

DEVELOPMENT MANAGEMENT COMMITTEE – 5 FEBRUARY 2020

Application Number	3/18/2781/FUL and 3/18/2782/LBC
Proposals	3/18/2781/FUL: Demolition of outbuildings change of use of farm buildings to B1(a) offices and B1(c) light industrial units. Repair to fire damaged stables and construction of new office buildings. Provision of 88 parking spaces. Construction of a balancing pond. 3/18/2782/LBC: Demolition and clearance of curtilage listed fire damaged farm buildings, the reconstruction of curtilage listed fire damaged farm buildings for office purposes and the alteration of existing curtilage listed farm buildings to enable change of use from light industrial to office use and for the reconstruction of curtilage listed fire damaged stable buildings.
Location	New House Farm, Wareside, Ware, Hertfordshire, SG12 7QT
Parish	Wareside Parish Council
Ward	Hunsdon

Date of Registration of Application	21 December 2018
Target Determination Date	5 February 2020
Reason for Committee Report	Major application.
Case Officer	James Langsmead

RECOMMENDATIONS

3/18/2781/FUL

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

3/18/2782/LBC

That listed Building consent be **GRANTED** subject the conditions set out at the end of this report.

1.0 **Summary of Proposal and Main Issues**

- 1.1 Newhouse Farm is situated to the south west of the village of Wareside, adjacent to the B1004.
- 1.2 The applicant has engaged with the Local Planning Authority in proactive and positive formal pre-application discussions prior to the submission of the current application to establish a suitable strategy for bringing the site back into use as an office focused scheme, with some industrial use. In the interest of clarity, the applicant has supplied a numbered site plan and schedule of curtilage buildings on site with their proposed uses as illustrated in Fig. 1 of attached Appendix 1.
- 1.3 Buildings 1 and 12 are to be rebuilt, with Building 1 to be used as Office Use (B1(a)), and Building 12 to remain unchanged and ancillary to the dwelling-house (Building 13).
- 1.4 Building 2 is to be demolished and rebuilt – used as Office Use (B1(a))
- 1.5 Buildings 3, 4, 5, and 9 are to be demolished to make way for a new internal access layout, car parking and landscaping, and will subsequently be re-provided in traditional farm style buildings along the western flank of the site.
- 1.6 Buildings 6, 7 and 8 are to be retained and changed from Light Industrial (B1(c)) Use to Office Use (B1(a))
- 1.7 Building 10 is to be retained in existing Light Industrial (B1(c)).
- 1.8 Building 11 to be retained with its use changed from Agricultural use to Light Industrial use (B1(c))
- 1.9 Building 13 is the Grade 2 Listed Building and is to be retained as ancillary accommodation.

- 1.10 In summary, the applicant proposes 1864m² of Office use (B1(a)) space – comprised of 1350m² through demolition and re-build development; and, 514m² through change of use of existing buildings. A further 324m² of Light Industrial Use (B1(c)) space through change of use of an existing building is also proposed. See Fig.2 of attached Appendix 1.
- 1.11 Two of the access points to the west side of the site are proposed to be closed up, with one remaining open and serving the residential farm house; and, the eastern access is proposed as the main point of access serving the commercial development. The access will undergo widening to facilitate vehicular needs of the site. An attenuation pond is also proposed to the east of the site.
- 1.12 The applicant seeks to take a phased approach to the implementation of the scheme. A phased approach will enable immediate works to restore the setting of the listed house together with the letting of a building for B1(c) light industrial purposes. Phase 1 works would be as follows:
- Alterations to building G as proposed, to enable occupation for B1(c) light industrial purposes.
 - The construction of buildings A and B, but not the occupation of these buildings.
 - The reconstruction and repair of the stables building adjacent to the house.
- 1.13 Phase 2 would involve construction of the remaining units involved in the proposals (Units C, D, E, F, H, I and J), however the occupation of all units (buildings A – J) would not be permitted until the proposed site access is implemented and the existing accesses were stopped up to avoid further traffic increases beyond the extant uses.
- 1.14 A separate application for Listed Building Consent has been made under application reference number: 3/18/2782/LBC for the listed and curtilage listed proposals within the development.

1.15 The main issues for consideration are:

- Principle of Office/Light Industrial development within the Rural Area Beyond the Green Belt;
- The impact of the design, layout and use of the development on the site and the character and appearance of the wider area;
- The impact of the development on the significance and setting Grade II listed and curtilage listed buildings on site;
- The impact of the development on nearby residential amenities;
- Highway impact, mitigation and parking provision;
- Flood risk and sustainable drainage impacts;
- Natural environment impacts;
- Landscape impacts;
- Archaeological impacts.

1.16 Members will need to consider the overall planning balance and whether the proposal will result in a sustainable form of development having regard to the above considerations.

2.0 Site Description

2.1 Newhouse Farm is situated to the south west of the village of Wareside, adjacent to the B1004. The property comprises a range of traditional and utilitarian farm buildings. The pre-1948 buildings are curtilage listed by virtue of their location adjacent to the grade II listed Newhouse Farmhouse, which is situated beyond the site boundary to the north. In September 2016 there was a fire on site which resulted in the destruction of a number of the curtilage listed farm buildings on site. The main farmhouse of the site is a Grade II Listed building and some of the various ancillary buildings are curtilage listed.

2.2 The applicant has supplied pre-fire event (prior to September 2016) site plan and schedule of curtilage buildings on site and their respective uses – an illustration and excerpt of this is provided in **Figs 1 and 2** of attached Appendix 1.

- 2.3 Buildings 1 (curtilage listed), 4 (curtilage listed), 7 (curtilage listed), 8 (curtilage listed) and 10 (no heritage significance) are occupied by business tenants – B1(c) (Light Industry).
- 2.4 Building 2 (no heritage significance) is in use as storage – B8 (Storage and Distribution).
- 2.5 Building 3 (no heritage significance) is in agricultural use as a straw barn.
- 2.6 Building 5 (curtilage listed) is occupied by a business tenant – B1(c) (Light Industry).
- 2.7 Building 6 (curtilage listed) had yet to be converted at the time of the fire from agricultural to B1(c) (Light Industry), as per previous consent in accordance with the previous condition 3/11/1043/FP.
- 2.8 Building 9 (no heritage significance) is unoccupied awaiting demolition and rebuilding as B1(a) (Offices) in accordance with the previous permission 3/11/1042/FP.
- 2.9 Building 11 (no heritage significance) is in agricultural use as a grainstore.
- 2.10 Buildings 12 and 13 (Grade II listed) are the main listed structures providing ancillary accommodation.
- 2.11 The site currently has four access points, three of which are located on the west side of the site accessed via an unnamed road, and one unmade access on the east side of the site, which joins the B1004. Built development is consolidated within main yard to the west of the site, and immediately south of the Grade II listed dwellinghouse and stable building.

3.0 **Planning History**

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

Application Number	Proposal	Decision	Date
3/11/1043/FP 3/11/1044/LB	Conversion of five redundant farm buildings to B1 light industrial workshops and replacement of one utilitarian building with a B1 light industrial workshop	<i>Granted with Conditions</i>	16.09.2011 14.09.2011
3/14/1734/CL	The building has been used for storage of building materials in excess of 10 years	Lawful	20.11.2019
3/15/1910/FUL 3/15/1911/LB	Conversion of 2no redundant farm buildings to B1 light industrial workshops	<i>Granted with Conditions</i>	06.01.2016 06.01.2016

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 (DP).

Main Issue	NPPF	DP policy
Principle of Office / Light Industrial Development within the Rural Area Beyond the Green Belt.	Section 2 and 6	ED1 ED2 GBR2
Design, Layout and Use impact on Grade II and curtilage listed buildings and character and appearance of the wider area.	Section 11, 12 and 16	DES2 DES3 DES4 HA1 HA7 GBR2
The impact on residential amenities.	Section 12	DES4
Highway impact, mitigation and parking.	Section 9	TRA1 TRA2 TRA3
Flood risk and sustainable drainage.	Section 14 and 15	WAT1 WAT3 WAT5
Impact on the natural environment.	Section 15	NE3
Landscape impact.	Section 11, 12 and 15	GBR2 DES2 DES3
Archaeological impact.	Section 16	HA3

4.2 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 originally objected with respect to the scale of the expansion of the commercial elements of the site and the attendant suitability of the access strategy and the ability of employees to travel to the site by sustainable modes. Revised and new information has been submitted to improve the sustainability of the site, including those relating to the enhancement of the existing bus service, new bus stops and upgrades to Right of Way 57

- in order to improve the connectivity and quality of route between the site and Wareside. The Highway Authority now is content that the development may be accommodated on the local highway network and that the mitigation package is sufficient to accord with the requirements of the adopted Local Transport Plan 4, subject to conditions and completion of Section 106 and Section 278 agreements in order to facilitate the highway works, sustainable transport and Travel Plan measures.

- 5.2 Lead Local Flood Authority (LLFA) Do not object in principle to the development on flood risk grounds, subject to conditions requiring (i) adherence of the development to the Surface Water Drainage Strategy submitted and stated mitigation measures; and, (ii) submission of the final design of the drainage scheme.
- 5.3 HCC Growth and Infrastructure Unit has advised that it will not be seeking financial contributions.
- 5.4 Thames Water has no comment to make on the application.
- 5.5 Environment Agency has no objection.
- 5.6 EHDC Conservation and Urban Design Advisor has commented on the Listed Building Consent application. They have advised that they are content with the design and layout of the replacement buildings and recommend the scheme for approval, subject to conditions.
- 5.7 HCC Historic Environment Unit advise that a condition is required to the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 5.8 EHDC Landscape Advisor has advised that the indicative layout is satisfactory, however a more detailed landscaping specification in respect of hard landscape materials and planting species is required. A condition is recommended.
- 5.9 HCC Ecology advise that the proposed mitigation, compensation and enhancement measures contained within the submitted

Ecological Appraisal (Elmaw Consulting, December 2018), satisfactorily meet expectations of NPPF in achieving overall, measurable, net gain. Conditions are recommended.

- 5.10 EHDC Environmental Health Advisor has raised no objections, subject to conditions.
- 5.11 Ancient Monuments Society raise no objections to the approach to the conservation of the site, however they suggest that proposed fenestration in Buildings 7 and 8 is overly domestic and would benefit from responding more boldly to the scale of the historic buildings i.e. larger two storey windows as opposed to multiple smaller openings and roof lights.

6.0 Parish Council Representations

- 6.1 Wareside Parish Council raised concerns about the following:

Traffic exceeds 30mph speed limit on B1004, particularly during rush hour. The traffic survey is not representative of the busiest time and the line of sight may be too short for safe access and egress of the site. The Parish Council would like to see a 20mph limit past the development and through the village.

Lighting should be considered. The site currently has lighting that is very bright, creating light pollution.

7.0 Summary of Other Representations

- 7.1 4 responses have been received objecting to the proposals on the following grounds:
- The new access would create queueing on the B1004 and would likely result in dangerous collisions due to the speed limit of the road;
 - There would be noise and disruption during the construction phases of the development;

- There would be congestion created by construction related traffic during the construction phases;
- There will be nothing to prevent the visitors / employees using the un-named road when trying to locate the entrance to the site. How will this be managed;
- How much S106 contribution will be made to the village;
- Highways improvements are needed as the roads are in poor condition from current traffic and heavy vehicles;
- Speed signs are required;
- The proposed access is on a corner and not easily visible;
- The road is narrow and will be taken up by large lorries;
- Dust and debris arising from lorries driving over unmade road;
- Landscaping should conceal the car parking area to ensure the rural character remains.
- Concerns of speeding along the un-named road;
- Traffic calming measures required on the un-named road;
- Damage to property from motorists using neighbouring property to turn;
- Construction work hours should be restricted for all phases of work.

8.0 Consideration of Issues

Principle of Development

- 8.1 As noted, the application site is situated in the Rural Area beyond the Green Belt, wherein Policy GBR2 is relevant. Part (c) of policy GBR2 allows new employment generating uses in accordance with policy ED2 (Rural Economy). Policy ED2(II) states that such proposals will be supported in principle. This is consistent with paragraph 83 of the NPPF, which states that planning policies and decisions should facilitate *“the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing building and well-designed new buildings.”*
- 8.2 The principle of change of use of existing buildings (four buildings) within the Rural Area beyond the Green Belt, to predominantly

Office use (B1(a)) and some Light Industrial (B1(c)), in this instance is acceptable in accordance with the District Plan and the NPPF.

- 8.3 In respect of the New Build development (four new office buildings – consolidated in groupings identified in the site plan as A/B, C, H/I and J), policy GBR2(c) and (e) state that such developments are acceptable in Rural Areas beyond the Green Belt as long as they are in *“sustainable locations”* (in accordance with policy ED2 - Rural Economy), and *“appropriate to the character, appearance and setting of the site and/or surrounding area”*. Policy ED2(l) of the District Plan (2018) seeks to *“support sustainable economic growth in rural areas and prevent the loss of vital sources of rural employment”*, through *“proposals that create new employment generating uses or expansion of existing businesses”*, in principle, *“where they are appropriately and sustainably located and do not conflict with other policies within the Plan”*. Again, the objective of this policy aligns with Paragraphs 83 and 84 of the NPPF, seeking to ensure that decisions *“enable: a) the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings”* and *“b) the development and diversification of agricultural and other land-based rural businesses”*.
- 8.4 The new buildings together with the change of use of existing buildings will reinstate the business floorspace lost to the fire, with additional space delivered through the insertion of first floors. Taking account of the site’s previous use as a mixed use agricultural/office use and light industrial employment site, the principle of such proposals to be acceptable, delivering a sustainable form of development that makes an important contribution to the expansion of the rural economy in accordance with Policies ED1, ED2 and GBR2.

Design and Layout

- 8.5 Policy DES4(l) requires buildings to be of a high standard of design and layout that reflects and promotes local distinctiveness. The submitted plans demonstrate that the design, mass, siting and

overall layout of the new build aspects of the development are of a similar farmstead character relative to the existing surroundings, complementing the remaining retained buildings and resulting in a satisfactory reduction in the number of utilitarian buildings on site. Overall, the design of the site breaks down the mass and replicates the form of a traditional farm yard where the buildings would have been added incrementally. Furthermore, in accordance with Part (I)(a) of adopted policy DES4, it is considered that the proposed layout of the site makes the best use of available land, rationalising the space on site for efficient access and egress for both pedestrians and vehicles, whilst utilising appropriate spacing and building heights to respect the rural setting and heritage assets within and surrounding the site.

- 8.6 The buildings would facilitate flexible re-use to adapt to changing social and economic trends. The proposals are designed to allow for single or multiple occupancy, catering for a range of small, medium and large business sizes, and this will consequently allow the site owner to respond to changing economic circumstances and tenancy demand.
- 8.7 The proposals are considered to be of an appropriate layout and design which respects the existing character, appearance and local distinctiveness of the site and its surroundings, and also preserves the setting of the Listed Building in accordance with policies DES3, DES4, HA1 and HA7 of the District Plan. This carries positive weight.

Heritage Impacts

- 8.8 Newhouse Farm includes a number of curtilage listed structures associated with the Grade II listed farmhouse situated in the north of the site (identified as Building 13 in the site plan – Appendix 1 Fig.1), and therefore regard must be had for Policies HA1 and HA7 of the District Plan and the policies within Section 16 of the NPPF.
- 8.9 These policies seek to preserve and enhance the historic environment and actively seek opportunities to sustain and enhance the significance of Listed Buildings.

- 8.10 Prior to the submission of the application, the applicant has engaged in extensive formal pre-application discussions with the Council Officers and the Conservation and Urban Design Advisor in order to produce a scheme of reinstatement, redevelopment and re-use that has an acceptable impact on the heritage assets on site - securing their optimum use, whilst further according with the principles of sustainable development as set out in the National Planning Policy Framework and subsequently adopted throughout the policies of East Herts District Plan (2018).
- 8.11 In support of the application, The applicant has supplied a Significance Assessment report (produced by AHP, dated: January 2017) and Historic Building Record (produced by PCA, dated: 2012) which inform of the historic significance of the buildings on site and provides a reasoned and reasonable basis for the restoration of those buildings identified as warranting it (Buildings 6, 7, 8, 12, and 13). The Council's Conservation and Urban Design Advisor concurs with its findings, advising that Listed Building consent may be granted. Officers are similarly content with the design and layout of the replacement buildings as proposed.
- 8.12 Whilst there will inevitably be a loss of significance and substantial harm to the listed building's setting resulting from the demolition, reinstatement and redevelopment of the site, the applicant has adequately justified the impact through the Historic Impact Assessment. On balance, it is considered that the proposals would secure the optimum viable use of the site, with well-designed, sympathetic, new and reinstated buildings that will enhance the Grade II listed building and curtilage listed buildings setting in accordance with Policies HA1 and HA7 District Plan. This carries positive weight.

Neighbouring Amenity Impacts

- 8.13 It is considered that the design, form and scale of the proposed new buildings reasonable and proportionate relative to the scale of the pre-fire buildings on site and the proposal will not result in

demonstrably harmful impacts to outlook or visual amenity of the neighbouring residential occupiers to the north and south of the site. The reinstatement of the existing buildings and the proposed new buildings, together with new landscaping will result in the significant visual improvement of the site.

- 8.14 The proposed use of the eastern access as the main entrance to the commercial uses and the closure of two existing western accesses and on site restrictive measures for the remaining western access, will ensure that traffic from the site will proceed directly to the B1004, as opposed to the unnamed lane to the west of the site. This will significantly reduce the amount of noise and disturbance through the reduced number of vehicular movements on the unnamed lane, to a level below those arising from the previously consented uses on site.
- 8.15 The new access will alleviate the immediate harm from vehicular traffic to the residential occupiers to the north and south, and whilst there would be a degree of traffic impacts to the neighbouring occupiers of 1 and 2 Northfield Cottages, on balance, this would not be demonstrably more harmful than the type of traffic from an intensified industrial and agricultural use on site, utilising the narrower unnamed lane to the west of the site.
- 8.16 Overall, it is considered that the development would have an acceptable impact on the residential amenities of nearby neighbouring occupiers. Neighbour impact is therefore regarded as neutral.

Highway impact, mitigation and parking provision

- 8.17 The application scheme contains proposals for the creation of a new primary access to the commercial units, on the east of the site - improving an unmade track to serve as the main access point for the site. Two of the existing access points on the west side would be closed up, with the one remaining open and serving the residential farm house.

- 8.18 Initially there were concerns in regard to highway safety and sustainability, particularly concerning: the access from the B1004 into the eastern access road, given the volume of traffic; the vehicle sweep paths for the junction of the new access; the visibility splays of the new junction; the width constraints of the B1004 in connection with the volume and type of traffic accessing the development. Further information was sought and agreed in respect of these matters.
- 8.19 Improvements to the sustainability of the proposed development would be achieved through the applicant's agreement to contribute to the enhancement of the existing bus service, new bus stops, and upgrades to the Right of Way 057 footpath, which connects unnamed road to the B1004 to the north of the site. This would improve the connectivity and quality of the route between the development and Wareside, where the bus services are located. Drawing numbers F16227/07 (Revised Bus Stop Locations) and F16227/05 Rev A (Proposed Passing Points) both illustrate off-site highway works, which have been sought to obtain improvements to existing bus infrastructure and service pattern to enable and encourage travel by sustainable modes. The provision of passing points will mitigate the concerns in respect of the narrowing of the road, allowing for a waiting point and safe passage of vehicles. In addition, signage will be provided on the B1004 to warn drivers of the proposed site access as part of Phase 2 – as identified with the Road Safety Audit Response Report (produced by TMS Consultancy - Ref: 15302; dated 31st October 2019). The improvements would be secured by Section 106 agreement, as detailed in the Planning Obligations section of this report and an agreement with the Highway Authority under Section 278 of the Highways Act.
- 8.20 With regard to the access works, the applicant proposes to phase the implementation, whereby the redeveloped access of Ware Road (B1004) to the east of the proposed development would be implemented prior to the Phase 2 development. Phase 1 works will not result in more traffic using the lane than that which is already consented. Phase 2 would include the construction of proposed Units C, D, E, F, H, I and J. Accordingly, a phased approach is

considered acceptable and would be conditioned to ensure that works are undertaken in this sequence, thus, avoiding and mitigating potential adverse highway and safety impacts on the local highway network from the increased traffic associated with proposed development.

- 8.21 The applicant has shown in Drawing F16227/02 Rev A, that existing access points to the development will either be closed and reinstated to verge or converted to passing points. This is acceptable and is to be in place prior to occupation of the Phase 2 buildings.
- 8.22 In order to better accommodate the additional trips generated by the development on Ware Road (B1004) between the village of Wareside and the proposed eastern site access, a scheme to provision passing points has been designed by the applicant. This addresses a section of the highway where the road narrows in places and can restrict the free flow of traffic, particularly for larger vehicles. Drawing number F16227/01 Rev D, 'Proposed Site Access' illustrates the proposed enhanced site access junction with the B1004 Ware Road and access road. The proposed junction is acceptable in terms of geometry and capacity and is acceptable to the Highway Authority.
- 8.23 The access road allows for sufficient width for vehicles to safely enter and exit the site access road. The Highway Authority have recommended a condition requiring full details of all site access road, internal layout and materials, to ensure that vehicles may manoeuvre satisfactorily through all areas of the site.
- 8.24 The applicant has submitted a Framework Travel Plan, which indicates that the individual units are proposed to have separate Travel Plans. The Highway Authority have commented that a timetable for implementation of the individual Travel Plans, set against the targets as outlined within the Framework Travel Plan should be agreed with Hertfordshire County Council's Travel Plan team.

- 8.25 The scheme proposes the provision of 88 parking spaces – with provision for 4 disabled parking spaces (5% overall). The development comprises of 1864m² of Office use (B1(a)) space and, 324m² of Light Industrial Use (B1(c)) space. Accordingly, the Council's adopted Parking Standards require 1 parking space per 30m² gross floor area for office use and 1 parking space per 35m² gross floor area for light industrials use. Taking these standards into account, the development would be required to provide a minimum of 80 car parking spaces for all commercial uses on site. It is therefore considered that development would make a minor over-provision for vehicle car parking on site (i.e. 8 spaces more) and therefore parking provision would be in accordance with the Parking Standards. In respect of cycle parking the Highway Authority have recommended that covered cycle parking is provisioned in accordance with the Council's adopted Parking Standards, and that the details of these provisions should be required by condition.
- 8.26 Overall, it is considered that the proposed development and its scheme of highway mitigation, subject to conditions and the completion of Section 106 and Section 278 agreements, would have an acceptable impact on the local highway network, and would therefore accord with Policies TRA1, TRA2 and TRA3 of District Plan and the requirements of HCC's adopted Local Transport Plan 4. The highway impact of the development is regarded as neutral.
- 8.27 A number of objections were received during the public consultation process for this application. These have predominantly comprised of highway-related matters which have been considered and addressed above. The Highway Authority are satisfied with the scheme of mitigation proposed for the development and its associated access, and therefore do not consider that the development would result in unacceptable highway congestion or safety impacts on the local highway network.

Flood risk and sustainable drainage impacts

- 8.28 The application site is situated within Flood Zone 1 and is not at risk of fluvial flooding.
- 8.29 The applicant has submitted a Surface Water Drainage strategy that sets out all of the measures proposed for managing surface water in line with the principles of SUDs. The Lead Local Flood Authority (LLFA) raised no objections to the drainage proposals. The proposals are therefore considered to be in accordance with policies WAT1, WAT2, and WAT5 of the District Plan, and the objectives of the NPPF. The proposal would have a neutral impact on flood risk.

Natural environment impacts

- 8.30 In support of the application, the applicant has submitted an Ecological Appraisal Statement (produced by ELMAW Consulting, dated: 19/12/2018). The report identifies that the majority of buildings examined on site have very low bat roosting potential – with exception of Building E which was found to be able to support a low conservation status, non-breeding roost of common pipistrelle (*Pipistrellus pipistrellus*) bat (pg. 1). In addition, the report identifies that the development will result in the removal and loss of ruderal/ephemeral vegetation; some grassland and approximately 100m of species-poor hedgerow – concluding that whilst they are considered to be of low ecological value, overall their loss will not have a significant effect on important bio-diversity.
- 8.31 In light of the losses and impacts, the appraisal makes recommendation for mitigation measures including the protection of any bat roosts and nesting birds and biodiversity enhancements through the introduction of an attenuation basin and new species-rich hedging along the car park site boundaries of the application site and the B1004 road. These measures are considered to make a valuable improvement to the sites current ecological and biodiversity value. The proposals are therefore considered to be compliant with Policy NE3 of the District Plan and the objectives of Section 15 of the NPPF. Overall, the proposal would positively enhance biodiversity.

Landscape impacts

- 8.32 The internal landscape where the majority of buildings are concentrated, in its existing state, comprises of a large area of concrete hardstanding, with no soft-scape areas to break up and soften the appearance of the site. With the demolition of a number of buildings and reconfiguration of the internal area to facilitate a carpark, the application scheme makes provision for green landscaping within the site, improving its overall character and appearance and enhancing the setting in context with the Listed Building and curtilage Listed Buildings on site. Landscaping improvements, in the form of species-rich hedging, have been made on the west and east road boundaries of the site, which again, improves the visual aesthetic and softens the site's overall appearance when viewed from the public realm, as well as making a valuable contribution to biodiversity and ecology. Subject to a condition requiring a detailed landscaping layout the proposal would accord with policies GBR2, DES2 and DES3 of the District Plan (and the objectives of Sections 11, 12 and 15 of the NPPF. The proposal therefore positively enhances the landscape setting of the site.

Archaeological impacts

- 8.33 The application site is situated within Area of Archaeological Significance No. 421. In support of the application, the applicant has submitted a Historic Building Record Report (PCA Report No. R11243 – June 2012) that was originally submitted in support of a pre-commencement condition for previous planning permission reference: 3/11/1043/FP – prior to the fire incident. This has been considered by the HCC Historic Environment Unit, who have advised that the proposals are likely to have an impact on heritage assets of archaeological interest, which can be suitably minimised through an appropriately worded pre-commencement condition to safeguard archaeological remains in accordance with Policy HA3 of the District Plan.

9.0 Planning Obligations

9.1 HCC Highway Authority have requested the following financial obligations:

- A Travel Plan Monitoring Fee to cover the monitoring of the Travel Plan and compliance with agreed targets (£6,000).
- Contribution to improve the Right of Way 054 footpath in line with the specification (timber sleeper option) and prices outlined in the NCS Countryside Services Ltd quote which has been provided by HCC, at the Phase 2 stage of the development (£27,120).
- Contribution to public transport enhancement - to re-instate an evening bus service for the M3/M4 route (£5000).

10.0 Planning Balance and Conclusion

- 10.1 Taking account of the site's previous use as a mixed use agricultural / office use and light industrial employment site, the proposed development would be considered to deliver a sustainable form of development that makes an important contribution to the expansion of the rural economy within the district in accordance with policies ED1, ED2 and GBR2 of the District Plan. This is regarded as a positive aspect of the proposal.
- 10.2 In accordance with Policies HA1, HA3, HA7, DES2, DES3, and DES4 of the District Plan, the proposed development would restore important heritage assets on site and ensure that the non-designated replacement buildings and landscaping are of high quality design that have an acceptable impact on the setting and curtilage of the existing listed and curtilage listed buildings, heritage assets of archaeological interest, and the wider surrounding area. The heritage impact is therefore regarded as positive.

- 10.3 In accordance with Policy DES4(c) of the District Plan (2018) the proposed development would not have a demonstrable adverse impact on the residential amenities of neighbouring occupiers. Neighbour impact is therefore neutral.
- 10.4 The scheme of on-site and off-site highways mitigation associated with the development is considered to offset the harm from increased vehicle numbers generated by the development, whilst securing improvements to Right of Way 054, the B1004 road, and bus services for the local area, in accordance with Policies TRA1, TRA2 and TRA3 of the adopted District Plan (2018). Subject to the mitigation the highway impact is regarded as neutral.
- 10.5 The site is not one of significant ecological interest at present and conditions will ensure that biodiversity will be enhanced as a result of the development.
- 10.6 It has been satisfactorily demonstrated that a sustainable drainage scheme can be provided and subject to a condition in regard to the detailed design of the system the impact of the development on surface water drainage is regarded as neutral.
- 10.7 Overall, the proposals are considered to meet relevant District Plan policy requirements are a sustainable form of development, and the planning balance falls in favour of the development. Both applications are therefore recommended for approval, subject to conditions and conclusion of a legal agreement.

RECOMMENDATION

That Listed Building Consent (3/18/2782/LBC) be **GRANTED** subject to the conditions set out at the end of this report.

That planning permission (3/18/2781/FUL) be **GRANTED** subject to conditions and to the satisfactory conclusion of a legal agreement.

3/18/2781/FUL**Legal Agreement**

Terms	Contribution (£)
A Travel Plan Monitoring Fee to cover the monitoring of the Travel Plan and compliance with agreed targets (£6,000).	£6000.00
Contribution to improve the Right of Way 054 footpath in line with the specification (timber sleeper option) and prices outlined in the NCS Countryside Services Ltd quote which has been provided by HCC, at the Phase 2 stage of the development (£27,120).	£27,120.00
Contribution to public transport enhancement - to re-instate an evening bus service for the M3/M4 route (£5000).	£5000.00
TOTAL:	£38,000.00

Conditions**3/18/2781/FUL**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of Materials (2E122)
4. Prior to any works as hereby approved being undertaken to buildings C, D, E, H, I and J, the upgraded access serving the development as shown on drawing number F16227/01 Rev D shall be completed in accordance with the approved plans.

Reason: To enable the Local Planning Authority to exercise control over the development, and in the interests of highway safety and amenity in accordance with Policies TRA1 and TRA2 of the adopted

East Herts District Plan (2018) and Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Buildings A and B shall not be occupied until the upgraded access serving the development as shown on drawing number F16227/01 Rev D is completed in accordance with the approved plans.

Reason: To enable the Local Planning Authority to exercise control over the development, and in the interests of highway safety and amenity in accordance with Policies TRA1 and TRA2 of the adopted East Herts District Plan (2018) and Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to commencement of Phase 2 of the development, the vehicular access shall be provided and thereafter retained at the position shown on the approved in principle drawing number F16227/01 Rev D. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
7. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
8. Prior to commencement of Phase 2 of the development, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number F16227/01 Rev D. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Prior to first occupation of Phase 2 of the development, the specified existing access points on the west side of the site shall be

converted to passing points as per drawing number F16227/02 Rev A. Any other access(es) or egresses shall be permanently closed, and a detailed scheme for the reinstatement of the highway verge and passing points shall be agreed with the Local Planning Authority, in consultation with the Highway Authority, concurrently with the bringing into use of the new access.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

10. No development shall commence until a Construction Traffic Management Plan (to include details of all development phases) 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 Plan shall include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining

road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

11. No part of the development hereby permitted shall be occupied prior to the approval of the Framework Travel Plan and the approval of the relevant Unit Travel Plans and the implementation of those parts identified in the approved Framework Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Framework Travel Plan and the Unit Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation of Phase 2 of the development hereby permitted, the off-site Rights of Way improvement plan works (as agreed with Hertfordshire County Council's Rights of Way Unit) shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to any above ground works hereby permitted, all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Construction of the development hereby permitted shall not be commenced until detailed plans and internal layout and car parking layout are submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level for Phase 2 shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing numbers F16227/07, Revised Bus Stop Locations and drawing number F16227/05 Rev A, Proposed Passing Points have been submitted to and approved in writing by the Local Planning Authority.
Prior to the first occupation of Phase 2 of the development, the offsite highway improvements shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

17. The development permitted by this planning permission shall be carried out in accordance with the Surface Water Drainage Strategy by MLM, dated 07/02/2018 (Document Reference: 618728-MLM-ZZ-XX-RP-C-0001), Revision 01 and the following mitigation measures:
1. Provide attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 2. Implement drainage strategy based on attenuation and discharge into ditch restricted to a maximum 5.6l/s for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Demonstrate that infiltration is feasible at the location of the dry pond or ensure connectivity to the River Ash.
 4. Undertake drainage strategy to include a basin and permeable paving as indicated on the proposed drainage strategy drawing 618728-MLM-ZZ-XX-DR-C-0110 and 618728-MLM-ZZ-XX-DR-C-0111.

Reason: To reduce the risk of flooding to the proposed development and future occupants

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Surface Water Drainage Strategy by MLM, dated 07/02/2018 (Document Reference: 618728-MLM-ZZ-XX-RP-C-0001), Revision 01. The scheme shall also include:
1. Detailed infiltration testing in accordance with BRE Digest carried out at the location of the dry pond. Where infiltration is not feasible a new outfall to the River Ash should be provided.

2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

19. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure any archaeological significance is recorded in accordance with Policy HA3 of the adopted East Herts District Plan (2018).

20. Prior to first occupation of Phase 2 of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should

be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

21. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties from noise pollution in accordance with Policy EQ2 of the East Herts District Plan 2018.

22. No industrial process, nor the use of any power tools, shall take place anywhere of the site, other than within the buildings on site.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

23. Deliveries by commercial vehicles shall only be made to or from the commercial premises between 0900 to 1900 hrs Monday to Saturday, and at no time on Sundays or Bank Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

24. Prior to first occupation of the development hereby approved, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the

approved details.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

25. Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan 2018.

26. The development shall be carried out in full accordance with mitigation and compensation measures contained within section 5.2 of the submitted Ecological Appraisal report (Elmaw Consulting, December 2018).
27. Reason: In the interest of achieving biodiversity enhancements and the protection habitats of protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy NE3 of the East Herts District Plan 2018 and Section 15 of the NPPF (2019).

Informatives

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website noted below:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

5. Prior to commencement of the development the applicant shall contact Hertfordshire County Council's Network Management team via nm.east@hertfordshire.gov.uk to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.
6. Under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Ash, designated a 'main river'.

Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. For further information please contact us at PSO-Thames@environment-agency.gov.uk.

7. Protected Species:

Bats

"In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England."

Nesting birds

"Any vegetation clearance or demolition should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not

practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."

Mammals

"Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped."

8. A valid licence by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2018 authorising the specified activity / development to go ahead, must be obtained before commencing works.
9. In respect of the drainage strategy, the ditch is not currently a mapped ordinary watercourse, however if connectivity to a watercourse or main river (the River Ash) is proven, then the LLFA are likely to consider this an ordinary watercourse. If this is the case, any works (permanent or temporary) to be carried out that may affect the ordinary watercourse or the banks require Ordinary Watercourse Land Drainage Consent under the Land Drainage Act 1991. This consent from the Lead Local Flood Authority is separate from the planning process.
10. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

3/18/2782/LBC

Conditions

1. 3 Year Time Limit
2. Samples of materials (2E12)
3. New Windows for Building 12 (8L03)
4. New Doors for Building 12 (8L04)
5. New Weatherboarding (8L07)
6. Rainwater Goods (8L09)

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 (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, 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(a) - Office	1862
B1(c) - Light Industry	574

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
B1(a) Office	1 space per 30m ²	63
B1(c) Light Industry	1 space per 35m ²	17
Total required		80
Accessibility reduction	5%	4
Resulting requirement:		84
Proposed provision:		88