

3/08/2122/FP - Redevelopment to form 49 Category 2 type sheltered housing for the elderly (36 1 bed and 13 2 bed units) communal facilities, landscaping and associated car parking at Waggon and Horses, 135 Stansted Road, Bishops Stortford for McCarthy and Stone Developments Limited.

Date of Receipt: 18.12.08

Type: Full

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD MEADS

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:-

1. The proposed development fails to achieve a high standard of layout and would result in a development that would be detrimental to the character and appearance of the surrounding area, contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. Inadequate affordable housing provision (H0512)
3. The proposed development does not make adequate provision for improvements to the pedestrian routes surrounding the site, links to the nearby shopping parade and towards other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 of East Herts Local Plan Second Review April 2007.
4. The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupiers, and would thereby be contrary to Policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located within the built up area of Bishops Stortford and is some 0.39 hectares in area. The site is situated to the west of Stansted Road.
- 1.3 The existing site is occupied by two detached buildings, previously used as a Public House and an ancillary hotel. These existing buildings are set back by approximately 25metres from the adjacent highway. The Public House is

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principally 2 storeys in height with single storey extensions to the side and the hotel building is a single storey, low lying building. There is a large area of hard standing to the front of the existing buildings, with a grass bank adjoining the highway.

- 1.4 The surrounding area is largely characterised by residential properties. The dwellings opposite the site to the east, fronting onto Stansted Road appear 2 storey in height, yet are substantially raised above the road level, and form semi-detached and terraced dwellings. The adjacent residential development to the south at Elliot Court, forms a 2/3 storey building that extends from Stansted Road into Legions Way. To the north and west of the site, the land continues to rise and the site is adjoined by the rear gardens of 2 storey semi-detached and detached properties in Cannons Close. Adjoining the south western boundary of the site are 2 storey terraced properties in Legions Way.
- 1.5 The proposal is for 49 Category 2 type sheltered housing units. The current design proposes a single 'L-Shaped' building which would extend around the eastern and southern parts of the site. An area for car parking is proposed to the rear and west of the building where 20 car parking spaces are proposed to be provided. To the north and north west of the building a soft landscaped area of amenity land is proposed. The proposed building would be set back by approximately 9-10metres from the eastern boundary with Stansted Road and a minimum of 7metres from the southern boundary with Legions Way. A minimum distance of 8metres would be retained from the 2 storey elements of the building to the rear gardens of 17 Legions Way and the dwellings in Cannons Close. An area of amenity space proposed to the north of the site would retain a minimum distance of 5metres to this site boundary with the rear gardens of the adjoining residential properties.
- 1.6 A vehicular access is proposed from Legions Way. A lay-by is proposed along Legions Way which would provide parking spaces for approximately 5 vehicles.
- 1.7 The proposed building varies between 3 and 2 storeys in height. The front elevation onto Stansted Road commences to the north of the site with a 2 storey element, with a ridge height of approximately 7metres, this is joined by a lower link to a 3 storey element which reaches a ridge height of approximately 10metres, this design is then effectively repeated with a further 2 storey then 3 storey section of the building. A corner aspect is proposed which fronts onto Stansted Road and extends around the corner into Legions Way. This corner element is the highest point of the proposed building, reaching a ridge height of approximately 12metres and is designed with a pyramid shaped roof. The elevation that then continues along Legions Way falls to a 2 storey element that links the corner part of the

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building with a further 3 storey part of the building which finally then declines to 2 storeys at the south western part of the site, adjacent to the 2 storey dwellings at 17 Legions Way.

- 1.8 The building is proposed to be finished externally using a mix of brick and render with some flat roofed projections within each elevation. Several balconies are proposed at a first and second floor level.

2.0 Site History

- 2.1 The site had a previous established use as a Public House.
- 2.2 Planning permission was granted in 1999, under planning reference number 3/99/0496/FP for alterations to the existing public house and a new building forming 28 bedrooms. This development proposed a 2 storey building in the position of the existing hotel to the northern section of the site.
- 2.3 In 2002 planning permission was granted for single storey extensions to the Public House under planning reference number 3/02/0462/FP.
- 2.4 Planning Permission was granted under delegated powers for the construction of a 10 bed hotel building in 2002 under planning reference number 3/02/1562/FP.
- 2.5 Planning permission was refused by the Development Control Committee in August 2008 for 49 Category 2 type sheltered housing for the elderly (35 1 bed and 14 2 bed units) communal facilities, landscaping and associated car parking (ref.3/08/1010/FP) for the following reasons:
- 1) The proposed development by reason of its size, massing, design, form and layout would be detrimental to the character, appearance and visual interests of the surrounding area, contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
 - 2) The proposed development fails to make adequate provision for affordable housing in accordance with the Planning Policy Guidance Note 3 'Housing', and policy HSG3 of the East Herts Local Plan Second Review 2007.
 - 3) The proposed development does not make adequate provision for improvements to the pedestrian routes surrounding the site, links to the nearby shopping parade and towards other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 and HE9 of East Herts Local Plan Second Review April 2007.

- 4) The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupants, and would thereby be contrary to policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses

- 3.1 The Council's Housing Development Manager estimates the cost of the affordable housing provision necessary at this site to be in the region of £750,000 based on the current scheme of 49 units overall. A 40% provision would generate 20 units of affordable housing. Based on the expectation these units would be two bedroom units for rent, they would attract a social housing grant contribution of £35,000 per unit. The nature of a sheltered housing scheme is one where the residents benefit from communal lounges and kitchens and the officer would expect the developer to make some contribution toward this on behalf of the affordable housing residents in the region of £50,000 (assuming a contribution of £2,500 per affordable housing unit). 20 units at £35,000 per unit plus the £50,000 contribution to the communal facilities equates to £750,000. The offer of £40,532 by way of a commuted sum in lieu of on site provision of affordable housing is considered to be unacceptable. The Officer comments that the same calculation has been used that was used for the Charvills Garage site in Ware, which was previously found to be acceptable by McCarthy and Stone.
- 3.2 County Highways object to the proposal as the applicant is unwilling to commit to the provision of the required financial contributions towards sustainable transport issues; however comment that as with the previous application the principle of this development on the site of a former public house is acceptable in a highways context. The sustainable transport contribution based on 36 1 bed units and 13 2 bed units is £32250 index linked by SPONS from July 2006 (the date the level of contribution was determined). This contribution would cover costs associated with footpath works remote from the site i.e. improvements to the link along and from Orchard Way leading to the Snowley Parade shops. The improvements required to the footway immediately fronting the site and linking the pedestrian access into the site to the pelican crossing on Stansted Road would be undertaken under a S278 (Highways Act) agreement (as would any other works within the highway i.e. the parking bay provision along Legions Way and any necessary changes to the signal controls) and be additional to the S106 contribution. County Highways comment that they are aware that the latest submission questions the extent of the obligation sought by the highway authority and the schemes to which any contribution would be used. In this respect they comment that the requirement is made in line with the planning obligations toolkit where the

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County Council require development proposals to make a financial contribution towards the promotion of sustainable transport measures or the implementation of schemes identified in the local transport plan, in compliance with guidance contained in Circular 05/05, PPG 13, and, applicable to this site, the East Herts Local Plan Policy IMP1. They comment further that the implementation of schemes developed through local transport plans will assist to mitigate the impact of the development related traffic on the local road network and works towards improving accessibility and alternatives to the car. County Highways recognised that the cumulative impact of a large number of smaller developments can often be more significant than the impact of a small number of larger developments, therefore for smaller developments contributions are sought on a unit rate basis and are pooled where appropriate. They also outline a number of initiatives where such contributions are used i.e. accessibility improvements for passenger transport provision and publicity.

On reflection, County Highways acknowledge that the previous requirement for £19000 toward bus stop improvements could be interpreted as being double counted and withdraw that element from consideration.

Turning to parking and the proposed lay-by specifically, they consider the lay-by to be an important part of the overall development in order to reduce the possibility of indiscriminate parking within Stansted Road, and they comment that it will be available for general use not just residents, staff or visitors associated with the proposed development.

With regard to footway issues they note that the submission still indicates the main pedestrian route is remote from the existing pelican crossing point. Therefore their previous comment regarding the need for the footway along Stansted Road to be widened to accommodate movement of pedestrians between the development site and the crossing point en-route to the nearby shopping centre still remain. They suggest that this element of the development would be funded by the developer and achieved through a Highways Act S278 agreement with any improvements to the footpath link from the crossing to the shopping centre to be funded from the S106 contribution.

In conclusion had the applicant been prepared to accept that the S106 obligation is not unreasonable the principle of the development, with modification to the pedestrian routes, the highway authority would have been able to recommend that permission be granted, subject to appropriate conditions. However as submitted and without that commitment to sustainable transport the scheme remains unacceptable.

- 3.3 Herts County Council's Planning Obligations Unit have commented that the proposed development falls above the current threshold where financial contributions are sought. A contribution of £4,449 is sought towards library provision. Fire hydrant provision is also sought. Given that the application is for shelter apartments for the elderly contributions towards education, youth and childcare are not required in this instance.
- 3.4 Thames Water have no objection to the proposed development.
- 3.5 The Hertfordshire County Council County Development Unit has submitted comments that if approved the permission should be granted subject to conditions regarding waste minimisation.
- 3.6 The Hertfordshire County Council Historic Environment Unit has commented that the application site is located within an Area of Archaeological Significance. An archaeological evaluation of the site was carried out in May 2008 and it was identified that archaeological remains of Roman date are present within the site. It is therefore recommended that if the Council are minded to grant permission that this is subject to a condition to require further archaeological investigations to be carried out.
- 3.7 Herts Constabulary comment that it has not been demonstrated that crime prevention measures have been considered.
- 3.8 The Council's Landscape Officer has recommended refusal of the application and comments that the retention of the existing hedge long Legions Way should be considered, the amenity space is dominated by the development and would be better if there was a continuous area from the main entrance to wrap around the building. The level of amenity space is insufficient to accommodate the number of residents.

4.0 Town Council Representations

- 4.1 Bishops Stortford Town Council object to the application for the following reasons:
- Unsympathetic design;
 - Positioned too close to the highway creating an overbearing; aspect onto Stansted Road;
 - Over intensification of an attractive open site;
 - Loss of a community facility and insufficient marketing has taken place to explore the continued use of the site as a Public House;
 - Loss of a mature hedge;

- Overdevelopment of flats in the area, altering the character of Stansted Road;
- Excessive height and bulk which would result in overlooking of adjacent properties;
- Insufficient affordable housing provision made;
- Lack of parking provision for residents, visitors and service vehicles;
- Increase in traffic movements would exacerbate current problems with traffic flow along Stansted Road;
- Archaeological remains would be lost under the footings of the development;

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 13 letters of objection to the proposed development have been received and a letter from the Parsonage Residents Association. The concerns raised can be summarised as follows:
- Overlooking into the properties opposite in Stansted Road;
 - Loss of light to neighbours;
 - Inappropriate building height;
 - Loss of landscaping and potential loss of wildlife;
 - Noise and disturbance;
 - Pressure on local doctors surgery, shops, public transport and sewerage system;
 - The development would add to existing traffic and parking problems in Legions Way and other surrounding roads;
 - Inappropriate location for future residents to reach local facilities;
 - Loss of Public House and hotel effecting employment, tourism and vitality;
 - Out of keeping with the character of the area;
 - Too much sheltered housing in the area;
 - No provision made for affordable housing;
 - No improvements to pedestrian links to Snowly Parade.
- 5.3 One letter of support has been received which states that the McCarthy and Stone development Elliott Court has quiet residents, little traffic and tidy gardens and if the current proposal is turned down then the site will remain untidy and derelict.

6.0 Policy

6.1 The relevant policies of the East Herts Local Plan Second Review (April 2007) are:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites
EDE2	The Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking Standards
ENV3	Planning Out Crime-New Development
BH1	Archaeology & New Development
BH3	Archaeological Conditions and Agreements
IMP1	Planning Obligations

7.0 Considerations

7.1 The principle consideration in this case is whether the proposed development accords with the policies of the East Herts Local Plan Second Review April 2007 and whether the previous reasons for refusal have been overcome.

7.2 The proposed use of the site for sheltered housing for the elderly as well as the number of units proposed, 49, remains the same as the previous proposal. Changes have however been made to the design and layout of the proposed building. The development would now form an 'L-shape' instead of the previous 'U-shaped' building. The northern section of the building has now been removed and additional accommodation has been provided by increasing the height of parts of the building that fronts Stansted Road, which was previously 2 storeys and by extending this elevation by approximately 6metres. Other changes to the proposal result in a more fragmented design with more varied roof heights and the use of a pyramid style roof to the corner element that fronts both Stansted Road and Legions Way with a slight reduction in height to the previous gable end in this position.

Principle of residential development

- 7.3 The application site is located within the built up area of Bishops Stortford wherein in accordance with Policy SD2 there is no objection in principle to development. Policy HSG1 states that the suitability of a site for development will be tested against criteria which relates to the availability of previously developed land, accessibility, local infrastructure capabilities, physical constraints on the land and the need to retain a previous use at the site.
- 7.4 In accordance with Policy HSG1, the application site is a previously developed site and is considered by Officers to represent a sustainable location for residential development. The specific type of residential accommodation that is proposed, being sheltered housing does not prejudice this view. In fact the Housing Needs Survey 2004 identified that there is a need across the district for housing for older people.

Loss of Existing Use

- 7.5 Policy EDE2, states that the loss of sites that were last in employment use will be permitted subject to the submission of evidence to demonstrate that the retention of the site has been fully explored without success. The pretext to this policy pledges the Council's support of small businesses which provide local employment opportunities and therefore Officers believe this policy is relevant within the consideration of the current application.
- 7.6 The type of employment that would have previously occurred at the site would have been within the Public House and hotel workers. The applicant has failed to provide details of the likely number of people employed at the site under its previous use and has not detailed the number of employees, such as wardens, that would be likely to be employed at the proposed sheltered housing development. However, Officers do not consider that the loss of employment that would occur from the site's former use as a Public House and hotel would be of a sufficient number to warrant the application for planning permission being refused for this reason.
- 7.7 Officers have considered the concerns raised by local residents regarding the loss of the existing Public House and hotel at the site. Although Policy LRC11 seeks the retention of community facilities, these are listed as buildings and land for purposes such as schools, nurseries, hospitals, libraries, schools etc. Policy STC8 states that developments will not be

permitted within local centres and rural locations where it would result in the loss of a public house. This site is not considered to be within a local centre. Officers therefore consider that the development proposal cannot be refused due to the loss of the existing public house and hotel.

- 7.8 Policy HSG1, however, states that the suitability of a site for development will be assessed against the need to retain an existing or previous use at the site. After the submission of the previous planning application made at the site, some confidential information was been submitted to the Council which details the failure of the public house at the site and states that the marketing of the site was not restricted and remained open to the continued use as a public house. The site is located a short distance from Bishop Stortford's town centre and the nearest Public House, 'The Cock' is estimated to be around 750metres from the application site. However, local residents have pointed out within their letters that the distance to another Public House to the north of the site is substantially greater. The concerns of local residents are duly noted, however, Officers in this instance do not consider there to be a specific need to seek the retention of the existing uses at the site and advise that refusing the application under Policy HSG1 would be unjustified.

Amount, Size and Mass

- 7.9 The development proposes 49 units on a site of 0.39 hectares, this equates to a density of approximately 125 dwellings per hectare. PPS3: 'Housing' recommends a density of 30-50 dwellings per hectare and that higher density developments may be acceptable in appropriate circumstances. It is considered that due to the nature of the residential development, being 1 and 2 bedroom units the density will be higher than other developments i.e. traditional residential estates, and although the density is high there is no objection in principle to the density proposed.
- 7.10 With the previously refused proposal Officers were concerned with the size and mass of the development. Although some changes have been made to the footprint of the building with the removal of the northern part of the building, the width of the building that fronts onto Stansted Road has been extended further. Some reductions have been made to the height of parts of the building to the south east of the site, however in other places increases to the building height are proposed, such as where the building extends north along Stansted Road. Despite the limited changes that have been made to the actual size of the development that is proposed, amendments to the design of the east and southern elevations as well as roof heights and design, achieve a more fragmented development that would appear less significant and intrusive in its size and mass.

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7.11 Having regard to the character of the surrounding area and in particular the high density development Elliott Court adjacent to the site, Officers consider the overall appearance of the development in terms of its size and mass, have significantly improved and as such no longer consider that the development would be detrimental to the character and appearance of the surrounding of the area for this reason.

Design and Form

7.12 In terms of design, the more fragmented eastern and southern elevations, with the set backs and linking elements and the varying roof heights significantly improves the appearance of the resulting development. In addition, the reduction in the number and height of the flat roofed projections to the east and south elevations reduces the prominence of these features and thus overcome Officer's concerns raised to this part of the design with the previous proposal. The corner element of the building that is sited where Stansted Road meet Legions Way has been revised to create a pyramidal roof similar to that in place on the adjacent street corner at Elliott Court. This variation reduces the bulk and therefore prominence of this part of the building and contributes to achieving an overall improved design.

7.13 The single framed window openings that were previously proposed and were described by Officers as 'uniform and nondescript' have been removed from the scheme and replaced by fenestration that is more varied and no longer single paned. This amendment together with other changes to the detailed design such as brickwork detail contribute to achieving a higher quality design that has greater visual interest.

7.14 Officers consider that the revisions made to the proposed building design have addressed and sufficiently overcome the concerns that were raised at the time of the previous planning application. The proposed design appears suitably fragmented, with an appropriate level of design detail. Having regard to the mix of building types and designs that occupy the neighbouring sites, and in particular Elliott Court adjacent to the site to the south, the proposed building would form a design that would not appear out of keeping with the character of the surrounding area.

7.15 With regards to form, the changes made to the shape of the proposed building and the reductions made to its bulk, sufficiently overcomes Officers previous concerns relating to the form of the development that is proposed

Layout

- 7.16 The layout of the site has been revised since the previous submission with the removal of the northern part of the building and the extension to the width of the building that fronts onto Stansted Road. The resulting layout creates a more fragmented car parking area that extends further to the north of the site, which together with the increased width of the building reduces the size of the proposed amenity space. The building form of the previously refused proposal would have resulted in part of the building restricting the access to the amenity space and as such Officers questioned how useable this space would be and concluded that this aspect of the design was characteristic of a poor layout. The revised building form and design opens up the northern part of the site allowing an improved route of access into the garden area. Notwithstanding this, Officers remain concerned with the amenity space that is proposed due to its size, layout and siting. In addition, the incursion of the parking area into the amenity space would create a poor outlook.
- 7.17 The amenity space would consist of an 'L-shaped' area to the north west corner of the site with a further strip extending in an eastern direction which is 3-3.5metres in width. Officers estimate the total floor space created of amenity land to be approximately 284sqm. 32sqm of this would consist of the narrow strip leading to the east of the site and 63sqm would be a centrally located section of land that is enclosed on 3 sides, 2 of which by parking bays, albeit there is a landscape strip in-between these areas, and the 3rd side is adjoined by a footpath that leads to the main building itself. Officers consider that this 95sqm of the total amenity space provided would be particularly uninviting and poor in its quality. As a whole the amenity space is considered to be less attractive and usable to the future residents which is indicative of a poor standard of layout. In addition to the amenity space to the northern part of the site a small area of space is proposed to the south of the main entrance. Officers do not consider that this space would represent a meaningful level of amenity space in itself and does not make a significant contribution to the overall provision at the site.
- 7.18 The amount of amenity space that is proposed, together with its siting and layout, contributes to a poor standard of layout that is inadequate and incongruous with the development that is proposed at the site, contrary to the aims and objectives of Policies ENV1 and HSG7. This is supported by the comments received from the Council's Landscape Officer who recommends that a more appropriate layout would involve a continuous area from the main entrance to wrap around the building. This is consistent with comments made by Officers concerning the previously refused proposal that a more central area of amenity space would be more

appropriate. This would improve the overall layout and design quality of the scheme and also improve the outlook for future residents, for some of the west and north facing elevations provides the only windows from these single aspect units which currently would primarily overlook the car parking areas.

Neighbour amenity

- 7.19 Several of the representations received from neighbours express concerns regarding potential overlooking into the properties opposite the site that front onto Stansted Road. The distance from the proposed development to these existing dwellings opposite the site is estimated to be 23-26metres. Although there would be a relatively close relationship between the existing dwellings and the proposed building, the distance proposed is considered to be sufficient in this instance to prevent direct overlooking or loss of privacy. The distance from the proposed development to the existing dwellings at Elliott's Court, to the south of the site is approximately 20-21metres. Officers do not consider that the proposed development would result in a degree of overlooking into the neighbouring residential properties that would be sufficient to warrant a reason for refusal of this application.
- 7.20 The outlook from all nearby residential properties would significantly change with the development proposed as a small proportion of the existing site is occupied by buildings which are up to 2 storeys in height and set back from all boundaries of the site to the existing development on the site. However, the proposed development is considered to be appropriately sited such that it would not be detrimental to the outlook of the neighbouring dwellings.

Affordable Housing

- 7.21 The applicant has proposed a commuted sum to allow the provision of off-site affordable housing as opposed to making a 40% on-site provision. The sum that has been offered is £40,532, which the applicant states is the maximum amount that can be offered for affordable housing before the development viability is impinged upon. Using the same calculation that were accepted by McCarthy and Stone at a site in Ware, the Housing Development Manager has estimated that a more appropriate contribution would be in the region of £750,000. An inadequate provision for affordable housing has therefore been made, contrary to Policy HSG 3 of the Local Plan.
- 7.22 The Council's adopted SPD on Affordable Housing and Lifetime Homes does state that it is accepted that there will always be exceptional circumstances that influence the provision of affordable housing and the Council will take these circumstances into consideration. It states that

developers will have to provide satisfactory evidence to enable the Council to determine the validity of the exceptional circumstances and their impact on the development. It goes on to state that a developer should take affordable housing provision and other known constraints into account when negotiating the purchase of the land.

- 7.23 The applicants have submitted with the application an Affordable Housing Position Statement within which they make the argument that planning is a land use issue and that, therefore, affordable housing achieved through the planning system should be assessed on the basis of the implications for land value of the imposition of affordable housing. The statement has used a residual land value assessment which considers the income from a development in terms of sales or rent and compares this with the costs associated with developing that scheme, and it comments that the maximum amount available for affordable housing within the assessment is based on the difference between the unencumbered land value and the existing or alternative use value of the site, since any further requirement would not leave enough to bring the land forward for development.
- 7.24 The statement concludes that the existing use value is the value of the site were it to continue in its present use as a public house and it states that McCarthy and Stone are in receipt of an unconditional offer for the site in the region of £2.1 million from a party with an interest in continuing the use of the site as a public house. They state that as such, this is a very firm indication of the existing use value of the site. The residual land value appraisal undertaken for the application site as outlined in the submitted statement identifies that the residual land value of the site is £2,140,532. Taking this into account and the offer that they have made for the site, the statement concludes that the maximum amount in the appraisal that can be utilised towards affordable housing provision before the development viability is impinged upon is £40,532. The statement also comments that it can be argued that current market conditions are such that they should be considered as an abnormal cost to the development, given the effect of interest rates and the slow sales rates on the cash flow.
- 7.25 The information submitted by the applicant in the Affordable Housing Position Statement has been considered by Officers, and Officers are not satisfied that this approach is appropriate or that the financial information included in the statement is of sufficient detail to fully assess the finances associated with it. Furthermore, no evidence of the suggested offer made for the site of £2.1 million has been provided. It should also be noted that this approach to assess the viability of the development and the maximum amount that can be utilised towards affordable housing and other financial contributions, was not the approach that was used by McCarthy and Stone in negotiating affordable housing contributions for the Charvills Garage site

in Ware. As stated earlier in this report, the calculations undertaken by the Housing Development Manager in relation to this site are the same calculations that were used and accepted on the site in Ware. Having regard therefore to all of the above considerations Officers are not satisfied that the offer of £40,532 is acceptable, and consider that this would represent an inadequate provision for affordable housing which is necessary to make the development acceptable in relation to Policy HSG3 of the Local Plan.

- 7.26 Within the affordable housing statement that was submitted as part of the previous application at this site, an explanation is given for the failure to make an on-site provision. These relate to the site being impractical to create two separate blocks of accommodation; and a single shared block poses maintenance problems with the shared areas and resentment could occur between the residents. Officers do not however agree that the site is too small to create two separate blocks and do not consider any potential resentment between occupiers in the open market accommodation to those in the affordable units to be a reason to seek an off site provision and predict that these circumstances would not substantially differ in the case of all new housing development where onsite affordable housing is provided. With regards to the problems with maintenance of affordable and open market housing within the same building block, Officers do not consider this to be a conclusive reason to prevent an on-site provision being made. In addition to the failure to provide an appropriate commuted sum for affordable housing, Officers remain unsatisfied that an on-site provision could not be made.

Parking

- 7.27 Appendix II of the Local Plan outlines a maximum parking standard of 0.5-1 spaces per unit for Category II sheltered housing; this would indicate a maximum parking standard of 24.5 spaces-49 spaces for the proposed number of units. The current application proposes 20 parking spaces, with an additional 5 on-road spaces proposed in Legions Way. The comments received from County Highways states that the 5 on-road parking spaces are important to the scheme in order to reduce the possibility of indiscriminate parking within Stansted Road, however, this would in effect be public parking. Therefore Officers suggest that Members take the parking spaces available for the occupiers of the development to equate to 20 and consider the additional 5 on road spaces to be potentially for the use of visitors to this site and other neighbouring properties.

- 7.28 The applicant has submitted some supporting information with regards to parking provision. It is stated that, in line with the definition of Category II sheltered housing, the age of residents would normally be restricted such that they must be 60 years of age or over, however that research undertaken by McCarthy and Stone in 1996 found that the average age of entry to their developments was 75 years and 6 months, an age which is now predicted to be rising. The information provided suggests that car ownership upon entry of 60-70 year old residents would be 60-70% which would decline a few years after occupancy. For 75-80 year olds the car ownership rate is estimated at less than 35% which is the most appropriate figure to use in conjunction with the average age of occupiers in 1996. Based on the findings of such surveys the applicant argues that the maximum car parking standards necessary for Category II sheltered housing is 0.36 spaces per 1 bedroom apartment and 0.72 per 2 bedroom apartments. The current proposal is for 36 1 bed and 13 2 bed units, which based on the applicants predicted standards would require a maximum of 22 spaces.
- 7.29 Whilst Officers did not recommend refusal on the grounds of the level of parking provision in relation to the previous application, Members did express concern in respect of this element of the proposed development and added a further reason for refusal stating that the proposal failed to make adequate provision for parking within the site. Therefore, as this formed a reason for refusal on the previous application it must now be considered whether amendments have been made to the proposed development to overcome this reason for refusal. The current application proposes the same number of parking spaces as were previously proposed. In this application however, as set out above, the applicant has provided some additional information about the age of occupants of McCarthy and Stone developments and the level of car ownership of people of that age. Having regard to this information however, Officers are not satisfied that this is sufficient to overcome the previous reason for refusal. It is therefore recommended that the concerns expressed by Members in the determination of the previous application in relation to parking, have not been overcome.

Highways/Access

- 7.30 Several of the representations received from local residents express concern regarding the use of the access from Legions Way. However, County Highways consider the proposed development to be acceptable in a highways context and are content with the principle of access from Legions Way with the closure of the existing access from Stanstead Road being a positive benefit in highway terms. It is appreciated that traffic will increase

on what is a residential cul-de-sac at present but the likely traffic generation from the development is not significant. Officers consider the access proposed to be acceptable.

Other Matters

- 7.31 The applicant has identified a total of £40,532 that could viably be paid for an offsite affordable housing provision and any other financial contributions. The applicant has stated that their appraisal has not made any allowances for other financial contributions being sought by the Council and these would need to be deducted from this figure. The £40,532 proposed is clearly an insufficient amount to allow for the contributions required towards infrastructure improvements, sustainable transport, libraries and affordable housing. Based on the consultee responses an appropriate contribution is estimated to be £786,699. Refusal is therefore recommended due to the inadequate provision made for affordable housing as well as for sustainable transport and for other infrastructure improvements, i.e. libraries to mitigate against the impact of the development.

8.0 Conclusion

- 8.1 The proposed development is considered to be of a poor standard of layout and as a consequence would be detrimental to the character and appearance of the surrounding area, contrary to Policies ENV1 and HSG7.
- 8.2 The current proposal fails to make an on-site provision for affordable housing and without further evidence Officers do not support the proposal to provide a commuted sum for an off-site provision to be made. In any event the proposed commuted sum for an off-site affordable housing provision to be made is inadequate.
- 8.3 The applicant has failed to agree to the payment of financial contributions towards infrastructure improvements and libraries as requested by Hertfordshire County Council. The commuted sum that is proposed is not sufficient to cover the combined contributions required for sustainable transport initiatives, libraries and affordable housing.
- 8.4 Having regard to all of the above considerations it is recommended that planning permission is refused.