

- 5d a) 3/09/1853/FN – Re-development of site, erection of 24 flats with associated parking (Renewal of LPA reference 3/06/1854/FP) and  
b) 3/09/1854/LC Demolition of existing buildings and structures at 110-114 South Street, Bishops Stortford for R Peters Properties
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Date of Receipt: 17.11.2009

Type: a) Full – Major  
b) Conservation Area Consent - Other

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - CENTRAL

### RECOMMENDATION

- a) that planning permission be **REFUSED** for the following reason:-

The proposal fails to make adequate provision for affordable housing and financial provision for highways and other infrastructure improvements, and open space provision to mitigate against the impact of the proposed development on local infrastructure. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

- b) that Conservation Area Consent be **GRANTED** subject to the following conditions:-

1. Listed building three year time limit (1T141)
2. Conservation Area (demolition) (8L123)

### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular saved policy BH4. The balance of the considerations having regard to that policy and the permission granted within reference 3/06/1856/LC is that permission should be granted.

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## **1.0 Background**

- 1.1 The application site is located on the west side of South Street, to the south of Bishop's Stortford Town Centre, as shown on the attached OS map. This application seeks permission to renew a previous permission granted on 22 November 2006 under permission reference 3/06/1854/FP.

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- 1.2 The area of the site comprises some 3200 square meters with the northern half of the site occupied by three traditional two storey buildings. Numbers 110 and 112 have been vacant for a number of years and are in a poor condition. The southern half of the site comprises an unoccupied petrol station and accommodates a single storey flat roof building, forecourt canopy and gas compound,
- 1.3 The site is located within the Bishop's Stortford Conservation Area, although it appears to be somewhat dilapidated in appearance, owing to its unoccupied state.
- 1.4 The site itself is within the town centre and is surrounded by a mixture of uses; to the south and east are modern three storey office buildings, to the north is a public footpath, New Path and Trinity Church, and to the west, set at an elevated position are the terraced residential properties of 2 – 26 Trinity Close.
- 1.5 The proposed development involves the demolition of the existing buildings on the site and its redevelopment involving the provision of 22 x 2 bed and 2 x 3 bed residential units. This equates to a density of 133 dwellings per hectare. The development comprises a mixture of two and three storey buildings to the frontage with South Street. A single vehicular access is proposed through an archway to a parking area to the rear which accommodates some 36 vehicles with landscaping beyond.
- 1.6 The proposed development involves a traditional approach in design terms with pitched half hipped roofs of varying heights, bay windows, gables, chimneys and separate external front doors for the ground floor properties. Materials of construction are also traditional in appearance and comprise of slate, tiles, reconstructed stone cills, red and yellow stock brick, render and soft wood joinery.

## **2.0 Site History**

- 2.1 The only relevant history is that referred to in paragraph 1.1 above; permission was granted within LPA references 3/06/1854/FP and 3/06/1856/LC for the demolition of the existing buildings and redevelopment by the erection of 24 new dwellings.

## **3.0 Consultation Responses**

- 3.1 The Environment Agency comment that the development will only be acceptable if a condition requiring that finished floor levels are not set lower than 56.75 metres above Ordnance Datum is attached to any grant of

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permission. The Environment Agency comment that such a condition is to reduce the risk of flooding to the proposed buildings and future occupants.

- 3.2 The Conservation Officer comments that as this is merely a renewal of a previous permission, the comments from the previous Conservation Advice are relevant, namely:- “The demolition of the existing buildings and their setting are assessed in the context of the design of the proposed housing scheme which will replace them. The historic character of the existing buildings has been recently assessed with Cllr N Symonds and Wally Wright of the Bishops Stortford Archives and, although there are some characteristics of traditional materials evident such as bricks and tiles, regrettably the majority of the site has been altered unsympathetically. The case for demolition is therefore sustainable” On the basis of those comments and that high quality materials are used for the construction, the Conservation Officer recommends approval of the proposed development.
- 3.3 The Environmental Health Officer comments that any permission which the Council grants should include conditions relating to the following: construction hours of working (plant and machinery), dust, asbestos, bonfires, soil decontamination and piling works.
- 3.4 The Councils Housing Development Manager comments that the site is large enough to seek 40% affordable housing, which represents 10 affordable units. It is anticipated that those ten units will be the two bed units with the tenure being in line with the Councils Housing Policies: - 8 units should be for rent and 2 for stair cased shared ownership. The Housing Manager also comments that the affordable housing provision should be developed in partnership with a Registered Local Landlord (RSL) and built to the Homes and Communities Agency design and quality standards.
- 3.5 The Planning Obligations Officer representing Hertfordshire County Council recommends financial contributions consisting of £13,122 towards secondary education, £4,830 towards Nursery Education, £1,432 towards Childcare, £368 towards Youth, £3,166 towards libraries and fire hydrants. The Officer comments that the figures are based upon the Planning Obligations Guidance Toolkit and on the current service information for the local area.
- 3.6 The Highways Officer comments that the principle of the proposed development remains acceptable in a highway context. The redevelopment of the site will not be significant in terms of traffic generation and sufficient provision has been made for on-site parking as well as the provision for cycle storage.

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The Highways Officer recommends a condition requiring that the existing footway to the front of the site be widened in order to assist with pedestrian movement and the provision of a 2 metre x 2 metre visibility splay to the front of the site will allow for adequate visibility for traffic leaving the site.

The Highways Officer comments also that, since the determination of the previous planning application, the County Council have published the Planning Obligations Toolkit which has resulted in an increase in financial contributions towards sustainable transport measures from £12,500 to £18,750.

- 3.7 The Landscape Officer recommends that planning permission be refused. The Officer comments that a tree survey and assessment has not been completed and there is insufficient information regarding the category and condition of trees. The Officer also comments that there are no clear sections, plans or elevations of the proposed terrace which is likely to be a significant design feature within the development and which should form an integral part of the submission. There is little or no information on landscaping which should not, in the Landscape Officers opinion, be considered after full planning permission has been given. The Landscape Officer comments that, due to the deficiencies in the landscape design or external works detailing, it is impossible to visualise the finished development of the site.

#### **4.0 Town Council Representations**

- 4.1 Bishop's Stortford Town Council comment that the proposed design is unsympathetic to the site and creates a canyon effect in conjunction with other buildings in the area and has an excessive number of units creating difficulty of ingress and egress. The Town Council also comment that family accommodation would be more appropriate for the site.

#### **5.0 Other Representations**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Three letters of representation have been received which raise the following areas of concern:-
- There is unstable land to the rear of the site backing onto properties within Trinity Close

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- Existing buildings on the site are of historical value and should be retained
- Too many flat developments in the town
- Impact on outlook of neighbours
- Loss of a petrol station – a valued local service

5.3 One letter in support of the application has been received which comments that the existing site is an eyesore and the tasteful redevelopment of the site will improve the locality.

### **6.0 Policy**

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG8	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR7	Car Parking - Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
BH6	New Development in Conservation Areas
IMP1	Planning Conditions and Obligations

### **7.0 Considerations**

7.1 This application is a renewal of two previous decisions which were granted by the Council. Accordingly, those previous decisions are a material consideration to which weight must be attached. Nevertheless, those permissions were granted under the policies of the previous Local Plan. However, the application now falls to be considered in light of the policies of the current adopted East Herts Local Plan Second Review April 2007. Whilst the general thrust of policies are similar, there are additional policies which must now be taken into account, and these are discussed in more detail below.

7.2 Having regard therefore to the above, the main planning considerations in the case of this application are:-

- Principle of development
- Impact on surrounding area amenity (Conservation Area)

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- The impact on neighbour amenity
- Highways matters
- Planning Obligations

### Principle of development

- 7.3 The development site is within the built up area of Bishop's Stortford where there is a presumption in favour of development, in line with policy SD2 of the Local Plan. Whilst mindful therefore of the Town Council's comments that the site would be more appropriate for 'family accommodation', in Officers opinion, given the particular form of the site, its location and relationship with adjoining development, combined with the previous approval for flats, there is no objection in principle to the redevelopment of the site for flats.

### Impact on surrounding area

- 7.4 The previous Officer Committee report explained that the design of the proposed new building on the site reflects the domestic character of the area and takes reference from a number of existing buildings in Bishop's Stortford. The density, as referred to above, is significant, however, this development involves flat accommodation where a higher density is to be expected. Furthermore, when put into the context of the dense form of development within the locality, the proposal is not considered to be out of keeping with the grain and form of development in the locality.
- 7.5 In layout terms the proposed development is considered to be appropriate to the context of the site. The development makes the most of the orientation with South Street, and creates an active and vibrant frontage. The single point access to the rear allows for appropriate parking layouts for the scale of development, together with retention and use of the existing levels differences to the rear of the site and associated landscaping to provide an attractive feature to the setting of the development. The development is significant, in terms of its scale, however, it is not dissimilar to the form and grain of nearby developments. There is, in Officers opinion appropriate spacing within the site and to adjoining development which will not create a cramped relationship nor, in Officers opinion, result in a 'canyon effect' as referred to in the Town Councils consultation response.
- 7.6 The variation and articulation in the elevational treatment, consisting of pitched half roofs of varying heights, bay windows, gables, chimneys and separate doors for the ground floor apartments, combined with the details and variation in materials would, overall, in Officers opinion, appear to create a building with a high standard of design which reflects local

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distinctiveness. In this respect it is considered that the proposed development offers a design of building which will enhance the character and appearance of the Conservation Area.

#### Landscape

- 7.7 The comments from the Landscape Officer are noted; however the plans submitted are the same as was previously considered to be acceptable by the Council. The general thrust of landscape policies remains similar since the determination of the previous application and Officers therefore consider that it would be unreasonable to refuse planning permission on these grounds. It is considered that landscape matters can, in this instance, be agreed and regulated through the provision of planning conditions.

#### Neighbour amenity

- 7.8 It is recognised that the majority of the site is surrounded by commercial properties; the main planning consideration therefore in terms of the impact on neighbour amenity must focus on those properties along Trinity Close. However, Officers do not consider that the degree of impact on those properties will be significantly detrimental. Those properties are on higher ground with a distance of some 35 metres between the rear elevation of the new building and that of the properties within Trinity Close. Furthermore, the plans indicate that a number of trees will be retained which, in combination with additional landscape proposals, will reduce the degree of impact to those properties further. For the reasons outlined above, I therefore consider that the proposed development will not impact on neighbour amenity and the requirements of Policy ENV1 would be met.

#### Highway Safety

- 7.9 The comments from the Highways Officer advise that as the proposed development is essentially identical to the previous approval, there are no objections to this amended scheme. The Officer recommends financial contributions and conditions, which are discussed in detail below. Nevertheless, having regard to the comments from the Highways Officer, the proposed development is not considered to result in any significant impact on highway or pedestrian safety.

#### Parking provision

- 7.10 The parking facilities are sited to the rear of the proposed buildings and propose a total of 36 parking spaces which equates to 1.5 spaces per unit. The maximum standard outlined in Policy TR7 requires provision for 37.5 spaces. However, having regard to the siting of the development in relation

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to public amenities and transport facilities, the level of parking is considered to be acceptable.

#### Planning obligations

7.11 Since the determination of the previous applications, the planning policy context in respect of the Local Plan has changed. The Second Review of the East Herts Local Plan was adopted in April 2007 and contains additional policies which are material to this development and it is therefore appropriate and necessary to assess the proposal against this new policy context. In addition, the Council has also adopted its Planning Obligations and Affordable Housing SPD's since the previous proposals were considered and Officers also consider that these documents are important material considerations in respect of these renewal applications. In January 2010, Officers contacted the applicant in writing and advised them of the requirements for financial contributions which were considered to be appropriate and necessary in this new policy context. Those contributions are as follows:-

- The provision of 40% affordable housing comprising of 10 affordable units of which 8 units should be rentable and 2 for shared ownership
- A financial contribution of £13,122 towards secondary education, £4,830 towards Nursery Education, £1,432 towards Childcare, £368 towards Youth and £3,166 towards libraries
- A financial contribution of £18,750 to promote sustainable transport measures
- A financial contribution of £6,250 towards Parks and Public Gardens, £17,311 towards outdoor sports facilities, £2,662 towards amenity green and £2,556 towards children and young people.
- 15% of the dwellings shall be constructed to 'Lifetime Homes' standard

7.12 The applicant initially responded that such contributions would not be financially viable and, at that stage, the applicant seemed willing to provide evidence to substantiate such a position. However, after a prolonged period of time and the repeated efforts of Officers to engage with the applicant, the required information and evidence to support the applicant's assertion that the above contributions would render the development unviable have not, unfortunately, been forthcoming. The applicant has been advised that the Council will be proceeding with a decision on the application, on the basis that the above required contributions would not be met.



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- 7.13 The differences between contributions which were previously agreed within the previous decision (LPA reference 3/06/1854/FP) and that now sought is a) the provision of 40% affordable housing (as required by policy HSG3 of the East Herts Local Plan Second Review April 2007) b) an increase of £6250 towards sustainable transport measures and c) a cumulative contribution of £28,779 towards open space provision (all set out in the SPD's and HCC Planning Obligations Toolkit). The required contributions also however allow for a reduction of £2,244 towards County contributions relating to education, Childcare, Youth and libraries. With regards to that contribution, given that this was previously agreed to be paid through a S106 that was signed, those contributions are considered to be reasonable and necessary to mitigate the impact of the development of the site on local infrastructure.
- 7.14 With regards to a) and b) identified above, Officers consider that it is reasonable and necessary to require those contributions for the following reasons:-

#### Affordable housing

- 7.15 Policy HSG3 of the Local Plan states that development involving the provision of 15 or more dwellings in the main settlements shall provide for, as a maximum, up to 40% affordable housing. Policy HSG4 outlines the criteria for affordable housing. The development site being within the built up area of Bishops Stortford is considered to be in close proximity to local services with good access to public transport. As such the site is considered suitable for affordable housing and would make a valuable contribution towards the identified need for such accommodation within the District. There are no financial justifications outlined within the application which would justify a departure from the Councils adopted policy in this case. The Housing Development Manager outlines that of the 24 units proposed 10 should be affordable with a breakdown of 8 units for rent and 2 for shared ownership. Having regard therefore to the requirements of policies HSG3 and HSG4 of the adopted Local Plan, the required level of affordable housing should be 10 units at 40%.
- 7.16 Not only is there a requirement in the adopted East Herts Local Plan Second Review April 2007 for the provision of affordable units, there is also the Affordable Housing and Lifetime Homes SPD (January 2008). That SPD outlines that, having regard to the Housing Needs Survey Update 2005, there is an identified need for 787 units per year. The net annual outstanding need is for 484 units, after allowing for existing stock re-let supply. These figures emphasise the shortage of affordable dwellings that exists in the District and is likely to continue, justifying the policy

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requirement for a significant proportion of new dwellings built to be affordable.

- 7.17 Additionally, it is important to consider the Strategic Housing Market Assessment Report (SHMA), which was undertaken by Opinion Research Services (ORS) working with Savills on behalf of Brentwood, Broxbourne, East Herts, Epping Forest, Harlow and Uttlesford Councils. It is a strategic study that informs the Council's affordable housing policies at a housing market area and district level in accordance with Planning Policy Statement 3: Housing (PPS3). Specifically the SHMA uses housing market models to estimate future housing need and demand in terms of affordable and market housing.
- 7.18 The SHMA essentially outlines that there is a need for affordable housing. The model indicates that targets, based upon long term trend until 2026, are for the provision of 15,200 homes, of which 54.7% would be towards market housing, 33.7% towards intermediate affordable housing and 11.5% towards social rented housing.
- 7.19 However, what must be stressed is that the figures set out in the SHMA report are a starting point in a technical study to provide a robust and credible evidence base in assessing current and future housing needs in the preparation of LDF policies. The SHMA figures therefore need to be interpreted both in terms of their viability and the Councils overall approach to housing delivery and management. However, Officers would stress that the modelling undertaken in the SHMA provides an indication of need for affordable housing within the District, which can be used as justifying the provision of affordable housing within this application.
- 7.20 In the light therefore of insufficient financial viability assessments being forthcoming from the applicant and, having regard to the above considerations, it is therefore considered to be necessary and reasonable to require the provision of affordable housing as part of the development of this site.

### County Highways Provisions

- 7.21 The comments from the County Highways Officer are noted. As is explained within the Consultation response, the figures are based upon current service information and are calculated using the County Councils Obligations Toolkit (2008), which has been published since the determination of the previous planning application subject of this renewal application. The previous decision included provision for monies towards Highways Contributions accounting to some £12,500. However the amount of money secured and the allocation has understandably changed over the passage of time. Having regard therefore to the previous financial

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requirements and the information from the County Council, the recommended monies for sustainable transport measures of £18,750, is considered to be necessary and reasonable, in this case.

#### East Herts contributions

7.22 With regards to District contributions, paragraph 7.13 identifies the provision that would be required towards open space, with the following breakdown:-

- £6,250 towards Parks and Public Gardens
- £17,311 towards outdoor sports facilities
- £2,662 towards amenity green spaces and;
- £2,556 towards children and young people

7.23 The Councils PPG17 audit identifies that there are deficiencies in the provision of parks and public gardens, outdoor sports facilities, amenity green space and facilities for children and young people. However, what must be considered is whether there is a need for such contributions arising from the development now being considered and where such contribution would be focused in order to mitigate against the impact of the development.

7.24 Officers consider that the development would result in added pressure for the use of open space in the town and that it is appropriate therefore to seek such contributions. The Councils Environmental Services team, who are responsible for the maintenance and allocation of contributions towards such matters, have identified that, within the locality of Bishops Stortford, there is potential to utilise the funds towards landscape and access improvements to Waytemore Castle, improvements to Trinity Road Play Area and a second phase of developments towards the planned BMX track at Grange Paddocks. Having regard therefore to the requirements outlined in the Planning Obligations SPD, and the identified areas in the PPG17 audit and the specific areas identified within the locality of the site, the contributions outlined above are considered to meet the tests outlined in Circular 05/2005.

#### Summary

7.25 Officers consider therefore that, with the exception of the lack of S106 contributions, the proposed development is acceptable in terms of its impact on the character and appearance of the Conservation Area, Neighbour amenity and other planning matters. However, the applicant has been unwilling to consider the provision of contributions towards affordable

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housing and other financial contributions, as is required in the Development Plan, to mitigate against the impact of the development on local infrastructure.

- 7.26 Officers have given careful consideration to these issues and balanced them against the benefits of redeveloping the site which is, in Officers opinion, becoming of increasingly poor appearance and does not make a positive contribution to the Conservation Area. However, Officers are of the opinion that, whilst there would be benefits to redeveloping the site, such development without contributions for affordable housing and other financial contributions would have an unacceptable impact on local infrastructure.
- 7.27 Members should also, of course, recognise that even if permission were to be granted without the contributions, there is no guarantee that the development would be implemented.
- 7.28 Officers consider that the financial contributions and provision towards affordable housing should be provided in this case, for the reasons outlined above and in the absence of any justification to the contrary, as is required in the Councils SPD's. It for this reason that Officers consider that permission should be refused.

#### Demolition of existing buildings

- 7.29 In terms of the demolition of the existing buildings, as proposed within LPA reference 3/09/1854/LC, it is material that Conservation Area consent was previously granted by the Council within LPA reference 3/06/1856/LC. In any event, having regard to the comments from the Conservation Officer and the requirements of Policy BH4, it is considered that the existing buildings and structures on the site do not make a positive contribution to the character, appearance of setting of the Bishop's Stortford Conservation Area. The proposed development is considered to enhance the setting of the site and locality and will therefore conform to the requirements of PPS5 of the Local Plan.
- 7.30 It is noted that a condition was attached within the previous Conservation Area consent (3/06/1856/LC) which required that no demolition should take place until a contract for the carrying out of the works or redevelopment of the site has been made and planning permission granted for the redevelopment for which the contract provides. Officers consider however that to allow the buildings on the site to be demolished without a consent for redevelopment would not be significantly harmful within the Conservation Area. It is considered that the existing buildings and structures on the site do not preserve or enhance the site, and the provision of a cleared site would be in the better interests of the street scene and Conservation Area.

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Officers do not therefore recommend such a condition within this application.

### **8.0 Conclusion**

- 8.1 The demolition of the buildings is considered to be acceptable, as outlined above, and Officers therefore recommend that permission is granted for that element of the proposed development. However, as outlined above, whilst the provision of the development in terms of the impact on the character, appearance of the street scene, Conservation Area and neighbour amenity is considered to be acceptable, Officers have concerns with the lack of provision for affordable housing and for financial contributions to mitigate the impact of the development. Policy IMP1 of the adopted Local Plan, and supporting information within the Planning Obligations and Affordable Housing SPD highlight the approach and justification for seeking the District contributions. Additionally, the comments from the County Planning Obligations Officer and Highways Officer are noted. Having regard to those considerations, Officers recommend that the development be refused for reasons relating to the lack of affordable housing provision and financial contributions required to mitigate the impact of this development on local infrastructure.