

DEVELOPMENT MANAGEMENT COMMITTEE – 19 JULY 2017

Application Number	3/17/0223/FUL
Proposal	Erection of a 3 storey block comprising 7 x 2 bed flats and 2 x 1 bed flats, together with associated landscaping, car parking, cycle shelter and refuse storage building.
Location	Land Adjacent To Walden Court, Parsonage Lane, Bishop's Stortford, CM23 5DB
Applicant	Mr S Gruenfeld, Stortford Homes Ltd.
Parish	Bishop's Stortford
Ward	Bishop's Stortford All Saints

Date of Registration of Application	30 January 2017
Target Determination Date	27 March 2017
Reason for Committee Report	Section 106 agreement required
Case Officer	Nicola McKay

RECOMMENDATION

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

1.0 Summary

- 1.1 The location of the proposed development is within the boundary of the town and therefore a site where, in principal, development can come forward.
- 1.2 The site will be in general residential use, given uses that have been implemented through permitted development. Whilst a modest number of additional units are proposed, these will add to housing supply in the district.
- 1.3 The proposals are not considered to result in any harm as a result of their design, appearance and relationship with other residential uses. Parking provision on site however is below the maximum which the Councils policies seek.
- 1.4 It is considered that infrastructure demands are reasonably met, with the provision of some affordable housing and financial contributions toward other public service provision areas.

2.0 Site Description

- 2.1 The application site is located within the built up part of Bishop's Stortford and is currently occupied by two detached two storey buildings that were previously in business use.
- 2.2 The site benefits from substantial mature landscaping to its boundaries that provides screening of the existing buildings from views outside of the site except from along Parsonage Lane to the south from where the site is accessed.
- 2.3 Within close proximity of the eastern site boundary is a Bridleway (Bishop's Stortford 071) and to the western boundary is a public footpath (Bishop's Stortford 048.)

3.0 Background to Proposal

- 3.1 In 2016 the Council confirmed that Prior Approval was not required for a proposal to convert the existing buildings within the site into 24No. residential units. The proposal therefore forms a Permitted Development under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.2 Planning permission was subsequently granted for alterations to roof of the existing buildings to create second floor accommodation forming 8No. additional residential units.
- 3.3 The current proposal is for the construction of a new block in-between the existing two buildings which would provide 9No. additional residential units. The proposal would result in a total provision of 41 flats within the site.
- 3.4 The proposed building is of a similar design to the approved plans for alterations to the existing buildings within the site. The building is designed with a mansard roof that would have dormer windows to serve the accommodation within the 2nd floor of the building. The footprint of the building is slightly reduced compared to the existing buildings, however, the proposed height is similar.
- 3.5 The proposed building is located centrally within the site, with its flank elevations retaining a space of approximately 13 metres to the front elevations of the existing buildings. A distance of approximately 13 metres is shown on the plans to be retained to the eastern site boundary which adjoins playing fields and over 30 metres would be

retained between the building and the western site boundary with Birchwood High School.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016, the adopted East Herts Local Plan 2007 and the draft Neighbourhood Plan (NP) for Central, All Saints, South and parts of Thorley:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy	Draft NP
Design, layout and scale and impact upon residential amenity.	Section 7	ENV 1	DES 3	HDP1, 2
Parking provision	Section 4	TR7	TRA3	TP3, 7 and 8
Affordable housing and other Section 106 contributions	Section 6	HSG 3, HSG 4, IMP1	HOU 3, DEL 2	HDP4, CC1

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

5.0 Emerging District Plan

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

5.2 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.

Summary of Consultee Responses

- 5.3 HCC Highway Authority does not wish to restrict the grant of permission and comments that the vehicular access into the site is suitable for accessing the residential units and the proposal is acceptable in a highway safety context. It is recommended that conditions are added to any approval to require the submission of a Construction Traffic Management Statement and for improvements to be made to bus stops close to the site on Parsonage Lane and Dunmow Road.
- 5.4 Thames Water comments that with regard to surface water drainage, this is the responsibility of the developer and there are no objections with regard to sewerage infrastructure capacity. If piling work is proposed to take place then a method statement should be submitted to prevent damage to the subsurface sewerage infrastructure.
- 5.5 EHDC Housing Development Advisor has commented that due to the applicants ownership of a neighbouring site the scheme is taken over the threshold for an affordable housing contribution. A 40% affordable housing contribution from the 9 units is therefore required. It is understood that the applicant is seeking the affordable units to be shared ownership. On this scheme only, this is acceptable due to the planning circumstances and that the flats have a shared core stairwell.
- 5.6 HCC Development Services seek financial contributions towards primary and secondary education and youth services and request the provision of fire hydrants within the site.
- 5.7 The EHDC Environmental Health Advisor has recommended conditions in respect of construction hours of working and piling works.
- 5.8 EHDC Waste Services comments that if the only bin store will be by the vehicular access then this will be acceptable for the collection crews to service.

6.0 Town Council Representations

- 6.1 The Bishop's Stortford Town Council has no objection to the proposal.

7.0 Summary of Other Representations

- 7.1 No other representations have been received.

8.0 Planning History

The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/16/0973/ODPN	Change of use from B1(a) offices to C3 to create 8no 1 bedroom dwellings and 16no two bedroom dwellings	Prior Approval not required	June 2016
3/16/1485/FUL	Alterations to roof to enable creation of second floor to north and south buildings, to create 4 No. 1 bedroom and 4 No. 2 bedroomed dwellings. Alterations to fenestration within first floor elevations and removal of existing external staircase	Granted	September 2016

9.0 Consideration of Relevant Issues

Design, layout and scale and impact upon residential amenity

- 9.1 The proposed building would be of a similar size, scale, height and design to the approved alterations to the existing buildings within the site. Having regard to this and the proposed location of the building centrally within the site, between the existing buildings and screened from most public view points by mature landscaping close to the site boundaries, Officers consider that the proposed building would have a limited and acceptable impact upon the character and appearance of the site and that of the surrounding area.
- 9.2 The details submitted indicate that matching materials of construction would be used to those used for the existing buildings, however, to ensure that the materials used would be in keeping with the existing buildings a condition to require details to be agreed is recommended.
- 9.3 Details of the enclosures that are shown for the cycle and refuse stores have not been provided at this stage and therefore a condition to require details of this together with soft landscape proposals is recommended.

- 9.4 Whilst the windows within the western elevation of the building would face towards the neighbouring school, they would be set back over 30 metres from the site boundary with mature trees in between providing screening. Furthermore, the area of the school that adjoins the site appears to form a car park and the proposed building would be set back from the school buildings. It is considered that the proposal would not result in any additional or harmful overlooking of the school.
- 9.5 To the east, the new building will be close to the landscaped boundary of the site and beyond that the existing playing fields. There are no residential uses to this side of the site and therefore there is considered to be no unacceptable amenity impact.
- 9.6 The closest neighbouring existing residential properties outside the site are some 70 metres to the south and 90 metres to the west of the site. Having regard to these distances it is considered that the proposal would not result in an unacceptable impact upon the amenities of the existing neighbouring occupiers.
- 9.7 In respect of the relationships between the proposed residential units on the site themselves, whilst located between the two existing buildings, to be converted into residential use, the proposed building is set back towards the eastern site boundary which results in its projection only part way across the front of the existing building and at a distance of approximately 13 metres between the elevations. It is also noted that whilst windows are proposed to the flank elevations of the proposed building these are limited to one of the units on each of the first and second floors and comprise external doors onto a small terraced area. There will be the potential for some views to be had between the buildings however, given the scale and type of development these are not considered to be unusual. Having regard to these circumstances Officers consider that the proposal would not result in a harmful loss of light or privacy or an unacceptable impact upon the outlook from the proposed neighbouring residential units and there would not be an overbearing impact.
- 9.8 It is considered that the proposed development would provide a satisfactory level of amenity for the future residents of the proposed residential units.

Parking provision

- 9.9 The proposal would result in a total provision of 42 parking spaces to serve the 41 flats that would be constructed across the site. In policy

terms, the site is located in Zone 4 where the adopted and emerging standards would require 1.25 spaces per 1 bed unit and 1.5 per two bed. The emerging standards increase this to 1.5 and 2 spaces respectively (with a potential reduction to 75% of the total amount based on an accessibility assessment). The NP maintains the current policy requirement of 1.25 and 1.5 spaces. The total number of spaces required to be policy compliant with maximum provision would be 58 under the current policy and 56 under the emerging policy (if the 25% reduction is applied).

- 9.10 The reduction is considered appropriate in this case as the site is located in a sustainable location and is close to bus stops that serve the Bishops Stortford, Stansted airport, Harlow and other nearby towns and villages. The site is within walking and cycling distance of local and town centre facilities.
- 9.11 There remains a shortfall between maximum policy provision and the provision to be made at the site. There appears the potential to make greater provision – but at the risk of losing green and landscape space. If there is parking pressure as a result of the development at the site, it is not immediately clear where this may manifest itself. Roads immediately adjacent are generally busy through routes which do not lend themselves to parking. Manor Links, on the other side of Dunmow Road, may be a location where overspill parking occurs. Some negative weight is assigned to the proposals as a result of this potential impact.

Affordable housing and other Section 106 contributions

- 9.12 The current proposal for 9 residential units is below the threshold for which planning obligations would be sought, which is 11 units, as set out within the National Planning Practice Guidance (NPPG). However, Officers consider that the current proposal forms a phase of the wider development that is proposed within the site. Whilst it would not be appropriate to take into account the residential units that can be formed as Permitted Development and from which planning obligations cannot be sought, Officers consider that the additional units that require planning permission should be taken into account.
- 9.13 Therefore, the current number of proposed units (9) should be added to the previous planning permission (8 above Permitted Development) granted under lpa ref. 3/16/1485/FUL, resulting in a total number of 17 units requiring planning permission. As the total number would then exceed the 11 unit threshold Officers consider that Section 106

payments towards local services and affordable housing should be required.

- 9.14 Adopted Policy HSG3 expects a 40% provision of affordable housing, which would equate to 3.6 units out of the current proposal for 9 units. It would not be appropriate to tie the affordable housing requirement to the 17 units (above permitted development) because of the physical characteristics of the site and the future management of the units. Having discussed this matter in detail with Housing Officers, Planning Officers consider that in this case it would be appropriate to round the required provision down to 3 units, as this would allow the affordable housing to remain within 1 floor of the building, which each has 3 units which it is understood will be more beneficial to a Registered Provider for maintenance purposes. The Housing Advisor has also confirmed that due to the circumstances of this site, the proposal for all of the affordable units provided to be shared ownership is also acceptable.
- 9.15 Having regard to the comments received from the Housing Advisor, Officers consider that the provision of 3 units of shared ownership would be an acceptable contribution towards affordable housing in this case.
- 9.16 Financial contributions are sought toward the provision of District and County Local Authority services as set out in the District Councils SPD and the County Councils Planning Obligations toolkit. The contributions are sought in line with the provision of units comprising this application and the earlier additional units for which planning permission was required.

10.0 Conclusion

- 10.1 The proposals are considered acceptable in relation to their impact on the character and appearance of the area and any impact in relation to amenity. They will comprise an addition to the supply of land for housing. Whilst some harmful weight is assigned in relation to the restricted parking provision, this is not considered to outweigh the benefit of the proposals.
- 10.2 It is recommended that the proposals are granted permission subject to conditions and details of a legal agreement as set out below.

Legal Agreement

- £26,038 to be provided toward the cost of HCC education and youth services – breakdown details to be provided at the committee meeting

- The provision of improvements to the Birchwood High School bus stops on Parsonage Lane and Dunmow Road.
- £19,400 toward open space provision
- £46,952 toward open space maintenance costs
- £1,224 toward refuse and recycling container costs
- £3,111 toward community hall costs

(these costs appear in a more detailed breakdown in the key data table toward the end of this report)

Conditions

1. Three year time limit (1T12)
2. Approved Plans (2E10)
3. Materials of construction (2E11)
4. Prior to the commencement of development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of: methods of accessing the site including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason: In the interests of highway safety.

5. Prior to commencement of development, details of the method of any piling for the construction works, including a method statement detailing noise emissions and details of the depth and type of piling, including measures to prevent and minimise the potential damage to subsurface sewerage infrastructure shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the below ground sewerage infrastructure and the amenities of residents of neighbouring properties and in

accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

6. Construction hours of working- plant and machinery (6N07)
7. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) refuse and cycle store enclosures (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

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

8. Landscape works implementation (4P13)

Informatives

1. Other legislation (010L1)
2. Street Naming and Numbering (19SN)
3. Highways works (05FC2)
4. Unsuspected contamination (33UC)

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

KEY DATA**Residential Development**

Residential density	87.2 units/Ha (including previous approvals)	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	2 (14 together with previous approvals)
	2	7 (27 together with previous approvals)
	3	0
Number of new house units	1	0
	2	0
	3	0
	4+	0
Total		9 (41 together with previous approvals)

Affordable Housing

Number of units	Percentage
3	33%

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	2.5 (17.5 together with previous approvals)
2	1.50	10.5 (40.5 together with previous approvals)
3	2.25	0
4+	3.00	0
Total required		13 (58 together with previous approvals)

Proposed provision		42 in total
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Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	3 (21 together with previous approvals)
2	2.00	14 (54 together with previous approvals)
3	2.50	0
4+	3.00	0
Total required		17 (75 together with previous approvals)
Accessibility reduction		0-25%
Resulting requirement		56.25 in total
Proposed provision		42 in total

Legal Agreement – Financial Obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	33%	Following advice from the Housing Officer and the preferences of Registered Providers.
Parks and Public Gardens	£4,213.25	£4,213.25	
Outdoor Sports facilities	£11,668.67	£11,668.67	
Amenity Green Space	£1,794.79	£1,794.79	

Provision for children and young people	£1,723.42	£1,723.42	
Maintenance contribution – Parks and public gardens	£9,299.40	£9,299.40	
Maintenance contribution – Outdoor Sports facilities	£29,296.40	£29,296.40	
Maintenance contribution – Amenity Green Space	£5,048.60	£5,048.60	
Maintenance contribution – Provision for children and young people	£3,307.18	£3,307.18	
Community Centres and Village Halls	£3,111	£3,111	
Recycling	£1,224	£1,224	