

DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2016

Application Number	3/15/1733/FUL
Proposal	Demolition of existing buildings, alterations to vehicular accesses and erection of 70 No. dwellings (61 No. flats and 9 No. houses) with associated car parking, landscaping, cycle storage, refuse and amenity space.
Location	B J Ashpole Ltd, Southmill Road, Bishop's Stortford
Applicant	Weston Homes PLC
Parish	Bishop's Stortford CP
Ward	Bishop's Stortford Central

Date of Registration of Application	4 September 2015
Target Determination Date	4 December 2015
Reason for Committee Report	Major
Case Officer	Hazel Izod

RECOMMENDATION:

That planning permission be **GRANTED** subject to a Section 106 agreement and to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The site lies in the built-up part of Bishop's Stortford and in close proximity to the town centre wherein new residential developments are acceptable in principle, and the provision of 70 units will make a meaningful contribution towards the Council's 5 year housing supply. The scheme will result in the loss of an established employment use; however Officers are satisfied from marketing submissions that the site cannot be retained for employment use.
- 1.2 The scheme provides for a mix of housing including family housing along the Southmill Road frontage and apartment blocks to the rear of the site and fronting onto the River Stort. The overall scale, design and layout is deemed to be acceptable following amendments to the apartment block ridge heights and landscaped areas. Provision is made for 39% affordable housing, which has increased from 20% as originally proposed, following assessment by an independent consultant.
- 1.3 Officers are satisfied that no harm would arise to highway safety or capacity, and that adequate car parking is provided on site, having regard to its location. Although the site lies in Floodzone 2, Officers are

satisfied that the Sequential Test has been passed. And although an objection remains in respect of the sustainability of the surface water drainage systems, Officers consider the drainage proposals to be adequate, and there will be a net gain in permeability given that the site is currently hard surfaced. The proposal will also result in a net gain in biodiversity, and will result in no harm to residential amenity or heritage assets. The proposal is therefore deemed to represent sustainable development in accordance with the NPPF and permission is recommended subject to appropriate conditions and a Section 106 Legal Agreement.

2.0 Site Description

- 2.1 The site is located within Bishop's Stortford, to the south of the town centre and railway station, and is currently occupied by a commercial use comprising a vehicle engine repair workshop, vehicle storage, and parts supplier business. The site measures approximately 0.7 hectares. There is an existing single storey building of approximately 1,000m² floorspace with low pitched roofs that is to be demolished. The majority of the site is hard surfaced with extensive vehicle parking. There are a number of single storey outbuildings and storage containers to the rear of the site which will also be removed. The rear of the site backs onto the River Stort with vegetation screening to the river.
- 2.2 To the south of the site is a new residential development (Southmill Court constructed pursuant to planning permissions 3/01/0019/OP and 3/01/1369/RP) comprising of 23 flats in predominantly 2½ storey buildings. To the north of the site lies a National Grid site with the Southmill Trading Centre industrial units behind. To the west of the site lies the flank of the Grade II listed Rhodes Centre with 2 storey residential dwellings further south.

3.0 Background to Proposal

- 3.1 The application proposes to demolish the existing buildings on site and construct 9 no. 2½ storey 3 bed houses along the Southmill Road frontage, and 61 flats (16 no. 1 bed and 45 no. 2 bed) within 3-4 storey blocks to the rear of the site. A central access road is proposed from Southmill Road with development and rear parking courtyards on both sides.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
New housing provision	Para 14, Section 6	HSG1
Loss of employment	Section 1	EDE2
Scale, layout and design	Sections 6, 7	ENV1
Impact on heritage assets	Section 12	BH6
Affordable housing and viability	Section 6	HSG3, 4
Flooding and drainage	Section 11	ENV19, 21
Parking and access	Section 4	TR2, 7
Residential amenity	Section 7	ENV1
Biodiversity	Section 11	ENV16
Planning obligations and conditions	Paras 203-206	IMP1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

- 4.2 The Neighbourhood Plan for Bishop's Stortford Central, South and All Saints and part of Thorley is also a material planning consideration and is currently subject to public consultation. However, given its early stage in development, little weight can currently be accorded to it.

5.0 Emerging District Plan

- 5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

- 6.1 Thames Water have been unable to determine the waste water infrastructure needs of this application and therefore recommend a condition for a drainage strategy prior to the commencement of development. It is the responsibility of the developer to make proper provision for surface water drainage and it is recommended that storm flows are attenuated or regulated into the receiving public network

through on or off site storage. They also recommend petrol/oil interceptors in all car parking areas to prevent discharge of pollutants into local watercourses.

6.2 HCC Planning Obligations request financial contributions as follows:

- Primary education £60,429 to go towards the expansion of Richard Whittington Primary School by 0.5FE to 2FE;
- Youth facilities £1,083 to go towards improvements to increase capacity of the kitchen facilities at the Northgate Youth Centre;
- Library facilities £8,819 to go towards the relocation of the front reception area to facilitate a new Open+ facility at Bishop's Stortford library;
- Fire hydrant provision is also sought.

6.3 Herts Ecology comment that they are not aware of any ecological records in this setting, and connectivity to suitable habitats is poor. The ecological value of the site is low, but the development does provide opportunities for ecological gain which should be secured by condition. They also comment that the likelihood of bats being found in the existing building is low and they recommend a directive to proceed with caution. The submitted reports suggest the need for additional surveys for water voles and otters but Herts Ecology do not consider these to be necessary.

6.4 Herts and Middlesex Wildlife Trust raise no objection and recommend a condition to require an ecological mitigation and management plan.

6.5 The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

6.6 National Grid have identified apparatus within the vicinity of the site which may be affected by the development, and the contractor should contact National Grid before any works are carried out.

6.7 The Minerals and Waste Team comment that regard should be had to policies in the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012.

- 6.8 NHS England comment that the development will generate circa 168 new registrations. The local area is served by 3 surgeries – Parsonage Surgery, Haymeads Health Centre and South Street Surgery. Both Parsonage Surgery and Haymeads Health Centre are defined as significantly constrained and the proposed development would necessitate an increase in clinical space, and additional resource needs. South Street Surgery theoretically has capacity for additional registrations but due to its town centre location can only be accessed via the one-way system through town and the site has limited car parking on site. Due to these access challenges, the majority of patients registered with this practice prefer to be seen at the branch surgery (Bishops Park Health Centre) which is also significantly constrained. A financial contribution of £621 per dwelling is therefore requested to mitigate the impact of the proposals.
- 6.9 The Highway Authority initially recommended refusal on the grounds of the position of Plot 4 parking, widening of the footway, and visibility splays but, following the submission of amended plans, have removed their objection and recommend consent subject to conditions. They are content with the principle of a residential development on this site and note that the proposed use is likely to represent a decrease in trip generation and also an improvement to the character of Southmill Road as a residential street by removing some of the commercial and HGV traffic. The site is also close to public transport and local amenities. They note that Plot 4 parking has been relocated and Plot 3 parking reconfigured to improve access. The revised plans also increase the width of the footway to 1.8m along the site frontage. They also request a £2,000 contribution towards the support and monitoring of a Travel Plan Statement.
- 6.10 The Environment Agency initially recommended refusal on the grounds that the site lies in Floodzone 2 and no Sequential Test had been carried out, and an inadequate buffer was provided to the River Stort. Following the submission of further information they remove their objection and recommend consent subject to conditions. However, they comment that it is for the Local Authority to determine whether the Sequential Test has been passed, and to use their Flood Risk Standing Advice to review the submitted flood risk assessment.
- 6.11 The Lead Local Flood Authority (LLFA) initially objected on the grounds that the submitted Flood Risk Assessment (FRA) did not comply with national guidance or provide a suitable basis for assessing flood risk. Following the submission of an amended FRA, the LLFA have removed their objection and now recommend permission subject to conditions.

They comment that there is now a feasible drainage scheme for the site. However the Planning Authority will need to satisfy itself that the underground infrastructure can be maintained for the lifetime of the development, as pump failure could cause the site to flood. Equipment must also be cleaned regularly to ensure that pollutants do not reach the river.

- 6.12 The Council's Engineers recommend refusal on the grounds that the proposed Sustainable Urban Drainage Systems (SuDS) are of poor quality, do not provide water quality improvements or landscape benefits, and would be likely to increase the risk of flooding to residents at the site, residents adjacent to the site, the local highway and adjacent critical infrastructure (National Grid site). They maintain this objection following negotiations and amended drainage proposals submitted by the applicant.
- 6.13 Environmental Health raise no objection subject to conditions.
- 6.14 The Council's Conservation Officer comments that the proposals will not harm the setting of any nearby listed buildings or the Conservation Area. The layout is generally acceptable in urban design terms given the constraints of the site, and the active edge to Southmill Road will enhance this stretch of the road. Public access to the river through the site would be a benefit, and this shared surface is met with active edges and passive security. It is vital that no security gates be erected in the future. They did raise initial concerns with ridge heights along the riverside which were deemed to be excessive; however amended plans have been submitted which reduce part of the ridge and address these concerns.
- 6.15 Hertfordshire Fire and Rescue comment that access for fire-fighting vehicles should be in accordance with Building Regulations.
- 6.16 Historic England make no comment and recommend that the application be determined in accordance with national and local policy guidance.
- 6.17 The Council's Landscape Officer initially recommended refusal on the grounds of a poor layout and design of the parking courtyards and external space resulting in an over-engineered character. Following the submission of amended plans, this objection is removed and permission is now recommended subject to conditions.

- 6.18 The Council's Environment Manager confirms that they have various open space and play area projects within the vicinity of the site that require external funding. Their preference is to secure funding towards improvements at Bishop's Park which include improving access, and developing sports/leisure opportunities for local people. This includes improvements to the play area and the installation of a parkour facility.
- 6.19 The Council's Housing Officer initially commented that the proposal offered only 20% affordable housing provision which was below the expected standard. Affordable housing should be split 75% rent and 25% shared ownership tenure. The developer is now offering 39% affordable housing provision, and the Housing Officer's comments will be updated to Members at Committee.
- 6.20 Parking Services comment that with only 1 space per flat, 2 spaces per house, and minimal visitor parking, overspill parking is likely to occur. Southmill Road has been identified as a 'red road', meaning that demand for parking spaces currently exceeds supply on a regular basis, and this was at the root of their mandate for implementing a Restricted Parking Zone (RPZ) in Southmill Road, and the two cul-de-sacs leading from it. The RPZ is due to be implemented in April 2016 and will operate 11am-2pm Monday to Friday. They consider there to be an increased risk of overspill from this development seeking to park in Southmill Road outside of these hours and on the weekend. There is also a greater risk of displaced commuter and overspill parking to nearby roads. Residents within the new development would not be entitled to permit rights within the RPZ scheme. They have submitted a copy of a Parking Survey Analysis from June 2014 and a copy of the proposed RPZ (Zone B8).

7.0 Town Council Representations

- 7.1 Bishop's Stortford Town Council object on the grounds of insufficient parking provision especially in light of the forthcoming RPZ, extra pressure on the junction on South Road, overdevelopment, drainage and waste issues, and suggest that Section 106 monies should be spent on waterfront moorings.

8.0 Summary of Other Representations

- 8.1 4 letters of representation have been received raising the following points:

- Concern over building heights with 3 storey houses and 4 storey flats – does not follow the height of other developments;
- Inadequate parking provision and existing parking problems in Southmill Road;
- Concern over safety of driveways directly onto Southmill Road;
- Concern over adequate drainage;
- Concern over proximity to gas works and output gas smells which pose a hazard;
- Layout does not make the most of access to the river;
- Overdevelopment of the site.

9.0 **Planning History**

9.1 The planning history of the site can be summarised as follows:

Ref	Proposal	Decision	Date
3/97/1652/FP	Change of use from parking to the storage, cleaning and distribution of toilet cubicles	Refused	19.04.1999
3/96/0060/FP	Coach parking	Withdrawn	02.04.1997

10.0 **Consideration of Relevant Issues**

Principle of Development

- 10.1 The site lies in the built-up area of Bishop's Stortford wherein there is no objection in principle to new residential developments. Regard is also had to the Council's lack of a 5 year housing supply and the presumption in favour of sustainable development as set out in the NPPF. Paragraph 14 of the NPPF is engaged and planning permission for sustainable development that accords with the development plan should be approved without delay.
- 10.2 In respect of economic sustainability, the development will result in the loss of an established employment site, and this is discussed in more detail below. The development will generate some employment through construction and through accommodating new economically active residents who will benefit from a range of local employment opportunities within the town and surrounding area. In respect of social sustainability, the development will provide much needed housing, including an element of affordable housing within a range of accessible local services. In terms of environmental sustainability, the development will enhance the character and appearance of the area (discussed in

more detail below), improve biodiversity, and create housing within close proximity to existing services and public transport links to minimise reliance on the private vehicle. Matters relating to drainage and flooding also form part of environmental sustainability and are discussed in more detail below. The conclusion provides an overall assessment of these three aspects of sustainability.

Loss of Employment

- 10.3 The site is currently occupied by a commercial business, and policy EDE2 of the Local Plan states that “development that would result in the loss of an existing employment site will only be permitted subject to a number of criteria. First, the retention of the site for employment use must have been fully explored without success, and evidence submitted in justification. Second, the proposed use must not have a significant adverse impact on the amenity of the adjacent area or nearby occupiers. And finally, access parking and servicing arrangements must be satisfactory.
- 10.4 In respect of retention of the site for employment purposes, it is noted that the existing business, B. J. Ashpole, remains open on site and employs 9 full-time equivalent staff. The company is apparently in need of smaller premises given that car parts are increasingly purchased over the internet, and the business intends to relocate to more suitable premises in either Twyford Road or the Peek Business Centre.
- 10.5 Evidence has been submitted from Coke Gearing (CG) on the marketing of the site, along with an Employment Suitability Review and Employment Statement. The site has apparently been marketed since summer 2008 through direct approaches to commercial occupiers and commercial development companies. This marketing campaign was not high profile given the sensitivities of the current occupier’s business. CG have not been able to identify any opportunities for sale or lease of the site for continued commercial use. The report suggests that redevelopment of the site will enable the current occupier to relocate, and thus preserve the 9 jobs, which should weigh in favour of the scheme. However this is not a positive consideration given that the site itself would then be vacant, and it is the retention of the site, not the business, that requires an assessment of retention in accordance with policy EDE2.
- 10.6 In response to Officer queries, further information has been submitted by CG on the marketing exercise and this confirms that the only realistic offers for re-use/re-development of the site have come from house

builders. Some interest was shown from commercial occupiers; however they did not pursue the site further due to highway and access issues, distance from the town centre, and a preference for other sites.

- 10.7 The Employment Suitability Review report states that the existing building dates from the early 1960s and is of low rise concrete frame construction under a pitched asbestos cement roof. The report suggests that the building is functionally obsolescent due to the low eaves height, poor insulation, asbestos single skin roof, poor internal layout, poor floor loading and out of date heating and electrics. Refurbishment would not apparently address these shortcomings or be economically viable. The report therefore concludes that the building has reached the end of its economic life and Officers have no reason to disagree with this assessment.
- 10.8 The report goes on to assess the limited connectivity of the site with the main road network due to HGV restrictions through the town, and a history of complaints from local residents in respect of loading and unloading car transporters outside the site due to the narrow and congested nature of Southmill Road. Recent correspondence from the current business owner highlights an example where a car transporter could not pass down Southmill Road due to parked cars which then blocked the road and necessitated the involvement of the Police.
- 10.9 A lengthy list of vacant commercial premises has also been submitted and CG suggest that they have experienced particular difficulty in recent years in letting commercial buildings on the southern side of the town due to the HGV access ban.
- 10.10 CG have also carried out an exercise to consider alternative commercial uses of the site. Option A considers a light industrial scheme similar to the adjacent Southmill Road Trading Centre, and Option B considers an office based project, likely two storeys in height arranged in a courtyard of car parking. They set out a number of assumptions but conclude that neither option would be economically viable.
- 10.11 CG therefore conclude that there is very limited potential for employment generation or retention of this site, and based on the evidence submitted Officers have no reason to disagree with this assessment. The applicant also points out that the site is being considered for residential development through the District Plan SLAA process, and is also proposed for redevelopment in the draft Bishop's Stortford Neighbourhood Plan.

10.12 Finally, regard is had to paragraph 22 of the NPPF which states that *“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 having regard to market signals and the relative need for different land uses to support local communities.”* It is your Officers’ opinion that there is no longer a reasonable prospect of this site being used for employment purposes and its redevelopment for residential purposes should be supported in principle.

Scale, Design and Layout

- 10.13 The development is proposed in the form of houses fronting Southmill Road with a central access road leading to 3 blocks of flats towards the rear of the site with surface parking courts. The frontage houses take the form of 3 no. pairs of semi-detached and a terrace of 3 units, all 2½ storey with 3 storey gable projections to Plots 4 and 5 including rear covered second floor terraces. The houses will be lower in height than the adjacent blocks at Southmill Court.
- 10.14 The buildings are designed with flat roof dormer windows that sit comfortably in the roofslope and are of contemporary design with grey uPVC fenestration and grey box bay windows. Roofs are of a traditional gable pitched design and are not excessive in height. There is an element of flat roof to Plots 5-6 but this will not be readily visible as it is concealed by pitched roofs, apart from the gable end which will be largely screened by Plots 8-9.
- 10.15 The dwellings will sit back some 7-14 metres from the street with frontage parking and landscaping. Car parking for Plots 4 and 5 has been relocated to the rear to address highway concerns. This allows for a well landscaped frontage at the entrance to the site. Overall Officers are satisfied that the scale, layout, and design of these frontage plots will respect the character and appearance of the surrounding area and not appear harmful in the street scene.
- 10.16 The apartment blocks are proposed to vary in height from 2 storey to the rear of Block 3 and 2½ storey at Block 1, to 3-4 storey for Blocks 2 and 3 fronting the river. The height of Blocks 2 and 3 has been reduced by 1 metre following concerns raised by the Conservation Officer. The blocks are also of a traditional pitched roof form with gable projections but with contemporary grey uPVC fenestration, box bay projections and glazed balconies. Materials of construction include a grey concrete tile,

with multi cream and red brick walls, and sand and charcoal coloured cladding. Officers have some concerns over the quality of the roof tiles and consider it reasonable to request samples of materials by condition.

- 10.17 The apartment blocks will be highly visible from the river and the public footpath than runs along the opposite side, and will result in a substantial change to the character of this part of the river which is currently well landscaped. However, Officers do not consider the extent of this change to be harmful given the built-up nature of the area further north, including other river frontage developments. The blocks will be set back a sufficient distance from the river with a landscaped buffer.
- 10.18 Although the density of the scheme is relatively high compared to the immediate surroundings (comprising semi-detached and terraced dwellings) and concerns have been raised regarding overdevelopment, Officers consider that the proposal makes efficient use of the land to provide much needed housing and retains sufficient space for car parking and landscaping. The density and scale of development is therefore not considered to be harmful to the surrounding area.
- 10.19 The overall layout is also considered to be acceptable with active street frontages and street planting. Car parking areas are proposed to the rear of the blocks but would benefit from adequate natural surveillance and appear to retain sufficient space for soft landscaping. An initial objection from the Landscape Officer regarding the layout and planting proposals has been addressed, and full details of landscaping can be agreed by condition. Officers are therefore satisfied that the scheme provides for good quality design in accordance with Local Plan policy ENV1, and Section 7 of the NPPF.
- 10.20 A number of trees are proposed to be removed towards the rear of the site, adjacent to the river (4 trees and 1 group of trees). A full Arboricultural Development Report has been submitted and concludes that these trees are only of B and C quality and are therefore not worthy of retention. A further 3 trees are to be retained and protected. No objection has been raised by the Landscape Officer to these tree works. A number of replacement trees are proposed across the site, including the site frontage and boundaries, street trees, and river bank trees. This will enhance the green infrastructure on site and ensure compliance with policies ENV2 and ENV11 of the Local Plan.
- 10.21 No objection is raised to the demolition of the existing buildings on site which are of no architectural value and make no contribution to the street scene or character of the area.

Heritage Assets

- 10.22 The site lies just outside the boundary of the Bishop's Stortford Conservation Area, which includes the Grade II listed Rhodes Centre opposite, and the Maltings further north. However, following the submission of amended plans which reduce right heights along the river, the Conservation Officer raises no objection to the proposal. Officers consider that the proposal will enhance both the Southmill Road and river frontages with active edges and a good quality design that will replace an unsightly building and extensive hard-surfacing. The development will therefore cause no harm to the setting of the Conservation Area or listed buildings, and complies with Local Plan policy BH6, and Section 12 of the NPPF.

Affordable Housing and Viability

- 10.23 The development triggers a requirement for up to 40% affordable housing provision in accordance with policies HSG3 and HSG4. The Council's Housing Officer has confirmed that a 40% requirement is expected which should comprise of 75% social rent and 25% shared ownership tenure.
- 10.24 Policy HSG3 does have regard to the economics of provision, and in this case, the developer submitted an initial viability appraisal which concluded that the development would only be economically viable with a 20% provision. The Council commissioned an independent assessment of this report, which concluded that due to several discrepancies, the development would be viable with a 40% provision.
- 10.25 There have since been further submissions and negotiations with the developer proposing 33%, and the independent consultant conceding in some areas and concluding 39% would be viable. The developer has since agreed to the 39% provision which equates to 27 units, and is only 1 unit less than the expected provision set out in policy HSG3. Overall, having regard to the economics of provision, and the conclusions of the independent consultant, Officers are satisfied with 39% affordable housing provision in this case. The tenure split has been agreed as 75% social rented and 25% shared ownership in accordance with adopted policy, and delivery should be secured through a Section 106 legal agreement.

Flooding and Drainage

- 10.26 The site lies in floodzone 2 with a small part of the northern corner in floodzone 3, and is therefore in an area at modest risk of flooding. Given that the proposal is for residential development, and having regard to the NPPF and NPPG, the flood risk Sequential Test must be applied in this case. The purpose of the Sequential Test is to identify whether there are any other reasonably available alternative sites that could accommodate this development in an area of lower flood risk. The Environment Agency initially objected to the application on the basis of a lack of any Sequential Test submissions. The applicant has since carried out the required work and this concludes that there are no reasonably available alternative sites.
- 10.27 In making this assessment, the applicant has considered available sites within the entire district, based on Appendix B of the East Herts Authority Monitoring Report 2013-2014, that could accommodate up to 70 residential units. Sites that currently benefit from planning permission have been disregarded, as have sites that are not deemed to be deliverable within a 5 year period. The sites must also be located in an area of lower flood risk, therefore other sites within floodzone 2 are discounted. Officers agree with the methodology carried out in this assessment. No part of the built development will be located in the small areas of floodzone 3.
- 10.28 Officers have had regard to the most up to date 2014-2015 Authority Monitoring Report (AMR) which was endorsed by District Planning Executive Panel Committee in December 2015. However, there are no other alternative sites within this report that should be considered. Officers are therefore satisfied that the proposal passes the Sequential Test.
- 10.29 A full Flood Risk Assessment (FRA) has been submitted and amended through the course of the planning application due to initial objections from the Environment Agency (EA), Lead Local Flood Authority (LLFA), and Council Engineers. The FRA concludes that the development would be safe and appropriate, and would not increase flood risk to people or property. Floor levels should be set no lower than 56.24m above AOD for the houses and 56.54m above AOD for the apartment blocks. Officers are therefore satisfied that, subject to conditions, there would be harmful risk of flooding to people or property as a result of fluvial flooding in accordance with policy ENV19.

- 10.30 In terms of surface water drainage, the Council's Engineers maintain their objection following lengthy discussions and amendments to the drainage scheme. They consider that the site should remain in commercial use as any flooding of residential properties would be more problematic and expensive in terms of evacuation and emergency planning. However, in terms of Officers' assessment of retention of the employment use, and the benefits of housing delivery, Officers do not consider this to be a reason to refuse permission. It has been demonstrated that the proposal passes the Sequential Test, and no objection has been raised by the EA on flood risk grounds.
- 10.31 Objections are also raised by Council Engineers in respect of the drainage scheme not being sufficiently sustainable in terms of providing amenity or biodiversity benefits as required in the adopted Strategic Flood Risk Assessment. Green roofs have been suggested but discounted by the developer due to cost and design implications. Officers agree that it would be unreasonable to require green roofs as this would require a re-design of the pitched roofs, and a re-assessment of commercial viability. The developer had instead proposed a filter strip adjacent to the river and permeable paving for the parking areas. Previously it was proposed to provide underground tanks with a mechanical pump to discharge to the river. Such systems rely on regular maintenance and could cause flooding in the event of mechanical failure, and these systems have been removed from the scheme. Officers are therefore of the opinion that whilst this objection remains, and the scheme could provide better quality sustainable urban drainage (SuDS), the overall drainage proposal is not considered to be so harmful as to justify a refusal of planning permission.
- 10.32 A final version of the proposed drainage strategy has been sent to the EA, LLFA and Engineers for consideration. The LLFA confirm that they have no objections to the drainage scheme and that the SuDS systems are feasible. They comment that the developer has demonstrated the required attenuation volumes and will provide a significant betterment providing greenfield run-off rates. The EA do not have any further comments to make. It is anticipated that the Engineers will maintain their objection; however as set out above, Officers are of the opinion that the scheme provides for an appropriate drainage scheme.
- 10.33 In terms of contamination, full reports have been submitted which conclude that based on the current land use, and previous uses, the site represents a moderate/low risk to human health, controlled waters and the environment. Further investigation works are recommended

following demolition. No objection has been raised by Environmental Health subject to conditions to secure these additional reports.

Parking and Access

- 10.34 A new central access road is proposed from Southmill Road, along with driveway accesses for 7 of the 9 houses along the frontage. The other 2 frontage houses are served from driveways located off the access road. A shared surface access road is proposed through the centre of the site with access to side and rear car parking courtyards. The road ends with a pedestrianised landscaped corridor leading to the river. There are two existing vehicular accesses to the site that will be closed.
- 10.35 The Highway Authority initially raised concerns over the layout of Plot 3 and 4 parking, the width of the footway, and visibility splays. Amended plans have been received that address these concerns – Plot 3 and 4 parking has been relocated, the width of the footway along the frontage of the site is to be increased to 1.8m in width, and adequate visibility splays are now provided. The Highway Authority have therefore removed their objection and recommend approval subject to conditions. They comment that the proposal is likely to represent a decrease in trip generation and also an improvement to the character of Southmill Road by removing some of the commercial and HGV traffic. The site is also located within close walking distance to public transport and local amenities, including Bishop's Stortford railway station located just over a bridge to the north of the site.
- 10.36 The application is accompanied by a Transport Assessment (TA) which concludes that the development would have a positive operational effect on the local road network through a net reduction in traffic volumes during the AM and PM peak hours, and would also result in a reduction in the number of larger vehicles, including HGVs. The TA also concludes that adequate visibility can be provided, along with adequate parking provision. Officers have no reason to disagree with this assessment, following consultation with the Highway Authority. Regard is also had to paragraph 32 of the NPPF which states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 10.37 In terms of car parking, full details are provided in a table at the end of this report, with a total provision of 83 spaces, comprising 2 spaces per house, 1 space per flat, and 4 visitor spaces. The table highlights that a maximum provision of 107 spaces would be required for this

development in accordance with current adopted parking standards, and the proposed provision therefore represents 78% of the maximum.

- 10.38 The parking standards set out in the emerging District Plan highlight a requirement for 136 spaces but the figure can be discounted depending on the zone in which the site is located. According to Appendix A of the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD), the site lies in Zone 4 which allows for a 75% reduction, therefore down to 102 spaces. However, the site is located just outside and across the river from Zone 3 which allows for up to a 50% reduction in provision which would result in a requirement for 68 spaces. A nearby pedestrian bridge to the railway station has also opened since the zones were defined, improving connectivity.
- 10.39 The Parking Services Team have raised a number of concerns in respect of this proposal, and comment that overspill parking is likely to occur to neighbouring roads which are already under pressure. A Restricted Parking Zone (RPZ) is due to be introduced in April 2016 which will restrict on-street parking between 11am and 2pm Monday to Friday. Outside of these hours, including evenings and weekends, the streets would remain unregulated. Residents in the new development would not be entitled to permits under the new scheme.
- 10.40 A Parking Survey Analysis report carried out by Mott MacDonald on behalf of the Council in June 2014 highlighted that Southmill Road is classified as a 'red' route which is regularly over capacity with an average occupancy of 90% or over. Average assumed residential vehicle occupancy is around 32%, so this indicates a high level of non-residential parking. The report therefore recommended consultation with residents on parking restrictions, and this has informed the RPZ adoption process.
- 10.41 In response to these concerns, Officers have had regard to 2011 Census data for car/van availability for the Bishop's Stortford Central ward to determine the likely car parking requirements of future residents. This shows that 66% of households in the ward had availability of up to 1 vehicle only (20.4% had no car, and 45.6% had 1). This is a higher figure than the district and region as a whole (53.6% and 61.4% respectively). The figures also show a lower rate for those within the ward with availability of 2 or more vehicles compared to the district and region. This indicates that households within this ward are likely to have lower car/van availability than the surrounding area.

- 10.42 Officers are therefore of the opinion that given the sustainable location of the site, in particular its easy walking distance to the railway station and town centre amenities, and the Census data above, that the proposed parking provision is acceptable in accordance with policy TR7 and paragraph 39 of the NPPF which has regard to accessibility, the type and mix of development, availability of public transport, and local car ownership levels.
- 10.43 It is acknowledged that there are existing parking problems in Southmill Road and a number of objections have been received regarding the proposed parking provision. The road is narrow and congested and concerns regarding overflow parking are therefore understood. However, Officers do not consider the parking provision to be insufficient, and do not consider any overflow parking to have a severe impact on the highway network. Any overflow parking would be more likely to occur within the site itself.
- 10.44 Cycle parking is proposed at a ratio of 1 space per dwelling which complies with Local Plan policy TR14.

Residential Amenity

- 10.45 There are residential properties to the south of the site – Southmill Court, which comprises flats in 2½ storey blocks. There are 2 blocks that sit adjacent to the proposed new buildings and which have flank windows at ground and first floor level. There will be some loss of light and outlook to these windows; however they appear to serve kitchens for the frontage building, and bathrooms for the rear building. The kitchen windows will face the flank of Plot 1, but given the stagger of the buildings, will still receive some light from the northwest. Further, given the distance between buildings, Officers do not consider the impact to be harmful to amenity.
- 10.46 There will be greater loss of light and harm to the outlook from the rear block bathroom windows; however these are not habitable rooms and the impact is therefore not harmful to amenity. It is not clear whether these existing windows are obscure glazed, and given the proximity of proposed windows in the south flank of Block 2 (Plots 38, 41 and 45 only), it is recommended that these new windows be obscure glazed by condition.
- 10.47 The development will have some impact on outlook from the front of 1-3 Kimberley Villas opposite, but given the scale of development proposed, and the distance retained across the street, no harmful

overlooking or loss of light/outlook will arise. There are no other neighbouring residential properties to be affected by the proposal.

- 10.48 Officers are also satisfied that an adequate level of internal and external amenity space is provided for future residents of the development.

Biodiversity

- 10.49 The site is currently hard surfaced, and apart from some vegetation adjacent to the river, offers little opportunity for biodiversity. A Preliminary Ecological Appraisal has been submitted and concludes that the development will have a negligible or low impact on any protected species or habitats. The report recommends further surveys in respect of water vole and otters but Herts Ecology do not consider this to be necessary. Herts Ecology have assessed the submissions and conclude that there are no known ecological records in this setting, and connectivity to suitable habitats is poor. The ecological value of the site is low, and the development provides opportunities for ecological gain. The likelihood of bats being found in the existing building is also low. Officers are therefore satisfied that the proposal will secure some biodiversity gain, and full details of the mitigation and enhancement works should be set out in an Ecological Mitigation Plan to be secured by condition.

Planning Obligations

- 10.50 The development triggers the need for planning obligations in accordance with the Council's Planning Obligations SPD, and the Herts County Council (HCC) Planning Obligations Toolkit. Any such obligation must be compliant with the Community Infrastructure Levy Regulations 2010 (CIL Regs) – i.e. they must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Any obligation must also comply with Regulation 122 of the CIL Regs with no more than 5 obligations for a particular project or type of infrastructure entered into since April 2010 (pooling restriction).
- 10.51 HCC have requested financial contributions towards primary education, youth facilities, and library facilities, and have identified specific schemes that would not trigger a Regulation 122 pooling issue. Based on the residential nature of the proposed development, Officers consider these contributions to be reasonable and necessary having regard to the tests set out above. However, given the changes to housing tenure arising from negotiations on affordable housing

provision, the figures requested by HCC are likely to change, and Members will be updated at Committee.

- 10.52 NHS England have requested contributions towards local surgeries given that they are already constrained and would not be able to accommodate the new residents. Based on the evidence submitted by the NHS, Officers consider their requested contribution of £621 per unit to be reasonable and necessary in accordance with the CIL Regs.
- 10.53 The development also triggers the need for East Herts Council contributions towards outdoor sports and open space. The Council's Environment Manager has confirmed that they have various open space and play area projects within the vicinity of the site that require external funding. Their preference is to secure funding towards improvements at Bishop's Park which include improving access, improving the play area and installing a parkour facility. Financial contributions should therefore be sought in respect of both children/young people, and outdoor sports facilities in accordance with the Council's adopted Open Space, Sport and Recreation SPD. This equates to £49,173 for outdoor sports, and £5,877 for children/young people, index linked. Such contributions are also considered to be reasonable and necessary in accordance with the CIL Regs.

11.0 Conclusion

- 11.1 The site lies in the built-up part of Bishop's Stortford wherein there is no objection in principle to new residential developments. The site is considered to be in a sustainable location with easy access to public transport facilities and town centre services/facilities. Given the Council's lack of a 5 year housing supply, the presumption in favour of sustainable development set out in paragraph 14 of the NPPF applies, and development proposals that accord with the development plan should be approved without delay. The provision of 70 residential units will make a meaningful contribution towards the Council's 5 year housing supply and weighs in favour of the scheme.
- 11.2 Although the scheme will result in the loss of an established employment use, Officers are satisfied from marketing submissions and constraints of the site, that the site can no longer be retained for employment use. The proposal is therefore considered to comply with Local Plan policy EDE2.
- 11.3 In terms of scale and design, Officers are satisfied that the scheme is acceptable following amendments to the apartment block ridge heights

and landscaped areas. Although the scheme is of a higher density than the residential areas to the south, Officers do not consider this to be harmful. The higher blocks are located to the rear of the site fronting onto the river, and the family housing to the Southmill Road frontage will enhance this part of the street scene. Provision is now made for 39% affordable housing, which, based on the viability appraisals that have been carried out, is deemed to be policy compliant.

- 11.4 A number of concerns have been raised over parking provision; however having regard to the sustainable location of the site, car parking zones, and car ownership levels, Officers are satisfied that the parking levels are acceptable and are unlikely to result in overflow parking that would cause a severe highway impact.
- 11.5 The site lies in Floodzone 2 but Officers are satisfied that the Sequential Test has been passed. Although an objection remains in respect of the sustainability of surface water drainage, Officers do not consider the drainage proposals to be unacceptable, and there will be a net gain in permeability as well as biodiversity across the site. No harm would arise to residential amenity or heritage assets. Officers therefore consider the proposal to represent a sustainable form of development in accordance with the NPPF, and permission is recommended subject to the following Section 106 obligations, and conditions.

Legal Agreement

- Financial contribution of £60,429 for Primary Education to go towards the expansion of Richard Whittington Primary School by 0.5FE to 2FE;
- Financial contribution of £1,083 for Youth facilities to go towards improvements to increase capacity of kitchen facilities at the Northgate Youth Centre;
- Financial contribution of £8,819 for Library facilities to go towards relocation of the front reception area to facilitate a new Open+ facility at Bishop's Stortford library;
- Financial contribution of £621 per unit, totalling £43,470, to NHS England to go towards increasing clinical space and additional resource needs at local surgeries;
- Financial contribution of £49,173 for Outdoor sports to go towards improvements at Bishop's Park including access improvements and installing a parkour facility;

- Financial contribution of £5,877 for Children/young people to go towards improvements at Bishop's Park including access and play area improvements;
- Financial contribution of £2,000 for the support and monitoring of a Travel Plan Statement.

Conditions

1. 1T12 – Three Year Time Limit
2. 2E10 – Approved Plans
3. 2E12 – Samples of materials – ‘prior to above ground works’
4. 4P12 – Landscape design proposals (b, c, d, e, l, j, k, l) – ‘prior to above ground works’
5. 4P13 – Landscape works implementation
6. 2E32 – Materials arising from demolition
7. All boundary walls and fences shown on drawing WH170/15/P.10.01 C shall be erected prior to the first occupation of any dwellings hereby approved and shall thereafter be retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. The proposed window openings in the south flank elevation of Block 2 serving Plots 38, 41 and 45 shall be fitted with obscured glazing prior to the first occupation of any of the units and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

9. No dwelling shall be occupied until the access, junction, parking and turning spaces serving that unit have been completed in accordance with the approved in principle plan WH170/15/P/10.01 C and constructed to the specification of the Highway Authority.

Reason: To ensure appropriate access in the interest of highway safety.

10. Visibility splays of 2.4 metres by 43 metres shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 0.6 and 2.0 metres above the carriageway level.

Reason: To provide adequate visibility for drivers entering and exiting the site.

11. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. The plan shall include the following details:
 - a. Phasing for the development including all highway works;
 - b. Methods for accessing the site including construction vehicle numbers and routing;
 - c. Location and details of wheel washing facilities;
 - d. Parking areas and storage areas clear of the public highway.

Reason: To ensure that the development takes place with due regard to highway safety and capacity. A pre-commencement condition is necessary to minimise highway impacts from the outset.

12. Prior to first use of the development hereby permitted, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority and shall contain proposals for minimising the use of private cars to the development, including provision for setting targets for modal split journeys and the monitoring of the achievement of such targets, together with fall-back measures to rectify and failure to achieve said targets.

Reason: To promote sustainable transport measures to the development. A pre-commencement condition is necessary to minimise highway impacts from the outset

13. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Stort has been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in

writing by the Local Planning Authority. The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping, and shall include the following:

- a. Plans showing the extent and layout of the buffer zone;
- b. Details of any proposed planting (which should be locally appropriate native species);
- c. Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term including adequate financial provision and named body responsible for management, plus production of detailed management plan;
- d. Details of any proposed footpaths, fencing, lighting etc.

Reason: To protect the River Stort and its ecological value and in accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007. A pre-commencement condition is necessary in this case to ensure no harm to the ecological value of the river.

14. No development shall take place until an invasive non-native species survey has been carried out and submitted to and approved in writing by the Local Planning Authority. If any such species are found on site, this shall include a detailed method statement for removing these species from the site and measures to prevent spread during any operations. It shall also include measures to ensure that any soils brought to the site are free from the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981 as amended. Development shall proceed in accordance with the approved details.

Reason: There is evidence of invasive species within this area of Bishop's Stortford which can have a detrimental impact on the river. A pre-commencement condition is necessary in this case to ensure no harm to river quality and habitats.

15. No development shall take place (including demolition, ground works and site clearance) until an ecological mitigation and management plan that is based on the submitted Preliminary ecological Appraisal (Arbtech 2015) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - a. Purpose and conservation objectives for the proposed works;
 - b. Detailed designs and/or working methods necessary to achieve these objectives (including where relevant the type and source of materials to be used, the provenance of native trees etc.);

- c. Extent and location of proposed works shown on appropriate scale maps and plans;
- d. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- e. Persons responsible for implementing the works;
- f. Details of initial aftercare and long-term maintenance.

The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority, and features shall be retained in that manner thereafter.

Reason: To ensure no net loss of biodiversity in accordance with Section 11 of the National Planning Policy Framework. A pre-commencement condition is necessary in this case to ensure no harm to protected species or their habitats.

16. The development hereby permitted shall be carried out in accordance with the surface water drainage layout produced by Weston Homes, drawing reference WH170/16/15.02 dated 4th of January 2016 and mitigation measures detailed within the drainage layout as follows:
 - a. The surface water run-off discharged into the River Stort must not exceed 5 l/s during the 1 in 100 year event + climate change event;
 - b. The surface water run-off discharged into the Thames Water sewer must not exceed 5 l/s during the 1 in 100 year event + climate change event;
 - c. A minimum attenuation volume of 256.5 m³ must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. Attenuation to be provided in permeable pavements and filter drains as shown in updated surface water drainage layout produced by Weston Homes, drawing reference WH170/16/15.02 dated 4th of January 2016.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

17. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures and should comply with BS10175:2011, unless the LPA dispenses with any such requirement specifically and in writing:
1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the LPA shall be fully established before the desktop study is commenced and it shall conform to any such requirements. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (i) a desk-top study has been completed satisfying the requirements of paragraph (1) above;
 - (ii) The requirements of the LPA for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the LPA.Copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.
 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in Section 11 of the National Planning Policy Framework. A pre-commencement condition is necessary in this case to ensure no irreversible harm to land or groundwater resources.

18. If piling is considered the most appropriate method of foundation construction then prior to the commencement of development, a method statement detailing the type of piling and noise emissions shall

be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring residents in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

19. 6N07 - Construction hours of working- plant and machinery
20. Notwithstanding the provisions within Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no gates shall be erected at the entrance to the site.

Reason: To ensure an open and inclusive development that meets high quality design standards in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Informatives

1. 01OL – Other legislation
2. 24BA – Bats
3. 08PO – Planning Obligation
4. 19SN – Street Naming and Numbering
5. 33UC – Unsuspected contamination
6. 34AS – Asbestos
7. The applicant is advised that in order to comply with this permission it will be necessary for the developer to enter into an agreement with Herts County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure satisfactory completion of the access and associated improvements. The applicant is advised to contact the Highway Authority on 0300 123 4047 to obtain the requirements on the procedure to into the necessary agreement prior to the commencement of development.

8. The plans propose an outfall pipe to the River Stort and the applicant is advised that under the terms of the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures in, under or over, or within 8 metres of the top of the bank of the River Stort.

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.

KEY DATA

Residential Development

Residential density	100 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	16
	2	45
	3	0
Number of new house units	1	0
	2	0
	3	9
	4+	0
Total		70

Affordable Housing

Number of units	Percentage
27	39%

Non-Residential Development

Use Type	Floorspace (sqm)
None	0

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	20
2	1.50	67.5
3	2.25	20.25
4+	3.00	0
Total required		107
Proposed provision		83

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	24
2	2.00	90
3	2.50	22.5
4+	3.00	0
Total required		136
Accessibility reduction	75%	
Resulting requirement		102
Proposed provision		83