

## DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2016

<b>Application Number</b>	3/16/1595/FUL
<b>Proposal</b>	First floor extension to 11-21 Potter Street and alteration of shopfront to create 2no. separate units (including bringing forward shopfronts onto Potter Street). Replacement front entrance to Jackson Square Shopping Centre on Potter Street and alterations to the Potter Street frontage
<b>Location</b>	11-21 Potter Street, Jackson Square, Bishop's Stortford, CM23 3UN
<b>Applicant</b>	Legal and General Assurance (Pensions Management) Ltd
<b>Parish</b>	Bishop's Stortford
<b>Ward</b>	Bishop's Stortford – Meads

<b>Date of Registration of Application</b>	13 July 2016
<b>Target Determination Date</b>	12 October 2016
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Martin Plummer

### **RECOMMENDATION:**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The development represents investment into the town centre which will enhance the existing retail offer and the appearance of the frontage of the retail area along Potter Street. The proposed development will enhance the character and appearance of the Conservation Area.
- 1.2 The development does not include additional parking associated with the increased retail space but the site is located in a highly sustainable location with access to existing parking and other modes of transport available in the town.
- 1.3 The development does have the impact that, when viewed from the bedroom windows of adjoining residential properties, which are directly to the south of the proposed extended retail building, it will appear overbearing. However, this is a town centre location where closer relationships between residential use and other uses would normally be expected.

- 1.4 The impact on the living conditions of these adjoining residential units has been carefully considered. In the overall balance, weighing the positive benefit associated with increased retail offer and enhancement to street frontages and Conservation Area, the development proposal is considered to be acceptable.

## **2.0 Site Description**

- 2.1 The site comprises of the Jackson Square Shopping Centre and the adjacent property, 11-21 Potter Street and which is known as the QD store. The site is located within the Bishop's Stortford town centre and is bordered by Potter Street to the west and Bridge Street to the north. Riverside forms a service road to the unit which is located in-between the Jackson Square shopping centre and the Potter Street / South Street buildings. Jackson Square comprises mainly A1 retail uses, including some major retailers, Sainsburys, Clarks, Next, New Look and Wilko. There are a mixture of retail and other uses within Potter Street and the wider town centre. The site is located within the Bishop's Stortford Conservation Area.

## **3.0 Background to Proposal**

- 3.1 Jackson Square forms part of a large development which forms two parts – phase 1 and phase 2. The application site relates to phase 1 and comprises of the main shopping centre which is linked to Potter Street. This development was granted permission in 2004 and was completed in 2006/2007.
- 3.2 This application can be considered in two parts:- 1) Various internal alterations within Jackson Square (including changes to shop layouts and subdivision of existing retail units) and the provision of an extension to the roof above 11-21 Potter Street to create 1,060 square metres of additional retail floor space and; 2) Alterations to the Potter Street Frontage and a new entranceway to Jackson Square frontage with Potter Street.

## **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:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Neighbourhood Plan</b>
The principle of retail development	Para 23	STC1	BP6 BP7
The effect of the proposed development on the character and appearance of the Conservation Area	Section 7 and 12	ENV1, BH6	HDP2, HDP3
Parking provision	Section 4	TR7	TP9
The flood risk impact and whether appropriate provision for surface water drainage is provided	Section 10	ENV19	
Impact on the amenity of occupiers of neighbouring residential properties	Para 17	ENV1	

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

## **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 HCC Highway Authority: comment that they do not wish to restrict the grant of planning permission subject to the imposition of a planning condition relating to a construction management plan. The Highways Officer notes that works to Potter Street are proposed which will require an appropriate licence agreement.
- 6.2 Lead Local Flood Authority comments that they support the application and raise no objection on flood risk grounds. There will be no increase in impermeable areas and existing drainage will remain.
- 6.3 Environment Agency comment that the site is within 20 metres of a watercourse and within flood zone 2. However, any impact can be addressed by use of the Flood Risk Standing Advice.

- 6.4 EHDC Engineering Advisor: comment that to improve the sustainability characteristics and reduce flood risk for the site and surrounding area the provision of a green roof or partial green roof could be incorporated.
- 6.5 EHDC Conservation and Heritage Advisor: recommend approval. The proposed alterations along Potter Street will enhance the appearance of the building and the proposed development to create additional retail space will not appear prominent in views due to the massing of the existing surrounding buildings.
- 6.6 HCC Development Services comment that they will not be seeking contributions.
- 6.7 EHDC Environmental Health Advisor: recommends the inclusion of planning conditions relating to construction hours of working.

## **7.0 Town Council Representations**

- 7.1 Bishop's Stortford Town Council makes no objection to the development.

## **8.0 Summary of Other Representations**

- 8.1 None received

## **9.0 Planning History**

- 9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/87/1513/FP	Enclosure and refurbishment of shopping centre	Approved with conditions	14.10.1987
3/02/0962/OP	Redevelopment to form mixed use scheme comprising food store, (A1) Retail, (A3) Food and drink, residential, community and ancillary accommodation with associated provision for access, parking, landscaping and servicing together with works to	Approved with conditions	27.04.2004

	river inlet.		
3/04/1435/RP	<p>Redevelopment to form mixed-use scheme (phase 1) incorporating food superstore and retail units (A1 and A3) as an extension to Jackson Square Shopping Centre, together with further retail units (A1 and A3) fronting a public square. 95no. residential units in three blocks (including 60no. affordable units). Construction of new road, infill to river inlet and provision of new public realm around river inlet. Creation of all associated car parking and landscaping. All submitted as reserved matters to outline planning permission 3/02/0962/OP dated 19th April 2004 - Amended Scheme.</p>	Approved with conditions	11.11.2004
3/06/1342/RP	<p>Redevelopment to form mixed use scheme incorporating retail units (A1 and A3). 105 residential units and associated parking and landscape. Submitted as reserved matters to outline permission ref: 3/02/0962/OP 19.04.04</p>	Refused / allowed at appeal	11.04.2007

## 10.0 Consideration of Relevant Issues

- 10.1 The site is located within the built up area of Bishop's Stortford where, in principle, there is no objection to development. The site is within the defined town centre and the provision of a retail lead development in such a location is considered to be consistent with the aims and

objectives of policy STC1 of the East Herts Local Plan Second Review April 2007 and section 2 of the NPPF.

- 10.2 The development of a reasonably significant area of additional retail floor space within the town centre is considered to accord with the core planning principles identified in paragraph 17 of the NPPF. The development will enhance the retail offer of the town and improve vitality and viability which is a key requirement in section 2 of the NPPF. The development is therefore considered to be sustainable, having regard to the economic dimension and this is a matter which weighs significantly in favour of the application.

#### Character and appearance

- 10.3 The main considerations in assessing the impact of the development on the Conservation Area relate to whether the development proposals take the opportunities to improve the character and quality of the area and the way in which it functions (para 64 of the NPPF) and; that the development reinforces local distinctiveness and addresses the connections between people, place and the integration with the built and historic environment (para 60, 61 of the NPPF). In considering the impact on the historic environment regard will be had to section 12 of the NPPF, and an understanding of the significance of the heritage asset (the Conservation Area) and whether there is any harm to that designated asset (para 132). Development within Conservation Areas will be expected to meet the criteria in policy BH6 of the Local Plan and policies BP7, HDP2 and HDP3 of the Neighbourhood Plan.
- 10.4 Officers consider that the existing frontage of Jackson Square to Potter Street and the adjacent retail unit (number 11-21) is somewhat 'tired' in appearance with some awkward symmetry between the width of shopfronts and the general rhythm and appearance of the existing frontage and the first floor bays. Various elements of unsympathetic trunking have been added, there are some ad-hoc repairs to the first floor of the building and light fittings of a heritage style are present which are inappropriate on a contemporary building.
- 10.5 The Potter Street frontage is within the Conservation Area but the buildings themselves are not considered to be particularly significant in terms of their architectural design. The opportunity to enhance this frontage is, in Officers opinion, to be welcomed. The scheme proposed in this application is considered to be acceptable and offers a subtle but sympathetic alteration that will, in Officers opinion, preserve and enhance the character and appearance of the street frontage and the Bishop's Stortford Conservation Area. The development will therefore

accord with policies BH6 and BH14 of the Local Plan, policies HDP2 and HDP3 of the Neighbourhood Plan and section 12 of the NPPF.

- 10.6 The more significant aspect of the development proposal is the alterations to the QD store and the roof extension to create additional retail floor space. From the plans and information available this element will not be visible from Potter Street (owing to the set-back nature and height of the proposed roof extension and juxtaposition with the existing building frontage). The only views will be from ground level along Riverside and within the walkways which link the parking and retail areas within Jackson Square.
- 10.7 The rear of buildings along Riverside are utilitarian in design and operate predominantly as service yards or parking areas associated with retail or residential units. The rear of the QD building follows this general theme and comprises of a bland red-stock brick building with a flat roof. The adjoining building to the south is similarly designed but has a row of residential dwellings set above which are accessed by a rear stair case.
- 10.8 Officers consider that whilst the Riverside frontage, including that of the QD store is a rather unsympathetic frontage, it is nonetheless an important thoroughfare between Jackson Square, via the various pedestrian links to South Street and Potter Street. The area is therefore well used and the Council should seek to ensure that opportunities to improve the appearance of buildings and general visual amenity are fully explored and taken.
- 10.9 The scheme proposed includes the provision of a flat roofed block-type structure, sited above the existing red bricked building. This is proposed to be set in from the flank elevation and rear building line of the existing building. There will be no window openings and the building will be clad with composite metal cladding of various different shades of black, grey and white.
- 10.10 In the context of the building where the extension is located and the distance/relationship from public vantage points, Officers consider that, in principle, the design approach is acceptable. The provision of a 'box-type' extension is considered to reflect the appearance and design of the existing building and the provision of metal cladding is an interesting design approach which will demarcate a modern addition and create an appropriate contrast with the red brick appearance of the existing building. The development will preserve and enhance the immediate and wider setting of the Conservation Area in accordance with policy

BH6 of the Local Plan, policies HDP2 and HDP3 of the Neighbourhood Plan and section 12 of the NPPF

### Parking

- 10.11 No additional parking is proposed associated with the increased retail provision that this application will provide. However, no objections are raised in respect of this matter by the Highway Authority and the application site is considered to be in a highly sustainable location in transport terms with a large public car park and bus services/ train station within close walking distance. This is therefore a matter which is neutral in the balance of considerations.

### Flood risk

- 10.12 The application site is located within flood zone 2 – an area of medium risk. However, the proposed development does not increase the amount of impermeable areas and incorporates extensions to the roof, alterations to improve the frontage or other internal alterations which, having regard to the comments from the Environment Agency and the LLFA (Lead Local Flooding Authority) will not result in an increase in flood risk. The comments from the Councils Engineers are noted – the provision of a green roof would have benefits in flood risk terms but, having regard to the advice from the Environment Agency and LLFA is considered to be unnecessary.

### Neighbour amenity impact

- 10.13 The main neighbouring residential properties which will be impacted by the development are 1-8 Regency Way. These properties are located to the immediate south of the application site and consist of a row of terraced dwellings. The elevation of those properties back onto the application site and each dwelling has a window and rooflight on the rear elevation facing the application site. The window serves a bedroom (not the main bedroom) and the rooflight serves a bathroom.
- 10.14 The siting and nature of the proposed development is such that there will be no significant harm to the amenity of the occupiers with regard to the bathroom window. Furthermore, in respect of the impact on the bedroom window, given that the development proposal is to the north of this window, there will be no significant loss of light or overshadowing impact. The applicant has submitted a daylight and sunlight report which confirms this. The outlook from the bedroom window as existing is onto the current roof of the building on the application site and the

provision of an extension to the roof will not therefore, in Officers opinion, result in a significant loss of outlook.

- 10.15 The development is however approximately only 4-6 metres distant from the bedroom windows and the development will project above the height of the windows. It will therefore result in a harmful impact on the current limited amenity enjoyed by virtue of those windows as a result of its height and proximity. The application site is within a town centre location where a closer relationship between residential uses and other buildings is normally to be expected in comparison to a sub-urban or rural area. Regardless, it is considered that the relationship in this case results in a harmful impact and this is therefore a matter which must weigh against the development proposal.

#### Other matters

- 10.16 Various plant is proposed on the roof of the development which is in reasonably close proximity to residential development. No objection in respect of noise impact has been received from Environmental Health Officers and the relationship is considered therefore to be acceptable. The Acoustic Report submitted with the application comments that by implementing noise attenuation measures the development would meet with acceptable noise impact criteria. No such measures for attenuation have been submitted with the development but, having regard to the conclusions of the report and relationship with residential development, it is considered to be necessary and reasonable to attach a planning condition requiring further information in respect of this matter.
- 10.17 An external lighting report is submitted with the application and it is noted that the development does include alterations to street lighting along Potter Street. Officers are of the view that, from the information provided, appropriate lighting can be provided along Potter Street which will ensure adequate illumination to help protect against the risk of crime and disorder. However, the design of the lighting fittings is not clear and a condition requiring further information in respect of this matter is therefore necessary and reasonable.

### **11.0 Conclusion**

- 11.1 The development is within a sustainable town centre location which will enhance the retail offer of the town and enhance the character and appearance of the existing street scene along Potter Street. These are matters which weigh in favour of the application. No parking is proposed – however, the site is located within a highly sustainable location in transport terms being within very close access to public

parking and bus/rail provision. This is a matter which is neutral in weighting.

- 11.2 The development results in an acceptable impact in terms of light, overshadowing and outlook but does result in a harmful overbearing impact on the rear bedroom windows of number 1-8 Regency Way. This is therefore a matter which must weigh against the development proposal.
- 11.3 In terms of the overall balance of considerations, whilst there is acknowledged to be a harmful overbearing impact on the bedroom windows of the neighbouring residential properties, this is considered to be the only matter which weighs against the development proposal. The development proposal is otherwise considered to be acceptable and the positive way in which the development will enhance retail provision and the wider character of the Conservation Area is considered to outweigh the impact on the living conditions of the occupiers of the neighbouring properties, in this case.
- 11.4 Officers therefore recommend that planning permission is approved subject to conditions.

### **Conditions**

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. The materials of construction shall be carried out in accordance with the schedule of materials as set out in email dated 24 August 2016 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007

4. Construction hours of working (6N07)
5. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to any building works being commenced to the Potter Street frontage, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

6. Prior to first use of the any new plant associated with the development, noise attenuation measures as set out in the Acoustic Report by Turner and Townsend dated 12 July 2016 Revision 04 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the living conditions of neighbouring residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review 2007.

### 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 and the Bishop's Stortford Town Council Neighbourhood Plan Silverleys and Meads); 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****Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
A1 retail	1,060

**Non-residential Vehicle Parking Provision**

Use type	Standard	Spaces required
A1 retail	1 space per 30m <sup>2</sup> gfa	35.3
Total required		35.3
Accessibility reduction	75%	
Resulting requirement		8.8
Proposed provision		0