

DEVELOPMENT MANAGEMENT COMMITTEE REPORT - 13 Sept 2017

Application Number	3/16/0707/FUL
Proposal	Construction of temporary surface level car park
Location	Land at Bishops Stortford Railway Station Goods Yard, Station Road, Bishops Stortford
Applicant	Solum Regeneration (Bishops) LLP
Parish	Bishop's Stortford CP
Ward	Bishop's Stortford Central

Date of Registration of Application	24 March 2016
Target Determination Date	23 June 16
Reason for Committee Report	Major planning application
Case Officer	Stephen Tapper

RECOMMENDATION

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

1.0 Summary

- 1.1 This application was submitted in 2016 alongside another (3/16/0530/OUT) for a mixed use redevelopment of the 5.82ha Goods Yard that included up to 680 dwellings, two multi-storey car parks, a hotel, and shops. That application was refused permission by the Committee at its meeting on 17 May 2017.
- 1.2 The purpose of this application was to help facilitate the phased redevelopment by providing temporary parking. However, the developers have completed the car park in advance of obtaining planning permission for the redevelopment. Therefore, the Committee must decide if the unauthorised work is acceptable in itself as stand-alone parking provision pending a satisfactory scheme coming forward for redevelopment of the whole site.
- 1.3 The key issues are whether in the context of development plan policies the temporary increase in car parking represents a suitable and sustainable use of the land, without detrimental effect on the free flow of traffic on the public highway and residential amenity. Because the development has taken place in advance of planning permission being obtained, it is also necessary to ensure that matters such as surface

water drainage, archaeological investigation and biodiversity have been properly addressed.

- 1.4 Throughout this report there are references to changes to capacity, use and the means of access to the various car parks serving the public at the station. For convenience, the changes are summarised in a table in ERP A. A plan to show the location of the various car parks currently serving the station is also attached.
- 1.5 Pending redevelopment of the Goods Yard site, the temporary car park adds a considerable amount of capacity to the station car parks, which is considered by the Highway Authority to be in excess of current needs and contrary to principles and policies regarding the need to encourage more sustainable means of accessing the station. The applicants have therefore agreed to a restriction on the number of spaces that will be brought into use. The agreed number of 772 is similar to the number available prior to the closure of the Third Party car park in March this year and it is in excess of the 689 spaces found by surveys to be in use on an average weekday prior to the closure of the Third Party car park, which represents the current demand for spaces.
- 1.6 The Highway Authority's preference is that the Anchor Street / Station Road junction should be improved before the temporary car park is brought into use, but it is considered that with the restriction to 772 spaces in place there would be insufficient increase in the use of Anchor Street it would be difficult to make a strong case for it.

2.0 **Site Description**

- 2.1 The Goods Yard site is bordered to the east by the railway, to the south east by London Road, to the southwest by the River Stort, to the north west by the residential buildings of John Dyde Close and the leisure centre on Anchor Street, and to the north by Station Road. The new car park has been constructed on land to the south and east of the existing pay and display car park operated by NCP. It takes in land that was until recently used as a car park by a third party operator (Station Parking).
- 2.2 The site includes an extensive area alongside the river that was recently cleared of unmanaged shrubs and trees, apparently self-seeded. It was an important local landscape feature in the river corridor and only one or two trees remain. Otherwise, the land not already in use for car parking was vacant.
- 2.3 The new car park would be accessed via Anchor Street, as is the existing NCP pay and display car park and as was the former third party car park.

3.0 **Background to proposal**

3.1 The original purpose of this application was to enable the mixed use development of the Goods Yard to take place in four phases from north to south across the site by providing sufficient temporary car parking to meet the public's needs as existing car parks were progressively redeveloped. In line with an amendment to change application 3/16/0530/OUT to seek approval of details on phase 1 only, the remaining phases being in outline, this application was also amended to one making parking provision for the construction period of phase 1 only.

3.2 Two parking layouts were submitted, one for the period in phase 1 when the existing premium and season ticket holder car parks were redeveloped with a hotel and multi-storey car park and the second for the period after the multi-storey car park was brought into use and phase 1 was completed. The car park that has now been constructed is in line with the first of those layouts, and adds 422 spaces to current capacity at the Goods Yard:

Premier Car Park	127
Season Ticket Holders Car Park	172
NCP Pay and Display	248
Blue Badge holders	<u>009</u>
Existing total	<u>556</u>

3.3 This would give a total of 978 spaces (556+422), a figure greatly in excess of current demand as measured by Solum's transport consultants who found 689 spaces were in use on a weekday.

3.4 The commencement of the construction of the temporary car park in advance of planning permission is inappropriate because it compromises the planning authority's ability to control the process of construction and achieve a quality outcome. The developer also takes risks in failing to obtain the prior consent of the Council and consultees. Consideration of the harm which has resulted from the development, in advance of securing planning permission, has currently resulted in the conclusion that it is not expedient for the Council to take any formal action in advance of the consideration of this matter by the committee.

4.0 **Key Policy Issues**

4.1 There are relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the (Pre-Submission) District Plan and the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley:

Key Issue	NPPF Para.	Local Plan	District Plan	Neighbourhood Plan
Land use		BIS 11	BISH 7	
Impact on the character and appearance of the area and neighbour amenity		ENV 1	DES 3	
Natural environment	109	ENV 2 ENV 17	NE 2 NE 4	GIP 4
Parking		BIS 10(g) BIS 11(c) TR 5	TRA 1(d) TRA 3 BISH 7	GY 5(c)
Access and highway safety.	32	TR 2	TRA 2	
Flood risk impact and SuDS		ENV 18, ENV 19, ENV 21	WAT 3, WAT 5	
Archaeology	128	BH 2	HA 3	HDP 9

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

- 4.2 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.
- 4.3 The Neighbourhood Plan for All Saints, Central, South and part of Thorley passed Examination and a referendum will be held on 07 September, after which if there is a majority in favour of the Plan it will carry full weight in the determination of this application. It includes many detailed objectives and policies for the Goods Yard site and non-site specific policies that also apply.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority Further to the applicant's letters dated 17th July and 31 August 2017 referring to the Goods Yard Site Station Parking, the Highway Authority still has concerns over the safety and operation of

Anchor Street, and its junction with Station Road, with the additional unauthorised parking that has been constructed, and would reiterate that the full use of the large car park is unsustainable and therefore, unacceptable.

- 5.2 The Highway Authority's view is that, as the additional car parking to be provided as part of the original scheme was supported by improvements to the Anchor Street/Station Road junction, this unauthorised construction of car parking spaces should not be occupied or fully utilised at this time. Anchor Street reduces to a single lane operation at its junction with Station Road and the current layout is unlikely to cope with such an increase in traffic numbers without compromising the safety and operation of the junction.
- 5.3 The Highway Authority would only consider partial use of the unauthorised new car park if the access improvements, associated with the proposals of Phase 1 of the Goods Yard development, were to be constructed. The full use of this car park is unacceptable to the Highway Authority.
- 5.4 Lead Local Flood Authority (HCC) Prior to the car park being constructed the LLFA were satisfied with the drainage strategy for the proposed redevelopment of the Goods Yard site and recommended two conditions to secure key elements of it. However, following the unauthorised construction of the car park they had concerns regarding the drainage provisions actually made on site, some of which required their formal consent. No such applications for ordinary watercourses consents were submitted and they cannot be granted retrospectively.
- 5.5 Further information has been requested from the applicants but has not been provided to date. The LLFA therefore recommend conditions to secure the information they require to be able to agree the temporary drainage arrangements.
- 5.6 Environment Agency Although the development is in Flood Zone 2 and is within 20m of a watercourse, the Agency has no objection subject to their Flood Risk Standing Advice being followed and an informative added to any planning permission.
- 5.7 HCC Historic Environment Unit Much of the Goods Yard site has the potential to retain significant archaeological and archaeo-environmental information that may range in date from the Palaeolithic (from c.500,000 years ago) to Mesolithic (5000-4000 B.C.) periods, and through to later prehistoric/historic periods. It is recommended that the site as a whole

should be subject to further geotechnical work, carried out by a geo-archaeologist, to clarify the palaeo-environmental potential of the site.

- 5.8 HCC Minerals and Waste Recommends a condition that would require the submission of a site waste management plan prior to commencement of the development. Given that the car park is now complete such a condition is no longer necessary.
- 5.9 Herts Ecology The existing ecology on the site is relatively recent, a mixture of scrub, trees developing into small woodland blocks, rough grassland and invasive plants. The application underplays its importance because they have a valuable local role within the river corridor in the urban centre of Bishops Stortford. Such habitat loss in this location is unacceptable despite its low intrinsic quality.
- 5.10 The applicant's consultants identify the habitat as one of the remaining woodland areas within the centre of Bishop's Stortford, and therefore it may act as a wildlife 'stepping stone' to habitats within the surrounding area, especially as it is adjacent to the River Stort which runs north to south through the town. They recommend that works avoid the disturbance or loss of this habitat but that should the avoidance of woodland habitat not be practically possible then appropriate mitigation should be designed and implemented.

6.0 **Town Council Representations**

- 6.1 Bishop's Stortford Town Council objects to the application on the basis that it represents an over-intensification of use of the site.

7.0 **Summary of Other Representations**

- 7.1 Ten letters have been received from the public objecting to the application. The most common theme is the adverse impact of additional parking on traffic congestion, with special reference to Anchor Street, which will be the only access to the car parks. Residents on Anchor Street will suffer noise and air pollution.
- 7.2 Four representations, including agents acting for Lunar Retail Sarl, leaseholders of the leisure centre on Anchor Street, request that the current arrangement whereby parking is available to the public in the evenings and at weekends must continue. The Civic Federation and others request short stay parking for public use at all times, which would have particular benefit for visitors to the town centre approaching from the south.

8.0 **Planning History**

8.1 The relevant planning history for the site can be summarised as follows:-

LPA reference	Description	Decision
3/02/2091/OP	Mixed use development including residential, food store, hotel and public car parking	Withdrawn
3/13/0270/FP	Retrospective application for use of the former Goods Yard as a temporary car park	Granted (expired on 16/04/16)
3/16/0530/OUT	Mixed use development including residential, retail, hotel and public car parking	Refused

9.0 **Consideration of Relevant Issues**

- 9.1 Car park capacity, access & residential amenity. The original purpose of the application was to ensure that existing users of the station car parks would be provided with suitable alternatives on the site as the redevelopment progressed through its four phases. A total of 708 spaces would have been available during the construction of Phase 1 of the redevelopment, 774 in Phase 2, 896 in Phase 3 and 966 upon completion of the development in Phase 4.
- 9.2 The figure of 966 spaces was pro rata to a projected increase of 39% in the number of rail passengers on the line up to the year 2043. In the context of sustainable transport policy, which encourages walking, cycling and the use of buses, this level of increase might be difficult to justify, although there will be considerable housing development in the town and the station's catchment area up to 2043, which should be considered. However, the County Council's reference to Bishop's Stortford as a "Sustainable Travel Town" in their Local Transport Plan 4 would suggest a more concerted effort to persuade commuters, especially those living in Bishop's Stortford, to shift from cars to more sustainable modes of travel to the station.
- 9.3 Because the application for redevelopment of the Goods Yard was refused permission the level of parking growth to which the applicants aspire has not been approved by the Council. It would be revisited in the context of a new application for redevelopment.

- 9.4 With the construction of the 422 space car park in advance of any planning permission, Solum have created a situation in which there is now a total of 978 spaces available on the site (paras. 3.2 and 3.3 above). That is in excess of the 966 spaces proposed in the refused application and should be compared with existing demand for approximately 689 spaces, as stated in the transport assessment that accompanied the refused application.
- 9.5 There is another important consideration, which is the means of access to the temporary car park. The original purpose of the temporary parking was to ensure that an adequate number of spaces for the public would be available throughout the redevelopment period. However, it was in the context that improvements would be made to the Anchor Street / Station Road junction during Phase 1. It was to be re-aligned to allow two-way movements at the junction, bringing the give way line forward. This would significantly improve the operation of the junction.
- 9.6 The current situation is that apart from the Premium (127 spaces) and Blue Badge (9 spaces) Anchor Street provides access to 420 spaces to which the temporary car park adds another 422 spaces, making 842 spaces altogether. Its previous maximum usage was when the third party car park was in use, adding 200 spaces (as approved) to give a total of 620 spaces accessed that way. In practice, the third party car park was expanded without planning permission and had 358 spaces when surveyed by Solum's transport consultants. Inevitably, as a cheaper car park, it had taken business from the other car parks, giving a total of 689 occupied spaces.
- 9.7 The Highway Authority's view is that the current application would be acceptable if part of the available parking was barricaded off to ensure that the overall number of spaces available can be limited to 756 as was available and with the benefit of planning permission prior to the unauthorised development of the new car park:

Premier Car Park	127
Season Ticket Holders Car Park	172
NCP Pay and Display	248
Blue Badge holders	009
Third party car park	<u>200</u>
Total	<u>756</u>

The Committee may also take into account that Anchor Street is partly residential in character and a limitation on the number of vehicles using it to access the car parks will have an environmental benefit.

9.8 The Highway Authority requires in addition that the improvements to the Anchor Street / Station Road junction are also made in conjunction with the limitation on numbers. Solum are agreeable in principle to a condition limiting the number of spaces in use but for operational reasons have requested that the number is restricted to 772, which is a small and acceptable increase of 16 spaces (ERP A, col. g). Condition 2 has been worded accordingly. However, Solum are unwilling to improve the Anchor Street / Station Road junction on the basis that the increase in traffic using it would not justify the improvement, given that there is no evidence of need in terms of road safety or impact on traffic flow.

9.9 Prior to the unauthorised construction of the temporary car park, the maximum number of cars that was using Anchor Street to access public parking spaces was (ERP A col. c):

Season Ticket Holders Car Park	172
NCP Pay and Display	248
Third party car park	<u>358</u>
Total	<u>778</u>

9.10 If this application is approved and limited to 772 spaces across the whole site (ERP A, col. g) the number of spaces being accessed via Anchor Street would be 636, an improvement on the previous situation when the unauthorised Third Party car park was in operation. The Committee will need to consider whether this level of use of Anchor Street would justify the junction improvement, in which case a further condition will be required preventing the new car park coming into use before the junction improvement has been completed.

9.11 Taking into account representations regarding the desirability of allowing short term parking in station car parks to serve the public visiting local shops, offices and leisure facilities, it is recommended that a condition is attached to any planning permission for the temporary car park requiring a management plan to be submitted to and approved by the Council to put appropriate measures into effect.

9.12 Archaeology The application was accompanied by a detailed Archaeology Assessment submitted written by Solum's consultants, Wardell Armstrong. Whilst they did not undertake their own trial boreholes or pits they did have access to the records of boreholes drilled in 2002.

9.13 The findings show that the strata of archaeological interest are capped with made ground of considerable depth, as much as 4.0m, but quite variable across the site. It is unlikely that the contractors would need to

break through such a depth of made ground in preparing the surface for the temporary car park. This is born out by the following statement by Solum regarding the nature of the works recently undertaken:

The earthworks that have been carried out ... have largely been to level the site (importing rather than excavating), removal of the unsafe bund that previously formed the perimeter of the old car park, breaking out the old concrete surface from the old car park and limited top soil strip. No deep excavation has taken place. The site is generally man made, created using excavated spoil when the rail and sidings were formed and all new imported material being overlaid on to the existing condition...

An archaeology report was carried out for the main application [for redevelopment of the Goods Yard] and all works to the temporary car park, with this document forming part of the contract and our contractor applying a watching brief with experienced staff whilst the works have been carried out. The temporary car park site is not specifically identified as having any archaeological merit (given its former and historic use) and in any case, the water table sits approx. 1m below the surface (roughly at the river level). The car park is a temporary car park and as such, will be removed either in part or in full, once the MSCP [Multi-storey Car Park] (as part of the main application) is formed, as this consolidates the parking on the site. At a future date when the area occupied by this temporary car park is developed and deeper excavations/foundations are proposed, a further watching brief will be provided to ensure that any items of archaeological interest can be identified/preserved.

- 9.14 The County's Historic Environment Unit (para. 5.7 above) have now accepted that on that basis it is unlikely the strata of archaeological interest have been compromised.
- 9.15 Ecology Herts Ecology (para. 5.9 above) has expressed concern about the loss of trees and vegetation during recent ground clearance. It was not of intrinsic ecological interest but was part of a chain of natural habitats along the river and extending in to the town which would be of value to wildlife.
- 9.16 The applicants emphasise that the site had limited opportunity for habitation and the vegetation was of no real merit, generally consisting of overgrown scrub and low category tree types. However, their senior ecologist visited the site in January 2017 prior to works commencing to re-affirm the findings in the previously submitted *Ecology Appraisal* and *Arboricultural Survey & Impact Assessment* reports and agree the trees to be felled. The tree felling was carried out outside of bird nesting

season. The trees that have remained were those noted as having the potential for bat habitation and remained in situ to avoid removing this habitat from the site.

- 9.17 The low level scrub was removed methodically to look for signs of wildlife. A potential badger sett was found and monitored for 21 days to avoid contravention in respect of the Protection of Badgers Act 1992. Upon completion of this survey, no badgers were observed and the setts were redundant, allowing the removal of the bund.
- 9.18 As regards two small brick buildings on the site, a bat survey was undertaken but none was observed. However, a wren was noted as nesting in one of the structures and so the demolition of these has been put on hold until the chicks fledge and leave the nest. The open watercourse has remained largely unaffected, particularly at the southern end where moorhens and ducks predominantly congregated.
- 9.19 An area of Japanese Knotweed was removed in a controlled manner using a specialist Knotweed removal firm who took all the arisings off site and disposed of them at a licensed waste facility.
- 9.20 In conclusion, whilst the removal of the majority of the trees and shrubs is regrettable, it would appear that it was done in a manner that respected potential wildlife habitats. However, biodiversity mitigation and enhancement (as required by the NPPF) would best be sought in the context of planning for the wider redevelopment of the Goods Yard, at such time as revised proposals may come forward.
- 9.21 Surface water drainage Following the concerns raised by the Lead Local Flood Authority (para. 5.4 above) meetings were held on site to inspect the unauthorised work. This included modifications to the watercourse through the site and the construction of a balancing pond. In addition, what was observed did not comply with the agreed scheme originally submitted with this planning application. However, subject to the implementation of some minor modifications HCC have decided not to take enforcement action for unconsented works since the final proposals when the whole site is redeveloped will amount to an improvement on the current state.
- 9.22 However, HCC do not yet have all the information that is necessary to show that the temporary drainage works will suitably mitigate storm water and not create flooding. It is therefore recommended that condition 4 is included in the planning permission to ensure that the applicants bring forward the information quickly and provide the necessary assurance.

10.0 Conclusion

- 10.1 The current circumstances in respect of the temporary car park may be short lived. Development plan policy encourages the redevelopment of the Goods Yard for mixed use, and it is to be hoped that a satisfactory scheme will come forward in the near future. The Council and Solum are working together on a revised master plan for the site and the number of permanent public parking places that ultimately can be achieved will depend on there being a satisfactory balance of land uses overall and the quality of the applicant's proposals to encourage travel to the station by means other than the car. Meanwhile, it would be inappropriate to allow the temporary car park to take the number of spaces on the site to 978.
- 10.2 It is therefore recommended that condition is imposed in order to restrict the overall number to 772 during the five year period of the temporary permission. This would be similar to the consented position before the unauthorised works were begun and will enable Solum to provide a satisfactory interim service to the public pending redevelopment of the Goods Yard.

Conditions

1. The use hereby permitted shall cease on or before 13 September 2022 (IT09).
Reason: The temporary use occupies a large part of a site that is allocated in the development plan for mixed use development.
2. Before the temporary car park is brought into use details of a scheme to barricade or otherwise prevent access to public car parking spaces in excess of a total of 772 across the Goods Yard site as a whole shall be submitted to and approved by the local planning authority.
Reason: In order to avoid bringing an excessive number of car parking spaces into use in excess of current need, which would be contrary to sustainable transport policies and it would prejudice the free flow of traffic.
3. Prior to the first use of the temporary car park a management plan shall be submitted to and approved by the local planning authority, to include provision for the use of the Goods Yard car parks for short term parking by the public, including low cost evening and weekend parking
Reason: To ensure that the car parks function in accordance with their agreed purposes in serving the public and in accordance with policies BIS 1, TR2 and TR7 of the East Herts Local Plan Second Review April 2007 and BISH 7 and TRA 3 of the District Plan.

4. Details of surface water drainage, in accordance with the requirements of the Lead Local Flood Authority in their letter to the applicants of 29 June 2017 must be submitted to the local planning authority for approval within two months of the first use of the car park hereby approved and any modifications to the existing arrangements required by the LLFA must be implemented within three months of the approval by the LPA of the submitted details.

Reason: To ensure that the temporary drainage arrangements will deal adequately with the predicted incidence of storm water.

5. Approved plans (2E103)

Informatives

1. Environment Agency: In addition to any planning permission granted, a permit may be required under the Environmental Permitting (England & Wales) Regulations 2010 for any proposed works or structures in, under, over or within 8m of the top of the bank of the River Stort, designated a main river. Further details and guidance are available:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the way in which the development will address car parking requirements is that permission should be granted.