

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 22 June 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, Bishops Stortford
Applicant	Weston Homes PLC
Parish	Bishop's Stortford CP
Ward	Bishop's Stortford Central

Date of Registration of Application	4 th September 2015
Target Determination Date	4 th December 2015
Reason for Committee Report	Major
Case Officer	Liz Aston

RECOMMENDATION

That, following the conclusion of the consultation period on 28 June 2016, and subject to no new substantive objections being raised, planning permission be **GRANTED** subject to a s.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 considered 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. The site lies in Flood zone 2, and Officers are satisfied that the Sequential Test has been passed. 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 not result in harm to residential amenity or heritage assets. The proposal is therefore considered 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 Background to Proposal

- 2.1 Members will be aware that this application was reported to the 27 April 2016 meeting of the Development Management Committee. The application was deferred at that meeting to enable Officers to undertake further negotiations with the applicant to secure improved provision of parking and drainage infrastructure. The report presented to the 27 April meeting is attached as Essential Reference Paper 'A' to this report.
- 2.2 Following the deferral, the applicant has sought to address the concerns raised by Members and has submitted amended plans in respect of the proposed parking layout.

3.0 Summary of Consultee Responses

- 3.1 County Highways does not wish to restrict the grant of permission. They comment that they are content with the amended plan and that their previous response to the application remains.
- 3.2 The Council's Landscaping and Parking teams have been consulted on the amended plans. At the time of writing this report, no further comments have been received as a result.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council has been consulted on the amended plans. No comments have been received at the time of writing this report and, due to timing of their meetings; the Town Council has indicated that it is unable to respond to the re-consultation until 28th June. Officers have therefore considered the amended application in accordance with the objections raised previously and, subject to no new

substantive matters coming forward, maintain the recommendation of approval.

5.0 Summary of Other Representations

- 5.1 Third parties who previously commented on the application have been consulted on the amendments to the parking layout. No comments have been received at the time of writing this report.

6.0 Consideration of Relevant Issues

- 6.1 The application was deferred to allow further consideration of parking and surface water drainage. All other considerations remain as set out in the previous report to Committee (attached as Essential Reference Paper A). The relevant issues to be considered in this report therefore relate to the matters on which the application was deferred, namely parking and surface water drainage.

Parking

- 6.2 The application has been amended following the concerns expressed by Members at the Committee meeting to increase the number of parking spaces from 83 to 89, of which 10 are proposed to be for visitors to the site (an increase of 6 visitor spaces in comparison to the original scheme).
- 6.3 The applicant has also submitted a Parking and Access Supporting Note which provides additional data to justify the number of parking spaces proposed. This states that the monitoring visits the applicant has made to the site indicates that the introduction of the Residents Parking Zone within Southmill Road has relieved the significant pressure on this road, and that it now operates at an average of just over 50% capacity. The note also comments that the increase in the number of parking spaces on the site, combined with the availability and accessibility of the site within the town centre, including the station car park; the favourable comparison with parking provided at other sites nearby; extant planning policy; and the ability to control parking on the site including by a management company or similar, would result in a level of parking on the site that would not lead to any significant highway safety or amenity concerns in the area.
- 6.4 The site is in a sustainable location within easy walking distance of the railway station and town centre amenities. Census data for the Bishop's Stortford Central ward also indicates that 66% of households in the ward have only up to 1 vehicle (20.4% had no car, and 45.6% had 1). The

number of households within the ward with 2 or more vehicles is also lower than average for the district and region. Given these factors, and the increase in the number of parking spaces now proposed, Officers remain of the view that the proposed parking provision is acceptable in accordance with policy TR7 of the Local Plan 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.

Surface Water Drainage

- 6.5 No amendments have been made to the proposed surface water drainage scheme. The applicant has further considered the proposed drainage strategy and is confident that the current scheme, including SuDs elements such as filter drains and permeable paving, provides a robust and satisfactory means of surface water drainage that will not increase the risk of flooding elsewhere. They also comment that the measures will improve the existing drainage on the site by reducing the overall amount of hard standing on this brownfield site.
- 6.6 The applicant has also commented that they have assessed the likely construction difficulties involved in introducing elements of green roof within the existing conventional arrangement of pitched roofs. They indicate that this is neither a practical or reasonable requirement within the proposed development. They also comment that the cost of green roofs, together with the associated abnormal construction costs of the development, would adversely impact on the overall viability of the scheme.
- 6.7 As set out in the previous report to Committee, it is noted that the Council's Engineers maintain their objection in respect of the drainage scheme which they consider is not sufficiently sustainable in terms of providing amenity or biodiversity benefits as set out in the adopted Strategic Flood Risk Assessment. Officers note that concern, but remain of the opinion that, whilst improved sustainable urban drainage (SuDS) measures could potentially be provided on the site, this is likely to impact on the viability of the scheme and may have implications for the amount of affordable housing that can be provided. Overall, Officers are satisfied that the drainage scheme would be effective and consider that the benefits of the scheme, in terms of sustainable housing provision would outweigh any deficiencies in the provision of additional or enhanced SuDs measures.

7.0 Conclusion

- 7.1 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.
- 7.2 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.
- 7.3 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 considered to be policy compliant.
- 7.4 The concerns expressed by Members in respect of parking provision have been noted, and the applicant has amended the layout of the site to increase the number of parking spaces on the site by 6. 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.
- 7.5 The site lies in Flood zone 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, I, 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		89

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		89