comments that there are various vacant units within Bishop's Stortford and within Essex close to the application site, and these vacant units seem to undermine the 'needs based' case put forward by the applicant. He also raises concerns in respect of the impact of the development on the Green Belt and its relationship with the adjacent Bishop's Stortford Football Club; that the development is unlikely to provide jobs for local people and is more likely to draw staff from M11/Essex; the proposal would generate more traffic into and across Bishop's Stortford; and that the proposed development would not be consistent with PPG2 and GBC1.

5.3 The Bishop's Stortford Chamber of Commerce have commented that there is a desperate need for more employment space in Bishop's Stortford, and that this site is the best site in Bishop's Stortford to fulfil those needs. They comment that there is a desperate need to maintain an economic lifeline to the Town in view of the fact that over 20,000 sq. ft. (1,858 sq. m.) of employment space has been lost in recent years to other uses, with no new employment space having come forward for future planning for over 25 years.

5.4 No further representations have been received.

6.0 Policy

6.1 The main policies relevant to this application are East Herts Local Plan Second Review April 2007 policies:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
TR1	Traffic Reduction in New Developments
TR7	Car Parking – Standards
TR13	Cycling – Facilities Provision (Non-Residential)
EDE8	New Employment Development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees

7.0 Considerations

7.1 The main considerations in relation to this application are:

- The appropriateness of development within the Green Belt and whether very special circumstances are apparent;
- The acceptability of the amount, layout and scale of development proposed;
- Access/Highway/Parking considerations

Green Belt

7.2 The application site is located within the Metropolitan Green Belt as designated in the Local Plan. Policy GBC1 of the Local Plan outlines the types of developments which are considered to be appropriate within the Green Belt. New industrial buildings are not specified as an appropriate development within the Green Belt, and the proposed development is therefore considered to constitute inappropriate development within the Green Belt. It is therefore necessary to consider whether in this case very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm.

7.3 The applicant in their submissions has acknowledged that the proposed development constitutes inappropriate development. The applicant has commented that they consider that very special circumstances exist to justify the redevelopment of the site in the manner proposed. The applicant has put forward that the following represent very special circumstances in this case:

- The publication of the East Herts Employment Land and Policy Review in October 2008 identified through to 2021 a requirement for additional employment floorspace within the District. The report examined various options for meeting that requirement and concluded that 'the potential new allocation at Woodside Estate presents the best opportunity for new employment development'. If the plan making process is to be followed before the site is brought forward for redevelopment, then a further 3 years would have been lost and the town's employment needs would not have been addressed;
- The application site is previously developed land;
- The site does not fulfil any of the five purposes identified in PPG2 for including land within the Green Belt and there is accordingly no need to keep it permanently open;
- The site is excellently located relative to the primary road network and to the existing Woodside Industrial Estate which is one of the five designated Employment Areas serving the town;
- The site is available for development in the short term.

7.4 Turning firstly to the published East Herts Employment Land and Policy Review, this review was undertaken with the primary objective of assessing the supply and demand for employment land and premises in East Herts over the period to 2021. The Council have commented that this study will form part of the evidence base for the Council's emerging Local Development Framework (LDF); will inform the Council's preferred options for its Core Strategy; assist in the formulation of policies for new employment land development in the emerging LDF and provide background information to assist the determination of planning applications for such developments in the future.

7.5 The Review assessed the existing supply of employment land (in the first half of 2008), and in terms of future land requirements, examined a range of potential employment growth scenarios. The Review concluded that the overall additional need for employment land between 2008 and 2021 is projected to be between 2 and 5 ha, although this could rise to 7-10 ha if existing employment sites are lost to other uses such as residential and retail. The Study, which was published in October 2008, identified three potential new employment allocations in Bishop's Stortford – Woodside, ASRs 1 to 5 and Whittington Way, and as mentioned earlier in this report, the Study concluded that the application site is the top ranking potential new allocation site.

- 7.6 The Council, whilst endorsing this technical study, have not yet considered the findings or recommendations of the Study in respect of the LDF process, and in terms of how much land will be allocated for employment purposes and where this land will be allocated. The Council in the publication of the Core Strategy should set out how much development is intended to happen, where, when and by what means it will be delivered. It is my opinion that it is only at this stage that more certainty can be attached to how much development is required and broadly where this can go, and more weight can therefore be attached to the findings of the report in terms of the decision making process on planning applications. PPS12: Creating strong, safe and prosperous communities through Local Spatial Planning, states that it is essential that the core strategy makes clear spatial choices about where development should go in broad terms, and this strong direction means that decisions on planning applications can be given a clear steer immediately.
- 7.7 In considering this application, it is reasonable in my opinion to have regard to other possible solutions to address the apparent need for additional employment land, particularly if they may be preferable in terms of planning issues relating to the Green Belt and harm to the Green Belt in terms of the inappropriateness of the development proposed. This may include improving existing industrial units elsewhere in the town, or indeed looking at other sites which may come forward through the LDF process.
- 7.8 In November 2008 the Annual Monitoring Report was reported to the Local Development Framework Executive Panel. This identified the need to bring forward for development the ASRs and the Special Countryside Area. This agreement therefore means that there is no objection in principle to the development of these sites. In my opinion, this application has not fully assessed the ability of the ASRs to provide for the demand for employment land. In earlier masterplanning exercises it has been identified that some 16 Ha of land on the ASR's may be allocated for commercial purposes including local centres. Clearly such a scale of development would go a significant way towards providing for the predicted demand for employment land. Whilst it is acknowledged that significant infrastructure provision will be necessary to facilitate the development of all of the ASRs, development on ASRs 1 and 5, and in particular ASR 1, could occur without unduly onerous infrastructure provision, primarily vehicular access. Furthermore, it is anticipated that development on the ASRs would occur within the timeframe of 2008 and 2021 as identified in the Employment Study. It is considered that as there is no policy objection to development on the ASRs, these sites must be considered to be sequentially preferable in planning terms in comparison to allowing development on a Green Belt site.

- 7.9 These considerations emphasise that until such time as all possible sites for employment development have been fully considered and assessed, in particular the ability to provide for the employment demand on the ASRs, it would be inappropriate to allow development on a Green Belt site without a strategy for new employment developments in place. Furthermore, if permission were given for development on this Green Belt site without full consideration of all other possible sites, it would in my opinion set a precedent for other sites identified in the Study i.e. Whittington Way, to come forward for development. Such a decision would result in ad hoc decisions being made without a strategy in place for the provision of employment land in the town. This would run contrary to the provisions of a plan-led planning system.
- 7.10 Therefore, although the applicant has indicated that the site is deliverable in the short term (they anticipate that the developed units could be completed and available within twelve months following the grant of permission), and that despite the current economic climate they are aware of several businesses within Bishop's Stortford in urgent need of new premises, I am not satisfied that having regard to the above considerations that this is the only site that can be brought forward for development, and that there are other sites which could be developed upon which there is no objection in principle to development.
- 7.11 In considering other special circumstances which may exist, the applicant has also put forward that the site should be considered as previously developed land. Whilst the site may fall within the definition of previously developed land as outlined in PPS3, this should not alter the general presumption against inappropriate development within the Green Belt. PPG2 states that park and ride development is not inappropriate development in the Green Belt provided that a number of criteria are met. It is therefore considered that just because the site has been developed (for a purpose which in any event, may be considered to be appropriate within the Green Belt), it should not allow the future development of the site for a purpose which is considered to be inappropriate.
- 7.12 Turning now to the applicant's comment that the site does not fulfil any of the five purposes identified in PPG2 for including land within the Green Belt, I would have to disagree. Previous appeal decisions relating to this area, and the adjoining Football Club site have highlighted the contribution that this essentially open land makes in terms of Green Belt purposes. In any event, it is my opinion that the lack of contribution of a particular site to the purposes of the Green Belt does not amount to the exceptional circumstances which should exist if a revision to the boundary of the Green Belt is necessary. As stated earlier in this report, in the Review of the Local Plan the Inspector decided not to remove this site from the Green Belt and

commented that if it is necessary to release land from the Green Belt, in order to accommodate additional employment areas and to establish a long term defensible boundary, it should be determined on the basis of a comprehensive approach. The Inspector concluded by stating that this comprehensive approach should not be pre-empted by an ad hoc decision to release this site.

- 7.13 The applicant has also commented that the site is well located to the primary road network and the existing Woodside Industrial Estate. Whilst this is not disputed, it is my opinion that this would not constitute a very special circumstance to outweigh the harm caused by the proposed development, and could well also be used as an argument for the development of other sites around Bishop's Stortford which are located within the Green Belt.
- 7.14 Having regard therefore to the special circumstances put forward by the applicant, I am not satisfied that alone or together, they constitute very special circumstances which should in this instance warrant the grant of permission for a development which is considered to be inappropriate within the Green Belt. It is therefore concluded that the principle of employment development on this site is not acceptable.

Amount, Layout and Scale

- 7.15 Although the principle of development on the site is not considered to be acceptable in this instance, it still remains that the amount, layout and scale of the proposed development needs to be considered. Whilst clearly the development would have a significant impact on the openness of the Green Belt, the amount and scale of development proposed is not dissimilar to that found elsewhere within the Woodside Industrial Estate. The proposed layout would make the most efficient use of the land available for development, whilst providing sufficient space for circulation and parking, and allowing adequate spacing between the development and the protected trees which are located along the eastern, southern and western boundaries of the site.
- 7.16 The Tree Survey and Report submitted with the application, and the comments from the Council's Landscape Officer, both raise no concern with respect to the impact of the development on the protected trees, subject to the normal protection measures during the construction phase. The Landscape Officer's comments in respect of the loss of the existing beech hedges/trees within the site are noted. However, it is not considered that the loss of these hedges/trees to allow for the proposed siting of the industrial units would result in significant detriment to the character and appearance of the site. Furthermore, if outline permission were to be

granted, the detailed matter of landscaping would still need to be addressed and replacement and additional planting could be achieved via the agreement of these details.

- 7.17 Having regard therefore to policies EDE8, ENV1, ENV2 and ENV11 of the Local Plan, I am satisfied that if the principle of development on this site were considered to be acceptable, the proposed development would accord with the above policies.

Access/Highway/Parking

- 7.18 The applicant has submitted a Transport Statement and a Trip Assessment Addendum with the application. The Trip Assessment commented that the proposed development would result in traffic generation of a total of 22 vehicle movements in the AM peak and 26 vehicle movements in the PM peak. The Trip Assessment stated that the development would generate significantly less traffic than the existing site use as a Park and Ride site. Although County Highways have commented that they consider the applicant's traffic generation forecasts to be considerably underestimated, they have concluded that the proposed development would result in a significant reduction in traffic movements compared to the previous use of the site. They have also had regard to the accessibility of the site by other modes of transport i.e. bus. Therefore, subject to a financial contribution of £24,000 based on the HCC Planning Obligations Toolkit (£1,000 per average number of 2 way trips generated by the development), to be made towards the sustainable transport measures in the area, County Highways have raised no objection to the development.
- 7.19 Turning now to the issue of car parking, the application proposes a total provision of 125 parking spaces. The Council's adopted vehicle parking standards outline that the maximum car parking standards for B1 offices is 1 space per 30 sq. m. of gross floor area and B1 research and development, high-tech and light industry is 1 space per 35 sq. m. of gross floor area. Having regard to these standards therefore, the proposed development should make provision for a maximum number of parking spaces of between 142 and 166 spaces. Clearly these are the maximum number of spaces required, and in determining the appropriate level of parking provision regard should be had, in accordance with policy TR7 of the Local Plan, to the proposed use, location and availability of, or potential for access to, modes of transport other than the private car. This report has already commented on the accessibility of the site, and its proximity to public transport links. Having regard to this therefore, I am satisfied that in this instance the level of parking proposed is acceptable.

8.0 Conclusion

- 8.1 Having regard to the above considerations, it can be concluded that very special circumstances are not considered to exist in this instance to warrant inappropriate development within the Green Belt. Officers are not satisfied that the identified demand for employment land cannot be provided on sites which are acceptable in planning terms, and on which there is no objection in principle to development. Whilst the detailed considerations of the amount of development, layout, scale and highways implications are considered to be acceptable, officers do not consider that these considerations should override the in principle objection to development on this site which is within the Green Belt. Accordingly it is recommended that planning permission be refused.