

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 5 Dec 2018

<b>Application Number</b>	3/18/1544/FUL
<b>Proposal</b>	New B1 Office building with associated parking (part retrospective)
<b>Location</b>	Unit 2A Hadham Industrial Estate, Church End, Little Hadham
<b>Parish</b>	Little Hadham
<b>Ward</b>	Little Hadham

<b>Date of Registration of Application</b>	5 July 2018
<b>Target Determination Date</b>	11 September 2018
<b>Reason for Committee Report</b>	Referred to the committee at Member request
<b>Case officer</b>	Fiona Dunning

### **RECOMMENDATION**

That planning permission be **REFUSED** for the reason set out at the end of this report.

#### **1.0 Summary of Proposal and Main Issues**

1.1 The proposal seeks permission for a new building for office use (part single storey and part two storey) with two car parking areas providing 44 spaces and 7 cycle stands. The building would have a central element running north to south on the site. This would be two floors in height, with an offshoot to the east, also two floors. A further offshoot to the west would be single storey. The gross internal floorspace of the building proposed would be 838 square metres. The highest ridge height would be 10 metres above ground level. The height of the east and west arms would be 8.5m and 7.5m respectively. The building is designed in a rural style, having the appearance of a converted barn.

- 1.2 The proposed floorplans show the building divided up into a number of units, 7 in total, of various sizes. Vehicular access to the site would be via Church End, from the A120 at Little Hadham. The two parking areas would be accessed independently, from a bridleway to the north of the site, one to the east and one to the west of the proposed building.
- 1.3 There would be two entrances to the building. One would provide dedicated access to unit one. The second access would lead to a central core from which units 2A – F gain access.
- 1.4 The main issues for Members to consider in relation to this application include the benefit of additional employment floorspace, weighed against impacts including the traffic generation and sustainability of the location and impacts on the character of the local area.

## **2.0 Site Description**

- 2.1 Currently the central part of the site comprises a fenced compound used for storage purposes. On the application form this is stated to comprise 604sqm of space. Surrounding the compound on the north and west sides are grassed areas. The northern boundary is formed by a track which provides a public bridleway between Church End to the west and leading toward Hadham Hall to the east. At the southern side of the site is a public footpath again leading from Church End to the west toward Hadham Hall to the east. Part of the application is retrospective as the use of the land comprising the eastern most part of the site (to the east of the proposed building) has already been changed from a fenced paddock, used in association with horse stabling, to a surfaced car park.

- 2.2 The site is within the Rural Area Beyond the Green Belt. The buildings and land which comprise the Church End Farm area are located to the north of the bridleway boundary of the application site. To the west of the site and south of the bridleway is a further area of existing car parking.
- 2.3 As indicated, the site is accessed via Church End and the bridleway which forms the northern boundary. Two vehicular access points are proposed, one to each of the parking areas. One of these utilises an access which is already in place to the current storage compound. The site is 0.28 hectares in area. There is a mobile home to the north of the site on the northern side of the bridleway adjoining one of the former agricultural buildings.
- 2.4 To the east of the site is an agricultural field, with trees on its western fringe. Beyond the field is Hadham Hall, comprising a number of dwellings which have their western boundaries adjacent to the field.
- 2.5 The site does not currently contain any permanent buildings apart from a substation adjacent to the bridleway.
- 2.6 Further to the south-west are residential dwellings on Church End and the listed buildings St Cecilia's Church and Church End Farmhouse.

### 3.0 **Planning History**

- 3.1 The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/07/1502/FP	Fenced storage compound	Grant with Conditions	11th September 2007

3/13/1541/FP	Extension to existing storage compound for plant in association with Unit 2B and erection of perimeter fencing. Creation of landscaped bund with excavated land.	Refuse Appeal dismissed	24th October 2013
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#### 4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework 2018 (NPPF). There is no Neighbourhood Plan in place, or emerging, in relation to this site.

<b>Key Issue</b>	<b>District Plan</b>	<b>NPPF</b>
Principle of Development	ED2, INT1, DPS1, GBR2, VILL2, ED1, ED2	Chapter 6 Chapter 4
Impact on character of area and landscape	DES2, DES3	Chapter 12
Residential Amenity	EQ2 EQ3, DES4, DES5	Chapter 12
Highway and parking implications	TRA1, TRA2 TRA3, CFLR3	Chapter 9
Heritage impact	HA1, HA2 HA3, HA7	Chapter 16

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

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the issuing of planning permission subject to conditions. The Highway Authority has previously expressed concerns with respect to the levels of existing traffic generated from buildings associated with the Hadham Industrial Estate and the attendant effects on Church End and its suitability for additional development. However, it is content, in principle, with the trip generation as presented in the reports submitted with the application. Following consideration of this, the impact is not considered to meet the test of a severe impact in accordance with the guidance in the NPPF.
- 5.2 If permission is granted, a construction management traffic plan should be implemented to ensure that unhindered use of the bridleway is maintained.
- 5.3 HCC Countryside and Rights of Way Officer comments that the application would result in some 120 vehicular movements over a bridleway which currently has minimal or no traffic. The advisor is concerned that this could lead to conflict with walkers and horse riders.
- 5.4 Thames Water does not raise objection if a sequential approach to disposal of surface water is followed. It raises no objection to the disposal of foul water on the basis of infrastructure capacity.
- 5.5 HCC Historic Environment Unit advises that the proposal will require significant ground works and there is the potential for heritage assets of archaeological interest to be impacted. Therefore if planning permission is granted a condition requiring a field evaluation and monitoring is requested.

5.6 EHDC Landscape Advisor indicates that the proposal appears to be viable with the retention of trees along the southern boundary. However, an Arboricultural Method Statement should be submitted. In summary, the advisor does not object to the proposal.

## **6.0 Parish Council Representations**

6.1 Little Hadham Parish Council objects to the proposal on the grounds of location, size and prominence and access. Church End is a quiet rural hamlet that has been industrialised by stealth when redundant farm buildings were granted permission for change of use to industrial. The new office building will create further urbanisation of the site and will impact on views and amenity of users of the bridleway and footpath.

6.2 Church End lane is narrow and there are existing traffic issues due to its use by large lorries. The development will create further impacts due to the increase in private cars using the road.

6.3 The Parish Council questions the local need for new office space as some of the existing vacant buildings could be converted.

## **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. 13 responses have been received objecting to the proposal on grounds summarised as:

- increase in traffic on a very narrow road that is currently used by too many HGVs
- vehicles using private driveways as passing points
- increase in vehicle trips by 1/3 and road is not suitable for this
- impact on residential amenity due to increase in noise
- there is a lack of pavement for pedestrians as the road was widened to accommodate larger vehicles

- vehicles speed along Church End Lane
- new uses of buildings within the Industrial Estate, such as Herts All Stars, Victoria's Vintage and Rayner Personnel
- construction traffic will create further problems
- traffic survey not credible as it does not include all traffic
- many near misses and pedestrian safety is a concern
- alternative access needed
- too many parking spaces proposed and does the existing parking space on former manage area have permission?
- no demonstrated need for additional office space
- 2 storey office building is out of character
- light and noise pollution will impact on residential amenity and wildlife
- cumulative impact on encroachment of countryside due to the expansion of Church End Farm Industrial Estate
- cumulative impact of increase in business activities
- potential for mezzanine floor in proposed building like mezzanine floors have been added in other buildings
- height will impact on countryside and St Celia's Church
- building could be redesigned and reduced in scale, massing and footprint
- vacant buildings on the site should be used
- impact on rural area
- enlargement of storage compound in 2014 appeal was dismissed
- overdevelopment in rural area
- impact on walkers using the adjacent footpath and bridleway.

## **8.0 Consideration of Relevant Issues**

### Principle of Development

- 8.1 In policy DPS1 of the District Plan it is set out that the plan will maximise the opportunities for jobs growth, with the aim of achieving a minimum of 10,800 new jobs up to 2033. The site location is within the Rural Area Beyond the Green Belt however. In that location policy GBR2 sets out the type of development that

will be permitted. Such possibilities include new employment generating uses where they are sustainably located, in accordance with policy ED2, and limited infilling or the complete redevelopment of previously developed sites, in sustainable locations. In both instances, development has to be compatible with the character and appearance of the rural area.

- 8.2 Policy ED2 sets out that proposals that create new employment generating uses, or support the sustainable growth and expansion of existing businesses in the rural area, will be supported in principle, where they are appropriately and sustainably located and do not conflict with other policies in the plan.
- 8.3 The NPPF sets out that policies should enable the sustainable growth and expansion of all types of businesses in rural areas. It needs to be recognised that sites to meet local business and community needs may have to be located adjacent to or beyond existing settlements and in locations that are not well served by public transport. In principle then and subject to the sustainability of the location and the impact of the proposals on the character of the area, positive weight should be given to the potential for the development to generate new employment.

#### Character and landscape impacts

- 8.4 Policies DES2 and DES3 seek design quality that respects the constraints of a site and integrates landscaping into the design to minimise impacts on the landscape character.
- 8.5 Policy DES3 states that development proposals must demonstrate how they retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value so that there is no net loss. The site is in an exposed location with respect to local views, as it sits between and is visible from, two public rights of way. Any development on the site should acknowledge this as well as the elevated position of the site and the characteristics of the area.



- 8.6 The NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 8.7 The proposed building is designed with a rural character. It has the appearance of a converted rural barn – with some large elements of glazing in the east and west gables, and more sporadic glazing to other elevations. Roof lights are also proposed. External material finishes could be controlled by condition to ensure that they are appropriate.
- 8.8 The landscape advisor raises no objection, considering that the trees adjacent to the footpath to the south could be retained, with suitable protection during construction. Further tree and hedge planting could be implemented to mitigate the visual impact of the proposed building.
- 8.9 The wider area comprises the commercial buildings of the Church End Farm site to the north. In relation to these, the design of the building now proposed could be described as being more appropriate to a rural area. However, this development would cause the extent of the industrialised and commercial area to be consolidated and to further spread. That was one of the basis on which the proposals to increase the size of the existing storage compound on the site were previously refused and dismissed at appeal. Whilst those decisions were made prior to the adoption of the District Plan and the publication of the revised NPPF, it is considered that this impact in relation to the extent of development in the area remains and, in that respect, it would be harmful.
- 8.10 In addition, the level of the land rises from west to east and, as a result, the development will have a degree of prominence. So, whilst well designed in its own right, the development will impact in a way that further erodes the rural character of the area.

## Neighbour impact

- 8.11 Policy DES4 requires a high standard of design, avoiding significant detrimental impact on the amenity of neighbouring occupiers, ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution are the subject of policies EQ2 and EQ3 respectively. Good relationship between new and existing development is one of the themes underlying the well designed places guidance in the NPPF.
- 8.12 The proposal is not considered to result in any unacceptable impacts on adjoining or nearby neighbours to the west with regard to overlooking or the loss of privacy or daylight. The closest residential properties to the west are some 70m distant from the proposed building with the closest part of the building being single storey. The boundaries of these properties are closer, at approx. 35m distant, however this is still an adequate separation distance and in any event, this area of the curtilages to these closest properties are already open to public view.
- 8.13 There is a single mobile home located to the north of the proposed development. This is closer, being some 20m or so from the site. The mobile home is located close to the rear of the former agricultural buildings, such that outlook to the west will be very limited. This is compensated for by a much more open aspect to the east. The proposed development will change the outlook to the south, but the mobile home plot is located north of the easterly parking area and therefore is likely to be little impacted by the building in terms of privacy or other impacts.
- 8.14 Some residents have raised concerns with regard to noise and light pollution. The application has not shown any outdoor lighting details and, if the application were recommended for approval, lighting details could be a condition. Policy EQ3 sets out requirements for external lighting and it is considered that low level lighting of the car parks would be acceptable, with regard to

the degree of lighting required for the site, and would have minimal impact on the amenity of neighbouring occupiers.

- 8.15 The operation of the proposed building as an office is not likely to create any adverse noise impacts.

#### Highways and parking

- 8.16 Policy TRA1 relates to sustainable transport measures. It sets out that development proposals should primarily be located in places which enable sustainable journeys to be made, ensure that a range of sustainable options are available and ensure that site layouts prioritise the provision of modes of transport other than the car.
- 8.17 The applicants submission refers to the provision of sustainable transport modes available for the use of the site. This includes the cross country public footpaths and bridleways, nearby cycle provision and the availability of public bus services.
- 8.18 Scrutiny shows however that the potential for travel to the site, other than by private vehicle, is very limited. For those accessing the site as employees or office visitors, the only feasible option is likely to be the public bus services along the A120. The applicants submission acknowledges that the closest stops are some 800m distant from the site. Whilst the applicant refers to 5 bus services only one of these provides a regular service which is two hourly, on weekdays, between Bishop's Stortford and Hertford. Cycling provision is also limited, and other than cross country recreational routes via bridleways, would require the use of the very busy A120.
- 8.19 It is likely then that the majority of travel to the site would be by private vehicle with little opportunity to encourage other modes of travel. In this respect, the site must be considered relatively unsustainable in transport terms and must be assigned negative weight as a result.

- 8.20 Policy TRA1 also refers to the impact of proposed development on rights of way, seeking to protect them. Policy CFLR3 sets out that public rights of way must not be adversely affected by development.
- 8.21 The proposed development is likely to have an impact on users of the adjacent bridleway and footpath and the Rights of Way Officer at Hertfordshire County Council has raised a concern accordingly. Users of the footpath will be little affected once on the footpath as the development is separate from it. They will, of course, appreciate the introduction of a new building into the local environment.
- 8.22 With regard to the bridleway, this is proposed to be utilised by the development as its vehicular access. However, there already exists an access from the bridleway to the storage compound currently on the site and, whilst a further access is created, increasing the length of the bridleway which is more frequently used by traffic, this is a distance of some 40m. Many residents in the locality have objected to the proposals on the basis of the impact on their use of the bridleway and public footpath. It is considered there will be a harmful impact as a result of the development, but that this is limited.
- 8.23 Policy TRA2 requires all development proposals to have safe and suitable access, be acceptable in highway safety terms, not result in severe residual cumulative impact and not have a significant detrimental impact on the character of the area. The NPPF sets out that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the network would be severe.
- 8.24 In their submission the applicants have considered the traffic generation potential of these proposals in comparison with the wider Hadham Industrial Estate. Taking into account the floorspace provided the submission concludes that the existing

commercial floorspace in the area generates 50 two-way peak hour movements and a daily total of 527 two-way movements. The proposed development would supplement this with a further 25 two-way peak hour movements and 145 two-way daily movements.

- 8.25 In considering its response, the Highway Authority has raised concerns with regard to the increase in vehicles using Church End, however the impacts are not considered significant enough to justify refusal of the application on highway grounds. This is consistent with paragraph 109 of the NPPF, which sets the tests for refusing or preventing development, as set out above.
- 8.26 Policy TRA3 relates to vehicle parking provision. The proposal includes two new parking areas to the south of the bridleway, one of which has been implemented. The current parking standards in relation to B1 office uses require the provision of 1 space per 30sqm. The same standard is included in the emerging standards that the Council endorsed in March 2015. Given the location, it is not considered that any reduction in provision should be made. As a result, 30 spaces are required. This requirement is met.

#### Heritage impact

- 8.27 The relevant District Plan policies, HA1, 2, 3 and 7 require that development proposals preserve and where appropriate enhance heritage assets. The proposal is on land that has been identified as an area of archaeological significance and the HCC Historic Environment Adviser has stated that any impact will be mitigated by a condition requiring archaeological investigation works, should planning permission be granted.
- 8.28 Other heritage assets nearby include St Cecilia's Church (Grade I) and Church End Farmhouses (Grade II). The location of the development is such that it would intervene in views toward the buildings from the bridleway. However, both buildings are considered to be sufficiently distant that the proposals would have no more than a marginal impact on their wider setting. Buildings

at Hadham Hall are also listed, however the intervening trees, field and modern housing are such that the proposals have no detrimental impact on the setting of these buildings.

### Other matters

- 8.29 The climate change policies in the District Plan set out that all developments should demonstrate how carbon dioxide emissions will be minimised and how the design, materials, construction and operation of development will minimise heating and cooling requirements. No information has been provided in this respect. It is anticipated that measures can be incorporated into a new building such as that proposed to ensure that it does operate effectively with regard to climate matters. At this stage however it is not possible to conclude with regard to this matter.
- 8.30 Water policies in the Plan seek to ensure the efficient use of water resources and the most sustainable form of drainage system. This is the basis of the comment of the water company which seeks a sequential approach to the disposal of surface water. As above, there is no information in the submission which addresses this matter.
- 8.31 In relation to this matter, there is less potential for matters to be addressed if they are not designed in at the outset, as they require the use of land on the site, for example, for sustainable drainage features. The applicant has referred to the ability to incorporate such measures but they are not evident from the plans submitted.
- 8.32 Lastly, policy EQ1 requires land contamination to be addressed as part of development. In the case of this site, the current open storage use may have led to contamination of the site. However in respect of this matter it is anticipated that, if permission were to be forthcoming, it could be addressed by suitable testing of the land and implementation of appropriate remediation measures.

## **9.0 Conclusion**

- 9.1 The provision of employment space to support the rural economy is supported in principle but only where the development is appropriately and sustainably located and does not conflict with other policies in the District Plan. Support is provided to employment uses in rural areas by the NPPF and its reference to the potential sustainability of such locations is acknowledged. The positive aspects of the proposals, with regard to the potential for employment generation are recognised and are assigned positive weight. The NPPF refers to employment needs however and, whilst this proposal clearly makes provision, it is less clear that there is a need for it to be located here. In this respect the positive weight is reduced.
- 9.2 Balanced against this positive aspect of the proposals are the relative unsustainability of the site. This is assigned harmful weight of some significance given the scale of the proposals. The development is also considered to be harmful as a result of the prominence of the location and the impact it has with regard to the consolidation and extension of the commercial development in the otherwise rural area. Lastly, the proposals have some harmful impact in relation to the enjoyment and use of the adjoining bridleway, albeit limited.
- 9.3 On balance, it is considered that these harmful impacts outweigh the positive aspects of the proposals and as a result it is recommended that permission be refused.

## **RECOMMENDATION**

That planning permission be **REFUSED** on the following reason:

- 1 The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Herts District Plan 2018, where Policy GBR2 seeks to maintain the area as a valued countryside resource. As a result, forms of development that are permissible are limited.

It is not considered that the proposals constitute a form of development that can be supported because of the unsustainability of the location in transport terms and because of the impact they have by way of the consolidation and extension of commercial development in an otherwise rural area. The proposed development therefore is contrary Policies GBR2, ED2, INT1 and TRA1 of the East Herts District Plan and paragraphs 83 and 84 of the National Planning Policy Framework.

### Summary of reasons for decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.



**KEY DATA****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Class B1 Business	838 (gross)

**Non-residential Vehicle Parking Provision**

Use type	Standard	Spaces required
B1	1 space per 30m <sup>2</sup> gfa	30
Total required		30
Accessibility reduction		nil
Resulting requirement		30
Proposed provision		44