

DEVELOPMENT MANAGEMENT COMMITTEE – 16 JANUARY 2019

Application Number	3/18/1776/FUL
Proposal	Demolition of garages. Erection of an extension to Chelsing House comprising a two-storey commercial building (Use Class B1(c) - Light industrial and B8 - Storage and distribution) with single storey link. Reconfiguration of car parking and associated works.
Location	Chelsing House, Mead Lane, Hertford, SG13 7AW
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	6 August 2018
Target Determination Date	5 Nov 2018 with an ETA to 17 Jan 2019
Reason for Committee Report	Major application
Case Officer	Simon Dunn-Lwin

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The application site is occupied by 'Mode Lighting Limited', a manufacturer of architectural, commercial and energy saving lighting control solutions. Currently 34 full-time and 8 part-time staff are employed at the site.
- 1.2 The applicant has identified a need to consolidate a number of premises around Hertford for greater efficiencies. It is anticipated that the proposal would facilitate 86 equivalent full-time employees on this site.
- 1.3 The extension proposed would have a ridge height of 9m and eaves height of 7.5m. It would have a single storey flat roof link

element to the existing Chelsing House, with a height of 4.3m. Overall it comprises a total of 1,428sqm of additional gross internal floor-space over two floors. The ground floor of the extension will be split into roughly equal areas for light industrial (B1(c) use) and storage/distribution (B8 use). The new first floor will comprise entirely B8 floor-space. The new build will require that three current garage buildings on the site are demolished.

- 1.4 In total 16% of the new floor-space will be used for light industrial purposes and 66% for storage/distribution. The remaining area comprises circulation space and new staff facilities (toilets, kitchenettes etc.).
- 1.5 The proposed materials include grey metal cladding panels above a brickwork plinth to match the existing building. The eastern elevation includes a roller shutter door, located within the single storey connecting element, to facilitate goods movements. The building will have grey aluminium windows and doors. Boundary treatment to the site is unchanged, apart from where a 2.4m high close-boarded fence is to be implemented to the northern boundary. This boundary adjoins land which has been allocated in the District Plan (site HERT2) for mixed use, including residential, development.
- 1.6 The area around the new building within the site will accommodate plant and bin storage. Plant on the ground-floor of the existing building (air conditioning units), will be relocated higher-up to facilitate an efficient reconfiguration of parking spaces. 33 spaces are retained to the west of the existing and south of the proposed building, with 7 additional spaces created by part removal of vegetation to the south of the existing building. A further 4 spaces are located to the north of the existing building in the service yard.
- 1.7 The main issues relevant to the determination of the proposals are the principle of the additional commercial/ industrial floorspace, flooding and drainage matters, highways and parking, the impact caused in relation to the proposed mixed use allocation (site HERT2) to the north of the site and the impact in relation to design and landscape matters.

2.0 **Site Description**

- 2.1 The current building, Chelsing House, is a shallow-pitched two-storey building which is approximately 32 metres by 48 metres, with a gross internal floor area of 1,703sqm spread over two floors. The site includes areas of hardstanding for parking and servicing around the building, mainly to the west, with landscaping to the south and east side fronting a northerly spur road from Mead Lane. Vehicular access is gained to the south of the building, leading to the hardstanding to the west, with a secondary access from the spur road to land to the north of the building. In total, the site area comprises approximately 5201m².
- 2.2 The site is located in an area of industrial and commercial units to the east, south and west, all part of the Mead Lane industrial area. To the north lies site HERT2, designated for major mixed-use redevelopment in the newly adopted District Plan.
- 2.3 The site falls within Flood Zones 2 and 3, as shown on the Government and Environment Agency's 'Flood Map for Planning'. The site falls within close proximity to the River Lea. The site also falls within Zone 2 (Outer Zone) Water Source Protection Zone.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/83/0112/FP	Conversion of Warehouse to Factory and erection of store	Granted	13 Apr 1983
3/89/1582/FP	Installation of windows	Granted	27 Sept 1989
3/93/1584/FP	Erection of four portacabins	Granted	4 Feb 1993

3/96/1622/FP	Erection of single storey extension and permanent placement of container	Granted	13 Jan 1997
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4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018. There is no Neighbourhood Plan in draft or final form relating to this site.

Main Issue	NPPF	District Plan policy
Principle of development	Section 6	DPS1, HERT1, HERT6, ED1
Design and landscaping	Section 11 and 12	DES3, DES4, DES5
Impact on highway network and Parking	Section 9	TRA1, TRA2, TRA3,
Building sustainability, Flooding and Surface Water Drainage.	Section 14	CC1, CC2, WAT1, WAT2, WAT3, WAT5.
Relationship with future adjoining residential uses.	Section 12	HERT2, DES4, EQ2, EQ3

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 grant of permission subject to conditions including a construction management plan and travel plan.

5.2 HCC Fire and Rescue Service has made a standard request for the

provision of Fire Hydrants via a Section 106 legal agreement.

- 5.3 HCC Growth and Infrastructure Team confirms that it will not be seeking a financial contribution.
- 5.4 Lead Local Flood Authority (LLFA) originally objected on flooding and drainage grounds. Following consideration of further information on drainage strategy the LLFA confirms removal of the initial objection subject to conditions. The LLFA considers that the proposed measures can adequately mitigate against potential future flood events.
- 5.5 The Environment Agency (EA) has withdrawn its initial objection following consideration of the updated Flood Risk Assessment (FRA) and drainage details.
- 5.6 EHDC Engineering Advisor has withdrawn an initial objection following consideration of amended drainage and SuDS features.
- 5.7 Thames Water objects on the grounds that the proposal is within 15m of the nearby Sewage Pumping Station. However, Thames Water accepts that any approval the LPA grants should be caveated with an informative on proximity to a potential noise and odour source.
- 5.8 EHDC Landscape Advisor has withdrawn an initial objection following consideration of an amended layout plan which shows the partial retention of a group of birch trees to the front of the existing Chelsing House.
- 5.9 EHDC Environmental Health Advisor does not wish to restrict the grant of planning permission.
- 6.0 **Town Council Representations**
- 6.1 Hertford Town Council has no objection to the application.

7.0 **Summary of Other Representations**

7.1 The application has been advertised by a site notice, press advert and neighbour notification. No representations have been received.

8.0 **Consideration of Issues**

Principle of development

- 8.1 The site lies within the designated Mead Lane Employment Area, where District Plan policies HERT6 and ED1 apply. Policy ED1 supports the provision of new employment uses within designated Employment Areas including B1 (Business), B2 (General Industrial) and, where well related to the primary road network, B8 (Storage and Distribution) uses.
- 8.2 Policy ED1 II also goes on to state that the provision of new employment uses will be supported in principle, where they are in a suitable location where access can be achieved by a choice of sustainable transport and where they do not conflict with other policies in the Plan. New employment floorspace should be of a flexible design, able to respond to the changing needs of small and growing enterprises be energy efficient in construction and operation and have fully integrated communications technology.
- 8.3 In the NPPF it is set out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.4 In this case, the proposals comprise the consolidation of the operations of the company onto the site. So, whilst it does not contribute to a growth of employment uses in the town overall, the consolidation and efficient operation of an existing business is to be supported and is not considered to be at odds with the requirements of the relevant plan policies.
- 8.5 The Mead Lane area is close to transport facilities provided in Hertford and, for an attractor of trips (rather than a generator,

like residential development) the location is one where a range of transport options are available. By its nature, the consolidation of this medium scale employer to this site, the proposals meet the changing needs of this business.

- 8.6 In principle then, positive weight of some significance can be attached to the proposals in this regard.

Design and landscaping

- 8.7 The government attaches great importance to the design of the built environment and through the NPPF, recognises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 124 of the NPPF stresses the importance of creating high quality buildings and places as fundamental to what the planning and development process should achieve.
- 8.8 At the local level and in relation to the design of development, policies DES3 and DES4 align with the design objectives of the NPPF by setting out a number of criteria for development proposals to satisfy in the interests of achieving high quality living and working environments.
- 8.9 The proposed extension would be taller than the existing building on site and will accommodate a full first-floor rather than the partial mezzanine in the existing building. The design of the building is a function of the needs of the business and is fairly utilitarian in form and appearance. This is not dissimilar to other commercial and industrial buildings in the locality.
- 8.10 Members will note an initial objection from the Councils Landscape Advisor, based on the loss of trees to the southern boundary of the site to create new parking spaces. Initially the loss of all trees there was proposed, with the creation of 11 new parking spaces. Now, 7 spaces are to be provided in that part of the site and some of the existing trees retained. The Landscape Officer has withdrawn the initial objection on this basis.
- 8.11 Overall, in design and landscape terms, the proposals are

considered to be of a type and quality that are appropriate for their purpose.

Highway and Parking issues

- 8.12 Policy TRA1 of the District Plan sets out that development proposals should primarily be located in places which enable sustainable journeys to be made. Policy TRA2 requires safe and suitable highway access. TRA3 relates to parking provision.
- 8.13 The existing site accesses are retained, both to the south and north of the existing building. However, the proposals anticipate servicing of the site, after the extension has been implemented, as generally taking place via a new delivery door requiring delivery lorries to access from the north of the site. This access will also accommodate parking for 4 cars. At present this northern access would appear to be for car parking only. It would be widened to accommodate the larger delivery vehicles.
- 8.14 The southern access by comparison would see a reduction in use. Currently serving 46 set out parking spaces (but probably more through informal parking) and providing servicing for the building, it would serve 40 parking spaces only in the new arrangement.
- 8.15 The applicant indicates that there are currently 89 parking spaces on site. The existing plans of the site indicate a lesser number, but higher parking levels are probably achieved by informal/ double parking etc. Against that number, the proposal would result in the net loss of 45 spaces, leaving 44 spaces for employees and visitors.
- 8.16 The Highway Authority has considered the proposal and supporting Transport Statement and has examined the wider impacts of the proposed development on the adjoining local highway network. Following a review of the trip generation assessment within the Transport Statement, the Highway Authority is content to accept that the additional floorspace would not have a material impact onto the wider local highway network.

- 8.17 However, the Highway Authority recommends the inclusion of a planning condition requiring the preparation of a Travel Plan Statement. It is noted that the re-development of the site will change the existing higher level of parking to that which is more consistent with East Herts standards (see below). Given that more staff may be driving to work based upon existing level of parking, a Travel Plan Statement would be beneficial in order to ensure that alternative modes of transport may be considered prior to the redeveloped site operations commencing.
- 8.18 With regard to parking provision, the site will comprise a number of different use classes, within one planning unit. Application of the current (and standards considered by District Plan Panel at its 19 March 2015 meeting) indicate that 48 spaces are required to meet standards in full. The site is in a zone 4 location, where a discount of up to 25% on the total provision can be permitted, subject to local transport characteristics. In this location, where transport choices are available, it is considered that a 10% reduction as a minimum is reasonable, therefore the 44 spaces now proposed are acceptable.
- 8.19 In view of the above it is considered that the proposal would comply with Policy TRA3 of the District Plan and is otherwise acceptable in relation to its highway and transport impacts.

Flooding, drainage and building sustainability

- 8.20 The site lies within Flood Zone 2 and 3. There is therefore a risk of fluvial and surface water flooding with climate change events. Policy WAT1 of the District Plan seeks to protect the functional floodplain from inappropriate development. Policy WAT5 seeks to ensure that sustainable drainage solutions are implemented. A Flood Risk Assessment (FRA) has been submitted in support of the proposal. This, and accompanying plans, have been considered by the Environment Agency, the LLFA and the Council's Engineering Advisor.
- 8.21 While initial consideration of the submitted information was found unsatisfactory and elicited objections, the applicant has worked with the authorities to address concerns and has refined

the FRA and drainage strategy, to include appropriate mitigation and SuDS enhancement measures.

- 8.22 The revised FRA and drainage strategy and layout address the initial objections and meet the EA, LLFA and the Council's Engineering Advisors requirements. Subject to conditions set out below, and requested by the LLFA, the proposal is considered to comply with the development plan policies on flood mitigation and provides an appropriate sustainable urban drainage system approach.
- 8.23 With regard to building sustainability, the policies in the new District Plan set out that all development proposals will demonstrate how carbon dioxide emissions will be minimised in new build design and construction. The proposals do not set out any specific proposals in respect of this policy area and it is anticipated therefore that, whilst they will be building regulations compliant, they will not include any enhanced measures with regard to carbon dioxide minimisation.

Amenity of future adjoining residential development

- 8.24 As indicated above, the application site is located to the south east of the north easterly end of site HERT2, allocated in the District Plan. This is a site allocated to provide around 200 homes, as part of a mixed use development. So, whilst the adjacent part of the allocated HERT2 site comprises vacant unused land at present, it is likely to be redeveloped for residential and other purposes in due course. In that respect, in accordance with the requirements of policy DES1 of the District Plan, a Masterplan Framework for the development of the HERT2 site was reported to the Council's Executive on 23 October 2018 and subsequently to Council. The Framework comprises a material consideration for development Management purposes. In addition, a planning application for development of the HERT2 site has now also been submitted.
- 8.25 The building which forms the application proposals will bring commercial use closer to the boundary of the site with HERT2 to the north, than the existing building on the site (discounting any activity associated with the current external garage buildings). The

proposed building does have the potential to be beneficial in this respect, containing noise and activity within a purpose built modern building. In addition, the ground floor part of the new building closest to the HERT2 site, is to be in B1 use. B1 uses are ones which, by their nature, can be carried on close to residential use without impacting harmfully on amenity.

- 8.26 At first floor, the new building will be in B8 use, storage and distribution. Whilst such uses do have the potential to create a greater level of amenity impact, the characteristics of this proposal, being a first floor part of a single planning unit use, will rule out a large, free standing, warehouse distributive type use, which may result in a greater impact.
- 8.27 The proposals however do result in the introduction of greater servicing activity in close proximity to the boundary with the HERT2 site. In that respect, land to the north of the Chelsing House building, currently used for vehicle parking, will form the main servicing and delivery area for the site. As part of the development 2.4m high close boarded fencing is proposed to the HERT2 site boundary which will act to mitigate this impact.
- 8.28 In relation to site HERT2, the Masterplan vision envisages a substantial dedicated green space and flood attenuation ponds adjacent to the northern boundary of the application site, which is linked to an east-west green corridor through the HERT2 site.
- 8.29 However, it is the case, and this is followed through into the submitted planning application, that residential car parking and the associated residential uses do lie close to the far north western extent of the application site.
- 8.30 Members will note above that the response to consultation with the Environmental Health Officer was one of no objections to the proposals. Following submission of the application for development at the HERT2 site the Environmental Health Officer was requested to consider the matter again in the light of the new submission. The response received confirmed again that there is no objection to these proposals.

- 8.31 As part of the proposals, air conditioning units that are currently located at ground level to the western site of Chelsing House, are proposed to be relocated higher on the building. This is to maximise the space at ground level for vehicle parking. This elevation is enclosed to the north by the new building proposed and so, whilst the higher location of the units increases the potential for them to create an impact over a wider area, this will be mitigated by the enclosing effect of the new building.
- 8.32 Overall, it is considered that the potential for the proposals to impact harmfully on the residential amenity of occupiers of new development to the north of the application site is limited. It is mitigated by the provision of the new enclosing fencing and, whilst the planning application proposals for site HERT2 are acknowledged, these are yet to be determined and may be subject to change. The creation of an acceptable level of residential amenity will be a material issue to be considered within that determination.

Other Issues

- 8.33 Members will note the submissions from the Fire and Rescue Service (FRS) and Thames Water. The FRS seeks the provisions of fire hydrants through any Section 106 obligation. This is justified on the basis that the County Council has a statutory duty to ensure that firefighting facilities are provided to serve new development. As the County Council seeks adoptable public facilities, these are generally not within the building site and therefore not covered by the building regulation requirements.
- 8.34 In this case, a planning obligation agreement is not required for any other purpose. In addition, the County Council notes that the requirement for any additional facilities is usually unknown until water services are planned in detail for the new development – and it may be that no new provision may be required. In this case then it is recommended that the matter is covered by means of condition.
- 8.35 Thames Water has objected to the proposals on the basis of the proximity of them to a sewage pumping station. Whilst not residential in nature, the occupation of the buildings for commercial

purpose can still be impacted on by noise and odour from the pumping station.

8.36 In this case, given the current operation of the business from the site, it is considered that the impact, if any, will be known and accepted by the occupier. It is recommended that an informative be added to any permission, to highlight this potential impact.

9.0 **Conclusion**

9.1 The consolidation and efficient operation of the occupiers business as a result of these proposals is considered to be a matter to which significant positive weight can be given. Whilst it has been identified above that the building sustainability credentials of the building are not exemplary, the harm that is considered to result does not outweigh the positive support for the proposals.

9.2 In relation to all other issues it is considered that the proposals are acceptable in relation to relevant policy matters. There it is recommended that planning permission is granted.

RECOMMENDATION

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

Conditions:

1. 3 year time limit(1T12)
2. Approved plans (2E10)
3. Materials of construction (2E112)
4. No development shall commence until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Statement shall include details of:

- Site access and fencing;
- Construction and storage compounds (including areas designated for car parking);
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks; and
- Provision of sufficient on-site parking prior to commencement of construction activities.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

5. Before first use of the proposed floor space, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall accord with Hertfordshire County Council document Hertfordshire Green Travel Plan Guidance) together with a timetable for its implementation.

Reason: To ensure that the development is as sustainable as possible in accordance with the NPPF.

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Revision: Final, Job No. 1552, dated 22/10/2018, prepared by EAS and the following mitigation measures detailed within the drainage strategy:
 1. Limiting surface water discharge off the site at a maximum allowable rate of 4.0 l/s for the 1 in 100 year + 40% for climate change event into existing private surface water sewer.
 2. Implementing appropriate drainage strategy based on attenuation and discharge into a private surface water sewer which then discharges into Thames Water surface water sewer, using appropriate SuDS measures as shown on drawing no SK06 Rev. D - SuDS Layout, dated 22/10/2018 and planters detailed within drawing no. 8207-P02B.
 3. Providing attenuation to ensure no increase in surface water

runoff volumes for all rainfall events up to and including the 1 in 100 year + 40 % for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site to accord with Policies WAT1 and WAT 5 of the District Plan 2018 and Section 14 of the NPPF.

7. No development shall take place until the final design of the drainage scheme is submitted to and approved in writing by the LPA. The scheme details shall include:
 1. Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 2. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling.
 3. Final updated detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site and surface water management to comply with Policies WAT1 and WAT5 of the District Plan and Section 14 of the NPPF.

8. Landscape Works Implementation (4P13)
9. Prior to the commencement of any of the above ground works of the building hereby approved, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the provision of adequate publically adoptable fire hydrants to serve the development. Once approved the fire hydrant provision shall be implemented as

such and shall be made available for use no later than the commencement of the occupation of the building.

Reason: In order to ensure that adequate firefighting facilities are in place to serve the development.

10. Prior to the commencement of the occupation of the building hereby approved, the 2.4m high close boarded fence to be provided to the northern boundary of the site and as shown on plan 8207-P02B, shall be provided in its entirety. Once provided, the fence shall be retained in the approved form whilst the site is in operation for the approved use.

Reason: In order to ensure adequate noise mitigation for the potential occupiers of future residential development to the north of the site.

11. The building hereby permitted shall be used only for uses falling within Classes B1(c) and B8 of the Town and Country Planning Use Classes Order 1987 (as amended) or as may be subsequently superseded and ancillary uses, as shown on plan 8207-P06 and for no other uses.

Reason: In order to ensure adequate noise mitigation for the potential occupiers of future residential development to the north of the site.

Informatives

1. Other legislation (010L)
2. You are advised that the proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour and /or noise.

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 (the adopted East Herts District Plan 2018); 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)
B1(c) (new)	231
B8 (new)	947
B1(c) (existing)	233
B2 (existing)	832
B8 (existing)	370

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
B1(c) (new)	1 space per 35sqm	7
B8 (new)	1 space per 75sqm	12
B1(c) (existing)	1 space per 35sqm	7
B2 (existing)	1 space per 50sqm	17
B8 (existing)	1 space per 75sqm	5
Total required		48
Accessibility reduction		10%
Resulting requirement		43
Proposed provision		44

Legal Agreement - financial obligations

No legal agreement is sought in this case as the application does not comprise residential development.