

3/09/2029/FP - Demolition of existing redundant nursery buildings and erection of 6 three bedroom dwellings with associated car parking at South Road Nurseries, South Road, Bishop's Stortford, Hertfordshire, CM23 3JG for Phase 4 Developments Ltd.

Date of Receipt: 14.12.2009

Type: Full - Minor

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD – CENTRAL

Reason for report: requested by Councillor Barnes

RECOMMENDATION

That planning permission be **REFUSED** for the reason:-

1. The application lacks sufficient information/evidence to demonstrate that the retention of the site for employment use has been explored fully without success. The proposal is thereby contrary to policy EDE2 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 and is located within the built up area of Bishop's Stortford. It is located within a predominantly residential area. To the north of the site is number 7 South Road. This property is a detached dwelling dating from the Victorian period and has a 2.5 metre wall forming the common boundary with the site. Also adjoining the boundary to the north of the site is the rear of Kimberley Close (number 9), which is a detached mid-20th century Close accessed off South Road. Bounding the southern periphery of the site is number 19 South Road. This is a detached chalet bungalow of a character typical to this side of South Road. To the rear (east) of the site is the rear of Southmill Road, particularly numbers 12 to 22. These properties are two-storey terraced dwellings dating from the Victorian period.
- 1.2 This application seeks permission for a residential development of 6 dwellings on the site which lies to the south-east of the town centre. The site measures approximately 30 metres in width by 55 metre in length and, has been used since around the 1930s as a horticultural nursery. The site has not been used in recent years, but its lawful use remains that of a nursery.

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- 1.3 The application seeks permission for the erection of 4 detached dwellings and a pair of semi-detached properties on the site. All dwellings are proposed to be 3-bed and 2 storeys in height. The semi-detached dwellings and one of the detached dwellings are proposed to front South Road. The three remaining detached dwellings are sited to the rear of the properties in South Road, and are separated by the rear gardens of plots 1, 2 and 3 and a parking area. The application also proposes 12 parking spaces. Each of the 3 properties facing South Road are proposed to have 1 parking space to the front of each house, and the remaining 9 spaces are located in a parking area to the rear of plots 1, 2 and 3.

2.0 Site History

- 2.1 Planning reference 3/08/1930/FP for the redevelopment of the existing nursery site to create 8 no. dwellings with associated car parking was refused in January 2009 for the following reasons:
1. The proposal by reason of the amount of development and its layout would result in a cramped form of development, out of keeping with the character and layout of existing development in the area, and would thereby be contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
 2. The application lacks sufficient information/evidence to demonstrate that the retention of the site for employment use has been explored fully with out success. The proposal is thereby contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007.
 3. The proposed scale, height, massing and design of plots 5-8 would be out of keeping with the massing and height of surrounding buildings and would be detrimental to the character and appearance of the surrounding area. The proposal would thereby be contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007.
 4. The proposed design and siting of plot 4 in close proximity to plot 5 and the boundary with no. 19 South Road, would result in poor living conditions for future occupiers of plot 4 by reason of the number and size of window openings and the inadequate daylight that would be received, and the overbearing impact and poor outlook resulting from the siting of plot 5. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. The proposed development by reason of the size, height and siting of plot 4 and the attached car port in relation to no. 19 South Road, would have an overbearing impact on, and would be detrimental to the outlook of no. 19 South Road, to the detriment of the residents thereof. The proposal would thereby be contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses

- 3.1 The Environment Agency have commented that the development will only be acceptable if the development is carried out in accordance with the approved Flood Risk Assessment and finished floor levels are to be set no lower than 57 metres above Ordnance Datum.
- 3.2 County Highways do not wish to restrict the grant of permission but recommend conditions relating to access details, visibility splays, surfacing, cycle storage, and parking for delivery vehicles. County Highways also recommend that permission should be granted subject to the completion of a Section 106 Agreement to secure a financial contribution of £6750 for sustainable transport schemes and measures.
- 3.3 Together with a recommendation of approval, County Highways comment that although the new crossovers serving plots 1, 2 and 3 would lead to vehicles reversing off the highway which is not ideal, it would be difficult to justify a refusal given the surrounding properties have similar parking arrangements. With regard to the provision for car parking and vehicle turning, together with access for emergency and waste collection vehicles, County Highways consider this provision to be adequate.
- 3.4 Thames Water have commented that they have no objection with regard to the sewerage infrastructure. With regards to surface water drainage they comment that it is the responsibility of the developer to make proper provision for drainage 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.
- 3.5 Environmental Health do not wish to restrict the grant of permission
- 3.6 The Council's Landscape Officer recommends refusal of this application. Whilst raising no objections to the layout of the housing plots, they comment that the parking arrangement is considered to compromise a suitable level of landscaping. Although they acknowledge that the maximum levels of off-

road parking is attempted to be met, it is recommended that the proportion of soft to hard landscape areas could be significantly improved at the cost of only three parking spaces.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council have no objections to the proposal.

5.0 Other Representations

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

5.2 Two letters of representation were received that raised no objection to the proposal stating that the revised plans are far better in terms of scale and style, and that the residential use is preferred.

6.0 Policy

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

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| SD2 | Settlement Hierarchy |
| TR7 | Car Parking - Standards |
| HSG7 | Replacement Dwellings and Infill Housing Development |
| EDE2 | Loss of Employment Sites |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV19 | Development in Areas Liable to Flood |

7.0 Considerations

7.1 The determining issues in relation to this application are:

- The acceptability of the re-development of the site for residential;
- The layout of the proposed development;
- The site, scale, massing and design of the proposed development;
- Impact upon neighbour amenity;
- Parking and highways and
- Landscaping

Principle of development

7.2 Policy EDE2 of the Local Plan states that outside 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 including when the retention of the site for employment use has been explored fully without success, evidence of which must be provided. The applicants, in the planning statement supporting this application, acknowledge that the site did have an employment use, albeit a small horticultural business employing a small number of people. As can be seen from section 2 of this report, the 2008 application was refused for a number of reasons including that insufficient information/ evidence had been submitted to demonstrate that the retention of the site for employment use had been fully explored without success.

- 7.3 The 2008 application was accompanied by a letter from a local land agent which advised strong caution in respect of any form of commercial development on the site due to the current economic climate, but did comment that there may be some interest in retail or industrial development on the site. The application was not however accompanied by any evidence of marketing of the site and whilst the letter from the local land agent did advise caution in respect of current commercial development of the site due to the current economic climate, it did comment that there may be some interest in some form of employment related development on the site. Officers therefore considered, in determining that application that without the evidence that the site had been marketed for employment use without success as required by the policy, permission should be refused. This current application is also accompanied by a letter from the same local land agent which reiterates the impact the current economic climate is having on Bishop's Stortford. Again whilst this letter outlines the current economic situation, it does not provide evidence of steps taken by the applicant to actively market the site for an employment use.
- 7.4 In assessing the appropriateness of the site for employment use, the applicant has commented that the location of the site within a predominately residential area means that it is not well placed for a commercial use. Whilst Officers acknowledge that the location of this site may raise some concerns in relation to its use for some commercial use due to noise and disturbance, it is considered that until such time as there were a proposal for a use, these concerns (if any) could not be assessed, and should not rule out any form of commercial development on the site.
- 7.5 Members should in considering this application, also consider the findings of the Employment Land and Policy Review October 2008 which concluded that the employment forecasts for the District indicated that an additional 2 – 5 hectare of employment land would be required between 2008 and 2021. Policy EDE2 of the Local Plan seeks to retain existing employment sites, or those which were last in employment use, and the loss of employment sites will further exacerbate the need for additional employment land.

- 7.6 Furthermore, Members will also be aware of recent appeal decisions within the District where policy EDE2 has been upheld where the criteria of the policy have not been met, in particular that evidence has not been submitted which demonstrates that the retention of the site has been fully explored without success. In these cases the Inspectors have considered that the lack of marketing evidence was a factor in concluding that the proposals failed to accord with policy EDE2.
- 7.7 It is therefore considered that whilst there may be some constraints to commercial/ employment development on the site, the letter submitted in support of the application from a local land agent does not demonstrate that the employment use of the site has been explored fully without success, and is not considered to constitute sufficient evidence to demonstrate this. It is therefore considered that in this respect the proposed development has failed to overcome one of the previous reasons for refusal of the 2008 application, and the proposal would not accord with policy EDE2 of the Local Plan.
- 7.8 Whilst Officers consider that the principle of the development of the site for residential is unacceptable, it is still necessary to consider the proposal in terms of its layout; size, scale, massing and design; together with issues of amenity, parking and highways and landscaping.

Layout

- 7.9 Policy HSG7 of the Local Plan states that infill development within the six main settlements will be permitted where they are well sited in relation to the remaining surrounding buildings and will not appear obtrusive or over intensive, or result in the loss of important landscape features. Policy ENV1 states that development proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area, as well as effective connection with existing routes and spaces; together with complimenting the existing pattern of street blocks and buildings.
- 7.10 The first reason for refusal of the 2008 application was related to the amount of development and layout, resulting in a cramped form of development, out of keeping with the character and layout of existing development in the area. This current proposal offers a considerable change in layout to that which was previously proposed. The number of dwellings proposed has been reduced from 8 to 6 resulting in a reduction in density from 47 dph to 37 dph. Plots 1, 2 and 3 are proposed to be two-storey dwellings that face South Road, with the access drive separating number 1 and the semi-detached block of numbers 2 and 3. Plots 4, 5 and 6 are detached dwellings to be sited in a slight staggered alignment parallel and to the rear of plots 1, 2 and 3. The land separating these two lines of

dwelling incorporates a vehicle parking and turning area, and elements of soft landscaping.

- 7.11 With regard to policies HSG7 and ENV1 of the Local Plan it is the opinion of the Officers that this proposed development is well sited in relation to the remaining surrounding buildings and will not appear obtrusive or over intensive. Plots 1, 2 and 3 offer a good relationship with number 7 and number 19 South Road offering sufficient spacing to not appear obtrusive within the street scene. Plots 4, 5 and 6 would also be of a scale and siting that would not appear over intensive and would respect the density of the surrounding built form. Whilst this form of infill development would be unique to South Road, Officers do not consider this scheme to constitute over development of the site, or be harmful to the existing grain of development.
- 7.12 In comparing this current proposal to the previously refused scheme, Officers are now of the opinion that the amount of development and its layout would not constitute a cramped form of development and the siting of the dwellings would respect the character and layout of the surrounding development. It is therefore considered that this proposal overcomes reason 1 of the 2008 refusal.

Size, Scale, Massing and Design

- 7.13 With regard to the size, scale and design of the proposed dwellings consideration is also given to policy HSG7 of the Local Plan as to whether the buildings will appear obtrusive and whether the design compliments the character of the local built environment and has regard to local distinctiveness. Consideration is also given to policy ENV1 where the dwellings should relate well to the massing (volume and shape) and height of adjacent buildings and the surrounding townscape.
- 7.14 It is Officers opinion that the size, scale and design of the proposed dwellings compliment the character of the surrounding built form. The street scene is composed of dwellings from different periods and of differing massing and heights, from chalet bungalows to two-storey dwellings. Plots 1, 2 and 3, which would have a direct impact upon the character of the street scene, are of a size, scale and massing that allows the dwellings to sit comfortably between numbers 7 and 19 South Road. With regard to plots 4, 5 and 6 it is Officers opinion that the height, size, scale and massing of these dwellings are appropriate and would not appear obtrusive or over intensive in the plot.

- 7.15 In considering the design of the proposed dwellings it is noted that they are fairly homogeneous in nature, replicating design features such as roof form and fenestration from number 7 South Road. Whilst it is recognised that the design of these buildings do not replicate that of the chalet bungalows in South Road, Officers consider that the proposed dwellings would in general relate well to the surrounding townscape.
- 7.16 Considering the above it is Officers recommendation that the proposal accords with the size, scale, massing and design considerations of policy ENV1 of the Local Plan.

Impact on neighbour amenity

- 7.17 With regards to the issue of the amenities of adjacent properties, policy ENV1 states that development proposals should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.
- 7.18 Officers consider that these proposed dwellings would not result in any overlooking of the neighbouring properties. With regards to light issues, it is considered that these dwellings would not cause any loss of light to either number 7 or number 19 South Road. Officers have considered whether the future occupants of Plot 3 would have sufficient light to the rear of their property during the afternoon due to the siting of number 19 South Road and the 1.5 metre boundary wall separating them, but considered this is not sufficient grounds on which to support a refusal.
- 7.19 Turning now to plots 4 to 6, Officers recommend that these are suitably sited as to cause minimal disruption to the occupants of the neighbouring dwellings. Plot 4 will be somewhat screened from the view of number 7 South Road by the existing 2.5 metre high boundary wall. The first floor front (bedroom) window, due to its siting 17 metres from the rear elevation of number 7 South Road would not, in Officers opinion, cause any loss of privacy. Officers also consider that the first floor front (bedroom) window of plot 6 is of a sufficient distance from the rear elevation of number 19 South Road so as to respect the privacy of the occupants.
- 7.20 Finally, with regard to the amenities of the future occupants of the proposed dwellings it is considered that the 20 metre spacing between the two rows of proposed dwelling is sufficient to safeguard the privacy of the future occupants.

Parking and Highways

- 7.21 The application proposes 12 parking spaces for 6 dwellings. Based on the number of bedrooms within the proposed dwellings, the maximum parking standards as recommended in policy TR7 and Appendix II of the Local Plan is 13.5 spaces. It is considered that the number of parking spaces proposed would represent an acceptable level of provision for this site. The level of parking provided also allows for some landscaping in-between the parking spaces along the frontages of plots 4, 5, and 6 which would break up the amount of hard standing to the front of the dwellings improving the appearance of the development and the outlook of these properties.
- 7.22 County Highways commented that whilst the two new crossovers servicing plots 1, 2 and 3 would result in vehicles reversing on/off the highway which is not ideal, it is felt that it would be difficult to justify a refusal given that the surrounding properties have similar parking arrangements. It is also considered that whilst the access and limited turning area would not support the vehicles used for refuse collection, they will be able to get within 25 metres of the waste storage point as recommended in Manual for Streets.
- 7.23 County highways have commented that should planning permission be granted it should be subject to a S106 agreement to secure a financial contribution of £6,750 for sustainable transport schemes and measures. The Council's Planning Obligations SPD states that the threshold for requiring such obligations in one of the six main settlements is 10 dwellings. This application seeks permission for only 6 dwellings, and would therefore not fall within the threshold identified in the SPD where financial contributions would be sought. Officers are not aware of any specific circumstances in this case which would require such a contribution to be sought against the Council's normal procedure, and therefore if permission were to be forthcoming for the proposed development, officers do not consider that the requested financial contribution should be sought.

Landscaping

- 7.24 Policy ENV2 of the Local Plan states that development proposals will be expected to retain and enhance existing landscape features, and that the submission of detailed surveys of landscape features will be required and conditions imposed to ensure that the appropriate landscaping scheme is carried out and retained.
- 7.25 The Council's Landscape Officer has recommended refusal of the application stating that whilst the general layout is acceptable and the proposed housing plots fit reasonably well within the confines of the site, the

tandem parking arrangement and the number of parking spaces proposed offsets against the quantity and quality of amenity green space delivery. It is recommended that the proportion of soft to hard landscaping could be significantly improved at the cost of only three parking spaces.

7.26 Whilst Officers acknowledge the request for further soft landscaping, the proposed provision of off-road parking is considered to be appropriate when considering the limited level of off-road parking provision within the locality. The current layout offers areas of soft landscaping to the front of plots 4, 5 and 6, which in Officers opinion creates a sufficient soft break between the of the parking and turning area and the front of the dwellings. It is also considered that the proposed areas of soft landscaping improve the outlook for the future occupants of the dwellings partially obscuring the view of the parking area.

7.27 Also, with regard to the grass area proposed separating the parking areas from the boundaries with numbers 7 and 19 South Road, it is Officers recommendation that 3 metres is sufficient spacing for such developments to allow a visual break and possibly further planting to soften the impact upon the neighbouring dwellings.

7.28 Referring to policy ENV2 of the Local Plan it is recommended that the areas of soft and hard landscaping will enhance what is a bland and neglected site. Whilst Officers acknowledge that the reduction in the amount of parking would allow for a more intensive soft landscaping scheme, it is considered that the ratio of hard and soft landscaping is appropriate in this case.

8.0 Conclusion

8.1 The proposed development is considered to represent a residential development of a layout, size, scale, massing and design that will not appear obtrusive or over intensive, and will respect the character and setting of the neighbouring dwellings and the street scene. The proposal therefore accords with the requirements of Policies HSG7 and ENV1 of the Local Plan.

8.2 Notwithstanding the acceptability of the scheme with regards to those policies, Officers are concerned with the conflict with Policy EDE2 of the Local Plan and the lack of evidence to show that the site has been unsuccessfully advertised on a commercial/ employment basis. It is therefore recommended that planning permission is refused for this reason.