

5f **3/10/1178/FP – Amendment to LPA reference 3/09/0118/FP to provide 2 Industrial/warehouse units (B1c, B2, and B8) with ancillary office and amenity accommodation at 4 - 6 Raynham Road Industrial Estate, Raynham Road, Bishop's Stortford, CM23 5PB for Howard Stansted Limited.**

Date of Receipt: 13.07.2010

Type: Full - Major

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 arising from demolition (2E32)
4. Provision & retention of parking spaces (3V234)
5. Wheel Washing Facilities (3V25)
6. 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.

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

3/10/1178/FP

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.

9. No external working (6N06)
10. Construction hours of working- plant and machinery (6N072)
11. Tree retention and protection (4P053)
12. Tree planting (4P154)
13. No external loudspeakers (2E253)
14. The buildings hereby permitted shall be used for Class 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. Other legislation (01OL1).
2. In relation to condition 7 piling or other foundation designs using penetrative methods are unlikely to be deemed acceptable.
3. 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.
4. 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 (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular saved policies ENV1, ENV2, ENV20, ENV23, ENV24, EDE1, EDE4, BIS9 and TR7. The balance of the considerations having regard to those policies and approval of planning permission within LPA reference 3/09/0118/FP is that permission should be granted.

3/10/1178/FP

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 Members may recall that planning permission was originally granted by the Development Control Committee on 8 April 2009 within LPA reference 3/09/0118/FP for the redevelopment of 1-8 Raynham Road Industrial Estate to provide 10no. Industrial/Warehouse Units for use within use classes B1c, B2 and B8.
- 1.3 This application seeks planning permission to amend that previously approved scheme in relation only to units B2, B3 and B4. The application proposes to amend the approved scheme by amalgamating units B2 and B3 into one unit, with unit B4 as a stand alone unit. In effect this application amends the previously approved development by reducing the number of units from 10 to 9.
- 1.4 The amended scheme inevitably involves some alteration to the physical appearance of the frontage of the building and, for unit B2/B3 involves the provision of a single large industrial door and fenestration. Unit B4 remains unaltered from that previously approved in terms of external appearance.

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 industrial units. It appears from our records that no restrictions to the use or operating hours were made to these original permissions. The only other planning history is referred to above – LPA reference 3/09/0118/FP in which permission was granted for the redevelopment of the site to provide 10 industrial/warehouse units.

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 hours of working, asbestos and dust.

3/10/1178/FP

3.3 County Highways do not wish to restrict the proposed development and comment that, given the recent planning history of this established industrial estate, the amended scheme will not give rise to highway safety or capacity concerns.

4.0 Town Council Representations

4.1 Bishops Stortford Town Council do not object to the proposed development.

5.0 Other Representations

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

5.2 No letters of representation have been received.

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
ENV24	Noise Generating development
TR7	Car Parking Standards
BIS9	Employment Areas

7.0 Considerations

7.1 The principle of this development has already been established through the permission granted within LPA reference 3/09/0118/FP. The main issues in this application therefore relate to the provision of one unit in replace of the two units previously approved. In this respect, considerations of parking, visual amenity and neighbour amenity are of relevance.

7.2 In visual amenity terms the amended scheme varies only slightly from that previously approved, with slight alterations to the configuration of the windows and doors on the front façade. In Officers opinion, having regard to the previous approval and, taking into account the modest differences in the

3/10/1178/FP

elevational treatment, the amended scheme is acceptable given the context of the site, and will not result in a significantly detrimental impact on the character and appearance of the site.

- 7.3 In terms of the impact on neighbour amenity, the proposed development does not differ in terms of the siting of the buildings in relation to neighbouring properties. Taking that consideration into account, the provision of a single unit in replace of the two units previously approved will not, in Officers opinion, result in a significantly detrimental impact on neighbour amenity that would warrant the refusal of the application.
- 7.4 With regards to parking provision, the plans indicate that the proposal will provide 28 spaces, which is three less than the site benefits from as existing. When the parking provision is considered with regards to the previous scheme relating to the development of 1-8 Raynham Road (LPA reference 3/09/0118/FP), there is a reduction in four spaces from that previously granted. This is a result of the nature of the proposed development which involves one less unit, and the associated alterations to access, which limits the amount of space for parking provision.
- 7.5 Within the Officer Committee Report relating to the previously approved application (LPA reference 3/09/0118/FP), it was outlined that for the development comprising of redevelopment of units 1-8 Raynham Road for B1c, B2 and B8 uses that there was a maximum requirement for 140 parking spaces, under policy TR7 of the Local Plan. That previous scheme proposed 85 spaces which would, as a result of this planning application reduce to 81 spaces.
- 7.6 However, as part of the previous application and the current application, an assessment of unallocated parking spaces has been submitted. That 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 applicant considers that whilst no existing occupier has a right to park in those spaces, on average, during the working day, about 54 of the spaces are used leaving 45 spaces available to overcome the shortfall in parking provision at the site.
- 7.7 Although using those 45 spaces to overcome the shortfall in allocated parking would not meet the maximum requirements of the Councils Parking Standards, it was previously considered to be acceptable by the Council, and planning permission was granted for the development of the site involving 1-8 Raynham Road. The question within this current application is whether a further reduction of four parking spaces now makes the development unacceptable, in terms of parking provision.

3/10/1178/FP

7.8 Taking into account the sustainable location of the site (within close proximity to the town and centre and public transport facilities) and, with regard to PPG13, which states that developers should not be required to provide more parking than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety, Officers consider that the level of provision for parking is acceptable. There are no highway safety concerns with the proposal (as assessed by the Highways Officer), nor are there considered to be any other 'exceptional circumstances' to warrant the maximum standard of parking. Officers therefore consider that a refusal of planning permission based on insufficient parking is unjustified, in this case.

Conditions

7.9 Within the previously approved application (3/09/0118/FP) various planning conditions were imposed on the grant of permission, some of which have been discharged by the Council over the passage of time. However, those approved details have not been submitted with this application and it is therefore necessary and reasonable to attach similar conditions with this permission.

8.0 Conclusion

8.1 Taking into account the previous decision within LPA reference 3/09/0118/FP, the principle of the proposed development complies with the aims and objectives of Policy EDE1 for the retention of Class B1c, B2 and B8 uses within designated Employment Areas.

8.2 This amended scheme does not alter the footprint of the previous scheme but simply allows for the provision of one unit in place of two. The amended scheme is considered to be acceptable in terms of the visual appearance of the buildings, neighbour amenity and parking provision.

8.3 Officers consider that the proposed replacement buildings would provide opportunities to promote the viability of the existing employment site, which would benefit the local economy.

8.4 Having regard to the above considerations it is recommended that planning permission is granted subject to the conditions at the head of this report.