

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

Date of Receipt: 03.04.09

Type: Full

Parish: BISHOPS STORTFORD

Ward: BISHOPS 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. If permitted the proposal would be contrary to Policies EDE1 and B1S9 of the East Herts Local Plan Second Review April 2007.
2. The application provides inadequate provision for space within the site for the parking of vehicles clear of the highway, and if permitted would be likely to lead to additional on-street parking to the detriment of public and highway safety.
3. The proposal will 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

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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 bridge beyond; and to the north by the residential flats of Island Court.

- 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 and 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. 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.

3.0 Consultation Responses

- 3.1 Hertfordshire Highways 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.

- 3.4 The Herts & Middlesex Wildlife Trusts 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 Landscape Section made the following comments:-

Impact of existing trees and surroundings

Question 16 of the standard application form, informs the applicant that if there are trees or hedges on the development site or on land adjacent to the development site, a full Tree Survey, in accordance with the current BS5837: Trees in Relation to construction - Recommendations, needs to be provided before the application can be determined.

The land, or topographical survey (drwg 3088se – 01)- , indicates a number of trees around the perimeter of the site. The design and Access Statement (the DAS) describes the site vegetation as..."The site contains some mature and semi mature but insignificant trees. The majority of these trees are located along the banks of the River Stort and Stort Navigation".

A tree survey should have been undertaken by an arboriculturist and to have recorded information about the trees on site independently of and prior to any specific design for development. [As a subsequent task, and with reference to a design or potential design, the results of the survey should be included in the preparation of a tree constraints plan (TCP), which should be used to assist with site layout design]. Accordance with BS5837: 2005 Trees in Relation to construction – Recommendations would have informed on those trees to be removed and those to be retained, to achieve a satisfactory juxtaposition of trees, including shrubs with structures. The B.S follows in sequence, the stages of planning and implementing the provisions which are essential to allow the development to be integrated with trees. This stage in the design process has been neglected.

Landscape proposals:

The proposed buildings do not interface well with each other in a physical or visual manner. This is due to their close proximity to each other and the misalignment between rectangular building footprints, resulting in visual dissonance. There is inadequate scope for a landscape design solution that will properly compensate for a layout that embraces structures that do not fit or assimilate well within the elliptical shape of this site.

The Design and Access Statement seems to corroborate the above comment in that it observes... "The site is irregular in shape and therefore it has been difficult to arrange the buildings in a regular manner..."

The DAS states the landscape design intention to introduce defensive / screen / barrier planting along the eastern boundary of the site. I do not fully agree with this approach, as it fails, in my opinion, to fully appreciate and recognise the potential character and genius loci of the site, although the DAS does make mention of the British Waterways "A vision for the future" and its proposals for the future enhancement of the towpath and its intended inclusion within the local cycle path network.

Other

No Tree Survey has been submitted and the note attached Q.16 on the application form has been ignored.

The indicative landscape scheme does show perimeter vegetation but does not address how the open spaces between and around the buildings including car parking integrate with other design decisions. The proposal fails to articulate an overall design philosophy and explain how this has informed architectural and landscape treatments and other factors mentioned above. Ideally the designed landscape setting should also acknowledge the effect of time and season on the appearance of the development. In other words, the DAS and supporting Layout drawing does not sufficiently illustrate the design process that has led to the development proposed or to explain and justify the proposal in a structured way.

An opportunity to facilitate views and access to the Stort Navigation Canal and towpath along the eastern boundary of the site has been understated. Nor does due emphasis to the inclusion of disabled and non vehicular traffic including cycles from the towpath along the eastern boundary of the site been given, particularly as it has potential to become integrated with the existing footpath and cycleway network. In addition, in my opinion the proposals do not sufficiently exploit the potential for enhancement of the

character of the landscaped setting for the proposed development.

4.0 Town Council Representations

4.1 Bishops 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 submitted 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

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- landscape considerations
- highway implications and,
- Other matters

Principal of a mixed use development at the site

- 7.2 Policies EDE1 and B1S9 outline the policy consideration toward employment uses, the later referring specifically to employment areas in Bishops 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 need to be given to the published East Herts Employment Land and Policy Review, 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. The Council have commented that 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.
- 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. Although the proposal does provide new employment uses with the office building, it would result in the loss of the majority of the site for employment uses to the detriment of the supply of employment land in Bishops Stortford.

- 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 site cannot be redeveloped for B1 uses. Although Officers acknowledge that the access is relatively poor and that the site is close to residential properties, this was a factor of the consideration when allocating the site as amber, which as outlined above still recommends that the site be retained for employment 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 Notwithstanding the objection to the proposal on the loss of an employment site, the merits of the proposal also needs 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

- 7.10 The size, scale and design of the proposed development is not dissimilar to that found elsewhere within the Twyford Road Estate. The proposed layout would make the most efficient use of the land available for development, whilst providing space for circulation and parking.
- 7.11 The concerns expressed by the Council's Landscape Officer are noted; however, whilst the scheme has areas for improvement with an improved interface between the buildings themselves and with the Stort Navigation and although the proposal could provide for a higher quality landscaping across the entire site, it is not considered that the development would result in significant detriment to the character and appearance of the site and on its own would not warrant refusal of the application.

Impact upon neighbour's and future occupier's amenity

- 7.12 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

7.13 The concerns expressed by the Council's Landscape Officer with the layout of the proposal have been addressed in Para7.11. The Landscape Officer goes onto 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. They do not recommend refusal on the grounds of the impact upon trees however, and 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. Furthermore the area of proposed access and parking near to existing landscaping remains similar to that hard surfacing already on site.

Highways implications

7.14 Turning to matters relating to highway safety, Herts 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.

7.15 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.

- 7.16 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, 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 the third party improvements that cannot be guaranteed.

Other matters

- 7.17 Turning to other matters and in particular the issues of flooding; 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.