

3/09/0118/FP - Redevelopment to provide 10 no. B1/B2/B8 Industrial/Warehouse units with associated offices, parking, servicing, landscaping and drainage at Units 1 - 8 Raynham Road Industrial Estate, Raynham Road, Bishops Stortford for Howard Stansted Limited.

Date of Receipt: 04.02.2009

Type: Full

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD-ALL SAINTS

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T121)
2. Levels (2E05)
3. Materials of Construction (2E11)
4. Materials arising from demolition (2E32)
5. Provision and Retention of Parking Spaces (3V23)
6. Wheel Washing Facilities (3V25)
7. Prior to the commencement of works on site, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved details.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of the development, a surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved plan.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

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9. Prior to the commencement of the development hereby approved, details of noise attenuation measures to be used in the design and construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of the amenities of nearby residents, in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

10. No external working (6N06)
11. Construction hours of working- plant & machinery (6N072)
12. Tree retention and protection (4P053)
13. Tree Planting (4P154)
14. Lighting details (2E272)
15. No external loudspeakers (2E253)
16. Refuse disposal facilities (2E243)
17. The buildings hereby permitted shall be used for B1c, B2 and B8 and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to result in a need for additional parking.

Directives

1. In relation to condition 7 piling or other foundation designs using penetrative methods are unlikely to be deemed acceptable.
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
3. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV2, ENV20, ENV23, ENV24, EDE1, EDE4, BIS9 and TR7. The balance of the considerations having regard to those policies and the amendments made to the scheme following the refused application in November 2008 (ref. 3/08/1554/FP) is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The existing site comprises eight semi-detached industrial units currently occupied by a mix of Class B1, B2 and B8 uses. The units are located within the Raynham Road Industrial Estate.
- 1.3 The site is surrounded to the east, west and south by other industrial units. To the north of the site are residential properties within Plaw Hatch Close. The rear gardens of nos. 52-76 and some garage blocks are sited up to the boundary of the site. A band of trees is located along this boundary, providing some screening of the existing industrial buildings. The existing industrial units are generally 2 storeys in height, declining to 1–1½ storeys to the north of the site, adjacent to Plaw Hatch Close. The buildings comprise of a mix of external materials varying from brick to corrugated iron.
- 1.4 The proposed development is for replacement industrial buildings that would form 4 blocks comprising of a total of 10 units. The use of the site would remain a mix between Class B1c, B2 and B8 uses.
- 1.5 Members may recall a similar scheme at the site under LPA reference 3/08/1554/FP, was refused permission by the Development Control Committee on 19 November 2008 for the following reasons:-

The proposed development, by virtue of its size, height and scale represents an overbearing, dominant and overshadowing form of development to the detriment of the amenity of neighbouring residents contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

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Inadequate provision is made within the site for the parking of vehicles in accordance with the council's adopted standards for car parking provision; the proposal would therefore be contrary to policies TR7 and EDE8 of the East Herts Local Plan Second Review April 2007.

- 1.6 This application seeks to address the above concerns with a reduction in height of the buildings by up to 1.5 metres and the submission of a document entitled, 'Study of unallocated car parking spaces'.
- 1.7 This Committee Report will focus on the above 2 issues. Detailed planning considerations revolving around other planning considerations are outlined in the previous Officer Committee Report, attached as appendix A.

2.0 Site History

- 2.1 There is a long history of planning applications at the site for the construction of industrial units. Several applications were made at the site during the 1960's when it appears that the original permission was granted for the units. It appears from our records that no restrictions to the use or operating hours were made to these original permissions.

3.0 Consultation Responses

- 3.1 The Environment Agency has no objection to the development and has recommended conditions relating to surface water drainage, contamination and waste material.
- 3.2 Environmental Health has recommended conditions relating to asbestos, bonfires, lighting, contaminated land and air extraction.
- 3.3 County Highways do not wish to restrict the proposed development and comment that, in a highways context the application does not differ from the previous scheme (3/08/1554/FP). The Highways Officer comments that, given the net reduction in floor space, the traffic generation associated with the use is unlikely to be significantly higher, if at all higher, than the sites approved and previous uses. Consequently the impact on the public section of Raynham Road and, importantly, its junction with Dunmow Road will be minimal. As such, given the remoteness of the site from the public highway County Highways do not have grounds to justify an objection to the proposal.
- 3.4 The Landscape Officer recommends that planning permission is granted and recommends conditions relating to landscape design proposals and tree planting.

- 3.5 The Councils Planning Policy Team comment that from a planning policy point of view, the redevelopment of the site complies with Local Plan Policies EDE1, BIS9 and TR7 of the Local Plan 2007. The Policy team however identifies that the proposal fails to address policy ENG1 of the RSS (East of England Plan). The Policy Team identify that Policy ENG1 stipulates that developments should “secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable”. As with the earlier application, there is no evidence of any consideration of the feasibility or viability of energy requirements as required by Policy ENG1.

With regards to parking provision the Policy Team comment that whereas the original application provided for 85 car parking spaces, this new application provides for 140 car parking spaces, although it is unclear to the Policy Team whether this is due to a “recounting” of numbers in the original application or provision for additional spaces in the revised plans.

In respect of Policy EDE8, cited as a reason for refusal, in particular part b) which refers to “adequate levels of car and cycling parking”, the inspections carried out by Savills on behalf of the applicants demonstrate that there is no shortage of unallocated car parking spaces at the existing site. Even after redevelopment it would appear that the levels of unallocated car parking would be sufficient.

In terms of Local Plan policy *TR7: Car Parking – Standards*, the Design and Access statement states that the development will provide a mix of B1c/B2 and B8 uses. Appendix II of the Local Plan includes the following standards for these uses:

B1b/c: 1 space per 35m² per gross floor area
B2: 1 space per 50m² gross floor area
B8: 1 space per 40m² gross floor area

The total floor area of the site is given as 4897m² but the allocation of this between the 3 proposed uses is not given. However, with 140 spaces provided this would amount to an average of 1 space per 35m² gfa and therefore this appears to comply with the standards in the Local Plan.

4.0 Town Council Representations

- 4.1 Bishop’s Stortford Town Council object to the proposed development on the following grounds:-
- The proposed development by reason of its size, height and scale represents an overbearing, dominant and overshadowing form of development to the detriment of the amenity of neighbouring properties;

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- Inadequate provision is made within the site for the parking of vehicles in accordance with East Herts Adopted Standards for car parking provision.

4.2 The Town Council commented further that should the District Council determine to allow the application, Members requested that strict operating hours be implemented and enforced. Members also requested that adequate drainage be provided to avoid contamination to the River Stort.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 3 letters of objection have been received from neighbours, their comments can be summarised as follows;

- The existing operational hours are restricted;
- An increase in units would result in an increase in existing problems with noise ;
- An increase in units would result in more workers parking in Plaw Hatch Close;
- The proposal would result in an increase in height of the buildings and the trees adjacent to the site do not provide sufficient screening;
- The buildings would appear more prominent when viewed from Plaw Hatch Close;
- Metallic units will be at odds with the neighbouring brick buildings;
- Trees should be retained and additional planted;
- Restricted hours of use would reduce noise and disturbance problems;
- Concerns regarding drainage.

6.0 Policy

6.1 The policies of the adopted East Herts Local Plan that are most relevant to the consideration of this application are as follows:

SD1	Making Development More Sustainable
EDE1	Employment Areas
EDE4	Storage and Distribution Uses
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV20	Groundwater Protection
ENV23	Light Pollution and Flood lighting

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ENV24	Noise Generating development
TR7	Car Parking Standards
BIS9	Employment Areas

7.0 Considerations

7.1 As stated earlier, this report will focus upon the two reasons for refusal of the previous planning application and how the revised scheme has sought to address them. Those two areas include:-

- How the proposed development meets the parking requirements of the Councils Parking SPD;
- The impact on neighbour amenity.

Parking Requirements

7.2 The previous planning application proposed a total of 93 car parking spaces, 8 of which would be disability spaces, as well as 20 cycle spaces to serve a total floor area of 4897sqm.

7.3 This application differs from that previously refused with a revised description, which now includes proposed B1c (light industry)/B2/B8 uses (as opposed to B1/B2/B8). The maximum allocation for such uses, as identified in Appendix II of the Local Plan includes:-

- B1b/c: 1 space per 35m² per gross floor area
- B2: 1 space per 50m² gross floor area
- B8: 1 space per 75m² gross floor area (please note comments from Planning Policy Team referred to 1 space per 40m² gross floor area, which is incorrect)

7.4 The change in the description from B1 (which would include all B1 uses, B1a, B1b and B1c), to just B1c, results in the need for less parking provision, as B1a would require 1 space per 30m² per gross floor area, whereas a B1c use allows for 1 space per 35m² per gross floor area. Taking this into account and, with regard to the considerations outlined within paragraph 7.6 of the previous Officers Report (attached as Appendix A), splitting those uses up equally with the total floor area would result in the maximum standard for parking provision to be 101 spaces.

- 7.5 The application however proposes 140 spaces. This number of spaces seems to take into account the 'worst case scenerio' (in terms of maximum allocation for parking provision) whereby all of the units would have a B1c use (the highest requirement for provision of parking spaces at 1 space per 35m² per gross floor area) which equates to a requirement of 140 spaces.
- 7.6 It should be noted that 'on site parking provision', as outlined in drawing reference 2470-08 refers to 85 spaces. The short fall between those allocated on site parking sites (85 spaces), and that of the average number of spaces 'the worst case scenerio' (140 spaces), is made up with reference to unallocated parking spaces.
- 7.7 An assessment of such unallocated parking spaces is outlined within a document submitted with the planning application entitled, a 'Study of Unallocated Car Parking Spaces'. This document involves a survey of the overall site and determines that, excluding the allocated car parking spaces at the Raynham Road Industrial Estate, that there are some 95 unallocated parking spaces. The design and access statement considers that whilst no existing occupier has a right to park in these spaces, on average, during the working day, about 54 of the spaces are used leaving 45 spaces available to overcome the shortfall. Adding those 45 spaces to the on site parking provision creates an overall provision for 130. This figure is, I note below the 140 spaces as outlined within the application form.
- 7.8 Notwithstanding this, I consider that the provision for 130 parking spaces on the site to be appropriate. In Officers opinion, it is unrealistic to expect that all of the buildings would be used for a B1c use, which represents the 'worst case scenario'.
- 7.9 Taking the above into account and mindful of that the requirements of Appendix II are a maximum, and with regards to the benefits that a flexible and unspecified employment use would bring to the site, the parking provision of 130 spaces is, in Officers opinion acceptable, and would address the previous reasons for refusal.

Impact on neighbour amenity

- 7.10 The existing industrial units are generally 2 storeys in height, declining to 1-1½ storeys to the north of the site, adjacent to Plaw Hatch Close. It was acknowledged in the previous Officer report that that proposed development would result in an increase in building heights in comparison to the existing units, and this would inevitably increase their prominence when viewed from the residential properties in Plaw Hatch Close. The previous Officer Report considered that the proposed buildings would have the greatest impact

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upon Nos. 70-76 Plaw Hatch Close. I concur with this analysis and shall thus focus on the impact on those properties.

- 7.11 The Design and Access Statement explores the reasoning behind the requirement for an increase in height of the buildings to that as existing. The height of the existing buildings is low by modern industrial units standards which contributes to the poor letting potential of the buildings.
- 7.12 The revised scheme has nevertheless reduced the height of all the buildings. The previous application sought permission for buildings with ridge heights of approximately 8.6 metres, and eaves height of between 8 metres and 6.9 metres. This current application seeks permission for buildings with ridge heights of between 8.6 metres and 8.4 metres, and eaves heights of between 8 metres and 6.6 metres. In particular units B2-B4 (which are the buildings closest to properties 70-76 Plaw Hatch Close) are proposed to have an eaves height of 6.6 metres which is a reduction of 1.4 metres in comparison to the previous proposals. The eaves height of this building is now only proposed to be approximately 0.6 metres higher than the maximum height of the existing building.
- 7.13 When considering the reduction in the height of the buildings, regard should also be had to the distance between the buildings and the properties in Plaw Hatch Close (nos. 70-72 – 15 metres, 46-60 – 30 metres), and also the existence of the landscaping buffer between the rear gardens of the properties and the existing building.
- 7.14 Whilst mindful of the comments from neighbouring properties it is considered that, taking into account the reduction in the height of the buildings closest to the neighbouring properties, and with regards to the distance between those proposed buildings and those neighbours, with a significant green buffer between the sites, it is considered that the impact on those properties is not to such a degree as to warrant refusal of the application.

Other Matters

- 7.15 I note the comments from the Planning Policy Team which highlights that the development does not provide for at least 10% of its energy from decentralised and renewable or low-carbon sources. Whilst I acknowledge that this Policy forms part of the Development Plan and that any proposed development should be in accordance with this policy, it should be noted that the previous planning application was not refused on these grounds. Accordingly, for these reasons, I do not consider that it is reasonable for the Council to now refuse planning permission on these grounds.

8.0 Conclusion

- 8.1 Taking into account the details as outlined within appendix A, the proposed development complies with the aims and objectives of Policy EDE1 for the retention of Class B1, B2 and B8 uses within designated Employment Areas. Officers consider that the proposed replacement buildings would provide opportunities to promote the viability of the existing employment site which could benefit the local economy.
- 8.2 Furthermore, the proposed development is of an acceptable design and layout with an appropriate level of parking provision made, in accordance with Policies ENV1 and TR7 of the Local Plan.
- 8.3 Whilst it is acknowledged that the proposed development will be more visible to nearby residential properties than the existing buildings, in Officers opinion the reduction in the height of the building is considered to be sufficient to address the reasons for refusal. This factor combined with the distance between the buildings and neighbouring properties combined with the buffer area, leads Officers to consider that the impact the impact on neighbour amenity is not to such a degree as to would warrant refusal of the application. The proposal therefore accords with policy ENV1.
- 8.4 The provision of additional off street parking is, in Officers opinion sufficient to overcome the previous reasons for refusal, and is thus considered to be appropriate in this case.
- 8.5 Having regard to the above considerations it is recommended that planning permission is approved subject to the conditions at the head of this report.