

## DEVELOPMENT MANAGEMENT COMMITTEE – 10 AUGUST 2022

<b>Application Number</b>	3/22/0510/REM
<b>Proposal</b>	Reserved Matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure.
<b>Location</b>	Land at Bishop's Stortford South (BISH5) (Parcel D, St James' Park)
<b>Parish</b>	Thorley
<b>Ward</b>	Bishop's Stortford South

<b>Date of Registration of Application</b>	15 March 2022
<b>Target Determination Date</b>	14 June 2022
<b>Reason for Committee Report</b>	Member call in
<b>Case Officer</b>	Fiona Dunning

### **RECOMMENDATION**

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

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the conditions.

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

1.1 The principle of the development of this site and the access have been established through the granting of the hybrid/outline planning permission 3/18/2253/OUT and subsequent variation applications, the latest being 3/21/1749/VAR. The site is identified as the employment land part of the allocated site, Policy BISH5, of the East Herts District Plan 2018. The permission included a mixed-use development for around 750 dwellings, education facilities,

community facilities, a care home and employment land, with associated landscaping, sustainable drainage systems and other infrastructure, which was granted full and outline planning permission on 20th December 2019.

- 1.2 This proposal relates to the employment land and seeks permission for the reserved matters of layout, scale, appearance and landscaping. Up to 4 hectares of employment land was approved as part of the outline permission. The employment uses approved by the outline permission includes B1 (offices, research and development processes, industrial process suitable for a residential area), B2 (Industrial) and B8 (Storage or distribution) and a Car Showroom. The outline permission allowed for flexible land uses and floor space and therefore did not restrict the employment land uses or limit the floor space by condition. However, the outline permission approved parameter plans for building heights, density, access and movement, and green infrastructure and conditions of the outline planning permission which must be met for the proposal to be considered as a reserved matters application.
- 1.3 The land use has been determined by the outline planning permission and conditions. The proposed details which are the subject of this application are consistent with the outline permission and therefore can be considered as a reserved matters application.
- 1.4 The wider site has the Masterplan Framework that was agreed by Council on 25<sup>th</sup> July 2018 and this document as well as the parameter plans and conditions of the outline planning application are material considerations.
- 1.5 The reserved matters plans include 12 commercial units within 5 buildings of varying size and height between 11m and 15m.
- 1.6 Many objections have been received in regard to land use and traffic impacts. The access off the spine road and the range of land uses have already been agreed and do not form part of the reserved matters application and so are not for assessment.

- 1.7 The main issues that will need to be considered as part of the assessment are set out in section 4 of this report.

## **2.0 Site Description**

- 2.1 The site is located in the south-eastern corner of the Bishop's Stortford South land and adjoins St James Way on the southern boundary and Thorley Street on the eastern boundary. The site is currently vacant and the vehicular access has been provided as part of the full planning permission under 3/18/2253/OUT and subsequent variation 3/21/1749/VAR. This access is located off the recently completed roundabout on St James Way. On the western side of this roundabout is the site for the approved 80 bed care home. To the west of the employment site is the local centre, which has outline permission for a mix of retail, community use and residential. Public open space and a Thames Water pumping station are located to the north of the site. Beyond the pumping station sits Thorley Wash Cottage, a one and a half storey Grade II listed dwelling with access off Thorley Street. This dwelling has a 2 – 3m high hedge on its boundaries. Within the historic curtilage of Thorley Wash Cottage is an existing garage that has planning permission to be converted and extended to create a dwelling.

## **3.0 Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/18/2253/OUT	Hybrid Planning application comprising: (i) A full application for 142 dwellings (class C3) including affordable homes, plus associated accesses, landscaping, open space and infrastructure works	Grant Plan Permission w Conds	20th December 2019

	<p>(development zone A), and a north/south primary route; and</p> <p>(ii) An outline application, with all matters reserved except access, for approximately 608 (Class C3) including affordable homes, a care home (Class C2), up to 4 hectares of employment land (classes B1, B2, B8 sui Generis (car showroom)), a local centre including up to 1000 sq m for retail (Class A1), and up to 2200 sq m for other uses (Classes A2, A3, A4, A5 and D1), a primary school (Class D1) up to 3 forms of entry and including early years facilities, a secondary school (Class D1) up to 8 forms of entry, open space including equipped areas for play, sustainable drainage systems, landscaping and all associated infrastructure and development.</p>		
3/21/0364/VAR	Variation of condition 2 (approved plans) of	Grant Plan Permission	20th May 2021

	hybrid planning application 3/18/2253/OUT four 2 storey 4 bedroom dwellings be amended to 2.5 storey 5 bedroom dwellings.	w Conds	
3/21/1749/VAR	Removal of condition 35 (gates installed on all rear parking courts) of outline permission: 3/18/2253/OUT.	Grant Plan Permission w Conds	27th October 2021
<b>Reserved Matters applications determined:</b>			
3/212445/REM	Thorley Street buffer landscaping	Approved with conds	21 <sup>st</sup> July 2022
3/21/0717/REM	East-west road	Approved with conds	30 <sup>th</sup> March 2022
3/20/2580/REM	Northern open space, pumping station and substations	Approved with conds	3 <sup>rd</sup> March 2022
3/20/2584/REM	3 substations and intake substation		28 <sup>th</sup> January 2022
3/21/1807/REM	219 dwellings on Parcel C	Approved with conds	28 <sup>th</sup> January 2022
3/21/0916/REM	81 bed care home	Approved with conds	23 <sup>rd</sup> September 2021
<b>Reserved Matters applications under consideration:</b>			
3/21/2839/REM	155 dwellings on parcel B		
3/21/3161/REM	Pumping Station 1		

3/21/3187/REM	103 dwellings for Parcel G2		
3/22/0118/REM	Strategic landscaping of Green Corridor south of Parcel C, North of Parcels D and E		

- 3.1 In addition to the above, there have been several conditions of the above permissions discharged for the wider site. All approved reserved matters applications have been in accordance with the outline planning permission and the parameter plans and relevant planning policies. It is noted that the employment site previously had a reserved matters application submitted which was withdrawn and a further pre-application request submitted, prior to the current application being lodged.
- 3.2 Since the outline permission was granted, national planning legislation has changed and the B1 use class has been deleted and is now Use Class E. The former B1 uses, included offices, research and development and industrial processes. These B1 uses now fall within Use Class E(g)(i), E(g)(ii) and E(g)(iii). Use Classes B2 (general industrial) and B8 (storage and distribution) remain unchanged.
- 3.3 The conditions of the hybrid/outline permission that are required to be discharged for the employment site are listed below. It should be noted that S106 requirements, such as the Travel Plan and monitoring also apply to the development.

10. Construction and Environmental Management Plan (to be updated)

11. Landscape and Ecology Management Plan

12. 5 years to protect landscaping

14. Public transport details

- 17. Cycle routes (Plan GA21) within phase
- 18. Network of footways within phase
- 22. Limit of noise of external fixed plant
- 24. Internal air extraction, odour control, external ducting and flues
- 26. External lighting
- 27. High speed broadband
- 28. Electric vehicle charging points
- 29. Waste water network upgrade statement
- 30. Secured by Design (Commercial Developments)
- 31. Compliance with Energy and Sustainability Statement February 2019
- 36. External materials of construction
- 42. Details of transport and drainage details
- 47. Details of hard surfaced areas
- 49. Bird Hazard Management Plan
- 51. Drainage details
- 53. Completion of drainage works

#### **4.0 Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), and Bishop's Stortford Neighbourhood Plan (NP).

<b>Main Issue</b>	<b>NPPF</b>	<b>East Herts District Plan</b>	<b>Bishop's Stortford NP 2021 - 2033</b>
Principle of Development and compliance with Parameter Plans and Masterplan	Chapter 2, 4, 6, 11	INT1, DPS1, DPS2, DEL1, BISH1, BISH5, DES1, ED1	BSS1
Layout, Scale, Appearance, Landscaping (Reserved Matters)	Chapter 8, 11, 12, 15	BISH5, DES1, DES3, DES4, DES5, NE2, NE4, HA1, HA2, HA3, HA7	BSS2
Highway Impacts	Chapter 9	BISH5, TRA1,	BSS1, BSS4

		TRA2, TRA3,	
Impact on Amenity	Chapter 4, 12	BISH5, DES2, DES3, DES4, EQ2, EQ3, EQ4	BSS1, BSS2
Energy and Sustainability	Chapter 14	BISH5, CC1, CC2,	BSS5, CC4

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 raises no objection to the reserved matters application. In regard to travel routes for pedestrians and cyclists, there are three accesses into the site, with the main access being via the roundabout, the northern access adjacent to the green corridor and the eastern access onto the periphery park to the east.

### Trip Rates

- 5.2 The outline permission was for B1, B2 and B8 uses, and it is noted that B1 use class has changed to E(g) use class. The Transport Compliance Statement (TCS) submitted with the reserved matters application includes the use of the trip rates database (TRICS), and compares trip rates for 'Business Park' and 'Industrial Estate' and this has been interrogated as the outline permission was based on Business Park Use. The most recent data has been used to compare a Business Park and Industrial Estate.
- 5.3 Flexible uses classes were approved at outline with a Business Park used for trip rates. The floor space proposed is 16,770sqm. Using the industrial estate approach which is more relevant to the reserved matters, there will be a decrease in overall vehicle movements (especially by car) at all time periods but there will be a minimal increase in HGV movements. The industrial estate model will result in 71 additional HGV movements within a 24 hour period compared to the Business Park model. It is noted the Transport Compliance Statement submitted with the application sets out the

vehicle routing strategy for HGVs, with the preferred route via St James Way to the A120 and M11 and a Delivery and Servicing Management Plan.

- 5.4 The Highway Authority has also provided comments on the objections received in regard to the HGV movements and the TCS and do not raise concerns regarding these matters.

#### Car Parking

- 5.5 A total of 173 car parking spaces are proposed on site, with 24 of these suitable for disabled people and 20% (35 spaces) of these being active electric vehicle parking spaces and the remainder being passive spaces that could easily be converted if the units are occupied by uses which operate on a 24 hour basis, which would reduce the parking needs. The future occupiers may also not need loading areas and could apply for these areas to be used for car parking or cycle parking.

#### Cycle Parking

- 5.6 A total of 74 cycle parking spaces are proposed, which exceeds the standard and each individual unit has its own cycle parking stores that are covered and secured, which promotes active travel in accordance with LTP4 Policy 8 (Active Travel – cycling). The cycle parking has not made provision for non-standard cycles to accommodate people with mobility impairments. The provision of some cycle charging points is welcomed. A condition is recommended to secure this.

#### HGV Parking

- 5.7 It is noted that Units A1, A2, B1, B2 and D have been provided with loading bays for 16.5m long articulated lorries. Units C1, C2 and C3 are provide with loading bays for 12.5m long rigid trucks and Units C4, C5, C6 and C7 provide loading bays for 7.5m long box vans. There is sufficient manoeuvring space to accommodate the nominated vehicles for the identified units and the limited size of

loading bays will restrict the use of each of these units. In total, the site can accommodate 19 unrestricted lorries (7.5m – 17.5m) and 21 spaces with a managed system.

### Servicing and Delivery Strategy and Refuse Collection

- 5.8 A Framework Delivery and Servicing Management Plan (DSMP) has been submitted in the TSC. A total of 104 two-way HGV trips are anticipated to be generated daily for Units A1, A2, B1, B2 and D as these units have service yards/loading bays. The vehicular routes set out in the DSMP is on the strategic highway network (M11/A120). A condition for a Delivery and Servicing Management Plan is proposed.

### Extent of Adoption

- 5.9 The proposed adopted highway continues past the new Local Centre access and has been designed to allow a van to safely turn within the adopted highway. A S38 agreement will secure the works for this stretch of adoptable highway.

### Emergency Vehicle Strategy

- 5.10 The swept path analysis of the TCS shows that large vehicles can manoeuvre on site, with a turning head provided adjacent to Unit C4. It is noted that fire engines may have to reverse out of the carriageway of Units C1 – C7.

### Construction

- 5.11 A Construction Traffic Management Plan would be required for all phases of construction, including excavation and construction. The safety of the local highway network is required to be taken into consideration given the amount of development occurring on the wider site and it is noted that the outline consent has this condition.

## Travel Plan and Contributions

- 5.12 A Travel Plan has been submitted with the application. An agreed Travel Plan is required to be in place prior to first occupation and until 5 years post full occupation. These are set out in the S106 for the outline permission.
- 5.13 Lead Local Flood Authority has not provided comments. The LLFA commented on the outline planning application which provided a drainage strategy for the wider site and there are conditions on the outline permission that are required to be discharged.
- 5.14 EHDC Conservation and Urban Design Advisor raises no objection to the reserved matters application after providing advice at pre-application stage and concerns being addressed.
- 5.15 HCC Growth & Infrastructure Unit is aware of the s106 agreement dated 19 December 2019 and has no further comments.
- 5.16 EHDC Environmental Health Advisor (Contaminated Land / Air Quality) has no comments to make on the reserved matters application as the outline planning permission has relevant conditions covering these matters.
- 5.17 EHDC Environmental Health Advisor (Noise / Nuisance) has not raised any objections and requested a post installation noise assessment to confirm compliance with the Noise Impact Assessment and requested a condition for noise sensitive premises.
- 5.18 Safeguarding Authority for Stansted Airport has assessed the proposal and requests the existing Bird Hazard Management Plan has an addendum or separate specific management plan to ensure the roofs of the buildings are monitored and managed.
- 5.19 Waste and Recycling Advisor requested a condition requiring full details of on-site storage facilities.

- 5.20 EHDC Economic Development Advisor provides comments that the district has a lack of space for growing companies to move into and the layout of the buildings with different sizes provides opportunities for businesses to grow. There are a number of expanding businesses in Bishop's Stortford that will likely move elsewhere if the area can't cater for their future needs.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

- 6.1 Thorley Parish Council endorses the objection submitted by C Arnott and highlights that the traffic survey for the employment site at outline stage was for a Business Park not a warehouse development and traffic from the agricultural reservoir was not included, which significantly increases HGV movements. It is not considered the developer has demonstrated the provision of wildlife corridors or an increase in biodiversity and a new Construction and Environmental Management Plan must be developed. The limited layout of planting may provide songbird habitat but not other species. The heights have surpassed the height restrictions and there will impact on residential neighbours due to the residual noise and vibration, air pollution from traffic, 24/7 hours. The main areas of objection include the transport impacts due to an increase in HGVs, the loss of a Business Park and the jobs associated with that use. It is requested that if the reserved matters are approved then hours should be restricted, condition 19 of the outline permission be reviewed and a new s106 be entered into for mitigation measures for the significant increase in HGVs.
- 6.2 Bishop's Stortford Town Council does not object.
- 6.3 Sawbridgeworth Town Council objects on traffic impact grounds as the Transport Compliance Statement (TCS) states that the assessment should be on an Industrial Estate model rather than a Business Park model that the outline application was based. The proposal is considered to be closer to a Distribution Centre and

therefore the TCS should consider this as a Distribution centre and will generate significantly more HGV and commercial vehicle movements. HGV trips will increase from 33 for a Business Park to 104 (208 movements) for an Industrial Estate with 34 trips being in the evening/ overnight and Distribution Centre HGV movements are higher. The noise study shows that vehicles will use Thorley Street and Obrey Way and the impact on residents of Sawbridgeworth will be impacted due to HGVs using the A1184 to and from Junction 7A of the M11. It is requested that if the reserved matters are approved then hours should be restricted, condition 19 of the outline permission reviewed and a new s106 be entered into for mitigation measures for the significant increase in HGVs.

## **7.0 Summary of Other Representations**

7.1 Bishop's Stortford Civic Federation has advised that they have discussed the highways matters at the Steering Group meeting but continue to of the view that the proposal does not comply with the outline consent parameters and is not sustainable development. The main reason for objecting is due to:

- proposal is not a Business Park but for industrial and warehousing with no office-based uses (Use Class E(g)(i))
- a revised assessment of the worst case scenario is required as HGV movements have trebled from 66 to 208, with one third being during night time hours and would have a severe impact on road network
- economic and employment impact due to loss of site as a Business Park and loss of mainly office jobs to mainly industrial jobs and between 50 to 75% fewer jobs
- social and environmental impacts on residential environment, local road network and schools due to HGV impact on air quality and noise

7.2 132 responses have been received objecting to the proposals on the following grounds:

## Traffic and roads

- 728 HGVs and 8000 commercial vehicles as well as cars will have a greater impact on amenity, with HGVs using Thorley Street going north and Spellbrook and Sawbridgeworth to the south, passing schools and residential properties. A reduction in traffic generated but an increase in HGVs. Mitigation measures required
- Business Park traffic model used for outline and proposed Industrial Estate model has fewer trips generated but these are HGVs and commercial vehicles. A Distribution Centre model should be used. Concern that the Transport Compliance Statement refers to Hertfordshire Highway Authority agreeing to the Industrial Estate Model
- B8 uses are not appropriate due to traffic and this is the wrong location for such uses, which should be closer to motorway.
- HGV drivers will use shortest route through Bishop's Stortford or Sawbridgeworth
- Increased traffic congestion due to cumulative impact of additional homes and new schools
- Access roads are not suitable for HGVs and M11 junctions are not close to the site
- Further details of Delivery and Servicing Plan requiring HGVs to use A Roads to and from M11 will impact on A1184 through Sawbridgeworth to J7A of M11
- Condition 19 of outline has been discharged. How can exceedance of traffic movements be controlled now?
- ANPR cameras are needed to enforce restrictions on local roads by HGVs
- Highway safety concerns with conflict of road users (HGVs and cyclists/pedestrians)
- Insufficient car parking on site and employees are not likely to cycle/walk
- BS south development didn't consider BS North housing development or impact of M11 junction 7a
- Number of vehicles will be more than the number projected
- With recent M11 temporary closures the number of lorries using local roads had a significant impact on residential amenity

- New schools and housing not at full capacity and not taken into consideration
- Existing traffic congestion and proposal will make it much worse

### **Loss of Employment Opportunities**

- Loss of site as a Business Park and reduction in job creation contrary to Policy DPS1 and BISH5 and the reduction in floor space for employment does not utilise the site.
- Business Park use expected 900 – 1000 jobs and proposal is expected 251 – 466 jobs not the type of development that was expected

### **Air, Light and Noise Pollution and health impacts**

- Additional air pollution from increase in heavy goods vehicles and traffic congestion
- Site near to schools will impact on children
- 24/7 operation proposed and 1/3rd of traffic movements is in the evening. Working hours should be restricted between 11pm and 7am. Not consistent with planning statement of outline as there was no mention of 24/7 operational hours
- Health impacts on children due to HGVs
- Too close to housing and schools with pollution impacts and superficial landscaping. Noise pollution is already bad and proposal will increase noise levels
- No acoustic fencing proposed to the south
- Acoustic fencing is not high enough and does not surround all buildings
- Fumes from HGVs will impact on residential neighbours
- Additional impact on Hockerill junction
- Overnight lighting and noise impacts
- Diesel Fuel Storage areas are not shown on site
- Reverse beeping of lorries

## **Climate Change and other environmental impacts**

- Buildings and layout not enough to deliver Council's commitment to achieve net zero carbon by 2030
- Out of character with area with focus on schools and care home, unsustainable and over-development
- Unsuitable on Green Belt and area should be an open park
- Wider impact on environment
- Wildlife habitats destroyed
- Unsustainable location
- English Oak trees supports more wildlife than any other tree and could be used in the landscaping
- Wildflower list appears to lack suitable nectaring options and tall grasses Southern Country Park have a good range of wildflowers and it would be good to use these species
- Workers will not walk or cycle to/from work
- Proposal nowhere near carbon neutral

## **Design and Height**

- Height is overwhelming, visual impact
- Height of Building D1 is shown as 12.5m on one drawing and 19.5m on another
- Visual impact from London Road/Thorley Street and St James Way is overbearing in height and not in keeping with market town
- Flooding around Thorley has occurred due to loss of open space

7.3 Three (3) comments have been received supporting the proposal on the following grounds:

- Net Zero Carbon Construction through Planet Mark in accordance with GBC framework, EPC A Rating, CIBSE TM54, BREEAM Excellent through construction and operation. These should be secured by planning conditions. However, balance between mitigation measures and offsetting is not sufficient and further commitment is required. Carbon reductions over

Building Regs, and heat pumps proposed, specific carbon targets suggested to be conditioned. More Solar PV should be provided to a 3MW target rather than the 0.5MW proposed

- Change in design welcome with smaller units provided
- Proposed landscaping is encouraging with Elms attracting White Letter hairstreak butterflies

## **8.0 Consideration of Issues**

### Principle of development/compliance with hybrid/outline planning permission

- 8.1 The application is for reserved matters following the hybrid/outline planning permission 3/18/2253/OUT (and subsequent variation to this permission ref 3/21/1749/VAR), which included up to 4 hectares of employment land (B1, B2, B8 and Sui Generis (car showroom)). Therefore, the principle of use has already been established under this planning permission, which addresses many objections received. It is now for the local planning authority to determine whether the appearance, landscaping, layout and scale of development proposed are satisfactory and in accordance with the relevant Parameter Plans approved by the hybrid/outline permission. These Parameter Plans include Land Use, Building Heights, Access and Movement and Green Infrastructure.
- 8.2 The Land Use Parameter Plan identifies this reserved matters site for Employment. The hybrid/outline planning permission allowed for a range of employment uses to come forward on site (B1, B2, B8 and Sui Generis (car showroom) in order to allow flexibility and make the site more attractive for investment. The land uses proposed by this reserved matters application are consistent with this range of uses. Regarding the Building Heights Parameter Plan, the heights of the buildings are below the maximum of 13 metres for the western third of the site and 15 metres for the remainder of the site. The site provides pedestrian routes to the west, north and east in accordance with the Access and Movement Parameter Plan and the Masterplan, encouraging other forms of travel with covered cycle parking and changing/shower rooms with lockers. The

periphery landscaping is consistent with the Masterplan and Green Infrastructure Parameter Plan. It should be noted that the majority of the landscaping shown on the drawings sits outside the development site boundary for this reserved matters application but it has been integrated with the landscaping within the site boundary to provide a coherent landscaping proposal. The majority of open space / landscape area on the north, east and southern sides of the employment site is to be completed by Countryside and managed by the Lands Trust in a similar manner to other public areas on the wider site. The Landscape Masterplan (Drawing No. DR-0001 S4-P11) submitted with the application shows the landscaping around the buildings and includes the redline boundary.

- 8.3 The compliance with the hybrid/outline planning permission in regard to the land uses proposed and compliance with the parameter plans and the principles set out in the Masterplan Framework has significant weight.

Appearance, Landscaping, Layout and Scale (the Reserved Matters)

- 8.4 The reserved matters are about the design of the proposal and the 2021 update to the National Planning Policy Framework (NPPF) sets out the Government's requirements for achieving well-designed places. The 2021 changes to the framework further strengthen the requirement for high quality design by the inclusion of "*beautiful and sustainable*" in paragraph 126. The aim of this paragraph is for the creation of better places in which to live and work and development being acceptable to communities. The design and landscape policies in the East Herts District Plan (2018) and Bishop's Stortford Neighbourhood Plan are also relevant and establish policies to inform the design of new development to ensure that high quality, sustainable outcomes are achieved.
- 8.5 The hybrid/outline planning permission does not include a Design Code, but as stated, includes a number of parameter plans and these along with the adopted masterplan and the relevant planning

policies are a consideration in the assessment of the reserved matters.

- 8.6 The proposal includes 12 commercial units located within 5 buildings with each building having dedicated servicing areas, car and cycle parking and access off a central spine road.
- 8.7 Each building has a parapet to provide a clean finish with the buildings with prominent street frontages having an external frame to provide articulation. Unit D is the largest unit in scale and is located on the corner of St James Way and Thorley Street. The building is close to the site boundary with hedging proposed on the eastern and southern sides, supplemented with a mix of single trees and a Coppice fronting Thorley Street to help soften its appearance. The open space that sits outside the red line boundary of this reserved matters application (the subject of a separate reserved matters application) has been designed to complement the on-site landscaping. This adjoining open space is to have a path, amenity grass, hedgerow, coppice, trees and shrubs. Several section drawings of the buildings in relation to the adjoining public open space have been submitted with the application and they show an acceptable relationship between the landscaping and the proposed buildings.
- 8.8 To the north of Unit D, are two smaller buildings, Unit C, having a height of 11m, with a greater set back to Thorley Street frontage. This increased set back, lower height and scale of Unit C addresses the potential impact on the nearby Grade II Thorley Wash Cottage and provides additional areas for landscaping within the development site that will complement the adjoining public open space. The north elevation of Units C4 – C7 is also provided with high level glazing to soften the appearance of this building on the adjoining open space (Drawing No. B047/3295 Rev pl1). The acoustic fencing will also be softened by landscaping. Between the two buildings of Unit C there is a footpath leading from the public path adjacent to Thorley Street into the site. This is consistent with Policy BSS4 of the Neighbourhood Plan as well as the adopted Masterplan. It is acknowledged that Unit D and the southern building of Unit C

are close together but due to the variation in height, footprint and scale, they appear as two separate buildings. The landscaping on site and on the public open space has been carefully planned to soften the appearance of these buildings but also allow views to and from them. The first-floor office elements of these buildings will also create visual interest as well as surveillance of the public open space.

- 8.9 To the west of Unit C4 is a pedestrian access leading to the public landscaping and amenity space adjacent to the sustainable drainage ponds to the north. Due to the gap between Unit C4 and B2, a 4-metre-high acoustic fence is proposed. This is within the site boundary and landscaping is proposed on both the northern and southern side of the wall to soften its appearance. There is also a 2-metre-high acoustic fence to the east of Unit C7, which will have planting to soften its appearance.
- 8.10 Unit B is located on the western side of the employment land adjoining the site for a local centre. The parameter height is 13m for Building B and the local centre. Building B has a maximum height of 11.8m and is proposed to have landscaping on the northern side adjoining the public open space and on the western side adjoining the local centre site. To the south of the building is tree planting along a paved path, which provides the main tree-lined pedestrian access within the site from the western site boundary to Units B with pedestrian crossings to access Units A, C and D. The west elevation of the building containing Units B1 and B2 does not have any openings on the upper level as it is the back of the building and is likely to abut the car parking area of the local centre site. There were limitations on improving this appearance due to the potential uses impacting on the local centre residential dwellings.
- 8.11 Unit A is located on the southern side of the entrance to the employment site and has a height of 12.8m within the height parameter of 13m. This building is set back from the western boundary of the site where landscaping is proposed in accordance with the Green Infrastructure Parameter Plan. Unit A has a service yard to the north of the building for both units A1 and A2 and there

is a separate entrance to Unit A2 in this location. Unit A1 has its office facing west and overlooking the car park for this unit. A CGI provided with the reserved matters application shows the entrance to the site and Unit A1 with landscaping in front.

- 8.12 Whilst it is not considered that the proposed buildings are necessarily “beautiful”, they are modern, functional, and have a good quality finish. The external frames and large windows on the street frontages provide articulation and visual interest to street frontages, particularly on Unit D where the frame wraps around the corner of the building creating a landmark and focal point when arriving in the urban area of Bishop’s Stortford as required by Policy BISH5. The proposals are therefore considered to be acceptable in terms of appearance.
- 8.13 The red line boundary does not include the strategic landscaping around the perimeter of the site (as mentioned above this is the subject of a separate reserved matters application currently under consideration). The proposals demonstrate that the landscaping within the site has been integrated with the landscaping beyond the site boundary to provide a coherent landscaping proposal and provide a soft screen to the development when viewed from the surrounding roads. Tree planting has also been included within the site, for example along the spine road, and planting to help screen service yards and acoustic fencing has also been incorporated into the proposals. The proposals are therefore considered to be acceptable in terms of landscaping.
- 8.14 The Masterplan addresses the need to separate employment related traffic from the site by having the access off the roundabout, this was reflected in the approved parameters plans for the hybrid/outline application. This access lends itself to the provision of spine road through the site providing a dedicated access to each of the 5 proposed buildings with clear separation between parking and servicing areas. The location of the footpaths and cycle routes has been carefully considered to ensure they are legible, safe and link into the wider networks beyond the site boundary. The proposals are therefore considered to be acceptable in terms of layout.

- 8.15 Given the site has been used as farmland until recently, the buildings, in particular Unit D, will appear to be significant in scale, with this building and the other 4 taking up almost 50% of the site. The size of the buildings comply with the approved parameter plans and reflect the functional needs of the uses intended for them. Notwithstanding this and as mentioned above, the articulation of the elevations and the landscaping around the periphery of the site will help to reduce the visual massing of the buildings when viewed from the surrounding roads. The proposals are therefore considered to be acceptable in terms of scale.
- 8.16 The appearance, landscaping, layout and scale of the development is considered to be acceptable and in accordance with the relevant policies, parameter plans and adopted masterplan and indicate that the relevant conditions of the hybrid/outline planning permission can be met.

#### Highway Impacts

- 8.17 A Transport Compliance Statement has been submitted with the reserved matters application. The hybrid/outline planning application used a Business Park model to assess the trip rates for the employment site and the details of the reserved matters application has used an Industrial Estate model for trip rates. An objection has stated that a Parcel Distribution Centre model should be used instead as the worst-case scenario. The Highway Authority has provided detailed comments, which are set out in 5.1 – 5.12 above, and the authority is satisfied that the comparison between the two models is acceptable as the TRICS definition for Industrial Estate is 'a number of industrial buildings at the same site'. It is not appropriate for a Parcel Distribution Centre to be used as there is more than one building on the site and there are a range of unit sizes, with many of the units being too small for a distribution centre. It is highlighted again that the outline permission did not restrict the land uses of the B classes and therefore the proposal is consistent with the outline permission. The Highway Authority has provided comments on the objections received and confirms that

from a highway perspective the proposal is consistent with the outline permission.

- 8.18 Paragraph 6.33 of the Planning Statement submitted with the reserved matters application states that the units have allowed flexible uses in accordance with the outline permission, but potential occupiers are likely to need some B8 uses within their operation, which is why the Industrial Estate model has been used. The layout of the buildings does not lend themselves to a logistics centre. The reserved matters application has been designed for E(g)(ii), E(g)(iii), B2 and B8 uses in accordance with the outline planning permission that did not restrict these land uses. There is some E(g)(i) ancillary office use in each Unit and how this is used is dependent on the occupiers. The Framework Delivery and Servicing Management Plan (DSMP) submitted with the reserved matters application confirms that HGVs will not travel through Bishop's Stortford but will use the preferred route via St James Way to access the A120 and M11, which is deemed achievable and realistic to the Highway Authority. It is recommended a Full DSMP be conditioned and each occupier will be made aware of the requirements and ensure their suppliers are aware of the routing restrictions and records will be required to be kept by all occupiers and available on request by the local planning authority. This will be set out in the approved DSMP and be included in the lease agreements of all occupiers. If any leaseholders fail to comply with the approved DSMP then this can be resolved by both the landlord/owner and the local planning authority.
- 8.19 The site layout shows how parking will be accommodated within the site. Given the variety of units and users, the parking demand could vary depending on how the units are occupied. Due to the proposed use being for research and development, light industry, general industry and distribution and storage, it is difficult to determine the most appropriate car parking standard to use. The number of spaces was raised at pre-application and it was agreed that the Council's car parking standards would result in an over-provision of spaces and that other similar developments could be used as a guide. The number of spaces required, with a zone discount of 25%,

could range from 167 spaces for B8 uses to 314 spaces for Business Parks. It is considered that the provision of 173 car parking spaces and 74 cycle parking spaces is acceptable given the additional bus services available, the potential shift work and the emphasis for more sustainable forms of travel. The parking demand will also be managed through a Travel Plan, which is a requirement of the hybrid/outline planning permission. Details have been submitted showing turning for parking, as well as turning arrangements for larger vehicles, which are considered to be satisfactory.

- 8.20 In regard to the cumulative impact, the proposed reserved matters do not require a new traffic assessment and the road infrastructure providing access into the site, approved in full as part of the hybrid/outline permission, is fit for purpose. In addition, the Highway Authority is satisfied with the sustainable transport measures for the site with the additional footways and cycleways.
- 8.21 The proposed units each have a refuse storage area sitting within its curtilage and the larger units have facilities for cyclists and pedestrians to shower and change at work, which will encourage workers to travel to and from work via sustainable forms of travel consistent with Policy BISH5 of the District Plan and BSS4 of the Neighbourhood Plan.

#### Impact on Amenity

- 8.22 As previously stated, the outline planning permission did not restrict operating hours or the floor space for any of the land uses and this cannot be controlled as part of the reserved matters application. Many of the objections received related to these matters and are not a consideration of the reserved matters. The hybrid/outline permission included conditions about noise from plant and machinery and for new dwellings to be designed to take account of external noise sources. Notwithstanding this, the applicant has identified there may be an impact on Thorley Wash Cottage and has proposed a 4m high acoustic fence along the northern boundary of the site and a 2m high fence east of Unit C7. These acoustic fences are proposed to have suitable plants attached to them to soften

their appearance. With the acoustic treatment, the Noise Assessment submitted with the reserved matters application concludes that it is unlikely that there will be significant adverse noise impacts. The environmental health officer has also requested a condition requiring an assessment after implementation. This is considered reasonable so that the local authority can be satisfied that there is no statutory noise nuisance on nearby neighbours.

- 8.23 The details of the reserved matters do not raise any issues of impact on privacy or sense of enclosure, increased crime or loss of light due to the design and distance from the nearby residential properties. There will not be any HGVs that would travel past the new schools on site due to the through road being restricted to bus use only and the routing plan requires HGVs to travel on the A120 rather than through the centre of Bishop's Stortford.

#### Energy and Sustainability

- 8.24 The application is for reserved matters and therefore there was no requirement for the application to include details on energy and sustainability as this requirement will be addressed separately through condition 31 of the outline planning permission. There is also condition 28 requiring details of electric vehicle charging points. Notwithstanding, an energy strategy has been submitted with the reserved matters details to show compliance with condition 31 and 28 and how the proposal will exceed the requirements of the Building Regulations.
- 8.25 Charging points for electric vehicles and cycles are proposed within the development with 20% active and 80% passive, it is proposed for the buildings to be Net Zero Construction with carbon reductions above the Building Regulations and the buildings are to be BREEAM Excellent. The roofs of buildings A, B, C and D all show photovoltaic solar panels, but the exact number has not been detailed as this will be required when an application to discharge condition 31 is submitted. A condition is proposed to ensure compliance with the submitted Energy Strategy.

### Heritage matters

- 8.26 The site is in close proximity to a number of heritage assets, namely Thorley Wash Cottage (Grade II listed) located to the east of the site, Elm Trees (Grade II) located further north and Thorley Wash Grange (Grade II) located to the south. These were identified in the Heritage Statement submitted in support of the application. The impact of the proposals on the setting of these buildings is a material consideration.
- 8.27 The Council's Conservation and urban design officer has reviewed the proposals and does not consider that the proposals would give rise to an unacceptable level of harm on Elm Trees and Thorley Wash Grange given the separation distances from the development site.
- 8.28 Thorley Wash Cottage is closer in proximity and the proposals would have impact on its setting. The proposals were amended following the withdrawn application to ensure an appropriate relationship with the Cottage is achieved (i.e. reducing building heights and moving them further way from the eastern boundary). Officers are satisfied that the harm would be less than substantial and outweighed by the employment benefits of the development and therefore the proposals are considered to be acceptable on heritage grounds.

### Other Matters

- 8.29 In regard to the reduction of job creation, Policy DPS1 (b) provides the Council's aim for maximising jobs growth by making provision for 19 - 20 hectares of B1, B2 and B8 uses for the whole district and Policy BISH5 identifies 4 - 5 hectares of new employment land. The outline planning permission did not condition the amount of floor space for the employment site but it is noted that 21,000sqm was used in the outline application. The proposed floor space for the reserved matters application is 16,770sqm and the number of jobs created is likely to be between 251 and 466. The objections refer to a loss of jobs based on the hybrid/outline planning application,

which referred to 971 jobs for the whole site not just the employment site. The adopted masterplan and outline planning permission identified the site and approved up to 4ha of B1, B2, B8 and car showroom and the reserved matters application meet these requirements. It is also worth noting that the applicants have agreed to submit a Local Employment and Skills Plan (to be secured through condition) to help ensure that jobs at both the construction and end user phase are prioritised for local people.

- 8.30 The hybrid/outline application included a flood risk and drainage strategy and a number of conditions required further details to be submitted. These conditions applied to the wider site as well as each reserved matters development parcels. The relevant conditions for drainage for reserved matters parcels are Conditions 51 and 53. Condition 51 requires details of how drainage of the site will meet the requirements of the strategic drainage system. This includes the outfall rates and discharge rates assigned for each parcel as set out in the approved detailed drainage strategy. Condition 53 requires details of a Management and Maintenance Plan for the SuDS features and drainage network. The reserved matters assessment does not include any discharge of conditions and therefore these conditions are required to be discharged separately. In a similar manner to the appointment of the landscape architect, the applicant has appointed the drainage engineers who designed the SuDS for the wider site and therefore officers are content that the layout and other reserved matters are unlikely to result in the approved drainage strategy not being followed and that details for the site required by condition 51 can be met.

## **9.0 Planning Balance and Conclusion**

- 9.1 The adopted masterplan identifies the site for employment and the outline planning permission permits B1 (now E(g)(i), E(g)(ii) and E(g)(iii)) B2, B8 and Sui Generis (car showroom) uses. The proposal does include office use E(g)(i) but this is ancillary to the other uses. The Parameter Plans and Masterplan have been a consideration in these reserved matters application and have been met along with

the proposal meeting the policy requirements of the District Plan and Neighbourhood Plan.

- 9.2 The proposal will help deliver a range of new employment buildings within the district in accordance with the hybrid/outline planning permission and Policies BISH5 and DPS1.
- 9.3 The proposed layout, appearance, scale and landscaping of the development is acceptable and provides for a series of well orientated buildings which respond well to their context and surroundings. The appearance of the buildings is acceptable and akin to similar contemporary employment schemes.
- 9.4 Whilst the strategic periphery landscaping is not part of this reserved matters application, it is integral to the setting of the buildings and therefore a condition is proposed requiring the landscaping to be undertaken within the first planting season of the practical completion of the development.

## **RECOMMENDATION**

That reserved matters be agreed subject to the conditions relating to the reserved matters set out below.

## **Conditions**

1. No development shall commence until full details (in the form of scaled plans) have been submitted to and approved in writing by the Local Planning Authority to illustrate the roads and footways, ensuring dropped kerbs and tactile pavings are provided either side of the Local Centre access and all other access points to ensure the development facilitates pedestrian movements throughout the site.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Prior to the first occupation of the development, full details of the on-site storage facilities for commercial waste, including provision for recycling/organic waste shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, source segregation of waste in accordance with pre-treatment regulations.

3. All landscaping in accordance with the approved plans and the adjoining strategic landscaping, in accordance with the Green Infrastructure Parameter Plan of 3/21/1749/VAR, shall be completed / planted during the first planting season following practical completion of the development. The development shall be carried out in accordance with the details approved.

Reason: To ensure the landscaping outside the site boundary is fully integrated with the development of the site in accordance with the submitted plans and supporting information.

4. Prior to occupation of the first unit hereby approved, a Servicing and Delivery Plan shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

The Servicing and Delivery Plan shall contain details of:

- the delivery and servicing arrangements (including refuse storage and collection) for the proposed units,
- areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles,
- access to / from the site for delivery and servicing vehicles,

- the HGV routing register to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way when travelling to and from the A120 and M11 (unless otherwise making a delivery to the town itself),
- how the landowner will communicate the provisions and responsibilities of the Servicing and Delivery Plan to future occupiers to ensure they are adhered to in perpetuity.

Reason: In the interests of maintaining highway efficiency and safety; in accordance with Policies 5 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

4. A post installation noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the Sweco UK Ltd Noise Impact Assessment (Document Reference: 65202380-SWE-ZZ-XX-RP-YA-0001 Revision: C09 dated 21/02/2022) submitted in support of this reserved matters application for the E(g)(ii), E(g)(iii), B2 and B8 uses and additional steps to mitigate noise shall be taken, as necessary. The assessment shall be made in accordance with BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all equipment operating together at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

5. The development hereby approved shall be carried out in accordance with the Energy Strategy prepared by mba Consulting Engineers and within 6 months of post construction Certification of the following shall be submitted to the local planning authority:

- Net Zero Carbon construction in accordance with UKGBC framework
- Energy Performance Certificate A
- BREEAM Excellent
- The Planet Mark

Reason: To ensure compliance with submitted energy strategy and Policies DES4, CC1 and CC2 of East Herts District Plan 2018 and Policy CC4 of the Bishop's Stortford – All Saints, Central, South and Part of Thorley Neighbourhood Plan (1<sup>st</sup> Revision) 2021 – 2033.

6. Prior to commencement of development, a Local Construction Employment and Skills Plan (LESP) shall be submitted to the Local Planning Authority for approval. The LESP shall set out the package of measures to be adopted by the contractor to facilitate the employment of local labour and priority employment groups during the construction phase, and support provision for apprenticeships and other employment training opportunities and initiatives for local residents. As a minimum the LESP shall include:

- A forecast of all jobs, apprenticeships and other training opportunities that may arise from the development during the construction;
- How the contractor intends to ensure that local residents are given priority and able to benefit directly from the employment and training opportunities identified;
- How this will be monitored and reported back to the Local Planning Authority to demonstrate the requirements of this commitment have been met and that the outcomes can be monitored.

Following approval of the LCESP the relevant party will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure the objectives are met during the entire construction period.

Reason: To ensure the development will contribute to local employment as set out in Policy ED1 of the East Herts District Plan 2018.

7. Prior to first occupation, a Local Employment and Skills Plan (LESP) shall be submitted to the Local Planning Authority for approval. The LESP shall set out the package of measures to be adopted by the occupier of each hereby approved unit to facilitate the employment of local labour and priority employment groups during the operational phase, and support provision for apprenticeships and other employment training opportunities and initiatives for local residents. As a minimum the LESP shall include:

- A forecast of all jobs, apprenticeships and other training opportunities that may arise from the development;
- How the occupiers intend to ensure that local residents are given priority and able to benefit directly from the employment and training opportunities identified;

- How this will be monitored and reported back to the Local Planning Authority to demonstrate the requirements of this commitment have been met and that the outcomes can be monitored.

Following approval of the LESP the occupier of each unit will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure the objectives are met during their occupation.

Reason: To ensure the development will contribute to local employment as set out in Policy ED1 of the East Herts District Plan 2018.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no change of use away from those named in the description of development or erection of boundary treatments/fencing/walls shall take place without the prior written approval of the Local Planning Authority to whom a planning application must be made.

Reason: To ensure the site is retained as an employment site and the external appearance is not impacted by additional fencing in accordance with Policy ED1 and DES4 of East Herts District Plan 2018.

## **Informatives**

1. This decision notice should be read with the outline planning permission dated 20th December 2019; reference 3/18/2253/OUT and subsequent variations you are reminded that the conditions attached to that permission apply to this development.
2. Other legislation (01OL1)
3. Standard Highway informatives
4. Justification – Grant (JG4)