
**RIVERSIDE
MALTINGS,
STANSTEAD ABBOTS,
HERTS, SG12 8HG**

May 2023

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Date: May 2023

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1.0 INTRODUCTION

- 1.1 This Planning and Heritage Statement has been prepared by Carter Jonas on behalf of French & Jupps Ltd in support of a full planning and listed building application, relating to the following description of development at Maltings Riverside:

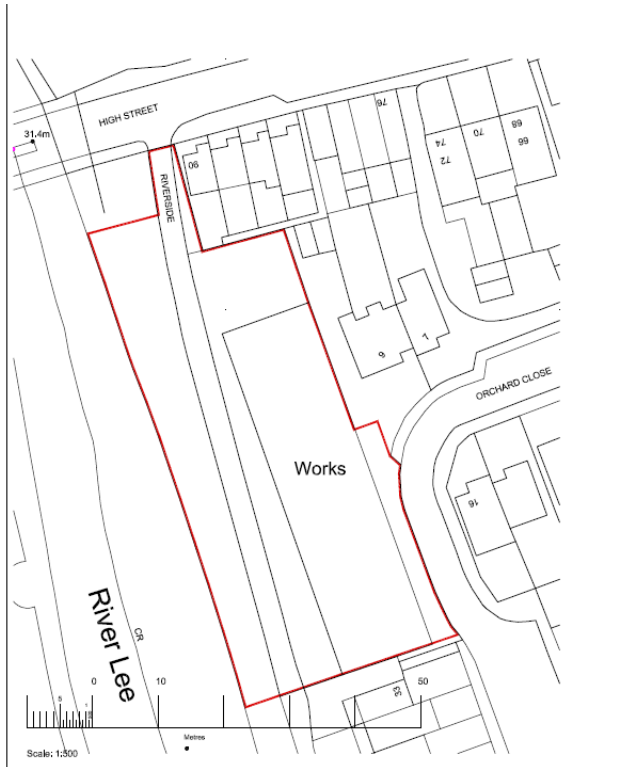
Installation and siting of external air handling / condenser units with associated landscaping and infrastructure

- 1.2 This application has arisen due to an enforcement investigation by East Hertfordshire District Council (“EHDC”) concerning the erection, without planning permission or listed building consent of a number of air handling units and is now seeking planning and listed building consent for a revised configuration of the air conditioning units. This revised configuration is considered to be more sensitive to the building in question, a listed building.
- 1.3 Although the application is being lodged on behalf of the property owners, French & Jupps Ltd, the building in question is occupied by Silent Sentinel Ltd, a company who design, manufacture, and supply advanced market-leading surveillance and security systems targeted at the Homeland Security market.
- 1.4 Silent Sentinel have occupied the buildings on site since 2017 and they employ circa 70 people. These people fulfil a range of duties including office, administrative, managerial and engineering functions. When they occupied the building, the first floor offices already benefitted from air conditioning, allowing the office space to be heated or cooled, as required. To this end, there were already external air condenser / conditioning units attached to the exterior face of the building some time prior to the recent enforcement investigation.
- 1.5 It is the more recent installation of additional air handling / condenser units (in late 2022) that has given rise to complaints to EHDC and these related to the desire of Silent Sentinel to make the building fully air conditioned throughout, including the ground floor engineering space. The catalyst for this was the fact that the conventional gas fired boiler reached the end of its natural life and an air conditioning system, capable of both heating and cooling was installed instead, as per the rest of the building.
- 1.6 The application is accompanied by a location plan, proposed elevations and proposed plans of the air conditioning units to be installed.
- 1.7 The remaining structure of this report is set out below:
- The Site
 - Planning Policy
 - Assessment of Development
 - Conclusion

2.0 THE APPLICATION SITE

- 2.1 The application site falls within the jurisdiction of EHDC.
- 2.2 The extent of the application site is identified by the red line boundary on the inserted plan below, which also accompanies the application submission. This includes an access point to the public highway and a strip of land to the east of the site off Orchard Close which our clients are in the process of acquiring.

Figure 2.1 Site Location Plan



Description

- 2.3 The site comprises of a two storey grade II listed building, identified as the “Maltings on East Bank of River Lea 50 metres south of Bridge” which under the Historic England listing is described as the following:

Former maltings now workshops. Early C19 (on 1840 Tithe Map), closed c1967. Yellow brick, weatherboarding in parts, slate roofs largely replaced by asbestos cement covering. Long, 12 metre wide malting with 2 floors and high roof lying N-S. Pilasters and corbelled eaves define 11 bays each with a small segmental arched wooden window to each floor, except wider bay at S end which is weatherboarded in the upper half. This was for steeping barley before spreading it on the malt floors. At N end of malting a kiln in plum brick with half-hipped roof running E-W and ridge cowl raised on stilts and weatherboarded with hipped asbestos roof. 2-storeys malt store at N end roofed N-S with weatherboarded upper floor and gable over yellow brick ground floor. Small 2-light casements and 2

large loading doors inserted on W side. The maltings belonged to French and Jupp from at least 1874. A landmark when entering the village from the W.

- 2.4 There is an area of hardstanding adjacent to the main building which is utilised for car parking and which fronts onto the River Lee to the west of the site.

Location

- 2.5 The application site is situated within in a mixed-used area, with residential development bordering the site to the immediate east along Orchard Close, and then a number of retail units located to the north along High Street. High Street forms the main throughfare route into Stanstead Abbots.
- 2.6 The application site occupies a relatively central location in the village with Stanstead St Margarets Train Station located to the northwest of the site.
- 2.7 The application site is located within the Stanstead Abbots Conservation Area and is located in Flood Zone 2.

Planning History

- 2.8 The application site's planning available to view on the East Hertfordshire District Council planning portal is summarized below:

Table 2.1: Planning History

Application Reference	Description of Development	Date
3/98/1363/LB	Erection of security/health and safety low wattage lighting on side end of building over car park and entrances	Granted December 1998
3/97/1582/LB	Company Sign Hand painted on plywood board and screwed to building in two places	Granted December 1997
3/96/0959/LB	Replacement of diverse roofing materials with Iberian natural slates throughout together with associated maintenance/improvement works	Granted August 1996
3/74/0215	Underground oil storage tank	N/a

Potential Enforcement Investigation

- 2.9 An e-mail was sent by an Enforcement Officer of EHDC on 20 December 2022 (ref 22/0283/ENF) asking the owners of the property to remove the siting of external air conditioning units which were erected on behalf of the current tenants, Silent Sentinel, without planning permission or listed building consent.
- 2.10 This application directly addresses this communication from the Council and is seeking planning and listed building consent for a new and revised configuration of the air conditioning units, that will result in

them all being relocated to a more suitable location, at lower level and with landscaping proposed on a strip of land to the east of the building to reduce greatly their visual impact.

- 2.11 Since the 20 December email which raised the prospect of possible enforcement action, active engagement has been undertaken by our client to progress matters, including entering into ultimately successful negotiations to acquire the land to the rear of Maltings Riverside along the north-eastern wall of the building to accommodate new landscaping in order to screen the air conditioning units which it is proposed be installed at low level.
- 2.12 The two air conditioners close to the recycling area on the northwest elevation will also be removed and relocated to a more sensitive location, and all existing air conditioning units will be removed from the wall and be relocated to ground level and screened to an agreed and appropriate standard.

The Proposals

- 2.13 The proposals will comprise of the removal of the existing external air conditioning units and replacement and repositioning with new air conditioning units.
- 2.14 The existing air conditioning condensers and pipework will be removed and repositioned at a low level along the north-east elevation from their existing locations on the northwest elevation. No air conditioning units are proposed on the south east elevation.
- 2.15 All air conditioning units will then be proposed along the northeast elevation with new associated minor internal pipework and each of these will be repositioned on a new concrete base at ground level. The existing wall will also be repaired.
- 2.16 It is proposed that this area will then be landscaped, with a membrane laid down to control vegetation and protect the perimeter of the building, within carefully designed shrouds, on frames away from the building wall.
- 2.17 The new replacement air conditioning units will be Fujitsu AOYG36KBTB units. These are of a high COP (coefficient of performance) inverter heat pumps, with efficiencies of up to 4.71 EER and A energy ratings, ranging from A+ to A++ (the most efficient on the market). Plans of the Fujitsu AOYG36KBTB units accompany this application.
- 2.18 These air conditioning units are highly effective in providing both cooling and heating (along with filtered/deionised air) to the large open plan office and precision engineering workspaces.
- 2.19 This design has been chosen as the only alternate design that could have been pursued would comprise of large free standing units, considered impracticable for the building's footprint, and which allow the selective cooling and heating of separate zones, a feature that is unnecessary for Silent Sentinel's requirements.

3.0 PLANNING POLICY

- 3.1 This section of the statement sets out the planning policy background against which the proposed development will be considered. It identifies the relevant planning policy and guidance contained within the statutory Development Plan and the National Planning Policy Framework (NPPF).
- 3.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that “...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Development Plan

The site falls within the jurisdiction of EHDC. The Development Plan for EHDC, insofar as it relates to the proposed development, currently comprises of:

- The East Herts District Local Plan (2018)
- East Hertfordshire Policies Map (2018)

East Herts Local Plan (2018)

- 3.3 The District Plan sets out the planning framework for the district for the period of 2011-2033.
- 3.4 As part of the district’s vision and strategic objectives, it outlines that the local economy will be supported, with provision having been made for the accommodation requirements of existing and new businesses. The emphasis will have been on sustainable economic development, of the right type and in the right place to meet employment needs both within the towns and in the rural areas.
- 3.5 **Policy VILL1 Group 1 Villages** designates Stanstead Abbots as a Group 1 Village.
- 3.6 **Policy DES3 Landscaping** states that development proposals “must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features”.
- 3.7 **Policy DES4 Design of Development** outlines that all development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness. For proposals pertaining to the public realm, these should ensure legibility and accessibility are maximised, including through appropriate paving and landscaping to facilitate navigation and movement, as well as ensuring long-term maintenance and management arrangements are in place.
- 3.8 **Policy EQ2 Noise Pollution** sets out that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health. Applications should be supported by a Noise Assessment and measures implemented to reduce the impact of noise generating sources.
- 3.9 **Policy HA1 Designated Heritage Assets** states amongst other things that development proposals should preserve and where appropriate enhance the historic environment of East Herts. Development proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal. The Council will, as part of a positive strategy, pursue opportunities

for the conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.

- 3.10 **Policy HA4 Conservation Areas** sets out new development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area. Proposals will be expected to:
- (a) Respect established building lines, layouts and patterns;*
 - (b) Use materials and adopt design details which reinforce local character and are traditional to the area;*
 - (c) Be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area;*
 - (d) In the case of alterations and extensions, be complementary and sympathetic to the parent building; and*
 - (e) Have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.*
- 3.11 **Policy HA7 Listed Buildings** sets out that the Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where:
- (a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and*
 - (b) The proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.*
- 3.12 Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.
- 3.13 **Policy CC2 Climate Change Mitigation** sets out all new developments should demonstrate how carbon dioxide emissions will be minimised.
- 3.14 **Policy EQ2 Noise Pollution** states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.
- 3.15 **Policy NE2 Sites or Features of Nature conservation Interest (Non-Designated)** states that all proposals "should achieve a net gain in biodiversity where it is feasible and proportionate to do so" utilising a locally approved Biodiversity Metric, as well as avoiding harm to, or loss of features that contribute to the local and wider ecological network. Ecologically beneficial planting and landscaping should be integrated into the overall design.

National Policy

National Planning Policy Framework (NPPF) 2021

- 3.16 The National Planning Policy Framework (NPPF) was revised on 20 July 2021, replacing the previous update from February 2019 and which contains the relevant national planning policy issued by Central

Government. The NPPF sets out Central Government's planning policies for England and guidance on how these should be applied.

- 3.17 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the NPPF states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraphs 2, 12 and 47). The NPPF is a material consideration (Paragraphs 2 and 212).
- 3.18 The central objective to the NPPF is that of achieving sustainable development. Paragraph 8 of the NPPF set out three overarching objectives for achieving sustainable development: economic, social, and environmental.
- 3.19 Paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 3.20 Section 6 addresses building a strong, competitive economy.
- 3.21 Paragraph 81 states that planning decisions *"should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*
- 3.22 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment.
- 3.23 Paragraph 194 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 3.24 Paragraph 195 of the NPPF further outlines that when identifying and assessing the significance of heritage assets, which includes consideration to impact upon the setting of a heritage asset from proposals, avoidance or minimisation of potential conflict between the heritage asset's conservation and any aspect of the proposal will be regarded.
- 3.25 Paragraph 197 of the NPPF sets out that when determining applications, the following aspects will be considered:
 - "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the desirability of new development making a positive contribution to local character and distinctiveness."
- 3.26 Paragraph 199 of the NPPF further adds that "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)", which is irrespective of whether proposals amount to substantial harm, total loss or less than substantial harm to its significance.
- 3.27 Paragraph 200 of the NPPF clearly states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."
- 3.28 As set out in paragraph 201 of the NPPF, proposals will be refused if this would lead to (or total loss of significance of) a designated heritage asset unless it can be shown that "the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

- 3.29 For development proposals which would lead “to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use” (Paragraph 202).

4.0 ASSESSMENT OF DEVELOPMENT

- 4.1 This section of the statement assesses the proposed development against the key planning considerations, including relevant national and local planning policy as identified within Section 3.

Principle of Development

- 4.2 As confirmed previously in correspondence with the enforcement officer, the building is listed and of an age when energy conservation was not a consideration. It is therefore difficult to heat or cool the building due to a lack of modern insulation.
- 4.3 The previous ventilation system of a conventional gas fired boiler pumping hot air via ducts to various outlets spaced around the false ceiling area was extremely inefficient and costly, and the air conditioning units were installed at various points over the years to facilitate the existing operations of the current tenants, Silent Sentinel.
- 4.4 The office area on the first floor has historically (since the tenants' occupation in 2017) been heated with air conditioning units and these have been found to have operated satisfactorily. They have been present for a length of time in the building prior to the enforcement investigation.
- 4.5 Additional air conditioning units were subsequently installed on the ground floor to ensure an appropriate working environment for the tenant's engineering staff who work in the manufacturing area on the ground floor. Amongst their activities, Silent Sentinel produce hi-specification video products that need to be assembled in a clean dry non-humid environment to ensure moist air is not trapped inside once sealed. Air conditioning by its dry nature helps in this regard.
- 4.6 Silent Sentinel currently employ approximately 70 staff, and it is important for an efficient ventilation, heating and cooling system to be in place that can facilitate the company's operations.
- 4.7 Paragraph 81 of the NPPF explicitly states that planning decisions *"should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*
- 4.8 The proposals directly support economic development within the district which is explicitly outlined in the District Council's vision and strategic objectives, outlining that the local economy will be supported, with provision having been made for the accommodation requirements of existing and new businesses.
- 4.9 The installation of air conditioning units supports the business operations of Silent Sentinel. The revised locations of the air conditioning units are shown on the accompanying floor and elevation plans supporting this application.
- 4.10 The specifications of the new air conditioning units will be of the Fujitsu AOYG36KBTB type, which are high COP (coefficient of performance) inverter heat pumps with efficiencies of up to 4.71 EER and A energy ratings, ranging from A+ to A++ (the most efficient on the market).
- 4.11 The existing two large air conditioning units along the rear wall of the building will be taken down to a low level.
- 4.12 Overall, highly efficient inverter heat pumps providing both cooling and heating (along with filtered/deionised air) most appropriate to support to the large open plan office and precision engineering workspaces will be installed, thereby being complying with policies CC2 and EQ2 of the Development Plan.

- 4.13 As briefly discussed in chapter 2, an adjacent strip of land is being acquired along Orchard Close immediately abutting the property. This will be landscaped appropriately, with a membrane laid down to control vegetation and protect the perimeter of the building, and relocate all the condensers to ground level, within carefully designed shrouds, on frames away from the building wall.
- 4.14 The proposals are of an appropriate design and siting which is not harmful to the building's grade II listed status whilst also meeting the economic related needs of the existing tenants, thereby complying with polices HA7, HA4, HA1 and DES4 of the Development Plan.
- 4.15 As discussed, the area will be landscaped, with a membrane laid down to control vegetation and protect the perimeter of the building, within carefully designed shrouds, on frames away from the building wall. It is suggested that a condition be imposed to secure a finalised and detailed landscaping scheme prior to the works being implemented.

Heritage

- 4.16 The proposals are not judged to give rise to any harm to the significance of the building's grade II listed status with the location of the units being carefully selected to be low level and suitably screened. Moreover, the works are plainly reversible in the event of a change of occupancy of the building in the future.
- 4.17 Accordingly, the tests set out at paragraph 196 of the NPPF are not considered to be triggered in this instance and there is no conflict with policies HA7, HA4 and HA1 of the Development Plan.
- 4.18 Notwithstanding this, should it be determined by officers that there is 'less than substantial' harm to designated heritage assets then it is asserted that this less than substantial harm will be outweighed by the public benefits of the proposals, including, but not limited to the following:
- Economic benefits (supporting the local economy through facilitating the everyday business operations of an existing business within the district).
 - Social benefits (ensuring an appropriate and comfortable working environment for the associated employees of Silent Sentinel).
 - Environmental benefits (the enhancement of local character through high quality landscaping and the use of sustainable design measures by use of highly efficient air conditioning units).
- 4.19 The proposals overall would result in very limited harm to the building's grade II listed status and the Stanstead Abbots Conservation Area character; the proposals have ensured where feasible, and appropriate, to minimally impact upon the traditional fabric of the existing built form and setting through the air conditioning units' revised siting, screening and specification.
- 4.20 The public benefits arising from the development are thus considered to outweigh any less than substantial heritage harm and will contribute to the long term conservation of the buildings, thereby sustaining and enhancing their contribution to the setting and significance, and character of the Stanstead Abbots Conservation Area.

5.0 CONCLUSION

5.1 This Planning and Heritage Statement has been prepared in support of a full and listed building application for the following description of development:

Installation and siting of external air handling / condenser units with associated landscaping and infrastructure

5.2 The statement sets out the key policies from the Development Plan and the relevant paragraphs from the NPPF and assesses the proposals against them.

5.3 The key matters for consideration are:

- Principle of Development
- Heritage

5.4 This application has been submitted in response to the possibility of an enforcement notice (ref 22/0283/ENF) requiring removal of all existing external air handling units at the property. This application is directly addressing this by seeking planning and listed building consent for a revised configuration of such units which are critical to the continued occupation of the premises by the tenant in situ, Silent Sentinel Ltd.

5.5 The proposals directly support economic development within the district which is explicitly outlined in the district's vision and strategic objectives. This outlines that the local economy will be supported, with suitable provision being made for the accommodation requirements of existing and new businesses. As set out, appropriate measures have been undertaken to ensure the revised design and installation of the new air conditioning units will not result in harm to the relevant designated heritage assets.

5.6 Therefore, regarding the above, it is considered that this development proposals are in accordance with the development plan and the proposed development should be supported having regard to an assessment of material considerations (including the NPPF).

5.7 It is therefore respectfully requested that this application be approved.

