

3/15/0196/FP –Internal alterations to convert 5 maisonettes into 10 flats at 1-6 Dean House, Havers Lane, Bishops Stortford, CM23 3GB for Mr T Dean

Date of Receipt: 06.02.2015

Type: Full – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – CENTRAL

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.
(150196.NM)

1.0 Background

- 1.1 The application site is shown on the attached OS Map. It is located within the built up part within Bishop's Stortford. The site fronts onto Havers Lane to the north and Norfolk Way to the west. To the south are residential properties within Robinson Close and to the east is Stafford House, a two storey block of flats with accommodation within its roof.
- 1.2 The site is occupied by a two storey building which has a 3rd level of accommodation within its roof, served by front and rear projecting dormer windows. A single storey building, currently in commercial use, is within the western part of the application site; however, no development is proposed to take place in respect of this building as part of the current application.
- 1.3 The southern part of the site, to the rear of the two storey building, is

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formed of hard surfaced areas that are used for car parking and refuse bin storage for both the residents of Dean House and Stafford House. It is noted that some of the residents in Robinson Close have gates within their rear boundary fences and garages that open up onto the hard surfaced area at the rear of Dean House.

- 1.4 The two storey building is currently occupied at ground floor by a convenience retail store, a launderette and two residential flats. There are currently 5 No. 3 bedroom maisonettes within the upper floors. Each of the maisonettes benefit from a kitchen/diner and living room at first floor and 3 bedrooms and a bathroom at 2nd floor, which is the area within the roof space.
- 1.5 The proposal is for the subdivision of the first and second floor residential spaces into 10 No. 2 bedroom flats. The proposal would result in 5 units on the first floor and 5 units on the second floor, each with a living room and kitchen area, 2 bedrooms and a bathroom or shower room.
- 1.6 No external alterations to the building are proposed.
- 1.7 The current application follows a previous proposal that was submitted in 2014 for the conversion of the 5 maisonettes into 10 flats under Ipa reference 3/14/2105/FP. This application was withdrawn after Officers sought clarification in respect of the ownership of the land to the rear of Dean House, which was shown for parking.
- 1.8 Certificate C has now been signed on the current planning application forms to indicate that there is land within the application site that is outside of the applicant's ownership and that they have taken reasonable steps to find out the names and addresses of the owners of the land but have been unable to. The application forms state that enquiries have been made to land registry and a notice was placed in the Herts and Essex Observer. Officers are of the understanding that the land in question, which is not within the applicant's ownership is the hard surfaced area to the rear that is currently used for car parking.
- 1.9 The application is being reported to Committee at the request of Councillor N Symonds.

2.0 Site History

- 2.1 The relevant planning history for the site is as follows:
- 2.2 Planning permission was granted for the construction of the building to

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form 2No. flats, 2No. shop units and 5No. maisonettes in 2005 under lpa reference 3/05/1094/FP.

2.3 A revised proposal for 2No. flats, 2No. shop units and 5No. maisonettes was approved in 2006 under lpa reference 3/06/0798/FP.

2.4 A planning application was submitted in 2014 for the conversion of the 5 maisonettes into 10 flats under lpa reference 3/14/2105/FP. This application was withdrawn.

3.0 Consultation Responses

3.1 Thames Water has advised that in respect of sewerage infrastructure capacity they have no objections.

3.2 County Highways do not wish to restrict the grant of permission. They have commented that the application is acceptable in principle from a highways context. No works to the existing access or within the public highway are required and traffic generation will not be significant. The parking layout has been amended resulting in space 1 being reduced in width, spaces 1-3 should be wider than a standard bay as the isle space is less than 6 metres.

4.0 Town Council Representations

4.1 The Bishop's Stortford Town Council object to the proposal due to overdevelopment.

5.0 Other Representations

5.1 The application has been advertised by way of a discretionary site notice and neighbour notification.

5.2 2No. representations have been received which can be summarised as follows:

- The existing tenants seem to want to park everywhere and the proposal will double the number;
- The leases should dictate where they can park and ensure that the access road and access to the garages are not blocked;
- The plans make the parking spaces for Stafford House look smaller;
- Safety concerns for the residents of Stafford House and Robinson Close accessing their vehicles;

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- People using the nearby shops and launderette park in the Stafford House parking spaces;
- The plans do not show the parking spaces for Stafford House in the correct place.

5.3 A representation has also been received from Councillor G Cutting which states that the Town Council objected to the previous application due to increased traffic, additional parking in a congested area, dangerous access for pedestrians and the residents of Stafford House raised concerns regarding the ownership of the parking spaces. Residents have the same concerns with the current application and question whether the applicant owns the land on which parking bays are placed. Bays 9 and 10 shown on the plans will restrict access to the parking spaces used by the residents of Stafford House. Councillor Cutting has stated that he objects to the proposal for the following reasons:

- Inadequate access;
- Inadequate parking;
- Increase in traffic;
- Information missing from plans;
- Loss of parking;
- Noise nuisance;
- Not enough information given on application;
- Over development;
- Residential amenity;
- Strain on existing community facilities.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
TR7	Car Parking – Standards

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6.2 The provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of relevance to this application.

7.0 Considerations

- 7.1 The site is located within the built up part of Bishop's Stortford where new residential development is acceptable in principle. Furthermore, in accordance with the aims of the NPPF the site is within a sustainable location, immediately adjacent to local shops and services and within walking distance of the town centre and public transport. As the principle of the development is acceptable, the determining considerations for the current proposal relate to its impact upon the character and appearance of the area, the impact upon existing neighbouring occupiers and the amenities of future occupiers of the proposed residential units and any impact upon highway safety.
- 7.2 As the proposal does not involve any external alterations to the existing buildings within the site, the impact that the development would have upon the character and appearance of the area would be limited. In respect of the impact upon the amenities of neighbouring occupiers and the future occupiers of the proposed residential units, consideration should be given to the changes that are proposed to the internal spaces within the building and the additional activity and parking requirements of the future occupiers.
- 7.3 The site is located within a built up area which is mainly residential in its character but with a number of local shops and other services nearby, including the shop and laundrette within the ground floor of Dean House itself. Therefore, the surrounding area is busy with a high footfall which is likely to be created mostly by local residents accessing the adjacent commercial units or passing through on their way into the town centre. Having regard to the existing nature of the area, Officers consider that any additional activity generated by the proposed 5no. additional residential units would not be detrimental to the character and appearance of the area or to the amenities of neighbouring occupiers.
- 7.4 Whilst the number of window openings within the building would remain the same, it is acknowledged that the proposed increase in the number of residential properties results in a change to the most frequently used habitable spaces. There will be no additional impact from the proposed first floor arrangement, as living spaces are to be replaced with bedrooms. At second floor however, living spaces will be introduced to the rear where bedrooms currently are. However the windows within Dean House are sited some 17 metres away from the boundary with

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the closest neighbouring residential property to the south, No. 60 Norfolk Way and 21 metres away from the neighbouring dwellings within Havers Lane to the north. Having regard to these distances Officers do not consider that the proposal would result in an unacceptable degree of additional overlooking to the existing neighbouring residents.

- 7.5 In respect of the internal space provided within the proposed residential units, the Council does not apply minimum space standards. Having regard to good practice guidance and appeal decisions that have been received in respect of this matter, Officers consider the size of the proposed units to offer a reasonable level of amenity and to be acceptable in this case. The windows serving the living rooms within the first floor flats are not external windows and instead look out onto a shared hallway which itself is served by external windows. This is an existing arrangement, but currently the occupiers enjoy the north aspect from the current living spaces. At second floor the living spaces would have a southerly aspect, but be served by the dormer windows only.
- 7.6 With regard to parking provision, it is noted that the applicant does not own the area indicated for parking to the rear of Dean House, except for spaces 9 and 10 as shown on the submitted plan. Therefore, whilst the plans submitted have indicated that 10 spaces would be available for residents parking, the retention of these spaces in the future for parking, or the vehicular access to spaces 9 and 10 could not be guaranteed by the LPA or indeed the applicant.
- 7.7 This is the current arrangement of course and the existing residents of Dean House do currently use this area for parking. The applicant has been unable to determine who owns this land, it is reasonable to assume that this arrangement would be likely to continue for the future and the parking area remain available.
- 7.8 It is necessary then to consider whether there is an additional parking demand and whether this would result in an unacceptable impact upon highway safety and/or the amenities of residents.
- 7.9 Appendix II of the Local Plan recommends a maximum parking provision of 11.25 spaces for the existing 5 No. 3 bedroom residential units. This provision increases to 15 spaces for the proposed 10 No. 2 bedroom units. Insufficient spaces are available currently therefore and it is likely that there will be additional demand for those spaces as a result of the proposals.
- 7.10 The emerging parking standards would require 2.50 spaces for a 3

bedroom dwelling and 2 spaces for a 2 bedroom dwelling, resulting in a requirement of 13 spaces for the existing development (this figure has been rounded up from 12.5 to 13 as advised in the standards) and 20 spaces for the proposed development. However, the emerging standards allow consideration to be given to a reduction of up to 25% in Zone 4 locations. It is considered appropriate to apply this discount here as the site is one that is accessible by public transport and not distant from the town centre. This would reduce the requirement to 15 spaces for the proposed development which is the same number of spaces as required by the current standards.

- 7.11 This additional demand, with lack of capacity, must result in some harm. It is necessary to consider how significant this is. Whilst it is acknowledged that this is a busy residential area, which is likely to receive additional vehicle movements from customers visiting the adjacent commercial units, there does appear to be some capacity within the local area for additional on street parking. In particular, Norfolk Way is not controlled by parking restrictions and therefore allows for this.
- 7.12 The comments received from County Highways that the application is acceptable in principle from a highways context and that traffic generation will not be significant are noted. Having regard to these comments, Officers consider that any additional parking need that the proposal would generate, whilst it would result in a harm, is likely to be limited and could be adequately accommodated for within the local area without resulting in an unacceptable impact upon the amenities of neighbouring occupiers or highway safety.
- 7.13 The concerns that have been raised by local residents appear to mostly relate to existing problems with the use and management of the parking to the rear of Dean House. The fact that the applicant does not own the majority of the parking area to the rear of the site is only relevant to the consideration of the current application in so far as this would prevent the LPA or the applicant ensuring that these parking spaces are made permanently available for residents in the future.
- 7.14 The concerns raised by the Town Council that the proposal results in overdevelopment are noted, however, the proposal would not result in any external changes to the building and as such the increased density would not be particularly evident. Furthermore, the site is within a sustainable location wherein the Council must look favourably upon the residential development unless it would result in demonstrable harm. Members will be familiar with the position of the Council in relation to housing land supply and positive weight must be given to the additional

supply that this proposal represents.

8.0 Conclusion

- 8.1 Having regard to the concerns that have been raised by the local Member, the Town Council and neighbouring residents, Officers consider that, whilst the existing and future vehicle parking deficiencies are noted, these are not so significant as to outweigh the benefits of the proposals.
- 8.2 Having regard to the above considerations it is recommended that planning permission is granted subject to the conditions at the head of this report.