

## **Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/16/04082/FULL</b>
<b>LOCATION</b>	<b>1 Fen End, Stotfold, Hitchin, SG5 4BA</b>
<b>PROPOSAL</b>	<b>Demolition of the existing industrial unit and construction of 10 No. 2 bed flats with associated parking and landscaping</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>23 September 2016</b>
<b>EXPIRY DATE</b>	<b>23 December 2016</b>
<b>APPLICANT</b>	<b>Mr Saunders</b>
<b>AGENT</b>	<b>DLP Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor Cllr B Saunders, Call in for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>Overdevelopment</b></li><li>• <b>Highway Safety grounds</b></li><li>• <b>Out of Keeping with the streetscene</b></li><li>• <b>Impact of further development on services within the town</b></li></ul>

**Furthermore, applicant is related to Cllr J Saunders.**

<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>
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### **Reasons for Recommendation**

The application site is allocated for employment use under Policy E1 of the Site Allocations Development Plan Document (2011). Policy E1 and Policy CS10 of the Core Strategy and Development Management Policies Document (2009) seek to safeguard the site for employment use therefore the proposal for ten new flats would result in the loss of a safeguarded employment site which is unacceptable.

The proposal is therefore contrary to Policies CS10 and DM3 of the Core Strategy and Development Management Policies Document (2009) and the Site Allocations Development Plan Document (2011) and the NPPF.

### **Site Location:**

The application site is 1 Fen End Industrial Estate and comprises a vacant industrial unit on the corner of Fen End and Astwick Road. The site is enclosed by chain link fencing on the frontage of the site. To the south east the site is adjoined by residential properties in Astwick Road and to the south west there are existing occupied industrial units. Fen End is a small industrial estate of mixed uses on the edge of Stotfold.

### **The Application:**

The proposal is to demolish the industrial unit and replace it with a development of 10 x flats (mix of 1 & 2 beds) with associated parking and landscaping.

A previous application was applied in 2015 under planning reference CB/15/01897/FULL for the same number of flats (albeit different design and layout) which was refused for the following reasons which are material to this determination:

- The application site is allocated for employment use under Policy E1 of the Site Allocations Document (Adopted 2011), Core Strategy and Development Management Policy CS10 (adopted 2009) and Policy E1 seeks to safeguard the site for employment use therefore the proposal for 10 new dwellings would result in the loss of a safeguarded employment site which is unacceptable and the applicant has failed to demonstrate there is no prospect of the site being used for employment purposes through a comprehensive up to date marketing campaign. The proposal is therefore contrary to Policy CS10 of the Core Strategy and Development Management Policies Document (2009) and Policy E1 of the Site Allocation Document (2011).
- The proposal is considered to result in a harmful visual impact on the character and appearance of the surrounding area given the design and scale of the building which would appear unduly prominent within the street scene and would dominate the corner at the junction with Fen End and Astwick Road. The proposal is therefore considered to be contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009)
- The applicant has failed to demonstrate that the proposal would not result in significant impact from noise from the adjacent industrial units which would result in unacceptable impact on the amenity of future occupants of the properties. The proposal is therefore considered to be contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009)
- In the absence of an acceptable Surface Water Drainage Strategy the applicant has failed to demonstrate that surface water management can be properly maintained for the lifetime of the development it serves, in that it lacks the necessary ground investigation, hydraulic and structural design considerations and maintenance proposals. The proposal is therefore considered to be unacceptable and contrary to the National Planning Policy Framework.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012) & NPPG**

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

### **Site Allocations Development Plan Document 2011**

Policy E1 Safeguarded Employment Sites

### **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy

CS2 Developer Contributions

CS9 Providing Jobs  
CS16: Landscape & Woodland  
CS10 Location of Employment Sites  
DM3 High Quality Development  
DM4 Development within and Beyond Settlement Envelopes  
DM14 - Landscape and Woodland

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Supplementary Planning Guidance/Other Documents**

1. Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

#### **Application Number CB/15/01897/FULL**

Description	Demolition of the existing industrial unit and construction of 10 no. 2 bed flats with associated parking and landscaping
Decision	Refused
Decision Date	16/09/2015

#### **Application Number CB/14/03040/FULL**

Description	Proposed demolition of existing factory unit to build two number five bed houses and one number four bed house with associated garages, car parking and external works. change of use from general industrial to residential.
Decision	Refused
Decision Date	20/11/014

#### **Application Number MB/2002/0232/FULL**

Description	Change of use from vehicle repairs and sales to general industrial use to include the storage, surfacing and maintaining equipment in connection with supplying road traffic management systems and equipment.
Decision	Full Conditional Approval
Decision Date	August 2002

#### **Application Number MB/07/00783/FULL**

Description	Change of Use of to scaffold yard and depot
Decision	Refused
Decision Date	July 2007

#### **Application Number MB/07/00150/FULL**

Description	Change of Use of to scaffold yard and depot
Decision	Refused
Decision Date	March 2007

### **Town Council:**

Stotfold Town Council Town Council comments: Object as we consider the

(18/10/16) (*Verbatim*) - proposal to be overdevelopment of the site and in a style out of keeping with existing street scene, and planned properties in the vicinity. We have concerns about the increase in traffic that would result from this proposal, in that traffic would be required to travel along Astwick Road, which is a busy minor road, and through Stotfold to leave the town. Should this application be granted, attention must be given to the junction of Astwick Road/The Green/Regent Street, known as The Crown (P.H.) junction to accommodate the increase in vehicle movements and improve safety in this area. Acoustic fencing must also be provided around the site, both on the factory boundary and the boundary with adjacent dwellings.

**Consultees:**

CBC Pollution Officer (27/10/16) & (01/12/16) - No Objection, subject to the imposition of conditions to secure an appropriate noise attenuation scheme and ground contamination surveys and remediation.

CBC Highways Officer (19/10/16) - No Objection, subject to the imposition of conditions to secure appropriate access visibility and cycle storage.

CBC Economic Development (16/11/16) - Concerns expressed that the level of marketing and in its current condition as not a true reflection of viability or interest in the long term validity of the unit. Furthermore, no regard has been had to the impact of the development on the existing commercial operations.

CBC Strategic Landscape (27/10/16) - No Objection, subject to the imposition of a condition to secure landscaping.

CBC SuDs Officer (10/10/16) - No Objection, subject to the imposition of a condition to secure an appropriate design SuDs Strategy.

CBC Sustainable Growth (07/10/16) - The proposed development is below threshold of 10 houses and therefore the development management policies DM1 and DM2 in regard sustainability and renewable energy standards do not apply.

CBC Waste Services (03/10/16)- Recommends that bin collection point be located within the application site or on Astwick Road to prevent the need to enter Fen End.

CBC MANOP Officer (18/10/16) - Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support the dwellings in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.

CBC Ecologist (19/10/16)- No objection subject to the imposition of a condition to secure a net gain in biodiversity.

CBC Trees & Landscape Officer (19/10/16) - No Objection, subject to the imposition of a condition to secure a comprehensive landscape scheme demonstrating an adequate level of tree replacement in compensation for the loss of trees on the site.

CBC Local Plans (21/10/16) - This application proposes 10 residential flats on a Key Employment Site within the Settlement Envelope of Stotfold. The land is therefore 'safeguarded' for B1-B8 employment use.

Policy CS10 of the Core Strategy sets out that the Council should employ a flexible approach to safeguarded employment sites which have been under performing by supporting their redevelopment to non-B1-B8 employment uses that provide additional job creation. The NPPF also states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose." Therefore, in order to pass the tests of both national and local policy, the applicant is required to demonstrate that there is 'no reasonable prospect of the site being used for B1-B8 use and other appropriate employment generating uses. I do not consider that this requirement should and can be overruled by the 'presumption in favour of sustainable development'. Sources of local employment can be important factors in contributing to strong local economies and healthy communities. Stotfold has experienced recent loss of employment land to residential in other areas of the town. The further loss of employment land within Stotfold could be considered to be unsustainable and harmful.

Anglian Water (15/11/16) - Available capacity for foul sewage and drainage. No Objection, subject to the imposition of a condition to secure an appropriate surface water management scheme.

Internal Drainage Board (12/10/16) - No Objection, subject to the imposition of a condition to secure an appropriate surface water management scheme.

**Other Representations:**

Meadowcroft (13/10/16) -

Concerns expressed that the bins for the site would be collected from Fen End rather than within the site which could compromise either the emptying of their bins as they can't gain access to the drop kerb due to on street parking or prevent access of HGVs in relation to commercial units as a result of the bin collection.

**Determining Issues:**

The main considerations of the application are;

1. **Principle**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

## **Considerations**

### **1. Principle**

- 1.1 Fen End Industrial Estate is identified as a safeguarded Key Employment Site for B1, B2 and B8 uses within the Site Allocations Development Plan Document (adopted 2011) (allocation E1) which means that employment use on these sites will continue to be safeguarded under Policy E1 and Policy CS10: Location of Employment Sites of the Core Strategy and Development Management Policies Document.
- 1.2 The site is within the Settlement Envelope for Stotfold, given its allocation as a Key Employment Site, the redevelopment of the site for residential purposes would be contrary to Policy CS10 which safeguards Key Employment sites in order to strike a balance between housing growth and job provision. Paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use should be regularly reviewed and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.
- 1.3 The application site comprises an empty industrial unit which has clearly been vacant for a number of years. The applicant states that the unit has been advertised for sale or rent since 2006 however no suitable occupier has been found and therefore the unit has been left abandoned for a period of 10 years.
- 1.4 In 2007 planning permission was sought for a change of use to a scaffold yard and depot however the application was refused. Previously there have been a number of applications at the premises for various different uses as outlined above. Since then, the building has stood empty, is overgrown and run down.
- 1.5 However a previous application was applied for in 2015 which also indicated that the unit had not been used in 2006 however the application was refused as it was considered that the applicant had failed to demonstrate an adequate level of marketing for its existing use or any potential future uses. This matter despite the additional marketing information supplied for a further 1 year since the previous application, remains a fundamental concern.
- 1.6 Marketing and viability information has been supplied which has also been considered independently by the Councils Economic Development Team. The market strategy consists of a marketing board on the site (which was witnessed at the Officers site visit) and the placement of the availability of the property of a variety of websites. The marketing does demonstrate interest in the unit for a variety of other uses, however the agent has stated that these enquires were never followed through to a rental or purchase proposal due to the units poor connectivity and poor state of repair. However it is not clear how those conclusions were arrived at as there is no evidence of those who indicated interest reporting on why they had not taken up on the unit. In addition, it is

considered that the results of the marketing may not be a true reflection of need, due to the marketing of the unit in its present condition. The unit has been left to deteriorate to such a degree that the marketing results are likely to have been materially affected.

- 1.7 A viability assessment was also supplied which indicated that the demolition and erection of small units on the site (which are in greater demand within the area), was rendered unviable. These conclusions were arrived at as a result of the lack of interest at marketing however there is no evidence that the units were marketed in a way that considered redevelopment, subdivision or better improving the condition of the building or site.
- 1.8 It is noted that the building is in a state of disrepair and appears to have been neglected for many years. It is acknowledged that the building would require significant renovation or even demolition and rebuild, however it is the owners responsibility to ensure the building is maintained to a standard that would attract an end user and ensure the site is used for its intended employment purpose. The state of the building, which is under the full control of the applicant, cannot be considered as the sole reason which would outweigh the conflict with Policy CS10 and E1: the safeguarded employment site.
- 1.9 Based on the information submitted, the applicant has not sufficiently demonstrated that there is no real prospect of the building being used for employment purposes therefore the demolition of the unit and its replacement with 10 dwellings is considered to be unacceptable as it would involve the loss of important employment land. It would also make it difficult for the Council to resist applications for other vacant units in Fen End seeking redevelopment of their site for housing which would result in further loss of employment land, reducing the availability of local employment opportunities and choice of commercial premises. The proposal would not amount to sustainable development and is therefore contrary to the advice given in the NPPF and Policy E1 and CS10 of the Core Strategy and Development Management Policies Document (2009).

## **2. Affect on the Character and Appearance of the Area**

- 2.1 The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting. This is iterated in policy DM3 & DM4 respectfully.
- 2.2 The previous proposed development under planning reference CB/15/01897/FULL comprised of a two storey building sited on the frontage of the site with a covered access to the parking court at the rear. The application was refused as it was considered that the building would appear prominent in the street scene given its corner location on the junction of Astwick Road and Fen End and that the overall height of the building would be some 2 metres in excess of the adjacent residential properties leaving the proposal out of character with the prevailing streetscene. Furthermore the design of the building, particularly the rear elevation is bland offering no architectural features for such a large building in a prominent location.
- 2.3 The scale, layout and design of the buildings proposed have now been revised during the course of this application and are considered to be an overall improvement. The revised application has seen a reduction in the overall

footprint coverage and siting of the buildings in relation to the existing residential and making it largely self sufficient, so that the development can be read with greater context to the existing residential rather than the industrial estate. Furthermore the design has incorporated level differences and a set back nature at the corner and close to the existing residential units, to allow for a better transition from the existing to the proposed development and there has been an introduction in architectural features such as external cladding and increased glazing to provide a more interesting elevation with the streetscene.

- 2.4 The Councils Tree & Landscape Officer has advised that the previous application supplied a Tree Survey and Tree Protection Plan that identified a number of quality trees on site that included three categories A trees which would have looked for inclusion in any full application and in fact they were included in the plans for that scheme. Subsequently all these trees and other remaining trees have been removed. As such, the Tree and Landscape Officer and Strategic Landscape Officer have advised that they would expect a comprehensive landscape plan to be conditioned to include sufficient space in the site layout to allow for substantial tree planting to include trees of stature at maturity to compensate for the loss of the quality trees removed from the site.
- 2.5 It is considered therefore that the proposal would have no adverse impact on the character of the area and therefore the proposal would conform with policy DM3, DM13 & DM14 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

### **3. Neighbouring Amenity**

#### **3.1 Existing Occupiers**

The main residential property materially affected by the proposal would be the immediate neighbour No 46 Astwick Road. 46 is located to the south east of the application site and separated by a garden wall (approx 1.8m) and mature trees. Even if the vegetation were to be removed, the closest block due to its siting would not give rise to a significant loss of light or privacy. Furthermore, due to the siting of the flat block and its adequate separation on the boundary, it is considered that the proposal would not give rise to an overbearing impact.

- 3.2 Other properties in the vicinity are located some 35m from the rear elevation of the proposed flats which is considered to be a sufficient distance to avoid adverse overlooking. In terms of the amenities of the existing surrounding properties, the proposal is not considered to result in significant impacts to amenity.

#### **3.3 Future Occupiers**

Meadowcroft Food Services at units 7A and 7B Fen End have their yard area to the south west boundary of the proposed development. Meadowcroft Food are a food distribution company normally operating Monday to Friday. They have a daily milk delivery typically between 0300 and 0400 hrs where noise sources would include reversing beepers, unloading by hand into roll cages which are then rolled across the yard and into the building. Three times a week (Mon, Wed, Fri) between 0530 and 0600 hrs they have a food delivery with noise from reversing beepers, tailgate up and down, roll cages on yard and vehicle noise. Also twice a week before 0600 hrs they have a palletised food delivery that is off loaded by an electric fork lift truck. Typically they can have anything up to five deliveries a day before 0700 hrs in the morning. Also from 0630 hrs they have

chillers running to chill delivery vans prior to loading. They have a further 5 to 8 deliveries coming in per day and 10-15 vehicles are loaded to go out. Generally they finish around 1800 hrs. The chiller units are left on overnight within the building but they are contained within the building envelope. Objections were received on the previous application by the Pollution Officer due to the potential impact on future occupiers as a result of noise and disturbance.

- 3.4 The applicant has submitted earlier noise assessments for the proposed development and pre application discussions were held regarding the proposed layout. It was advised that the layout be modified so that windows of habitable rooms were not positioned to overlook the yard area of Meadowcroft foods, which has very early morning deliveries, as far as practicable. There are now no external amenity areas and the car park area has been placed along the boundary with Meadowcroft.
- 3.5 The Cass Allen assessment (which also relies on the monitoring data from the earlier assessments) has concluded that the CBC noise standards can now be met internally within the "worse case" rooms on the western site corner with windows closed. It is proposed to fix shut windows of habitable rooms that cannot achieve noise standards with windows open and provide alternative ventilation ( Mechanical Ventilation Heat Recovery). An acoustic barrier is proposed along the south western site boundary which will also provide a degree of noise screening at the dwelling facades particularly at ground floor level. The applicant has not provided the room by room glazing and ventilation specification or the manufacturers product data sheets for the selected products. This information would be required prior to development commencing as well as a design specification for the noise barrier.
- 3.6 It is considered that whilst the proposed dwellings will experience some industrial and road traffic noise the layout and orientation of the dwellings has been modified to reduce the potential impact and CBC noise standards can now be met within habitable rooms. As such, the Councils Pollution Officer has raised no objection subject to the imposition of a condition to secure noise attenuation.
- 3.7 In terms of external amenity, there is space around the buildings to provide external amenity provision for drying areas and the location could be secured by condition. In addition, the site is in accessible walking distance to the open countryside for recreational means.
- 3.8 The Councils MANOP Officer was consulted as part of this application and has indicated that there is a need for such accommodation within the area however, the applicant has updated the indicative plans to suggest that 1 bed or small accommodation could be facilitated within the scheme to provide opportunities for elderly provision. Due to the small scale nature of the development however we cannot insist on this obligation being fulfilled.
- 3.9 Bin storage and cycle storage facilities have been identified on the plan, the Councils waste officer advised that bin collection and storage should be facilitated within the site and there is sufficient space within the site to accommodate such facilities. As such this matter could be secured by condition as part of a planning permission. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highway Considerations**

- 4.1 The Councils Highway Officer has raised a number of concerns relating to the layout of the site in particular the cycle parking provision which is not favourable due to the location of the long stay cycle parking provision which is not overlooked and is 'open' sided and fronted. Furthermore the refuse storage/collection point is some distance from the highway and the refuse vehicle will have to park on street to collect the waste. Fen End has heavy on street parking issues which will impede the refuse vehicle getting close to the kerb, and the parked vehicles will obstruct access to the refuse vehicle (along with any raised kerb) for operatives to wheel the paladins to the rear of the collection vehicle lift.
- 4.2 A revised layout plan was supplied during the life of the application demonstrates that the refuse vehicle can get within the site and turn adequately and as such, arrangements for the collection point and bin storage have been repositioned on the basis that the site can be designed to be self sufficient in terms of waste collection and deliveries from large goods vehicles. In addition the cycle storage has been relocated to be naturally surveyed by future occupiers. Adequate parking provision is also proposed in accordance with the Councils parking standards.
- 4.3 As such it is considered that the proposal would not be prejudicial to highway safety subject to the imposition of conditions to secure the implementation of adequate turning and parking standards and as such would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

#### **5. Other Considerations**

##### **Biodiversity**

The NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has raised no objection the granting of this permission subject to the imposition of a condition requiring the provision of a biodiversity method statement which will include details of ecological enhancements and how they will be incorporated into the development proposal. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF

##### **Contamination**

The applicant has submitted a Reports 4 Planning Preliminary Risk Assessment Desk Study and Site Reconnaissance Report ref : 11CLR3166CW - Revision 1 with the application. The report concludes that there is significant potential pollutant leakages as a result of the former industrial planting activities surrounding the site. Therefore further investigation in the form of an intrusive site survey of soils and groundwater conditions will be required, along with an asbestos survey. The Councils Pollution Officer has raised no objection subject to the imposition of a condition to secure the investigation and any remediation prior to development commencing.

##### **Flood Risk & SuDs**

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. From 6<sup>th</sup> April 2015 local planning policies and decisions on planning applications relating to major development (developments

of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. A SuDS strategy was supplied for consideration and the Councils SuDS Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential and as such has not wish to raise any objection to this proposal subject to the imposition of conditions to control its provision at the reserved matters stage. As such it is considered that the proposal accords with the Councils adopted SuDS guidance and the section 10 of the NPPF.

### **106 Obligations/Affordable Housing**

Current advice contained within the National Planning Practice Guidance sets out the Government's position that tariff-style planning obligations and affordable housing provision should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace).

### **Human Rights issues**

The proposal raises no Human Rights issues.

### **Equality Act 2010**

The proposal raises no issues under the Equality Act.

### **Recommendation:**

That Planning Permission be REFUSED due to the following:

### **REASON FOR REFUSAL**

- 1 The application site is allocated for employment use under Policy E1 of the Site Allocations Document (Adopted 2011), Core Strategy and Development Management Policy CS10 (adopted 2009) and Policy E1 seeks to safeguard the site for employment use therefore the proposal for 10 new dwellings would result in the loss of a safeguarded employment site which is unacceptable and the applicant has failed to demonstrate there is no prospect of the site being used for employment purposes. The proposal is therefore contrary to Policy CS10 of the Core Strategy and Development Management Policies Document (2009) and Policy E1 of the Site Allocation Document (2011).

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **DECISION**

