

3/09/2001/FP – Demolition of existing retail and commercial premises and construction of 72 bed hotel with retail use (Class A1) to ground floor including ancillary works and car park at 71-77 South Street, Bishop’s Stortford for Domland Limited

Date of Receipt: 22.12.2009

Type: Full - Major

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD – CENTRAL

RECOMMENDATION

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 by the 22 March 2010 to cover the following matter:

- A financial contribution of £35,000 towards Sustainable Transport Programs.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Prior to the commencement of the development hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the approved means of enclosure shall be erected and retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

5. Samples of Materials (2E12)
6. Lighting details (2E27)
7. Materials arising from demolition (2E32)
8. Contaminated land survey and remediation (2E33)

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9. Hard Surfacing (3V21)
10. Provision and retention of parking spaces (3V23)
11. Wheel washing facilities (3V25)
12. Prior to the commencement of the development hereby approved, detailed drawings of the alterations to the South Street footway and the new access arrangement and service vehicle lay by shall be submitted to and approved in writing by the Local Planning Authority, and thereafter all works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority. No part of the development shall be occupied until such time as the approved alterations to the footway, access and service vehicle lay by have been constructed.

Reason: In the interests of highway safety.

13. Prior to the commencement of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted and approved in writing by the Local Planning Authority, and thereafter all construction vehicle movements shall accord with the approved arrangement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free and safe flow of traffic.

14. Landscape design proposals (4P12)
Delete a, b, c, d, e, g, h
15. Landscape works implementation (4P13)
16. Landscape maintenance (4P17)
17. Construction hours of working – plant and machinery (6N07)
18. Prior to the commencement of development, a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

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Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of the development, detailed drawings of the elevations of the bin stores shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be constructed in accordance with the approved details.

Reason: In the interest of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

20. Prior to the commencement of the development, detailed drawings of the elevations of the cycle stores shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be constructed in accordance with the approved details.

Reason: In the interest of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

21. Prior to the commencement of the development, detailed drawings of the elevations of the car port structures shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be constructed in accordance with the approved details.

Reason: In the interest of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. If the presence of any significant unsuspected contamination on the site becomes evident during the development, the Council should be informed.

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6. The shop units hereby approved are A1 general retail only and no other uses within this class i.e. A2/A3 of the Town & Country (Use Classes) Order 1987 (as amended) may be undertaken without separate planning permission.

Summary of Reasons for Decision

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), and in particular SD1, SD2, TR1, TR2, TR7, TR8, TR13, EDE2, STC1, STC3, ENV1, ENV2, ENV3, ENV4, ENV18, ENV19, ENV23, ENV24, BH1, BH3, BH6 and IMP1. The balance of the considerations having regard to those policies and the amendments made to the proposed development following the refused application ref. 3/08/2038/FP is that permission should be granted.

- (B) Where the legal agreement referred to in recommendation A above is not completed by 22 March 2010, the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:
 1. The development fails to make the appropriate financial provision for infrastructure improvements considered necessary to support the proposed development. As such, it would be contrary to the provisions of Policy IMP1 of the East Herts Local Plan Second Review April 2007.

_____ (200109FP.EA)

1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located within the settlement of Bishop's Stortford, approximately 50 metres to the south of the junction of South Street, Station Road and Newtown Road. The site is currently occupied by a number of buildings which are either vacant or are in retail or commercial use. The character and appearance of the buildings on the site varies, with some buildings which are traditional in their appearance fronting South Street and more modern buildings with an industrial appearance located to the rear of the South Street frontage. Many of the buildings are in a poor state of repair. The buildings are generally two storeys in height, as are those which are immediately to the north and south of the application site. To the west of the application site is the recent development known as Archer Place. This development comprises of retail units to the ground floor fronting South Street, with residential units above. The building is predominantly 4 storey in height with some accommodation in the roof space.

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- 1.2 This application seeks planning permission for the demolition of the existing buildings on the site, and the construction of a 72 bedroom hotel with 4 retail units to the ground floor totalling approximately 485 square metres. A conference room of some 168 square metres in size is also proposed within the hotel. The application also proposes alterations to the existing footway to South Street, closure of the existing vehicular accesses to South Street, the provision of a single vehicular access to the site at the southern end of the site, the provision of a total of 70 car parking spaces to the rear of the site (partly provided in undercroft parking) and a landscaped buffer, approximately 6 metres deep, to the River Stort. The building is proposed to be predominantly 3 storeys high, although this does reduce to 2 storeys at the northern and southern edges of the development. Fronting South Street, the development is proposed to be a maximum height of approximately 12.5 metres, and fronting the River it would be of a maximum height of approximately 15.5 metres.
- 1.3 Only a very small part of the application site is located within the Bishop's Stortford Conservation Area. This is in the northern part of the site, and includes the building known as 71 South Street.

2.0 Site History

- 2.1 Members may recall that planning permission was refused by the Development Control Committee in January 2009 for a 103 bed hotel on the site (ref. 3/08/2308/FP). The application was refused for the following reasons:

The proposed development by reason of its size, scale, massing and design does not relate well to adjacent buildings and to the surrounding townscape, and would result in a development which would be out of keeping with, and detrimental to the character and appearance of the area and the Conservation Area, and its setting. The proposed development would thereby be contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

Inadequate provision is made within the site for the parking of vehicles in accordance with the Council's adopted standards for car parking provision; the proposal would therefore be contrary to policy TR7 of the East Herts Local Plan Second Review April 2007.

- 2.2 Conservation Area Consent however was granted for the demolition of those buildings on the site which are within the Conservation Area (ref. 3/08/1824/LC).

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2.3 Part of the application site (a smaller site at the northern end of the site) has also been the subject of a number of planning applications for residential and commercial development. The relevant applications are listed below:

- 3/04/2321/FP
Demolition of commercial centre & the erection of eighteen dwellings, one retail unit & associated parking
Withdrawn January 2005
- 3/05/1772/FP
Demolition of existing building and erection of eighteen residential units and one Class A1 shop with associated access, parking and landscaping
Withdrawn October 2005
- 3/06/0132/FP
Demolition of existing buildings and erection of eighteen residential units and one class A1 shop with associated access, parking and landscaping
Refused May 2006

3.0 Consultation Responses

- 3.1 Thames Water has commented that with regard to sewerage infrastructure they would have no objection to the application. With regard to surface water drainage they comment that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer, and it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 3.2 Property, Hertfordshire County Council have commented that they would not seek any financial contributions from this proposal, however if a S106 is required in respect of this application they would request that the provision of fire hydrants is included as an obligation.
- 3.3 County Development Unit, Hertfordshire County Council have commented that a number of policies in the Waste Local Plan 1999 shall be considered in the determination of this application.
- 3.4 Planning Policy has commented that the existing site is of very poor physical quality and is unlikely to attract businesses in the future. The redevelopment of the site would provide modern retail units and would extend the active retail frontage further down South Street. Employment

would be created by the hotel use, the retail units and by associated services such as cab firms, local retailers, laundry and cleaning services. They also comment that the areas of parking that are exposed should be built with sustainable urban drainage with mitigation measure in place to ensure that surface water run-off presents no harm to the river environment.

Furthermore, they state that given the location of the development the number of car parking spaces proposed is relatively high. In respect of planning obligations, they comment that the application provides no on-site amenity space for residents bar the ecological buffer to the rivers edge and the roof top terrace. They comment therefore that it is considered appropriate to request a contribution to the maintenance of nearby open spaces for sport and recreation, as it is anticipated that some visitors to the hotel would want to access and enjoy the local environment beyond the town centre shops. In conclusion they comment that the provision of new, modern retail units within a building designed to reflect the local character of this part of Bishop's Stortford would enhance and help to promote this otherwise failing end of the retail area of the town centre. They comment that the provision of a hotel would boost the area's ability to benefit from the growing importance of tourism to the economy of the District, and would also provide employment opportunities for local people and local businesses and improve the appearance of this part of the Town.

- 3.5 Hertfordshire Fire and Rescue have commented that to enable a fire appliance to gain access to the premises under possible emergency conditions, access should be provided in accordance with The Building Regulations 2000, Approved Document 'B' Regulation 5 and also guidance contained within BS 9999:2008 section 6, Access and Facilities for Fire Fighting. They also comment that any additional fire hydrant requirements will be assessed when the scheme is submitted for Building Regulation approval.
- 3.6 Environmental Health have commented that any permission which the Planning Authority may give shall include conditions relating to construction hours of working, dust, asbestos, air quality, bonfires, lighting details, air extraction and filtration, soil decontamination, refuse disposal facilities, piling works and hours of deliveries.
- 3.7 The County Architectural Liaison Officer, Hertfordshire Constabulary has commented that they do not have any objections to the development. However they comment that the proposed covered alley way to the north side of the building is undesirable as it may lead to problems with anti social behaviour and criminal activity, and that there is a lack of natural surveillance to the car park and unfettered foot access to it.

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- 3.8 The Historic Environment Unit, Hertfordshire County Council have commented that there is a reasonable likelihood of significant archaeological remains being present at the site and they recommend that a condition is placed on any grant of permission which requires the implementation of a programme of archaeological work.
- 3.9 Conservation has commented that the proposed development has taken into consideration the character and appearance of the surrounding and wider Conservation Area. In considering the built character of South Street and the wider Conservation Area, they comment that the design of the street elevation creates interest with the varying roof heights, the introduction of gable ends and the rhythm between solid and voids all of which reflects local character. Furthermore, they comment that the ground floor units continue the linear rhythm of signage with neighbouring properties which makes for a cleaner and more traditional elevation. All of this they comment enhances South Street. In respect of the River Stort elevation, they comment that in much the same fashion as its front elevation, it introduces an interesting collection of gables, roof pitches, including minor projections which all lend themselves to a waterfront environment. The only concern they have with this part of the proposal is the large open space between the north elevation and its neighbouring property. They recognise that this area has been designated for parking and the introduction of taller roofscape garages would impede views, and it is therefore recommended that more soft landscaping is introduced to overcome these concerns. In summary they comment that the design and presentation of the proposed development is considered to enhance the Conservation Area and make a positive contribution.
- 3.10 County Highways comment that they do not necessarily agree with the trip generation figures put forward in the Transport Assessment which accompanied the application, but they comment that the traffic generation will not be so significant to justify refusal on those grounds. In relation to highway safety they comment that the new scheme offers an improvement over the existing situation for both drivers and importantly pedestrians, and that the proposed access is of adequate width and appropriate visibility. The existing footway is also proposed to be replaced by a wider facility and service vehicles are provided with a dedicated loading bay rather than having to stand within South Street. In relation to parking they comment that the scheme provides a greater number of spaces when compared with the previous proposed. County Highways do however raise a concern that the hotel may offer a stay and park facility in relation to Stansted Airport, which would be undesirable. In respect of S106 contributions, they request that the development should make provision for sustainable transport schemes and that in accordance with the adopted Planning Obligations SPD a payment of £500 per parking space should be secured. In

conclusion they comment that given the existing use of the site, the location and potential highway benefits brought about by the improved access and parking, a highway objection is not justified and they do not wish to restrict the grant of permission subject to conditions relating to the provision of detailed drawings of the proposed alterations to the South Street footway, access and the provision of the lay by, the provision of the approved access roads and parking areas, wheel washing facilities, details of construction vehicle movements and construction access arrangements, the provision for parking and storage and delivery of materials associated with the construction of the development within the site and the surfacing details.

- 3.11 English Heritage have commented that they do not wish to offer any comments on the applications, and that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council were consulted on the application and object for the following reasons:

- Over-development of the site;
- Insufficient parking (in particular for service vehicles and hotel guests considering that that proposed hotel would be offering retail and conference facilities) on a road that is already congested.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

- 5.2 2 letters of representation have been received which can be summarised as follows:-

- The size and scale of the current proposed development does not relate well to adjacent buildings and to the surrounding townscape;
- The new development would be detrimental to the character and appearance of the Conservation Area;
- Whilst there would be some community benefit in allowing the development, that benefit is limited and not sufficient to outweigh the need to maintain the local character and appearance of the area;
- The proposed development would have an adverse effect on traffic issues in particular safety issues;
- The size of the car park proposed is inadequate;

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- The development will increase noise generation in what is a quiet and peaceful area;
- Local choice would be eroded as smaller, independent shops struggle to compete with the proposed development of a large retail premises on the ground floor;
- In the future the development would grow and money would be siphoned away from local communities and towards shareholders and distant corporations;
- A development of this nature would mean more food and packaging waste is generated causing increased pollution and damage to the environment;
- The proposed development is far more attractive than that previously submitted.

5.3 The Bishop's Stortford Civic Federation object to the application for the following reasons:

- The ingress and egress close to the Post Office zebra crossing and directly onto the zigzag approach lines would create an unacceptable risk to pedestrians;
- The hotel would generate an unacceptable amount of extra vehicular movements onto an already busy main road, due to the arrival and departure of guests, delivery and waste collection vehicles and people attending the hotel's functions and conferences;
- The height of the hotel should be reduced by at least one storey, and with the leisure centre on the opposite bank, the development would give a canyon effect to the river.

Whilst the Civic Federation comment that they would welcome a hotel in the town, they consider that this site is totally unsuited to such a development. They suggest that more suitable sites would be either the Goods Yard site or a hotel should become part of the development brief for the Causeway/Charrington House site.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
TR1	Traffic Reduction in New Developments
TR7	Car Parking Standards
TR8	Car Parking – Accessibility Contributions
EDE2	Loss of Employment Sites

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STC1	Development in Town Centres and Edge-of-Centre
STC3	Secondary Shopping Frontages
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New development
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood
BH6	New Development in Conservation Areas
IMP1	Planning Considerations and Obligations

7.0 Considerations

7.1 The determining issues in the consideration of this application are:

- Whether the proposed development has overcome the previous reasons for refusal;
- The principle of development and the acceptability of the proposed uses;
- The size, scale massing and design of the proposed building and its impact on the surrounding area;
- The impact on the Conservation Area;
- Parking and Highways consideration.

The principle of development and the acceptability of the proposed uses

7.2 The 2008 application for a 103 bed hotel on the site accepted that the principle of a hotel/retail development on the site was acceptable. Therefore whilst the principle of such a development on the site should not be reconsidered in relation to this application, it is considered that it may be useful to Members to outline the main considerations in this respect. The application site lies within the built-up area of Bishop's Stortford wherein policy SD2 of the Local Plan states that development should be concentrated. There is therefore no objection in principle to the proposed development.

7.3 The Retail and Town Centre Study 2008 identified the application site as part of Bishop's Stortford Town Centre. Policy STC1 of the Local Plan states that the preferred location for new retail development and proposals for other key town centre uses (tourism facilities are identified as a town centre use), will be town centres, followed by edge-of-centre sites in line with the sequential approach. The policy also identifies a number of criteria which should be met. In principle therefore, the development of a hotel and retail uses on this site is acceptable, subject to all other normal planning considerations.

- 7.4 The South Street Commercial Centre and the frontages to South Street are designated as Secondary Shopping Frontages in the Local Plan. Policy STC3 of the Local Plan outlines the uses that are considered to be appropriate within such frontages. The policy states that proposals for development which result in an excessive concentration of non-shop uses (at ground floor premises) will not be permitted. Currently there are a mixture of retail, hot food/takeaway and commercial uses in the existing units fronting South Street (a total of approximately 1827 square metres of floorspace), and it would appear that the majority of the premises within the application site are currently vacant. The application proposes 4 retail units fronting South Street with a total floorspace of some 485 square metres. This proposal, whilst resulting in the loss of a number of smaller individual units, would accord with policy STC3 of the Local Plan, and in officers opinion would result in more useable and attractive retail units, particularly in comparison to the existing units which in the majority of cases are poor quality buildings, with access and servicing issues. These considerations accord with the views of Planning Policy who commented that the provision of new, modern retail units would enhance and help to promote this end of the retail area of the town centre.
- 7.5 Policy EDE2 of the Local Plan requires that outside of the identified Employment Areas, development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to a number of criteria being met. This application proposes to replace the existing retail and commercial premises with retail units at ground floor and a 72 bed hotel, which would also represent an increase in the total amount of commercial floorspace on the site. The applicant in their supporting documents have stated that the hotel will employ full and part-time staff. They have also commented that in addition there will be indirect employment generated in the local economy such as laundries, florists, taxis, additional demand for local employment establishments, coffee shops and retail outlets in general. Having regard to the employment that would be generated by the hotel and retail units, I am satisfied that the proposal would not result in any significant reduction in the amount of employment generated on the site. The site would still provide some employment, and therefore the proposal is considered to accord with the relevant policy of the Local Plan.
- 7.6 Having regard therefore to policies SD2, STC1, STC3 and EDE2 of the Local Plan and that permission was not previously refused due to the principle of a hotel/retail development on this site, it is considered that the proposed uses are acceptable in principle and would accord with the Local Plan.

The size, scale, massing and design of the proposed building and its impact on the surrounding area

- 7.7 Planning permission was refused for the 2008 scheme as it was considered that the proposed development by reason of its size, scale, massing and design did not relate well to adjacent buildings and to the surrounding townscape, and would result in a development which would be out of keeping with, and detrimental to the character and appearance of the area and the Conservation Area, and its setting, contrary to policies ENV1 and BH6 of the Local Plan. Members may recall that the 2008 application proposed a development which was modern in its design, and Officers expressed concern specifically with regard to the repetitive design of the elevation fronting South Street, the unbroken ridge, the relationship with no. 69 South Street, the lift tower and the size and scale of the projecting wings fronting the River Since. Following that refusal however, significant changes have been made to the proposed development in an attempt to address this reason for refusal.
- 7.8 As reflected in the reason for refusal of the 2008 application, the size, scale, massing and design of any development on the site should have regard to adjacent buildings and the surrounding townscape as outlined in policy ENV1 of the Local Plan. It is considered that the amendments made to the proposed development now result in a building which is more reflective of the character of existing historic buildings within South Street and the wider Conservation Area.
- 7.9 Turning firstly to the elevation to South Street, the building has been designed with varying roof heights and gable projections. These gable projections help to break up the scale of the building, and the development no longer reads as one large building, but as a number of buildings which have occurred through organic growth. This contrasts significantly with the rather repetitive design approach which was proposed by the 2008 application, and was a criticism of the scheme. The application proposes a mix of materials to be used in the South Street elevation (brick, render and boarding) all of which are reflective of the materials used on many buildings within the historic centre of Bishop's Stortford. The application also proposes two storey elements at the northern and southern edge of the site where the development adjoins the existing premises in South Street. These parts of the development appear as two storey buildings and appropriately reflect the scale of adjacent buildings. In considering this element of the proposal, it is also pertinent to have regard to the comments of the Conservation Officer who stated that the design of this elevation creates interest with the varying roof heights, introduction of gable ends and the rhythm between solid and void, all of which reflects the local character. They also commented that the ground floor retail units continue to linear

rhythm of signage with neighbouring properties which makes for a cleaner and more traditional elevation. They conclude that the development would enhance South Street.

- 7.10 Turning now to the River elevation, it is considered that the design and character of this elevation now more appropriately reflects the River environment. These elevations are more traditional in their design, with projecting gables and steeply pitched roofs, and it is proposed that the majority of these gables be clad with timber boarding. This design approach and choice of materials is considered to be appropriate and more reflective of the character of traditional buildings found at the edge of rivers such as mills. In comparison to the 2008 application, this design approach has in Officers opinion significantly reduced the perceived size and scale of the development when viewed from the River and from land to the east of the site, and in terms of its design is more in keeping with the character of the surrounding townscape and adjacent Conservation Area. Again it is useful to consider the comments of the Conservation Officer in this respect, who commented that the River Stort elevation, in much the same fashion as the South Street elevation, introduces an interesting collection of gables and roof pitches, including minor projections, which all lend themselves to a waterfront environment.
- 7.11 The development also proposes the provision of a landscape buffer which is some 6 metres deep, between the River's edge and the proposed car parking. Currently, the existing buildings on the site are sited very close to the edge of the River, and there is no meaningful landscape barrier to the River. The proposed landscape buffer will provide a green edge to the development and will provide a more natural edge to the River. It is considered that these enhancements to the River's edge would accord with policy ENV18 of the Local Plan and the design guidelines set out in the Bishop's Stortford Waterspace and Landscape Strategy.
- 7.12 In respect of the elevation to the River, the Conservation Officer did raise concern in respect of the area of open space between the north facing elevation of the building and the site to the north of the application site. To ensure that the development respects the amenities of adjacent properties, space has had to be left between the northern elevation of the proposed building and the northern boundary of the site. Whilst Officers note the concerns of the Conservation Area in respect of this, it is considered that this open area does not detrimentally impact upon the appearance of the development, and when viewed from the east this part of the development will be somewhat screened from views by the landscaping along the river's edge, and in fact the Conservation Officer has commented that more soft landscaping in this area would overcome their concerns.

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- 7.13 The concerns of the Bishop's Stortford Civic Federation regarding the impact that the height of the development together with the leisure centre on the opposite bank of the River would have on the River have been noted. However as outlined above, the development is well set back from the River (between 6 and 9 metres), and the amended design of the River elevation has, in Officers opinion, significantly reduced the perceived size and scale of the building. It is therefore considered that the proposed design of the development, together with the distance of the development from the River, would ensure that the development would not have a detrimental impact on the character and appearance of the River, nor would it create a canyon effect with the leisure centre building to the east.
- 7.14 Bishop's Stortford Town Council in objecting to the application, consider that the proposal would represent an overdevelopment of the site. Members will note from the wording of the reasons for refusal of the 2008 application that overdevelopment of the site did not form a reason for refusal. In considering this application therefore, Members should be mindful of this fact. Members should also take into account the comments made in this report in respect of the size, scale and massing of the development and that Officers consider that it would not be harmful to the character and appearance of the surrounding area.
- 7.15 Having regard therefore to all of the above considerations and the comments of the Conservation Officer, it is considered that the size, scale, massing and design of the proposed development has regard to adjacent buildings and the surrounding townscape as required by policy ENV1 of the Local Plan. Significant changes have been made to the size, scale, massing and design of the proposed development since the refusal of the 2008 application, and the proposed development is now considered to complement and relate well to the character and massing of adjacent buildings and the surrounding townscape. Officers are therefore satisfied that the previous reason for refusal has been overcome and that the proposal would accord with policy ENV1 of the Local Plan.

The impact on the Conservation Area

- 7.16 Only a small proportion of the application site (nos. 71 South Street and units 1 and 2 South Street Commercial Centre) is actually located within the Bishop's Stortford Conservation Area. As outlined in section 2 of this report, Conservation Area Consent was granted in January 2009 (ref. 3/08/1824/LC) for the demolition of those buildings on the site which were located within the Conservation Area. Therefore, in determining this application, it is necessary only to consider the impact of the proposed development on the character and appearance of the Conservation Area and its setting.

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7.17 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. PPG15 states that the desirability of preserving or enhancing the character or appearance of a Conservation Area should be a material consideration in the handling of development proposals which are outside the Conservation Area but would affect its setting, or views into or out of the area. Having regard to the considerations outlined earlier in this report in relation to the proposed size, scale, massing and design of the development it is considered that the proposed development would be sympathetic in terms of scale to the general character and appearance of the area, and would in Officers opinion preserve the character and appearance of the area, and the setting of the Conservation Area. Again it should be noted that neither the Council's Conservation Officer or English Heritage have raised any objections to the application.

Parking and Highways considerations

7.18 As outlined earlier in this report, County Highways have no objection to the proposed development. Having regard to their comments and the submitted Transport Statement which concludes that the existing highway network would be unaffected by the proposed development, I have no objection in principle to the amount of development proposed and its highways impact. The site is located in a sustainable location, close to the train and bus station, and would be accessible by both public transport and the private motor vehicle, and also on foot.

7.19 The application also proposes to close the existing accesses to the site, which are poor in terms of visibility and width, and provide a more appropriately sited access at the southern end of the site, which would also be of sufficient width to accommodate two way traffic. The application also proposes a lay-by to the front of the site on South Street. This would allow service vehicles to pull off the highway to make deliveries, allowing traffic movements along South Street to be maintained. This proposal is similar to that which was approved as part of the Archer Place development, which is opposite the application site. It is considered therefore that the proposal would result in an improvement to the existing situation in terms of highway safety.

7.20 Turning now to parking, in considering the 2008 application Officers along with County Highways raised no objection to the level of parking that was proposed (59 car parking spaces for 103 bed hotel). However, when determining the application Members felt that the level of parking proposed was not sufficient, and a further reason for refusal was added which stated

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that inadequate provision was made within the site for the parking of vehicles in accordance with the Council's adopted standards for car parking provision, contrary to policy TR7 of the Local Plan.

- 7.21 Following this refusal, the number of hotel bedrooms proposed has been reduced to 72, and the number of car parking spaces proposed increased to 70. This represents just under 1 space per bedroom (0.97 space per bedroom). The Council's adopted vehicle parking standards in relation to hotels state that a maximum of 1 space per bedroom should be provided. Therefore, having regard to the number of parking spaces proposed which falls just short of the maximum required by the Council's parking standards and the sustainable location of the site and its accessibility by other modes of transport other than the motor car, it is considered that the number of parking spaces proposed to be provided is acceptable.
- 7.22 County Highways have requested that if planning permission were to be granted, a financial contribution of £35,000 is provided to be put towards Sustainable Public Transport Programmes. The figure of £35,000 is based on the accessibility contributions as outlined in the Council's SPD on Planning Obligations, and based on policy TR8 of the Local Plan. Such contributions are based directly on the number of on-site car parking spaces provided, and will be used towards investments in schemes within the Local Transport Plan to improve passenger transport, cycling and pedestrian facilities in the travel catchment of the development. Having regard to the development proposed and the tests outlined in Circular 05/2005, it is considered that such a contribution and the amount requested should be required if planning permission were to be granted.

Other Matters

- 7.23 As outlined in section 3 of this report, the Police County Architectural Liaison Officer has commented that the proposed covered alley way to the north side of the building is undesirable as it may lead to problems with anti social behaviour and criminal activity. In considering the proposed development, Officers were mindful of this alleyway from the car park to South Street and the need for surveillance of it. Officers in these considerations have taken into account the width of the access (which would be some 1.5 metres wide) and the provision of a number of windows in the flank elevation of the entrance area to the hotel. These factors together with a condition requiring a lighting scheme for the site to be agreed, would in Officers opinion ensure that the alleyway would be safe for users and would not warrant refusal of the application. Whilst the Police County Architectural Liaison Officer did raise concerns in respect of this element of the development, it should be noted that they have not raised an objection to the application.

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7.24 Planning Policy commented that the application provides no on-site amenity space for residents bar the ecological buffer to the rivers edge and the roof top terrace, and therefore they consider that it is appropriate to request a contribution to the maintenance of nearby open spaces for sport and recreation, as it is anticipated that some visitors to the hotel would want to access and enjoy the local environment beyond the town centre shops. Whilst Officers acknowledge that residents of the hotel may wish to make use of existing open spaces within the town, it is considered that it would be difficult in this case to quantify the impact that the residents of the hotel may have on existing open space provision to justify that a financial contribution to mitigate any impact would be necessary to make the development acceptable. In coming to this conclusion Officers have had regard to the amount of amenity space proposed within the application site, which is significantly greater than that which is found at other hotels in town centre locations, and the number of bedrooms proposed within the hotel and the resultant additional visitors to the town . Therefore having regard to the tests set out in Circular 05/2005 which must be satisfied in order for planning obligations to be required, it is considered that a financial contribution towards open space provision would in this case be unreasonable.

7.25 Finally, Herts County Council commented that if a S106 agreement is required, they would request that the provision of fire hydrants is included as an obligation. However in commenting on the application, Hertfordshire Fire and Rescue stated that any additional fire hydrant requirements will be assessed when the scheme is submitted for Building Regulation approval. The requirement for fire hydrants can therefore be dealt with under separate legislation, and it is therefore not necessary to include it in any S106 agreement.

8.0 Conclusion

8.1 Having regard to the above considerations, it is considered that since the refusal of the 2008 application significant changes have been made to the proposed development in an attempt to overcome the previous reasons for refusal. It is now considered that the size, scale, massing and design of the proposed development has regard to adjacent buildings and the townscape and would not be harmful to the character and appearance of the area or the Conservation Area. Furthermore, following the previous refusal the number of parking spaces proposed has been increased, whilst the number of bedrooms within the hotel has decreased. The application now proposes just less than 1 car parking space per bedroom which is close to the maximum parking standards outlined in the Local Plan. Accordingly, it is therefore considered that the proposed level of parking would be adequate for the development and would accord with policy TR7 of the Local Plan.

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Accordingly, it is recommended that planning permission is granted subject to the signing of a S106 agreement by 22nd March 2010 and to the conditions outlined at the head of this report.