

Item No. 9

APPLICATION NUMBER	CB/15/01897/FULL
LOCATION	Fen End Industrial Estate, Fen End, Stotfold, Hitchin, SG5 4BA
PROPOSAL	Demolition of the existing industrial unit and construction of 10 no. 2 bed flats with associated parking and landscaping
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	22 May 2015
EXPIRY DATE	21 August 2015
APPLICANT	Stotfold Motor Centre
AGENT	DLP Planning Consultants
REASON FOR COMMITTEE TO DETERMINE	The applicant is a close relative of Cllr John Saunders
RECOMMENDED DECISION	Full Application - Refusal Recommended

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 dwellings would result in the loss of a safeguarded employment site which is unacceptable.

The proposal also is considered to result in a harmful visual impact on the character and appearance of the surrounding area given the proposed layout and scale of building which would appear unduly prominent within the street scene and given the corner location of the site. Furthermore, the applicant has failed to demonstrate that the proposal would not result in significant impact from noise from the industrial units which would result in loss of amenity to future occupants of the properties.

The proposal also fails to demonstrate that the surface water management options are feasible, can be properly maintained and would not lead to any other environmental issues.

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 and extends beyond the application to the rear and opposite.

The Application:

The proposal is to demolish the industrial unit and replace it with a development of 10 x 2 bedroom flats with associated parking and landscaping.

RELEVANT POLICIES:

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

CS10 Location of Employment Sites

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

National Planning Policy Framework (March 2012)

Paragraph 22

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/14/03040/Full	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. Refused 20/11/014
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48/2002/0232 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. Approved August 2002

07/00783/Full Change of Use of to scaffold yard and depot - Refused July 2007.

07/00150/Full Change of Use to scaffold yard and depot - Refused March 2007

Consultees:

Stotfold Town Council No objections
Site notice 28/05/15

Other Representations:

Neighbours
44 Astwick Road One letter received - comments summarised

There were trees on the site which could have influenced this development however they have been felled. Dispute whether the size of parking spaces meets the requirements of a modern day car. There is already parking issue in Fen End with lorries and cars from the industrial units parking on the road and in Astwick Road. Insufficient parking could result in overspill onto surrounding roads. Omission of gardens for small family accommodation is detrimental. Addition of houses in Stotfold has already put pressure on infrastructure.

CBC SuDS Team The submitted Surface Water Drainage Strategy for the application CB/15/01987/FULL does not demonstrate that the surface water management options proposed are feasible, can be properly maintained and would not lead to any other environmental problems.

Therefore, in the absence of an acceptable Surface Water Drainage Strategy we recommend refusal of this application based on insufficient detail being provided regarding the mitigation of flood risk and a viable approach to the disposal of surface water.

CBC Highways There is an issue with a required turning area for a service/delivery vehicle. The agent states that this type of vehicle will not enter the site but instead park on Fen End and walk to service/deliver to the apartments. This is not realistic, the road is of a suitable width for a service/delivery driver to assume, and rightly so, that they

can access the site, but in doing so would have to reverse into Fen End, where visibility and manoeuvring will be obstructed by on street parking in the close proximity of the junction with Fen End/Astwick Road, and where drivers entering Fen End will not expect to be met with a reversing service/delivery vehicle. The reversing vehicle will also exceed the reversing distance as set out in the current design guide.

The cycle parking provision has been passed onto the cycle/walking officers for their comments, which to date have not been favourable due to the location of the long stay parking provision which is not overlooked and is 'open' sided and fronted.

The refuse storage/collection provision has been passed onto waste management and I do not believe the location is favourable. The 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.

All of these issues can be dealt with by conditions for information to be submitted prior to development but will require the vehicle parking provision to be reconfigured, along with the cycle parking provision and bin storage/collection point; this will inevitably require the site layout to be altered.

CBC Tree and
Landscape

A previous application for three dwellings on this site was refused, but received with that application was a comprehensive tree survey that identified three category A trees that would have been retained in a redevelopment of the site. These trees were part of shelterbelt of trees along the road front of the site and would have added mature landscaping and also a degree of sound reduction to the properties, an issue which is identified in this current application. Unfortunately it would appear that there was no interest in retaining any trees on site, the end result of which is that they have all been removed.

As such it would appear that all we can expect now is details for landscaping and boundary treatment.

CBC Ecology

Having looked at the proposals I would have no objection, however on looking at the aerial view on page 12 of the Design & Access statement it is clear that there are a

number of trees on site and yet the application form states no trees present. As the building has been left dormant for a number of years it is also possible that there could be a bat or bird interest in it.

CBC Public Protection - contamination Due to the previous use of the site, and it being the responsibility of the developer to make the site safe and suitable for use, relevant conditions should be attached to any permission granted

CBC Public Protection - Noise Object to the development on the grounds of unacceptable impact on future occupiers from the adjacent industrial uses.

Internal Drainage Board Ground conditions should be investigated and if satisfactory soakaways designed to BRED 365. If soakaways are not suitable the Boards consent is required for discharge to nearby watercourse. Alternatively the applicant should enquire to Anglian Water.

CBC Sustainable Growth The development should provide 10% renewable energy sources.

Strategic Landscape Officer Landscape Character / Visual Impact - this is a disappointing application as trees which would have made a contribution have been felled. I do not have any objection to the proposal to develop residential properties on the site . However, a detailed landscaping plan is required which respects landscape character and the rural frontage. The site falls within landscape character area 4C - the Upper Ivel Clay Valley - which has experienced a decline in character and amenity partly through the development of incongruous infill and a lack of screening and integration. The village of Astwick is considered particularly sensitive and it is important that the design is well screened to avoid intrusion in the views from Stotfold Common.

A planting scheme based on native hedging and includes feature trees which will contribute to the street frontage will be required. I would not consider a standard urban style planting solution eg Photinia or a tree with coloured or variegated leaves acceptable.

Determining Issues:

1. The principle of the development
2. The impact on the character and appearance of the area
3. Impact on amenity
4. Other considerations

Considerations

1. The principle of the development

- 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 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.
- 1.3 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.
- 1.4 While 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.
- 1.5 The applicant has submitted a Statement of Marketing in support of the application. It states that the property has been marketed by an appointed agent (Davies King Chartered Surveyors) and they were instructed to sell or let the unit in January 2006. In 2004 the property was advertised in a local paper and a board placed on the site and has been in place continuously since 2006 but was replaced in November 2014. The statement notes the previous planning history and decisions made by the Council citing this as a reason why the premises has not attracted an end user. In 2007 a scaffolding company expressed an interest however an application to change the use of the building to a scaffold yard was refused.
- 1.6 The Marketing statement does not include details of any further attempts to advertise the premises since 2007 apart from the board at the premises. It was noted during the site visit for the previous application that the board had fallen down and was overgrown with trees and shrubs. The board alone is not considered to be a sufficient means of marketing an empty commercial unit and other methods of marketing do not appear to have been explored in recent years.

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, which may not be viable, 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 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 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. The impact on the character and appearance of the area

2.1 The proposed development comprises a two storey building sited on the frontage of the site with a covered access to the parking court at the rear. The building would appear prominent in the street scene given its corner location on the junction of Astwick Road and Fen End. The design of the building, particularly the rear elevation is bland offering no architectural features for such a large building in a prominent location.

2.2 In terms of the scale of the building, the steeply pitched roof of the highest section is some 9m in height, well in excess of the adjacent residential properties which have low pitch roofs approximately 7m or so in height.

2.3 Policy DM3 seeks to ensure that new development contributes positively to creating a sense of place and respects local distinctiveness. While the area is mixed in character, the proposal would appear much larger in scale than the adjacent dwellings and would dominate this corner of the junction.

2.4 The proposal is therefore considered to result in a harmful impact to the character and appearance of the area given its scale, design and siting and is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

3. Impact on amenity

3.1 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. The garden of No 46 was viewed during a site visit and with the existing

boundary treatment at 46, the proposed building would be barely visible. Even if the vegetation were to be removed, the block noted as plots 1 and 2 is set back from the rear of No 46 therefore no significant loss of light or privacy would occur.

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.

3.3 In terms of the amenities of the existing surrounding properties, the proposal is not considered to result in significant impacts to amenity.

3.4 Amenity of future occupiers

The proposed development will be adversely affected to a significant extent by industrial noise from adjacent and nearby industrial units. The submitted acoustic assessment does not demonstrate that the councils noise standards can be achieved at the proposed dwellings.

3.5 Meadowcroft Food Services at units 7A and 7B Fen End have their yard area to the south west boundary of the proposed development and with the current layout ground floor habitable rooms, ground and first floor bedrooms would overlook the yard loading/unloading area and the front of the industrial premises. 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. It is understood that Meadowcroft have recently expanded into unit 7B and that therefore their business may have increased by approximately 1/3 since the Cass Allen noise assessment was undertaken in September 2011, with a corresponding increase in loading/unloading and delivery noise. It is also understood that existing houses in Saxon Avenue have complained to Meadowcroft foods about noise from milk deliveries waking them up and they have asked the driver to try a keep noise to a minimum but noise from this type of activity is difficult to control and early morning deliveries are essential to the operation of the business.

3.6 Maxima Fitness occupies unit 7C and is also located with their yard area to the south west boundary of the proposed development site. They have a goods delivery once or twice a week arriving at 0630 hrs. It is parked along the boundary fence with unit 1 Fen End for unloading which they do with a fork lift truck. They also load vehicles in the same location at the boundary with 1 Fen End. In addition they load a van with the fork lift truck from the storage containers located to the yard on the SE boundary of their unit in the evening

typically up to 2300 hrs. They usually work Mondays to Fridays and some Saturdays.

- 3.7 AGB Narib are located to the north east of the proposed development and are a joinery manufacturer. They generally operate from 0800 to 1700 hrs Monday to Friday and sometimes Saturdays 0800 to 1700 hrs. Generally deliveries are at 1015 hrs to the front of their premises, directly opposite the proposed houses. This will be unloaded with a gas powered Fork lift truck with reversing beeper and vehicle noise. Their roller shutter doors open into the main workshop area with wood working machinery and apart from being open for deliveries and collections loading/unloading are also open for ventilation during warmer weather. This will result in noise from woodworking machinery impacting on the proposed development. They also have an externally located dust extraction system in the yard between their unit and Plastic facilities/A J Joinery which has associated motor and air movement noise and can be clearly heard at the proposed development site.
- 3.8 Plastic Facilities are located in unit 1A Fen End and operate from 0730 to 1600 hrs Monday to Friday and 0700 to 1200 hrs Saturdays. They do not have any external equipment or machinery and are unlikely to significantly impact on the proposed development other than general vehicle movements on the Industrial Estate road.
- 3.9 A J Joinery are located in unit 1B Fen End they are open from 0600 to 1800 hrs 7 days a week. They undertake paint spraying on site (primer) with associated extraction plant, loading and unloading from as early as 0600 hrs. They also have an external dust extraction system located in the yard between their building and AGB Narib and there is a line of sight from this and part of their yard to the proposed development.
- 3.10 Unit 3 Fen end also has a roof mounted extraction system (believed to be Oakwood Joinery paint spraying extraction) which may require further investigation as to its potential impact and hours of operation.
- 3.11 Therefore there is significant noise and also potentially fumes/odours from industrial activities from adjacent units that impacts upon the proposed development site with deliveries/collections from as early as 0300 hrs to as late as 2300 hrs and indeed some plant may operate overnight too. Of particular concern is early morning deliveries to the industrial units to the south west boundary of the proposed development occur daily from 0300, then 0530 and with several more before 0700 hrs. The applicants proposal has bedroom windows for all of the proposed dwellings directly overlooking this yard area and it is felt that the delivery noise would make it extremely difficult for most people to get sufficient sleep if they occupied these rooms. Further concern is that several units operate external plant which may have tonal noise and noise at lower frequencies that are more difficult to mitigate through measures such as increased noise insulation.
- 3.12 The applicant has submitted a noise impact assessment for the proposed development. The noise assessment monitoring consists of a 24 hour period of remote monitoring from 1710hrs on Tuesday 17th September 2011 to 1640hrs on Wednesday 18th September 2011. The monitoring period was almost 4

years ago since that time significant changes have occurred at the Industrial Estate during this period including an increase in business at Meadowcroft Foods and the relocation of AJ Joinery into the estate along with associated external plant and equipment. Therefore the monitoring data is not considered to be representative of the current impact of the industrial noise on the proposed development.

- 3.13 Public Protection Officers raised a number of concerns regarding the methodology of the noise assessment and the applicant has been liaising with the Public Protection Officer dealing with the application. However despite attempts to overcome the objections, there is still a strong objection in terms of the impact on the amenities of the future occupants of the dwellings with regard to unacceptable noise levels. This is contrary to Policy DM3 which seeks to ensure that all new development respects amenity and complies with current guidance on noise.

4. Other Considerations

4.1 Contamination

Due to the previous use of the site, and it being the responsibility of the developer to make the site safe and suitable for use, should permission be granted conditions should be attached ensuring the land is assessed for contamination and mitigation measures proposed, if necessary.

4.2 Highways

Highways Officers have 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.

- 4.3 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.

- 4.4 Further there is an issue with a required turning area for a service/delivery vehicle. The agent states that this type of vehicle will not enter the site but instead park on Fen End and walk to service/deliver to the apartments. This is not realistic, the road is of a suitable width for a service/delivery driver to assume, and rightly so, that they can access the site, but in doing so would have to reverse into Fen End, where visibility and manoeuvring will be obstructed by on street parking in the close proximity of the junction with Fen End/Astwick Road, and where drivers entering Fen End will not expect to be met with a reversing service/delivery vehicle. The reversing vehicle will also exceed the reversing distance as set out in the current design guide.

- 4.5 The applicant has been made aware of the above issues which could be dealt with by condition but a suitable scheme is likely to result in an amended layout

which may require a further planning consent depending on whether the amended is material. It would be more appropriate for the issues to be dealt with during the application process.

4.6 Fundamentally there are no objections from a highways point of view subject to the above issues being resolved.

4.7 Affordable Housing

On 31 July 2015 the High Court quashed previously announced policy changes which directed Local Planning Authorities not to impose affordable housing contributions and other infrastructure contributions on housing proposals for ten dwellings or fewer. Therefore the Council is now able to consider such contributions on all housing developments.

4.8 However as the application was submitted prior to the decision of the court with the understanding that no such contributions would be required it is considered reasonable that in this instance no affordable housing or contributions would be sought from this development in this location.

4.9 Drainage

In line with para 103 of the NPPF, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In the absence of an acceptable Surface Water Drainage Strategy the proposal is considered to be unacceptable and contrary to paragraph 103 of the NPPF. In summary, the application lacks the necessary ground investigation, hydraulic and structural design considerations and maintenance proposals to demonstrate the proposed surface water drainage system is feasible and that it will safely manage surface water for the lifetime of the development which it serves.

4.10 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

Recommendation:

That planning permission is refused for the following reasons:

RECOMMENDED REASONS

- 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 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).

- 2 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)
- 3 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)
- 4 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively 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

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