

**3/14/0978/FP – 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 at 110-114 South Street, Bishop's Stortford, CM23 3BQ for Redrow Homes Limited**

**Date of Receipt:** 30.06.2014

**Type:** a) Full – Major

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD – CENTRAL

**RECOMMENDATION:**

That, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- The provision of 10 onsite affordable units comprising of 6no social rent units and 4no shared ownership units;
- Primary Education £24,708 - To be secured towards the expansion of Richard Whittington School from 1.5Fe to 2Fe;
- Nursery Education £6,100 - To be secured towards an expansion of provision at Windhill School;
- Childcare Services £1,756 - To be secured towards an expansion of provision at Windhill School;
- Library Services £5,152 - To be secured towards layout improvements and the provision of modular shelving to increase stock at Bishop's Stortford Library;
- An open space contribution of £125,716 to improvements to the Play area at Trinity Street; changes to Bishop's Park comprising of changes to access and development sports and leisure opportunities for local people and improvements to the play area; Improvements to the Waytemore Castle Gardens including the provision of play space;
- The provision of a viability review mechanism, to be triggered by an occurrence to be agreed, but to commence prior to the completion of the construction on the site and before the occupation of all the units, to determine whether any additional value has been generated by the development that can be directed toward an additional financial

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contribution for the provision of affordable units in the District.

Planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Samples of materials (2E123)
4. Prior to the commencement of development 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.

4. 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

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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.

5. 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.

6. No development hereby permitted shall take place until a Construction Method Statement has been 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.

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

9. Landscape design proposals (4P12)(insert a, b, e, l, j, k, l)
10. 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 is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is located on the west side of South Street, to the south of Bishop's Stortford Town Centre, as shown on the attached OS map. The area of the site comprises some 0.32Ha with the northern half of the site occupied by three traditional two storey buildings. Numbers 110 and 112 have been vacant for a number of years and are in a poor condition. The southern half of the site comprises an unoccupied petrol station and accommodates a single storey flat roof building, forecourt canopy and gas compound,
- 1.2 The site is located within the Bishop's Stortford Conservation Area, although it appears to be somewhat dilapidated in appearance, owing to its unoccupied state.
- 1.4 The site is to the south of the town centre and is surrounded by a mixture of uses; to the south and east are modern three storey office

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buildings, to the north is a public footpath, New Path and Holy Trinity Church, and to the west, set at an elevated position are the terraced residential properties of 2 – 26 Trinity Close.

- 1.5 The proposed development involves the demolition of the existing buildings on the site and its redevelopment involving the provision of 19no 1 bed dwellings and 29no 2 bed dwellings. Vehicular Access to the site is achieved via an access road located in-between the two main buildings on the site, which leads to a parking area providing 44 parking spaces. A covered cycle storage room within one of the buildings provides 48 cycle spaces.

### **2.0 Site History**

- 2.1 Planning permission was granted within LPA references 3/06/1854/FP and 3/06/1856/LC for the demolition of the existing buildings and redevelopment by the erection of 24 new dwellings.
- 2.2 A later application (LPA reference 3/09/1853/FN) was submitted to renew that previous application. However, planning permission was refused on the basis of the lack of affordable homes and other financial contributions.

### **3.0 Consultation Responses**

- 3.1 The Environment Agency recommend that planning permission be granted subject to planning conditions requiring de-contamination of the site.
- 3.2 The Historic Environment Unit comment that the proposal is unlikely to have an impact upon heritage assets of archaeological interest.
- 3.3 Thames Water advise that there are public sewers crossing or close to the development and therefore consent from Thames Water will be required for any development within 3metres of the public sewer.

With regard to surface water drainage, they comment that it is the responsibility of the developer to make proper provision for drainage. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of groundwater, and where a developer proposes to discharge into a public sewer, prior approval from Thames Water will be required. Water supply in the area is covered by Affinity Water.

- 3.4 The Councils Refuse Team comment that they would prefer to see

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access into the development site for refuse vehicles to empty refuse bins to avoid blocking traffic on the road.

- 3.5 The Councils Engineers comment that the proposed drainage of surface water to the main sewer could present a risk of increase to river pollution and the construction is not considered to be sustainable. The Engineers suggest that consideration be given to implementation of Sustainable Drainage Systems to improve the proposal.
- 3.6 Comments have been made by the Conservation Officer during the pre-application assessment of the proposals. At that stage the comments were that the contribution that South Street makes to the Conservation Area can be defined as the collection of built form with varied architecture, primarily mixed use with residential above street level. Holy Trinity Church adjoins the site and is a non-designated heritage asset which makes a positive contribution to the historic and architectural character and appearance of the surrounding conservation area.

The wider built character is defined by the rhythm between solid and void within the street elevations. Interest is further provided through gable ends, varied fenestration treatment, varied roof heights and materials, all of which enhance and contribute to the character of South Street.

The Conservation Officer commented that, as a result of previous decisions, a view has been taken with regard to the demolition of the buildings as follows:

*'The demolition of the existing buildings and their setting are assessed in the context of the design of the proposed housing scheme which will replace them. The historic character of the existing buildings has been recently assessed and although there are some characteristics of traditional materials evident such as bricks and tiles, regrettably the majority of the site has been altered unsympathetically. The case for demolition is therefore sustainable.'*

The Conservation Officer made the following comments with regard to the plans original submitted with the application:-

In assessing the mass and scale of the unit located adjacent to Holy Trinity Church, this is at two and half storey and is an approach which does not compete or overwhelm the neighbouring non-designated heritage asset. Furthermore the design detail allows for a comfortable rhythm between solid and void on the principle elevation, resulting in a building which would sit comfortably within the streetscene.

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Concern was however raised with the main building within the site in terms of the mass and scale. The scale of that original scheme was not considered to be uncharacteristic, within the streetscene, but the core of the unit with a large expanse of roof was considered to present an awkward mass. The Conservation Officer recommended that the following alterations to the original scheme be considered:

A reduction in the ridgeline of the main part of the building proportionately with the two-half storey building adjacent to Holy Trinity Church. Dormers at roof height were proposed together with the introduction of balconies to the front elevation to assist with reducing the overall visual mass as a result of the scale. Furthermore a wider and as such stronger gable end was suggested to assist with the articulation of the front elevation with the street.

- 3.7 The Environmental Health Officer comments that any permission which the Council grants should include conditions relating to construction hours of working (plant and machinery) and soil decontamination.
- 3.8 The Councils Housing Development Manager comments the scheme is in a good location for access to services and facilities and these sized units would meet the housing needs of applicants on the Housing Needs Register.

The housing Team note that there has been ongoing viability discussions with the applicant regarding the affordable housing provision and the scheme now provides 10 units which equates to 21% with the tenure mix of 60% rent and 40% shared ownership. The affordable units should be identified on the proposed plans.

Whilst disappointed at the level of provision, having regard to the viability matters which have been reviewed, the Housing Team consider that the provision of 10 units would help to meet local housing needs as there is a demand for 1 and 2 bed properties.

Any legal agreement should incorporate a review mechanism as the scheme is not policy compliant.

- 3.9 The Planning Obligations Officer representing Hertfordshire County Council recommends financial contributions relating to the following matters:
- Primary Education £24,708 - To be secured towards the expansion of Richard Whittington School from 1.5Fe to 2Fe;
  - Nursery Education £6,100 - To be secured towards an expansion

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of provision at Windhill School;

- Childcare Services £1,756 - To be secured towards an expansion of provision at Windhill School;
- Library Services £5,152 - To be secured towards layout improvements and the provision of modular shelving to increase stock at Bishop's Stortford Library.

- 3.10 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission subject to conditions and a financial contribution towards sustainable transport. The Highways Officer comments that, having regard to the existing use of the premises and the associated traffic movements, the principle of development is acceptable. The amended scheme has been amended to overcome previous concerns in regards to the access.

The Highways Officer recommends a financial contribution of £33,000 towards sustainable transport schemes and traffic calming/safety enhancement measures in the vicinity of the site.

- 3.11 Herts Ecology comment that appropriate survey methodology, evaluation and analysis have been carried out. Bats are confirmed to be roosting in one of the buildings and the mitigation strategy as proposed is sufficient to deal adequately with bats. The mitigation strategy as set out in the bat report should be subject to a planning condition. Herts Ecology comment that the LPA can apply and satisfy the three derogation tests as set out in the Habitats and Species regulations.

- 3.12 Herts Constabulary comment that there is a lack of natural surveillance to the parking areas and that the proximity of the cycle storage with parking spaces could lead to damage to car vehicles.

- 3.13 The Landscape Officer recommends that planning permission be refused.

The building blocks abut the public pavement in places with the footprint for the central block sitting at an awkward or uncomfortable angle to the street at its north eastern corner.

There is limited space for soft landscape provision within the parking forecourt and good quality materials and hard landscape details need to be used to provide texture, pattern and interest to create a reasonably pleasant and attractive space that contributes in a positive way to the overall development. Landscape design proposals should not be left for consideration until after full planning permission has been granted. The specified landscape scheme (including open spaces and all hard and soft landscaping) should be an integral part of the development and



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show how it will make the proposal attractive, useful and socially and environmentally responsible, and considered alongside (not after) other design decisions and the wider landscape / townscape.

#### **4.0 Town Council Representations**

4.1 Bishop's Stortford Town Council object to the development on the basis of over shadowing; out of keeping; loss of C19 buildings; loss of privacy; overbearing; overdevelopment; insufficient parking; and impact on 20-26 Trinity Close.

#### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 8 letters of representation were received in respect of the plans originally submitted with the application which raised the following concerns:

- Overdevelopment of the site
- The height and proportions of the development is out of keeping with the street and surroundings;
- Impact on highway congestion and access;
- Insufficient parking provision;
- Loss of landscape features and trees;
- Loss of existing buildings which are important to character of the street;
- Impact on protected species – bats and other biodiversity;
- Loss of privacy to neighbouring residential properties;
- Potential subsidence with works to bank;
- Harmful impact upon the setting of Holy trinity Church;
- Noise impact on Church associated with new residential development.

5.3 Further to the submission of amended plans 25 March 2015, neighbouring properties were re-consulted and 13 letters of representations were received – the comments received in that later consultation response are generally as set out in section 5.2 above.

#### **6.0 Policy**

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

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|-------|--|
| SD1   | Making Development More Sustainable          |
| SD2   | Settlement Hierarchy                         |
| HSG8  | Affordable Housing                           |
| HSG4  | Affordable Housing Criteria                  |
| HSG6  | Lifetime Homes                               |
| TR7   | Car Parking – Standards                      |
| TR14  | Cycling – Facilities Provision (Residential) |
| ENV1  | Design and Environmental Quality             |
| ENV2  | Landscaping                                  |
| ENV11 | Protection of Existing Hedgerows and Trees   |
| ENV20 | Groundwater Protection                       |
| ENV21 | Surface Water Drainage                       |
| BH6   | New Development in Conservation Areas        |
| IMP1  | Planning Conditions and Obligations          |

6.2 The National Planning Policy Framework and NPPG is also relevant to the consideration of this case.

## **7.0 Considerations**

7.1 The main planning considerations in the case of this application are:

- Principle of development;
- Viability matters;
- Impact on surrounding area amenity (Conservation Area);
- The impact on neighbour amenity;
- Highways matters;
- Planning Obligations.

### **Principle of development**

7.2 The development site is within the built up area of Bishop's Stortford where there is a presumption in favour of development, in line with policy SD2 of the Local Plan.

7.3 Representations in objection to the application including those from the Town Council, are critical of the demolition of the existing buildings to the north of the site. Members will note however that planning permission has previously been granted for demolition of existing buildings on the site and the Council have previously determined that there is limited heritage value in retention of the existing buildings. There can therefore be no objection in principle to the demolition of the existing buildings on the site.

7.4 The proposal will see development of a site which currently is not

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complimentary to the street scene and has been vacant for a significant period of time. The opportunity to redevelop the site and improve the visual amenity of the street is a matter which must weigh in favour of the application, subject to an appropriate design and amount of development.

- 7.5 Members will be familiar with the Councils position in respect of five year housing land supply matters. The proposed development will provide a residential development (48 units) in a sustainable town centre location with very good access to the towns amenities, employment and public transport. The sustainable location of the site and amount of residential development proposed is therefore also a matter which must weigh significantly in favour of the development and would accord with the social dimension of sustainable development.
- 7.6 The proposed development will result in the loss of an employment use on the site but this has previously been considered to be acceptable in the grant of planning permission for a residential development on the site. In the short term, the proposal will provide employment associated with the demolition and construction of the development which accords with the economic dimension of sustainable development.
- 7.7 Members will note that Officers have recommended various financial contributions (which are discussed below) and the provision of 10 affordable units which represents 21% of the overall unit numbers. Such a level of affordable homes (21%) falls below the 40% which is the aspiration of policy HSG3 of the Local Plan. Affordable housing, in a sustainable town centre location should, as recognised by the Councils Housing Team, be considered as a priority.
- 7.8 The NPPF sets out that the scale of development should not be subject to a scale of obligations such that their ability to be developed viably is threatened. The costs of any requirements likely to be applied to development, including affordable housing should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing developer to enable the development to be deliverable.
- 7.9 When originally submitted, the application included the provision of no affordable housing but full financial contributions towards other infrastructure improvements. The viability information submitted by the applicant has been independently reviewed. Based on this the applicant initially agreed to the provision of 12.5% affordable homes together with the full range of normal financial contributions.
- 7.10 Further scrutiny and interrogation of the viability of the site has now

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resulted in the level of affordable unit provision being increased to 21%, which comprises the 10 units identified (6 social rent and 4 shared ownership).

- 7.11 Given the rigorous scrutiny, Officers are now therefore satisfied that the level of affordable housing provision is an acceptable and appropriate one. Notwithstanding this it is reasonable for a review mechanism to be put in place. This will form part of the legal agreement and will ensure that, if additional value can be released from the scheme, there is further provision for the Council in the form of a financial sum.

#### Impact on surrounding area

- 7.12 As noted above, planning permission has previously been granted for the redevelopment of the site, albeit for a development of smaller proportions and scale to that now proposed. That previously approved scheme was considered to reflect the domestic character of the area and takes reference from a number of existing buildings in Bishop's Stortford.
- 7.13 Some representations have been received in objection to the application, including the Town Council. Concern is primarily raised with the central mass and height of the main building on the site although some representations are received from Holy Trinity Church (located to the north of the site) in terms of the impact on that non-designated heritage asset. The Landscape Officer also raises concern with the geometry of the building and juxtaposition with the road, together with the lack of detailed landscape information.
- 7.14 Within the NPPF, there is a commitment to protecting and enhancing the built environment by encouraging high quality and inclusive design which addresses the connections between people and places and the integration of new development with the built and historic environment. The development site falls to the southern edge of the Bishop's Stortford Conservation Area wherein policies BH6 and section 12 of the NPPF are applicable.
- 7.15 The site itself contains petrol filling garage buildings which are typical in design and form to many. To the west of those buildings is a landscaped bund which rises quite steeply to approximately the same level as the adjoining residential gardens. There are various landscape features and trees located on that bund which are protected by the Conservation Area designation of the site. To the north of the garage building are three separate buildings which are at two storey's in height with white/cream render and clay pegged tiles.

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- 7.16 To the immediate north of the application site is a pedestrian footway which links South Street with the residential neighbourhood to the west – Newtown. Newtown is an area of C19 residential expansion of the town which does include some recent infill housing development. In-between the site and that area is a small recreational area which is within the ownership of East Herts Council. To the north of the application site and pedestrian footway is Holy Trinity Church.
- 7.17 Whilst the Church is not listed it is considered to represent an undesignated heritage asset by virtue of its form, materials of construction and overall relationship with the street and historical evolution of the town. Beyond this building and to the north of the site are a collection of buildings which are modern in their appearance, which is particularly evident through the flat roof design of buildings. The height of building is generally 2-2½ storeys however, 90-98 South Street are 4 storey buildings and appear as a modern development site.
- 7.18 A development for sheltered accommodation is currently being built to the north of the site which comprises of a 3½ storey building (LPA reference 3/12/2154/FP). Beyond that site and further to the north is the main town centre and core area of the Conservation Area where there is a more significant height and variation to buildings.
- 7.19 The proposed development involves the demolition of the existing buildings, and a residential development comprising of 48 dwellings. This quantum of development is divided between two buildings – the main building is 4 storeys in height with accommodation partially within the roof space. The smaller building is 3 storeys in height and features a roof ridge height set below the roof ridge height of Holy Trinity Church. A continuous frontage (albeit with vehicular access) is proposed onto South Street.
- 7.20 In layout terms, the proposed development is considered to be acceptable and largely reflects that previously granted consent under LPA references 3/06/1854/FP and 3/06/1856/LC. A new frontage is proposed onto the pedestrian footway which runs to the north of the site which will replace the existing buildings and add interest to that frontage.
- 7.21 Whilst mindful of the concerns raised by the Landscape Officer with regard to the orientation of the building with the street, the development is considered to make the most of the orientation with South Street, and creates a frontage which follows the alignment, character and spacing between built form and pedestrian footway/road, as is found elsewhere in the street. A small margin between the larger building and the street is provided which will allow some soft landscape.

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- 7.22 In terms of scale and design the smaller building proposed adjacent to Holy Trinity Church is considered to be acceptable. As noted previously by the Conservation Officer, the proportions of this building do not compete or dominate the Church building and the detailed design allows for an appropriate rhythm between solid and void spaces and the building will sit comfortably in the street.
- 7.23 The larger building proposed has attracted a greater level of criticisms from third parties. However, Members should note that the scheme has been amended through the application process and the applicant has responded positively to the previous comments from the Conservation Officer.
- 7.24 The proposed building has a good level of variation and articulation to the elevational treatment comprising of pitched roofs of varying heights, eaves level windows and flat roofed dormer windows. There is also variation in gables and window/ balcony options.
- 7.25 The central part of the building features one larger mass which, in comparison to neighbouring development, is of more significant proportions and scale. However, the overall impact of the building is broken up appropriately by the design features referred to above. Furthermore, this building is set back from the pedestrian footway which provides a good gap of around 17metres between the proposed building and the building opposite – Ducketts Wharf.
- 7.26 In this respect and, taking into account the mixed character and scale of development in the immediate street and wider setting, it will not, in Officers opinion, lead to the development appearing unduly dominant or conspicuous. The building will have a greater level of presence in the street in comparison to the existing development – however, having regard to the poor appearance of the existing site the development proposal will result in a significant improvement to the visual amenity of the street scene which will enhance the character and appearance of the Conservation Area and built environment in accordance with policies ENV1 and BH6 of the Local Plan and section 7 and 12 of the NPPF.

### Landscape

- 7.27 The comments from the Landscape Officer are noted with regard to the lack of detailed landscaping information. However, the overall level of information and landscape proposals to the rear of the site are generally the same as was previously considered to be acceptable by the Council. It is considered that landscape matters can, in this

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instance, be agreed and regulated through the provision of planning conditions which are set out at the head of this report.

- 7.28 The proposed development will result in the loss of landscape features to the rear of the site which third parties have raised concern with in terms of the contribution they raise to the setting. No such concerns are raised with the removal of these landscape features by the Landscape Officer and the landscape features are not considered to be of such high quality or significance to the street scene which would warrant their retention as part of the development scheme.

#### Neighbour amenity

- 7.29 It is recognised that the majority of the site is surrounded by commercial properties; the main planning consideration therefore in terms of the impact on neighbour amenity must focus on those properties along Trinity Close. However, Officers do not consider that the degree of impact on those properties will be significantly detrimental. Those properties are on higher ground with a distance of some 35 metres between the rear elevation of the new building and that of the properties within Trinity Close. Such a relationship is similar to that granted planning permission under LPA reference 3/06/1854/FP. Officers therefore consider that the proposed development will not impact on neighbour amenity and the requirements of Policy ENV1 would be met.

#### Highway Safety and parking

- 7.30 The comments from the Highways Officer advise that, having regard to the existing lawful use of the site as a petrol station, that there is no objection to the development in terms of highway access or capacity. The lawful use of the site as a petrol filling station would likely see a number of traffic movements into and out of the site throughout the day, including early mornings and evenings. The proposed development includes a significant number of parking spaces which will also likely create vehicle movements onto South Street but, compared to that of the lawful petrol station are not, in Officers opinion, likely to give rise to significant harm to highway safety or capacity.
- 7.31 The parking facilities are sited to the rear of the proposed buildings and propose a total of 44 parking spaces which equates to 0.9 spaces per unit. The maximum standard outlined in Policy TR7 requires provision for 67 spaces – 1.25 spaces per 1 bed unit and 1.5 per 2 bed unit. However, the development site is a very short distance to the town's amenities and public transport services. The emerging standards would require 87 spaces, but allow a discount of up to 50% in zone 3

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locations. It would appear acceptable to apply the discount given the location of the site. This reduces the requirement to 44 spaces. That is the proposed amount. The level of parking provision is therefore considered to be acceptable. In addition there is a high level of cycle parking provision which will assist and encourage the use of sustainable modes of transport, in accordance with policy TR14 of the Local Plan.

#### Planning obligations

- 7.32 With regard to financial contributions, as the application is for 48 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 7.33 HCC have confirmed that they will require contributions towards primary, nursery education, youth, library facilities and sustainable transport measures. Those figures are set out at the head of this report. The contributions sought are based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.34 With regards to District contributions, having regard to the Planning Obligations SPD there is a requirement for the following contributions:
- |                           |          |
|---------------------------|----------|
| Parks and Public gardens  | £24,900; |
| Outdoor Sports Facilities | £78,443; |
| Amenity Green Space       | £13,518; |
| Children and Young People | £8,855.  |
- 7.35 The Councils PPG17 audit identifies that there are deficiencies in the provision of parks and public gardens, outdoor sports facilities, amenity green space and facilities for children and young people. However, what must be considered is whether there is a need for such contributions arising from the development now being considered and where such contribution would be focused in order to mitigate against the impact of the development.
- 7.36 The Councils Environmental Services team, who are responsible for the maintenance and allocation of contributions towards such matters, have



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identified that, within the locality of the site, there is potential to utilise the funds towards improvements to Bishop's Park (located around 1.7km from the site) and Waytemore Castle (located approximately 0.9km from the site). Improvements to those open spaces will include the provision of play space and sports/leisure opportunities and improvements to access. Trinity Street play area is in closer proximity to the site and, whilst there has been some investment into that play space, there is also scope for further improvements. Having regard therefore to the requirements outlined in the Planning Obligations SPD, and the identified areas in the PPG17 audit and the specific areas identified within the locality of the site, the contributions outlined above are considered to meet the relevant tests.

#### Other matters

- 7.37 The comments from the Hertfordshire Constabulary are noted with regard to the lack of natural surveillance and proximity of the cycle parking area in relation to parking spaces. Policy ENV3 of the Local Plan relates to matters of crime prevention, and encourages development proposals to incorporate crime prevention measures through the design, layout and landscaping. The undercroft parking is however located in close proximity to entrances to the dwellings and an appropriate level of surveillance to the scale of the development is provided. In addition, an appropriate spacing between the cycle storage and parking spaces for cars is provided such that there will be no harmful conflict between cycle and car users.
- 7.38 The Environment Agency and Environmental Health have recommended a number of planning conditions relating to decontamination of the site. Officers understand that there is a principal aquifer beneath the site. Given the previous uses of the site for as a petrol station, the Council must ensure that the proposed development protects against the possible impact on that environment, in accordance with policy ENV20. Having regard to the requirements of those policies and, taking into account the comments from the Environment Agency, it is considered that the proposed development would be acceptable in terms of contaminated land subject to planning conditions, as recommended by the Environment Agency and Environmental Health.
- 7.39 The comments from the Councils Drainage Engineer in respect of SuDS are noted. However, having regard to the constraints of the site and the nature of the existing site which is predominantly hard surfaced, the development will not result in significant harm in terms of flood risk, taking into account the advice from the Environment Agency. The development includes the provision of underground surface water storage tanks which is a form of SuDS which is less sustainable having

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regard to the hierarchy of sustainable drainage features as set out in the SFRA (Strategic Flood Risk Assessment). This is a matter which weighs against the development proposal but which must be considered in light of the favourable comments from the Environment Agency who do not object on flood risk grounds.

- 7.40 With regards to matters of ecology, having regard to the advice from HBRC the proposed development will not, in Officers opinion, result in significant harm on any protected species or ecology. However, bats are present within one of the existing buildings and the Council must therefore undertake the derogation tests as is required in the Conservation of Habitat and Species Regulations 2010
- 7.41 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is for a redevelopment of the site which will improve the visual amenity of the site and provide a significant number of residential units - the first test is therefore considered to be met.
- 7.42 Secondly, there must be no satisfactory alternative. The development of the site through demolition of the existing buildings will see the most efficient use of the site for residential development and planning permission has previously been granted for demolition of the buildings. There is not therefore considered to be any suitable alternative to the development now proposed. Officers therefore consider that the second test is met.
- 7.43 Third, the favourable conservation status of the species must be maintained. Provided the mitigation measures as set out in the bat report is carried out, Officers are of the opinion that the conservation status of the species would not be affected by this development.
- 7.44 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.

## **8.0 Conclusion**

- 8.1 The principle of the demolition of existing buildings and a residential development has previously been considered to be acceptable by the Council. The opportunity to improve the appearance of the site and Conservation Area and the provision of a significant number of residential dwellings of which 21% will be affordable dwellings must also weigh in favour of the development proposal.

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- 8.2 The development provides an appropriate relationship with the non-designated heritage asset, Holy Trinity Church and is of an overall layout which is acceptable and will provide interest and activity to the street frontage. The larger building presents a four storey structure in the street but, for the reasons set out above, this is considered to be acceptable and, together with the design features and appearance of the site as existing will, on balance, enhance the character of the Conservation Area. There will be no harmful loss of landscape features and there are opportunities within the site to secure appropriate levels of landscaping to the town centre development site.
- 8.3 The level of parking is acknowledged to be below the maximum standards but the site is highly sustainable with excellent access to the towns amenities and public transport. The lower level of parking does not therefore weigh significantly against the development particularly when the high level of secure cycle provision is taken into account.
- 8.4 The development proposal will enable the decontamination of the site which can be controlled by planning conditions which weighs in favour of the development, and there will be no significant flood risk or harm to any other environments, including bats which are a protected species.
- 8.5 In accordance with the above considerations and, taking into account the requirements of paragraph 14 of the NPPF, there will be no significant or demonstrable impacts associated with the development which would outweigh the benefits associated with the development. Officers therefore recommend that planning permission be granted, subject to the signing of a legal agreement and planning conditions.