

Planning, Design and Access Statement

Proposed residential redevelopment of 65 Bury Mead Road, Hitchin, Herts SG5 1RT to
provide 21 flats



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The statement is structured as follows:

- 1.0 Introduction
- 2.0 Background and site description
- 3.0 Proposed Development
- 4.0 Planning History
- 5.0 Planning Policy
- 6.0 Analysis
- 7.0 Planning Balance and Conclusions

1.0 INTRODUCTION

- 1.1 This Statement has been prepared to support an application for planning permission for residential development at 65 Bury Mead Road, Hitchin.
- 1.2 The site covers an area of about 2850m² and is located at the far end of Bury Mead Road industrial estate, which is a small industrial estate within the north east part of Hitchin.
- 1.3 There are residential properties immediately adjacent to the site. Whilst the access to the site is off Bury Mead Road, it has a long frontage with The Mead, which is a residential street.
- 1.4 The site is vacant. The plastic moulding company that previously operated from this site went into administration in 2016. The site has been effectively vacant for over one year.
- 1.5 The Statement includes a description of the proposal and its setting, considers the planning history and planning policy, and provides a justification for the proposal.

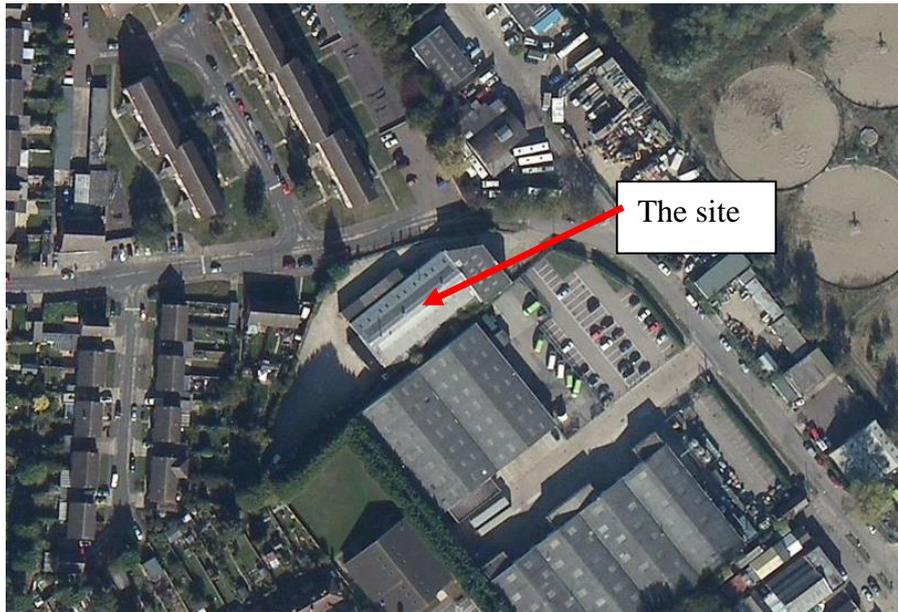
2.0 BACKGROUND AND SITE DESCRIPTION

Background

- 2.1 The original factory and front offices were constructed in the early 1960s. The applicant acquired the premises in 1991 shortly after a former tenant, Welwyn Building Supplies, had entered Administration.
- 2.2 Macrame Properties Ltd marketed the property in late 1991 and whilst an offer was received from Tyler Waste Management Ltd, their subsequent application for a Goods Vehicle Operator Licence was refused on the grounds that the noise from diesel trucks would create unacceptable noise for existing residents, particularly early in the morning.
- 2.3 An offer was subsequently received from Industrial and Commercial Mouldings Ltd (ICM Ltd) who had been a tenant since September 1992. Unfortunately, the company entered Administration in December 2016. The Directors of ICM Ltd sought to find an alternative tenant because of their personal guarantees and obligation to assign the responsibility for the lease, if possible.
- 2.4 The solicitor for the Administrators advised the applicant that the Administrators, Carter Clark, had vacated the premises on 22 July 2017. Since then, the marketing agents Aitchison Rafferty have had no success in attracting a new tenant. The Applicant has been informed that in the current market, the prospect of securing a new tenant is very low, particularly given the dilapidated condition of the property.

Site Description

- 2.5 The north side of the site is adjacent to The Mead, which is a residential street. There is only pedestrian access between The Mead and Bury Mead Road. There is parking to the front and rear of the site.



Aerial view of the site and surrounding area



Frontage to Bury Mead Road



Frontage to The Mead

- 2.6 There are two-storey residential properties adjacent to the site to the west and four-storey flats on the opposite side of The Mead to the north. There is an industrial unit immediately to the south of the site.



Dwelling to the west of the site



Block of flats opposite the application site

- 2.7 Given the location of the site adjacent to residential properties, it is considered that the site is suitable for residential redevelopment.
- 2.8 The Mead is a cul-de-sac that serves adjacent residential properties. There is a convenience store on the north side of this residential street near the junction with Old Hale Way.
- 2.9 Therefore, the site is at a point where a small industrial estate adjoins an established residential area. The longest frontage of this site is to The Mead which is a residential street, although the existing vehicular access to the site is from Bury Mead Road.



Convenience Store on The Mead

- 2.10 There are bollards at the end of The Mead to ensure that there is no vehicular access between The Mead and Bury Mead Road.



Pedestrian link to Bury Mead Road at the End of The Mead

- 2.11 This proposed development was the subject of pre-application consultation with the Council. The response raised concerns about the principle of residential development on this site principally on the basis of compliance with Policy ETC1 of the emerging local plan. This policy indicates that exceptional circumstances are required to justify the redevelopment of employment land for non-employment purposes. There are several matters of concern regarding the strict application of this policy, and its consistency with the National Planning Policy Framework, including; (i) a blanket protection of employment land regardless of the relative need for such land compared to the need for housing; (ii) the failure to consider the requirement to boost the supply of housing; and, (iii) the preference for the redevelopment of previously-developed land for housing over green-field land. In addition, the policy does not address the compatibility of the employment use with nearby non-employment uses. These matters are addressed in more detail later in this statement.
- 2.12 The pre-application response from the Council has been taken into account in this submission. However, since the Council's response of February 2018 (reference 17/04058/1PRE), the revised National Planning Policy Framework has been published. This document places greater emphasis on the redevelopment of previously developed land, offers greater support for medium sized housing developments such as this proposal, and encourages the redevelopment of existing vacant buildings for residential purposes, even advocating that the existing floorspace of buildings should be proportionately off-set against the amount of affordable housing required. Moreover, paragraph 118(c) requires substantial weight to be given to the value of using suitable brownfield land within settlements for homes.
- 2.13 In addition, within the planning balance, the Council does not currently have a 5-year supply of deliverable housing sites, due to the adoption of a precautionary approach regarding sites that may be delivered by the emerging local plan. Therefore, paragraph 11 (d) of the revised Framework is engaged which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 2.14 It is considered that there would be no adverse impacts when assessed against policies in the Framework that cannot be adequately addressed by planning conditions. Therefore, it is suggested that planning permission should be granted for the proposed housing development.

3.0 PROPOSED DEVELOPMENT

3.1 It is proposed to erect three small blocks of flats on the site, providing a total of 21 flats.



Propose site layout

Block A

Ground Floor

Flat 1 = 2 bedroom,
Flat 2 = 1 bedroom

Cycle storage for 13 bicycles

General storage units

Bin store 2 x 1100L bins + 3 x 240L bins

First Floor

Flat 3 = 2 bedroom

Flat 4 = 2 bedroom

Flat 5 = 1 bedroom

Second Floor

Flat 6 = 2 bedroom

Flat 7 = 2 bedroom

Flat 8 = 1 bedroom

Block B

Ground Floor

Flat 1 = 2 bedroom

Flat 2 = 2 bedroom

Flat 3 = 2 bedroom

Cycle storage for 16 bicycles

Bin store 4 x 1100L bins and 4 x 240L bins

First Floor

Flat 4 = 1 bedroom

Flat 5 = 2 bedroom

Flat 6 = 2 bedroom

Flat 7 = 2 bedroom

Second floor

Flat 8 = 2 bedroom

Flat 9 = 2 bedroom

Block C

Ground Floor

Flat 1 = 1 bedroom

Flat 2 = 2 bedroom

Second floor

Flat 3 = 1 bedroom

Flat 4 = 2 Bedroom

Detached cycle and bin store

Totals

6 x 1-bedroom flats

15 x 2-bedroom flats

21 flats in total

Car parking = 42 spaces

Communal garden area



Aerial view

- 3.2 It is proposed flats would be market houses, with the flats in Block A proposed as build-to-rent and the flats in Blocks B and C (13 flats) would be for market sale, within the definition set out in the National Planning Practice Guidance, and the applicant would enter into a S106 agreement to ensure this. Build-to-Rent homes are now encouraged by the recently revised National Planning Policy Framework (see paragraph 64).
- 3.3 Regarding the provision of affordable housing, paragraph 63 of the revised Framework stipulates support for the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, and that any affordable housing should be reduced by a proportionate amount. Footnote 28 confirms that this should be equivalent to the existing gross floorspace of the existing buildings. Whilst, the application site is vacant, the building has not been abandoned and therefore Footnote 28 applies to this application. This matter is also addressed in more detail in the submitted draft Heads of Terms.
- 3.4 Access to the site would be from The Mead, which is a cul-de-sac that serves the residential properties nearby. The existing access to the site off Bury Mead Road would be closed-off.

- 3.5 There would be parking to serve the proposed development, in the form of a total of 42 spaces, including visitor spaces. There would also be secure cycle spaces, bin storage areas and open amenity areas.

4.0 PLANNING HISTORY

- 4.1 There is no planning history relevant to the application proposal.

5.0 PLANNING POLICY

National Planning Policy Framework - July 2018

- 5.1 Paragraph 8 identifies three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways. These are: economic, social and environmental.
- 5.2 Paragraph 9 confirms that these objectives should be delivered through the preparation and implementation of plans and the application of policies of this framework: they are not criteria against which every decision can or should be judged
- 5.3 Paragraph 10 states “so that development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”.
- 5.4 Paragraph 11 sets out this presumption and in terms of decision-taking this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important in determining the application are out of date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. The adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 5.5 Section 5 of the new document sets out policies for delivering a sufficient supply of homes.

- 5.6 Paragraph 62 indicates that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required. However, paragraph 63 confirms that “ ***to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount.***”. Footnote 28 confirms that a proportionate amount is equivalent to the existing gross floorspace of existing buildings.
- 5.7 Paragraph 67 confirms that Planning Policies should identify a supply of specific, deliverable sites for years one to five of the plan period.
- 5.8 Paragraph 68 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
- 5.9 Paragraph 71 confirms that Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home) unless the need for such homes is already being met within the authority’s area.
- 5.10 Section 11 of the new document addresses making effective use of land. Paragraph 118 (c) stipulates that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and (d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 5.11 Section 12 deals with achieving well-designed places.

The Development Plan

- 5.12 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The

development plan includes the saved policies of the North Hertfordshire District Local Plan No. 2, April 1996 with amendments 2007 (LP).

The North Hertfordshire District Local Plan (LP)

5.13 **Policy 8: Development in Towns** – within the towns of Baldock, Hitchin, Letchworth and Royston and at North East Stevenage (Policy 4), the Council will normally permit proposals to meet the majority of the development needs of the District if the aims of other relevant policies are met.

5.14 **Policy 26: Housing Proposals** – this deals with housing provision between 1986 and 2001 and is therefore out of date.

5.15 **Policy 57: Residential Guidelines and Standards** sets out guidelines for the design, layout, mix of dwelling sizes, floorspace, orientation, privacy, amenity space, landscaping, noise, car parking and garaging, and servicing.

Other Material considerations

Emerging North Hertfordshire Local Plan 2011 to 2031

5.16 This emerging local plan was submitted for examination on 9th June 2017. An examination in public was scheduled for November 2017, and the Inspector will consider the soundness of the submitted plan based upon the criteria set out in Paragraph 182 of The Framework.

5.17 **Policy SP1: Sustainable Development in North Hertfordshire** – supports the principles of sustainable development by

- Maintaining the role of key settlements with and adjoining the District as the main focus for housing, employment and new development making use of previously developed land where possible;
- Granting planning permission for proposals that individually or cumulatively:
 - (i) Deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan;

- (ii) Create high quality developments that respect and improve their surroundings and provide opportunities for healthy lifestyle choices;
 - (iii) Provide the necessary infrastructure required to support an increasing populations;
 - (iv) Protect key elements of North Hertfordshire's environment including important landscapes, heritage assess and green infrastructure; and
 - (v) Secure necessary mitigation measures that reduce the impact of development, including on climate change; and
- Supporting neighbourhood plans and other local planning initiatives where they are in general conformity with the strategic policies of this local plan.

5.18 **Policy SP2: Settlement Hierarchy** – the majority of the District's development will be located within or adjoining key towns, which includes Hitchin.

5.19 **Policy SP3: Employment** – the Council will proactively encourage sustainable economic growth – as part of this the Council will designate existing employment areas within the District's main settlements to enhance and safeguard employment potential.

5.20 **Policy SP6: Sustainable Transport** – seeks to promote the use of sustainable transport modes.

5.21 **Policy SP8: Housing** – Over the period 2011 to 2031 housing growth will be supported in the District, which includes (d) maintaining a five-year housing land supply and target the completion of 20% of new homes over the plan period on previously developed land.

5.22 **Policy D1: Design and Sustainability** – the Council considers good design to be a key aspect of sustainable development. As such the LPA will:

- Support new development where it is well designed and located and responds positively to its local context;

- Require masterplans for significant developments
- Assess proposals against detailed policy requirements set out in the Plan and the Design SPD; and
- Adopted the Governments technical standards for the size of new homes, water efficiency and, in specified circumstances, accessibility.

5.23 **Policy D1: Protecting Living Conditions** – the Council will permit development proposals which do not cause unacceptable harm to living conditions. Such harm may arise from, (but not limited to):

- Traffic generation and parking;
- Loss of daylight and sunlight;
- Noise;
- Overlooking;
- Pollution; and
- Dominance.

Where living conditions of proposed developments would be affected by an existing use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

5.24 **Policy T2: Parking** – Planning permission will be granted where:

- a. Parking is provided in accordance with the minimum standards set out in this Plan;
- b. Proposals have regard to relevant Supplementary Planning Documents, strategies or advice and;
- c. Applicants clearly identify how they provide for all likely types of parking demand.

5.25 **Policy HS2: Affordable Housing** – Planning permission for new homes will be granted where:

- (a) Affordable housing provision is:-
- (i) maximised having regard to the targets set out in this policy; and,
 - (ii) made on-site.
- (b) The size, type and tenure of any affordable housing has regard to:
- (i) The Council's starting point for negotiation that 65% of homes will be rented and 35% other forms of affordable housing;
 - (ii) The housing needs of the area;
 - (iii) The likely affordability of any affordable housing provision in real terms;
 - (iv) Relevant local authority housing register data; and
 - (v) The requirements of Policy HS3 and the proposed mix of housing across the site as a whole.
- (c) The affordable housing is secured for first and subsequent occupiers through an appropriate condition or legal agreement for
- (i) the retention of dwellings through the Council, a registered provider or similar body agreed with the Council: and
 - (ii) where appropriate, review mechanisms.
- (d) relevant Supplementary Planning Documents, strategies or advice have been taken into account.

5.26 **Policy HS3: Housing Mix** – Planning permission for new homes will be granted where:

- An appropriate range of house types and sizes are provided taking into account:
 - (i) The findings of the most up-to-date Strategic Housing Market Assessment;
 - (ii) The location and accessibility of the site; and
 - (iii) Recent completions, existing permissions and sites in the five year supply;
- The scheme would provide a density, scale and character of development appropriate to its location and surroundings.

5.27 **Policy ETC1: Appropriate uses in Employment Areas** – within allocation Employment Areas, planning permission will only be granted for non-employment uses where they are ancillary to Use Classes B1, B2, or B8; essential to the continued operation of an established premises; would bring comparable benefits to a B-class in the same location or would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.

5.28 **Policy NE11: Contaminated Land** – Planning permission for development affecting contaminated land will be granted where:

- A contaminated land study/contaminated land risk assessment is submitted as part of the application;
- Appropriate mechanisms are in place to investigate, and where necessary remediate the risks; and
- The site is suitable for the new use taking account of ground conditions and pollution arising from previous use and land remediation.

Supplementary Planning Documents/Guidance

5.29 The Council has adopted SPGs and SPDs that are relevant to this proposal. The most relevant to this development are:

- Design 2011 (SPD)
- Vehicle Parking at New Developments 2011 (SPD)

5.30 These documents have been considered in the design of the proposed development. The minimum car parking standard is 2 parking spaces per dwelling with two or more bedrooms.

6.0 ANALYSIS

- 6.1 Following an assessment of this site and a review of planning policies, there are four main considerations; first, the principle of the proposed development; secondly, the effect on the character and appearance of the area; thirdly, the effect upon the living conditions of neighbours and future occupiers; and fourthly, the effect upon highway safety.
- 6.2 This site is un-used, and the previous occupiers are in administration and were not actively using the land and building on the site for some time.
- 6.3 It is considered that given the very peripheral nature of this site in the established industrial estate and being better related to the adjacent to residential properties, it is an ideal opportunity to deliver housing.
- 6.4 The application site has not been used productively for at least two years. It has effectively been vacant during that time.
- 6.5 Whilst the application site forms part of an existing industrial estate that remains identified as such in the emerging local plan, it is not an allocated employment site but an existing employment site.
- 6.6 Regarding the 5-year housing land supply, the Council currently takes a precautionary approach in respect of housing that will be delivered by the emerging local plan and considers that they only have a supply of between 2.7 and 3.7 years. This site would not only contribute to the five-year housing land supply but would assist meeting the requirement for 20% of housing to be delivered on previously-developed land, and 10% on small and medium sized sites of less than 1 hectare.

Build to Rent Homes

- 6.7 The recently revised Framework encourages the provision of Build to Rent Homes as part of a strategy to meet the Country's housing needs and address the housing crisis.

6.8 Annex 2 of the Framework defines Built to Rent homes as “ ***purpose-built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes should usually offer long tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control.***”

6.9 Paragraph 64 of the Framework confirms that the requirement for affordable home ownership of at least 10% would not be required for Build to Rent homes.

Principle of the proposed development

6.10 The application site lies within the built-up area of Hitchin on the edge of an employment area and adjacent to residential properties. The site is within walking and cycling distance of the town centre and the railway station. The No. 72 bus route runs along Old Hale Way and the nearest bus stop is within 200m of the site. It is therefore a sustainable location for housing development and is a preferred location for development under the provisions of LP Policy 8.

6.11 The revised Framework is an important material considerations in the assessment of this application. However, whilst the weight that should be attributed to the relevant policies of the emerging local plan, the 2012 Framework also remains a material consideration. Weight can be attributed to policies of the emerging local plan depending upon several factors as set out at paragraph 216 of the 2012 Framework, which are the same as paragraph 48 of the revised Framework. These factors are:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given;
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of relevant policies in the emerging plan to the policies in the 2012 Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Loss of Employment Land

- 6.12 The site is within, but on the edge of, an employment area designated for business use only – that is only B1 uses will be allowed. Albeit the application site was last in only B2 use. This reflects the location of this employment area close to residential properties.
- 6.13 Submission Local Plan Policy ETC1 seeks to retain land in designated employment areas in employment use. Planning permission for non-B1 uses will only be granted exceptionally where they are:
- i. Ancillary to B1 use
 - ii. Essential to the continued operation of an established premises;
 - iii. Would bring comparable benefits to a B-class use in the same location; or
 - iv. Would make use of a site that would otherwise likely to become or remain vacant for an extended period of time.
- 6.14 The pre-application response from the Council indicates that information should be provided concerning why this site is no longer required for employment land rather than look more generally at employment land in the area. Information regarding this matter is provided at paragraphs 2.1 to 2.4 of this statement. The application site has been un-used since July 2017 when Administrators vacated the premises. Marketing agents Aitchison Rafferty since then have been unable to find tenants. Therefore, it is considered that the proposal would make use of this site, which would otherwise remain vacant for an extended period of time. The emerging local plan indicates that this employment area is only suitable for B1 uses, which significantly limits redevelopment opportunities for employment purposes.

- 6.15 Full weight cannot currently be attributed to Policy ETC1. Whilst the emerging local plan is at an advanced stage, there are unresolved objections to this policy. Moreover, there are concerns relating to the consistency of Policy ETC1 with the Framework. Policy ETC1 makes insufficient provision for residential redevelopment of employment land. Paragraph 22 of the 2012 Framework confirmed that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of the a site being used, with alternative uses being treated on their merits having regard to market signals and relative need for different land uses for support sustainable local communities. Policy ETC1 does not address the merits of alternative uses or market signals, particularly relating to residential redevelopment of employment land. In the circumstances, it is considered that only limited weight can be given to Policy ETC1 in the decision-taking process.
- 6.16 A material planning consideration to which significant weight should be attributed is the revised Framework, which sets out national planning policies. Paragraph 118 (c) stipulates that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and, 118 (d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 6.17 Regarding other policies of the emerging local plan (SLP), Policy SP2 sets out the settlement hierarchy for the District and identifies Hitchin as one of the towns at the top of the hierarchy where most of the District’s development will be located.
- 6.18 SPL Policy SP3 encourages sustainable economic growth and confirms that the Council will bring forward an adequate supply and range of employment land in Hitchin, Letchworth Garden City, Baldock and Royston to meet the requirements of the local economy over the plan period. No new employment sites have been designated and Hitchin is considered to have a more than adequate supply of employment land.

- 6.19 Within this context, SLP Policy SP8 considers the quantum of housing growth that will be supported across the District and confirms that sufficient land to deliver at least 14,000 new homes for North Hertfordshire's own needs, and 1950 homes to meet the unmet need for Luton. This policy confirms that a five-year housing land supply will be maintained of which 20% will be on previously developed land. The latter will be dependent upon windfall sites such as this proposal.
- 6.20 A very important material consideration, in the light of Section 11 of the revised Framework is that the proposal would make more efficient use of previously developed land, in a sustainable location, adjacent to existing residential properties in a key settlement where most new housing should be directed.
- 6.21 The proposal complies with relevant development plan policies. LP Policy 8 seeks to locate new development to locations such as this in Hitchin, within walking distance of the town centre and the railway station.

Five-year Housing Land Supply

- 6.22 An important material consideration is that the Council has taken a precautionary approach in relation to the housing that would be delivered in the local plan to meet the Council's five-year housing land supply. The Council therefore currently takes the view that it has between 2.7 and 3.7 years supply of housing. The tilted balance set out at paragraph 11 of the Framework applies, whereby the adverse impact of granting planning permission for the proposed development must significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is considered that there are no specific policies in the Framework that provides a clear reason for refusing the development, proposed.

Presumption in Favour of Sustainable Development

- 6.23 At the heart of the Planning system is the presumption in favour of sustainable development. This means, in this case, granting planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits of delivering housing.

6.24 The relevant technical reports that accompany this planning application demonstrate that the development would not have an unacceptable adverse impact that would significantly and demonstrably outweigh the benefits of the proposed development.

6.25 The following are the key benefits that would arise from the development:

- Social benefits from the delivery of 21 new homes;
- Redevelopment of previously developed land that will assist towards delivering the Council's 20% target;
- Economic benefits from construction spend, spending of future occupants, council tax receipts and the New Homes' Bonus.

Delivering a wide Choice of High Quality Homes

6.26 The Framework seeks to deliver a wide choice of high quality homes and the key housing objective is to boost significantly the supply of housing. The failure to deliver enough housing has made housing unaffordable, particularly for first time buyers seeking to enter the housing market. This proposal would make a valuable contribution to assisting potential first time buyers in the District to get onto the housing ladder, which they may not otherwise be able to do.

6.27 It is concluded that in the light of relevant planning policies the proposed residential development would be acceptable in principle.

Effect upon the character and appearance of the area

- 6.28 The proposed dwellings would be designed to reflect the character of the immediate area, which includes high-density residential development in for form of flats up to four-storeys in height.



Flats on the opposite of The Mead from the site

- 6.29 As with housing nearby, the proposed residential development would be in the form of just three small blocks of flats. The block closest to the adjacent two-storey dwellings houses would also be just two storeys high. The two other blocks would be three storeys high.
- 6.30 Access would be from The Mead. There would be no vehicle access to the site from Bury Mead Road.
- 6.31 Whilst the site was currently in employment use, it has a much greater relationship with the adjacent housing than with the industrial estate to the south.

- 6.32 New housing on this site would respect the form and scale of development in the immediate vicinity and enhance the character and appearance of the area.



Visualisation - View of the proposed development from the North

- 6.33 In conclusion on this issue, it is contended that the proposed dwellings would be of a high-quality design and appearance that would make a positive contribution to the character of the area. Therefore, the proposal would comply with the aims of both national and local planning policies and adopted Design SPD (2011).

Effect upon neighbours and future occupiers

Neighbours

- 6.34 LP Policy 57 sets out residential guidelines and standards. These guidelines have been considered and are fully addressed in the design of this scheme.



View west along The Mead

- 6.35 The scale, layout and location of the proposed blocks of flats reflect the location, scale and proximity of neighbouring residential properties. Windows are positioned to avoid undue overlooking. There would be no material loss of daylight and sunlight entering neighbouring dwellings, and outlook from nearby houses would not be adversely affected to the extent that living conditions would be harmed.

Future Occupiers

- 6.36 Regarding the existing noise environment, a Noise Survey has been undertaken and a report by Anglia Consultants accompanies the application. This report identifies the existing noise environment. Much of the noise is generated by the nearby railway line. The report advises that to achieve an adequate noise environment double glazing to a specified standard along with non-mechanical ventilation is advocated. This can be required by Planning Condition.
- 6.37 Regarding the issue of contamination, a Preliminary Investigation Report (Desk Study and site reconnaissance) by Soiltechnics Ltd accompanies the application. This report identifies several potential sources of contamination from both the construction of the existing building and the former industrial use of the building. The report recommends further investigation, which is a matter that can be

controlled by condition, as it would not affect the principle of development of the site, but the extent of remediation that may be necessary and foundation design.

6.38 Pre-application response from the Council also identified a potential nearby source of smells as being a Waste Transfer Station and Sewage Treatment Plant further to the east of the application site. The odour emissions from such facilities are controlled by other legislation. The proposed development is located adjacent to existing residential development and therefore the proposal does not introduce housing into a location where it does not currently exist. Therefore, it is considered that this matter can be adequately controlled by condition. Whilst non-mechanical ventilation would only be required to address the existing noise environment, a mechanical ventilation system could address any odours that may be generated by the nearby sewage works and waste transfer station, albeit the opposite prevailing wind direction is westerly.

6.39 In conclusion on this issue, the proposal would not result harm to the living conditions of neighbour and future occupiers.

Highway Safety and parking

6.40 A new vehicular and pedestrian access onto The Mead is proposed. There is no through route to Bury Mead Road for vehicles; only for pedestrians.

6.41 The proposed development would have on-site parking for 42 cars. There would be a total of 21 flats, of which 15 of these would have two bedrooms whilst only 6 of the flats would have one bedroom. There would therefore be two parking spaces for each two-bedroomed flat and a single parking space for a one-bedroomed flat, with some five additional parking spaces available for visitors.

6.42 It is contended that the proposal would provide sufficient parking to meet the needs of the proposed development.

Other Matters

Flood Risk

- 6.43 The site lies within Flood Risk Zone 1, where there is the lowest risk of fluvial flooding.
- 6.44 Nevertheless, a Flood Risk Assessment and Drainage Strategy accompanies this application.
- 6.45 The report confirms that the site is in an area where there is a low risk of flooding from fluvial or tidal sources. Regarding surface water flooding from pluvial sources, overall the risk from surface water flooding is low. The submitted FRA proposed mitigation measures. These are that ground floor finished floor levels for blocks B & C be 300mm above the surrounding proposed ground levels and the proposed ground levels for the proposed car park between Blocks B & C and the access road ground levels should be set close to the existing ground levels so that surface water can continue to flow through the site.
- 6.46 A Drainage Strategy is included within the submitted FRA and this advocates the use of pervious surfaces, which would improve surface water drainage compared to the existing site, which is mostly building and impermeable hard surface. Rainwater harvesting is also advocated.

Contamination

- 6.47 A preliminary Investigation Report accompanies the application. The potential sources of contamination are identified in the report. It is recommended that an intrusive investigation and subsequent testing is undertaken to confirm preliminary assessments.
- 6.48 Investigations comprising boreholes and or trial pits would be undertaken following demolition of the building, for the design and construction stage, with further laboratory testing of the ground and soils, together with any necessary remediation

of contamination that may be present, to be carried out in accordance with an approved scheme.

- 6.49 Regarding any potential landfill type gases, these would also affect neighbouring residential properties. However, further investigations would be carried out and this could be required and controlled by planning conditions.

7.0 PLANNING BALANCE AND CONCLUSIONS

- 7.1 With any application for planning permission, there are planning policies and material considerations that weigh in favour and against a proposed development. There are policies that identify whether a weighting or tilted balance should apply to this process.
- 7.2 Simply put, the delivery of housing on previously developed land, in a preferred and sustainable location weights significantly in favour of the application, added to this is the fact that the proposal is for new homes on under-used industrial land in close proximity to residential properties, and the absence of a 5-year supply of housing land.
- 7.3 Weighing against the proposal is that the proposed development would result in the loss of employment land and Policy ETC1 of the Submission Local Plan, seeks to resist non-B1 uses of this site.
- 7.4 There are other material planning considerations, such as noise and odour environment, highway safety, contamination, flood risk and drainage which are material planning consideration to address and weigh in the balance.
- 7.5 As the Council does not currently have a 5-year supply of housing land, because of the application of a precautionary approach relating to housing land that would be delivered on the adoption of the emerging local plan, a tilted balance currently applies to this proposal, as advocated by paragraph 11 of the Framework. The development plan is in any event time-expired and out of dated.
- 7.6 Paragraph 11 confirms that where relevant development plan policies are out of date planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

- 7.7 It is considered that the loss of employment land in this location, does not significantly and demonstrably outweigh the benefits of delivering housing on this particular site. There is a clear presumption in favour of the redevelopment of previously developed land such as this for housing. Therefore, the adverse effect concerning the loss of employment land does not significantly and demonstrably outweigh the benefits of the proposed housing development in this location.
- 7.8 The development would deliver housing that would not harm the living conditions of occupiers of neighbouring residential properties and provide a good standard of accommodation for future first-time buyers.
- 7.9 It is concluded that the proposal would be sustainable development and therefore there is a presumption in its favour.