

DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2016

Application Number	3/15/2579/VAR
Proposal	Variation of approved plans condition 2 (of LPA reference 3/14/0978/FP as amended by LPA reference 3/15/2282/NMA) Demolition of buildings and garage and the erection of 19no 1 bedroomed dwellings and 29no 2 bedroomed dwellings together with associated parking, access and landscaping.
Location	110-114 South Street, Bishop's Stortford, CM23 3BQ
Applicant	Redrow Homes Ltd
Parish	Bishop's Stortford
Ward	Bishop's Stortford Central

Date of Registration of Application	24 December 2015
Target Determination Date	24 March 2016
Reason for Committee Report	Major application
Case Officer	Martin Plummer

RECOMMENDATION:

That planning permission be **GRANTED** subject to a Deed of Variation of the legal agreement under reference 3/14/0978/FP, and to the conditions set out at the end of this report.

1.0 Summary

- 1.1 Planning permission was granted for the redevelopment of the site comprising the erection of two buildings to provide 48 flats under LPA reference 3/14/0978/FP and work has commenced on the development.
- 1.2 The current application proposes various amendments to that permission including alterations to a retaining wall; consequential minor adjustments to the siting and levels of the buildings; reconfiguration of the parking layout, and changes to the elevational treatment of the buildings
- 1.3 The changes are considered to be relatively modest and will not result in any harm to the layout and design of the scheme or the character or appearance of the area. The amendments would result in the loss of one parking space. However, overall parking provision would remain in accordance with the Councils adopted standards and, given the sustainable location of the site, it is not considered that this would have

any significant impact on highway safety or amenity in the surrounding area. The proposal is therefore considered to be acceptable in relation to national and local planning policy and Officers recommend that planning permission be granted subject to a variation of the original legal agreement, to ensure that it relates to this latest application, and the inclusion of planning conditions.

2.0 Site Description

- 2.1 The application site is shown on the attached OS extract. A description of the site is also set out in **Essential Reference Paper 'A'** which is included at the end of this report.
- 2.2 The applicant has started to implement the consented scheme at the site (3/14/0978/FP). The site has been cleared and all previously existing buildings on the site have been demolished and ground works have commenced.

3.0 Background to Proposal

- 3.1 As noted above, planning permission was granted in April 2015 for the redevelopment of the site under LPA reference 3/14/0978/FP. That approved development has now started to be implemented.
- 3.2 This application seeks an amendment to that previously granted planning permission which, in summary, incorporates the following changes:
- Re-positioning of the retaining wall structure to the rear of the site;
 - Adjustments to the floor levels of the buildings and resultant increase in height of buildings by 0.4metres;
 - Re-positioning of buildings within the site;
 - Changes to the elevational treatment of the buildings;
 - Reconfiguration of parking layout and provision of an additional bin store;
 - Changes to entrances of the two buildings and a stepped access.

4.0 Key Policy Issues

- 4.1 The principle of re-development of this site has been established through the grant of planning permission under LPA reference 3/14/0978/FP. The key policy context is set out in section 6 of ERP A.
- 4.2 The Neighbourhood Plan for Bishop's Stortford Central, South and All Saints and part of Thorley is also now of relevance to the application

site and is currently subject to public consultation. However, given its early stage in development, little weight can currently be accorded to it and it is not considered, in any event, that it raises any new material planning considerations in relation to this development.

5.0 Emerging District Plan

5.1 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 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission and the amendment is acceptable in a highway context.

6.2 Hertfordshire County Council Historic Environment Unit has no comment to make on the application.

6.3 Hertfordshire Ecology has no comment to make on the application.

6.4 Hertfordshire Constabulary comment that the new entrance to the building should be a fire entrance to avoid unauthorised access to the building. The new bin store should be certified to the relevant British Standard and appropriate fire detection or suppression system is implemented to protect against possible arson. The applicant is encouraged to achieve 'Secure by Design' accreditation.

6.5 Environmental Services comment that bin provision is acceptable.

6.6 Environmental Health advises that planning conditions relating to construction hours of working and soil decontamination be attached within any grant of planning permission.

6.7 The Environment Agency has no comment to make on the amende scheme.

7.0 Town Council Representations

7.1 Bishop's Stortford Town Council object to the application and comment that the development is contrary to policy ENV1 and is lacking in design quality.

8.0 Summary of Other Representations

- 8.1 One letter of objection has been received raising concern with the demolition of buildings on the site and the impact of the development on the character and appearance of the town.

9.0 Planning History

- 9.1 The planning history for the site, prior to application 3/14/0978/FP is set out in section 2 of **Essential Reference Paper 'A'**.

10.0 Consideration of Relevant Issues

- 10.1 Planning permission has been granted for the re-development of the site and the main consideration in this application to amend the plans (as per the details set out in section 3.0 above) relate to whether those amendments are acceptable in terms of their impact on the character and appearance of the street and surroundings. The principle of development and related viability matters, highways, planning obligations and neighbour amenity impact are all addressed in ERP A.
- 10.2 The principle amendment to the design arises as a result of necessary changes to the specification of the retaining wall to the rear (west) of the site which protects the embankment further to the west of the site. Such a change to this retaining structure has a resultant impact on the levels within the site, the layout of the parking area and other related elevational treatments.
- 10.3 The main change in this application from that originally granted planning permission is that the revised land level has resulted in an increase in the height of the southernmost building and this requires a raised platform to be provided across the site frontage in order to access the flats via steps from the street and a level access from the car park. The change to the height of the building is however modest (0.4 metres) and similarly the changes to the elevational treatment which includes alterations to the fenestration layout at the rear of the site, the raised platform to access the flats, and minor alterations to the roof design, are all modest and not dissimilar to that originally granted planning permission. The Conservation and Design Team raise no objection in regard to the proposed changes and the amendments to the layout and design of the building are acceptable and do not, in Officers opinion, result in significant harm to the character or appearance of the street or character of the surroundings.

- 10.4 A new bin store would be provided within the rear parking area of the building in order to meet building regulation requirements for access to bins. The bin store itself is acceptable in terms of its siting, size, scale and design. The siting of this store and other changes to the parking area has however resulted in the loss of one parking space and 43 spaces are now provided. The loss of a single parking space is not however significant having regard to the sustainable location of the site with good access to public transport and the town's amenities. Furthermore the parking provision remains in accordance with the Council's adopted parking standards. The development also retains an appropriate provision for cycle storage.
- 10.5 Various planning conditions were attached with the original planning permission as granted under LPA reference 3/14/0978/FP and, as a variation application effectively results in the issue of a new planning permission, their inclusion is recommended again.

11.0 Conclusion

- 11.1 The principle of development has been established and the changes to the scale, design and form of the proposed buildings are modest and do not, in Officers opinion, result in material harm to the character or appearance of the building or surroundings. A slight reduction of one space in parking provision is proposed. However, this is considered to be acceptable for the reasons outlined above.
- 11.2 Officers therefore recommend that planning permission is granted subject to the signing of a legal agreement and planning conditions as outlined below.

Legal Agreement

- A Deed of Variation is required in order to tie this permission in with the signed section 106 agreement for application 3/14/0978/FP.

Conditions

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Samples of materials (2E123)
4. Within one month of the grant of planning permission the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved in writing, by the Local Planning Authority and thereafter implemented in accordance with any approved details:

1. A site investigation scheme, based upon the Preliminary Risk Assessment and Geo-Environmental Site Assessment (RSK, Project No:26709 R01(00), dated October 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, included those off site;
2. Based upon the results of the site investigation and detailed risk assessment referred to in (1) an options appraisal and remediation strategy giving full details of the remediation measures;
3. A verification plan providing detail of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site and in the interest of human health in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

5. Prior to the occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site and human health in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

6. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site and in the interests of human health in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

7. Within one month of the grant of planning permission a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities;
 - f) Measures to control the emission of dust and dirt during construction
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) A restriction on any burning of materials on the site.

Reason: To safeguard the amenity of residents of neighbouring properties in accordance with policies ENVI and ENV24 of the East Herts Local Plan Second Review April 2007 and in the interests of highway safety and in accordance with the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document policies 1 and 12.

8. Construction hours of working – plant and machinery (6N072)

9. The development shall be carried out in accordance with the measures as set out in the CSa Environmental Planning dated August 2014, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981 and in accordance with policy ENV16 of the East Herts Local Plan Second Reviews April 2007.

10. Within one month of this decision full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. Landscape works implementation (4P13)

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 and the grant of planning permission under LPA reference 3/14/0978/FP is that permission should be granted.

KEY DATA

Residential Development

Residential density	154 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	19
	2	29
	3	
Number of new house units	1	
	2	
	3	
	4+	
Total		48

Affordable Housing

Number of units	Percentage
6 social rent	12.5%
4 shared ownership	8.3%

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	23.75
2	1.50	43.5
3	2.25	
4+	3.00	
Total required		67.25
Proposed provision		43

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

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	28.5

2	2.00	58
3	2.50	
4+	3.00	
Total required		86.5
Accessibility reduction	50%	
Resulting requirement		43.25
Proposed provision		43