

3/09/0492/FP – Mixed use development comprising B1 office building & Baptist Church & associated parking at Mineral Water Site, Twyford Road Business Centre, Twyford Road, Bishop's Stortford for Mr Mark Van Hees

Date of Receipt: 09.06.2009

Type: Full

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SOUTH

Reason for report: Major application

RECOMMENDATION

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

1. The site lies within a designated Employment Area as defined in the Local Plan, being reserved for employment use. The proposed development would result in the loss of land for employment purposes to the detriment of the economic well-being of the District. Whilst the nature of the community based use that is being proposed, along with the new office buildings is acknowledged, it is considered that insufficient justification for the loss of the employment site in its current form has been given. If permitted the proposal would be contrary to Policies EDE1 and BIS9 of the East Herts Local Plan Second Review April 2007.
2. It is considered that the proposals represent a poor quality reuse of the site in terms of their layout, inter-relationship, design and relationship with the water environment. Accordingly, if the employment site use is to be reduced the Council is concerned that an appropriate quality replacement use, in terms of the issues above, is not being achieved. As a result the proposals are contrary to Policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.
3. Inadequate provision is made within the site for the parking of vehicles in accordance with the Council's adopted standards for car parking provision and Policy TR7 of the East Herts Local Plan Second Review April 2007, and insufficient information has been provided to demonstrate a commitment to or use of sustainable transport modes. If permitted the development would be likely to lead to additional on-street parking to the detriment of public and highway safety.
4. The proposal would result in an increase in pedestrian movement along Twyford Road, which does not have a continuous footway on the site side of the road and with just a narrow, single person width footpath on the west side of the road, which suffers from on-street parking associated with the

residential properties. The proposed increase in pedestrian movement without provision of a safe and convenient footpath would be to the detriment of public and highway safety.

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1.0 Background

- 1.1 The application site is located to the south-east of Bishop's Stortford, as shown on the attached OS extract. The site is bounded to the east and west by the Stort Navigation and the River Stort respectively; to the south by a strip of land (to which the applicant has possessory title) with the railway line beyond; and to the north by the residential flats of Island Court. Beyond the navigation to the east is the residential development on the former Atkins and Cripps timber yard site. To the west is the existing residential development of Rushes Court and along Twyford Road.
- 1.2 The site comprises a parcel of land of approximately 0.4 hectares in area. The site currently contains 2 single storey buildings. The larger building abutting the eastern boundary is partially occupied and the other building abutting the southern boundary is unoccupied. The majority of the rest of the site is occupied by hard standing for car parking.
- 1.3 The site is relatively level in itself and also level with the residential dwellings in Twyford Road. The existing primary vehicular access is via a road bridge from Twyford Road. The site contains some existing landscaping to the boundaries with the River Stort and the Stort Navigation.
- 1.4 The application proposes to demolish all the buildings on the site and to redevelop the site with a 2 ½ storey B1 office building (with undercroft parking), and a 2 storey Church building. The proposal provides for a total of 55 parking spaces with 20 spaces solely allocated for the Church and the remainder to be shared provision between the uses. 20 cycle spaces are also proposed.

2.0 Site History

- 2.1 There have been some pre-application discussions for the re-development of the site for a mixed use. Whilst officers are receptive to the principle of re-development for offices at the site, comments have been expressed in terms of the suitability of the principal of the Church use on an employment site, and concern over the level of parking proposed.

3.0 Consultation Responses

- 3.1 County Highways do not object in principle to the redevelopment of the site and note that the uses would result in less HGV traffic. However, they have recommended refusal commenting that to permit the proposal would lead to an increase in pedestrian movement along Twyford Road without appropriate provision to ensure the safe and convenient passage of such vulnerable road users, and that the proposal provides inadequate parking provision for the Church.
- 3.2 The Environment Agency have commented that they raise no objections to the proposal subject to a condition to ensure the measures as detailed in the Flood Risk Assessment are implemented and secured.
- 3.3 British Waterways have raised no objection to the principle of development but make comments in respect of the design and layout, landscaping and sustainability. It is concerned that the proposals do not make the best of the opportunity here to enhance the river environment or to enhance the experience of the users of the new building.
- 3.4 The Herts & Middlesex Wildlife Trust recommend that any planning permission should include a number of conditions and directives in respect of the potential impacts of the development on reptiles, amphibians, slow worms and bats and birds.
- 3.5 Thames Water have commented that they have no objection to the planning application in terms of sewerage infrastructure.
- 3.6 Natural England have commented raising no objections.
- 3.7 The Council's Landscape Officer recommends refusal and makes the following comments:-

Inadequate assessment has been made of trees on the site and as a result it cannot be certain that the buildings are located and designed to ensure the maximum integration with existing landscaping. The proposed buildings do not interface well with each other and there is inadequate scope for a landscape solution to overcome this. In addition, the proposals do not sufficiently exploit the potential for enhancement represented by the development.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council have commented with no objection.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 2 neighbour letters have been received raising comments as follows:-
- Twyford Road has heavy traffic from industrial estate, children's gym and Mencap;
 - Development on a floodplain. Would put properties at risk;
 - Insufficient proposed parking. Proposed users of development are unlikely to use public transport. Existing parking pressures in Twyford Close;
 - Redevelopment to B1 and D1 will significantly increase car traffic. Narrow roads.

6.0 Policy

- 6.1 When considering the application a number of policies contained in the Adopted Local Plan must be taken into account. These include:

- SD1: Making Development More Sustainable;
- SD2: Settlement Hierarchy;
- SD5: Development on Contaminated Land;
- EDE1: Employment Areas;
- EDE8: New Employment Development;
- BIS9: Employment Areas;
- TR1: Traffic Reduction in New Developments;
- TR2: Access to New Developments;
- TR3: Traffic Assessments;
- TR4: Travel Plans;
- TR7: Car Parking Standards;
- ENV1: Design and Environmental Quality;
- ENV2: Landscaping;
- ENV3: Planning Out Crime – New Developments;
- ENV4: Access for the disabled;
- ENV11: Protection of Existing Hedgerows and Trees and;
- ENV16: Protected Species.

7.0 Considerations

7.1 The main considerations in the determination of this application relate to:-

- The principal of an office and Church development at the site;
- The appropriateness of the size, scale and chosen design;
- Impact upon neighbour's amenity;
- Landscape considerations;
- Highway implications and;
- Other matters.

Principal of a mixed use development at the site

7.2 Policies EDE1 and BIS9 outline the policy consideration toward employment uses, the latter referring specifically to employment areas in Bishop's Stortford. These policies state that employment sites, (including Tywford Road/Twyford Road Business Centre), will be reserved for Use Classes B1 and B2 and where well related to the transport network, B8 Storage and Distribution Uses.

7.3 The proposal for office use is in line with the above policies and in principle raises no objection. It is the proposed Church use falling outside of a B1, B2 or B8 use class that is contrary to the above Local Plan Policy.

7.4 Consideration also needs to be given to the published East Herts Employment Land and Policy Review (2008), which was undertaken with the primary objective of assessing the supply and demand for employment land and premises in East Herts over the period to 2021. This study will form part of the evidence base for the Council's emerging Local Development Framework (LDF); will inform the Council's preferred options for its Core Strategy; assist in the formulation of policies for new employment land development in the emerging LDF and provide background information to assist the determination of planning applications for such developments in the future.

7.5 The Review assessed the existing supply of employment land (in the first half of 2008), and in terms of future land requirements, examined a range of potential employment growth scenarios. The Review concluded that the overall additional need for employment land between 2008 and 2021 is projected to be between 2 and 5 ha, although this could rise to 7-10 ha if existing employment sites are lost. In particular the Study identified that within Bishop's Stortford, due to strong demand and low vacancy rates in combination with the scarcity of supply mean that existing employment sites in the town need to be safeguarded.

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- 7.6 The Study does identify the site as 'amber' wherein employment uses remain viable but intervention in the future may be required to retain employment uses. It is acknowledged that the site and buildings will provide limited employment in its current state and that investment and redevelopment is to be welcomed. In this case the proposal does provide new employment uses with the office building however it would result in the loss of the majority of the site for employment uses.
- 7.7 It is acknowledged that the Study does state that if B2 employment and land demand continues to decline, the lower-quality 'Amber' sites (such as Twyford Road) that are mainly in B2 use should be considered for release if they cannot be redeveloped for B1 or B8 uses. The application contains no evidence to outline why the whole of the site cannot be redeveloped for B1 uses.
- 7.8 The applicants argue that, whilst there is a loss of employment land, the numbers of persons employed at the site would increase with the office building. Whilst Officers acknowledge this may be the case, they disagree that the weight to be assigned to this is such that it would outweigh the policy objection to the loss of designated employment land. This view is reinforced by the recent Employment Land Study 2008 which also indicates that the site should be retained for employment purposes.
- 7.9 Officers are mindful of the new community based use that is being proposed here. The church would relocate from existing premises in the town and expand its services. The new building is large, with a significant amount of accommodation. In releasing up other employment sites, the Council has always sought some justification that the land and buildings would not be taken up in their current form. That is that a marketing exercise has been undertaken to demonstrate that there is no current demand. Such evidence has not been forthcoming in this case.
- 7.10 In addition, whilst the benefits of the proposed use are acknowledged, most of the employment sites around the town suffer from some form of disadvantage – poor access, quality of buildings etc. As a result, if the Council cannot show that it has been clearly convinced that there is no demand for the site in its current form, there will be pressure to release up other sites with the consequent impact on the ability to locate employment uses in the town.
- 7.11 In this case your officers have reached the view that there is currently insufficient justification for the release of the land and, added to other concerns set out below, have reached a conclusion accordingly.

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- 7.12 Notwithstanding the objection to the proposal on the loss of an employment site, the merits of the proposal also need to be considered carefully against all other relevant Local Plan policies in order to assess the suitability of any given proposal.

Appropriateness of the amount, size, scale and design

- 7.13 The size, scale and design of the proposed development, whilst not dissimilar to that found elsewhere within the Twyford Road Estate and beyond the site to the east, does appear to underplay the potential for enhancement offered by this site. The proposed layout would make the most efficient use of the land available for development, whilst providing space for circulation and parking. However the buildings themselves are rather ordinary in design. Indeed the church building, which should be an inspiring place of worship could quite easily be mistaken for the office buildings or a large academic or educational building. The applicant refers to the presence of a main sewer on the site which has determined the location of development. This has led to a poor inter-relationship between the buildings. It is also disappointing that, on arrival at the site one would be met by the corner elevation of the office buildings, with no significant entrance feature, and car parking. Pedestrians are very much demoted in the layout. Both BWB and the Council's Landscape Officer have pointed to what is considered a missed opportunity to enhance the quality of the environment by maximising the relationship of buildings with the water environment and through the use of landscaping. Elsewhere in the town considerable concern has been expressed that new development has not made enough of its riverside environment. It seems that such a situation would occur again here as the buildings appear to have no relationship with the river environment and although it is suggested that access to it is created, it is not currently shown on the plans.

- 7.14 Your officers view then is that, if the town's employment sites are to be lost then good quality environments, as well as beneficial uses should be secured. It is not considered that has been achieved in this case.

Impact upon neighbour's and future occupier's amenity

- 7.15 With regard to the impact upon neighbour's amenity, Officers consider that there will be no unacceptable impact in regard to the amenity of neighbouring occupiers. The buildings are of a comparable height to the residential properties in Twyford Road which are sited at a distance in excess of 25 metres, together with existing and retained landscaping to the north-west boundary with Rushes Court, would prevent any unacceptable impact from overlooking or similar.

Landscape and ecological considerations

- 7.16 The concerns expressed by the Council's Landscape Officer with the layout of the proposal have been referred to above. The Landscape Officer goes on to state that a tree survey should have been undertaken, the results of which should have been included in the preparation of a tree constraints plan, which should be used to assist with site layout design. I agree that doing so would be likely to result in a scheme that took greater advantage of the opportunity of the site. It is noted that the footprint of the proposed development is further away than the existing building to the main area of tree planting to the north-western boundary and that the area of proposed access and parking near to existing landscaping remains similar to that hard surfacing already on site.

Highways implications

- 7.17 Turning to matters relating to highway safety, County Highways consider that the proposal does offer benefits in terms of removing a proportion of HGV movements from the vicinity as a B1 office and Church would not attract the number of HGV movements associated with the lawful industrial development of the site. However they comment that in terms of numbers of overall traffic movements from small private cars there would be an increase in vehicles.
- 7.18 Turning to parking provision, the application suggests 55 spaces split and shared between the two uses. The East Herts SPD suggests a maximum provision of 148 spaces with a maximum reduction of 25% based on the zonal approach with the site falling within zone 4. It is considered that the maximum demand periods differ for each use and that the office use, (requiring a 75% figure of 27 spaces) is adequately catered for during the normal working week. The Church on the other hand is unable to meet the 75% requirement amounting to 84 spaces even if the office spaces were free and available during the weekend. Whilst the site is fairly well located in terms of access to the town centre, public transport facilities and the residential areas of Bishop's Stortford, there is concern that the application does not address the impact of the shortfall in parking nor does it demonstrated a commitment to sustainable transport which could justify a reduction in parking standards. The inadequate parking provision to the site, if permitted, would be likely to lead to additional on-street parking to the detriment of public and highway safety.
- 7.19 Furthermore, there are safety concerns surrounding pedestrian movements to the site, particularly with the Church element of the proposals. The applicant has stressed that the primary use of the church building will be on a Sunday when traffic on the surrounding roads accessing the adjoining

commercial use estate is at its lowest. However, during the week it is proposed that the church could be used for community purposes including playgroup, or youth clubs. The church, as well as these community uses, is highly likely to attract pedestrians and cyclists to the site at all times of the working day. Twyford Road, leading to the site, is relatively narrow and suffers from on-street parking associated with the residential properties along the road and importantly does not have a continuous footway on the site side of the road with just a narrow, single person width, footpath on the west side of the road. The applicant has suggested that an improved towpath adjacent to the River Stort could provide convenient foot and cycle access to the site which may well be the case, but is dependant upon third party improvements that cannot be guaranteed. It is acknowledged that any greater use of the site is likely to generate more traffic – by vehicle and pedestrian. However it is considered that this proposal is more likely to draw vulnerable road users – cyclists, young people and elderly – than would a wholly employment generating proposal. For that reason it is considered that this issue gives rise to concern in relation to these proposals.

Flood Risk

7.20 The Environment Agency has raised no objections to the application subject to the measures as detailed in the Flood Risk Assessment being implemented and secured.

8.0 Conclusion

8.1 The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007). The balance of the considerations having regard to those policies is that planning permission should be refused for the reasons set out at the commencement of this report.